

Administrative Legislation

LAWRENCE CODE

Chapter 1

GENERAL PROVISIONS

[HISTORY: Adopted by the Board of Trustees of the Village of Lawrence: Art. I, 4-13-1988 by L.L. No. 5-1988. Amendments noted where applicable.]

ARTICLE I
Adoption of Code
[Adopted 4-13-1988 by L.L. No. 5-1988]

§ 1-1. Legislative intent.

The local laws, ordinances or resolutions of the Village of Lawrence referred to in § 1-2 of this local law shall be known collectively as the "Code of the Village of Lawrence," hereafter termed the "Code," and the various parts and sections of such local laws, ordinances or resolutions shall be distributed and designated as provided and set forth in § 1-2 of this local law.

§ 1-2. Distribution of local laws, ordinances and resolutions.

Derivation Table

[Sections providing for severability of provisions, repeal of conflicting legislation and effective dates which are covered by provisions of this local law have been omitted from the Code, and such sections are indicated as "omitted" in the table which follows. Note: Sections indicated as "omitted" and marked with an asterisk (*) have been omitted because of supersession by state law.]

New Number (chapter, title, Article, section)	Old Number (source)	Adoption or Amendment Date
Ch. 18, Defense and Indemnification	L.L. No. 5-1980	10-20-1980
§ 18-1	Section 1	
§ 18-2	Section 2	
§ 18-3	Section 3	
§ 18-4	Section 4	
§ 18-5	Section 5	Amended at time of adoption of Code
§ 18-6	Section 6	
§ 18-7	Section 7	
§ 18-8	Section 8	
§ 18-9	Section 9	
Omitted	Section 10	
Ch. 23, Ethics, Code of	Ord. No. 219	11-9-1970
§ 23-1	Sec. 1	
§ 23-2	2	
§ 23-3	3	
§ 23-4	4	
§ 23-5	5	

New Number (chapter, title, Article, section)	Old Number (source)	Adoption or Amendment Date
§ 23-6	6	
Omitted	7	
Ch. 45, Traffic Violations Bureau	Ord. No. 211	11-11-1968
§ 45-1	Sec. 3511.01	
§ 45-2	Sec. 3511.02	
§ 45-3	Sec. 3511.03	
§ 45-4	Sec. 3511.04	
Ch. 56, Alarm Systems	L.L. No. 5-1979	7-9-1979
§ 56-1	Sec. 391.11(A)	
§ 56-2	Sec. 391.11(B)	Amended at time of adoption of Code
Ch. 60, Alcoholic Beverages	L.L. No. 1-1981	4-8-1981
§ 60-1	First paragraph	
§ 60-2	Second paragraph	
§ 60-3	Third paragraph	
§ 60-4		Added at time of adoption of Code
Ch. 65, Boats and Waterways	Arts. 1 and 3 of Ord. No. 184	1-16-1962
§ 65-1	Sec. 3.13.01(a)	
§ 65-2	Sec. 3.13.01(b)	
§ 65-3	Sec. 3.13.02	
§ 65-4	Secs. 3.13.03 and 3.13.04	
§ 65-5	Sec. 3.13.05	
§ 65-6	Sec. 3.13.06	
§ 65-7	Sec. 3.13.07	
§ 65-8	Sec. 3.13.08	
§ 65-9	Sec. 3.13.09	
§ 65-10	Sec. 3.13.10(a)	Amended at time of adoption of Code
§ 65-11	Sec. 3.13.10(b)	
§ 65-12	Sec. 3.13.11(a)	
§ 65-13	Sec. 3.13.11(b)	

New Number (chapter, title, Article, section)	Old Number (source)	Adoption or Amendment Date
§ 65-14	Sec. 3.13.16	Amended at time of adoption of Code
§ 65-15	Sec. 3.13.17	Amended at time of adoption of Code
Omitted	Sec. 3.13.18	
Ch. 70, Building Construction and Fire Prevention	Ch. 3 of Part II of Ord. No. 106	5-25-1942
Article I	Sec. 231.2	
§ 70-1	(a)1	
§ 70-2	(a)2	
§ 70-3	(a)3	
§ 70-4	(b)	
§ 70-5	(c)	
§ 70-6	(d)1	
§ 70-7	(d)2	
§ 70-8	(d)3	
Omitted	(e)	
§ 70-9	(f)	
§ 70-10	(g)	
Article II		
§ 70-11	Sec. 231.3(a)	
§ 70-12	Sec. 231.3(b), (c) and (d)	Amended at time of adoption of Code
§ 70-13	Sec. 231.3(e)	
§ 70-14	Sec. 231.3(f)	
§ 70-15	Sec. 231.3(g)	
§ 70-16	Sec. 231.4(a) and (b)	
§ 70-17	Sec. 231.4(c)	
§ 70-18	Sec. 231.4(d)	
§ 70-19	Sec. 231.4(e)	
§ 70-20	Sec. 231.4(f)	
§ 70-21	Sec. 231.4(g)	
§ 70-22	Sec. 231.4(h)	

New Number (chapter, title, Article, section)	Old Number (source)	Adoption or Amendment Date
§ 70-23	Sec. 231.4(i) and (j)	
§ 70-24	Sec. 236.1	
Omitted	Sec. 236.2	
§ 70-25	Sec. 236.3	
Omitted	Sec. 236.4	
§ 70-26	Sec. 231.6(a)	
§ 70-27	Sec. 231.6(b)	
§ 70-28	Sec. 231.6(c)	
§ 70-29	Sec. 231.6(d)	
§ 70-30	Sec. 231.6(e)	
§ 70-31	Sec. 231.6(f)	
§ 70-32	Sec. 231.7(a)	
§ 70-33	Sec. 231.7(b)	
§ 70-34	Sec. 231.8(a) through (e)	
§ 70-35	Sec. 231.8(g)	
§ 70-36	Sec. 231.9	Amended at time of adoption of Code
Omitted	Sec. 232.01	*
Omitted	Sec. 232.06	*
Omitted	Sec. 232.11(1)	
§ 70-37	Sec. 232.11(2)	
§ 70-38	Sec. 232.11(3)	
§ 70-39	Sec. 232.11(4)	
§ 70-40	Sec. 232.11(5)	
§ 70-41	Sec. 232.11 Sec. 2	
§ 70-42		Added 6-11-1968 by Ord. No. 210; amended 10-12-1971 by Ord. No. 222
§ 70-43		Added 4-12-1977 by L.L. No. 4-1977
Article III	Article 5	Amended 4-13-1959 by Ord. No. 172
§ 70-44	Sec. 235.001	

New Number (chapter, title, Article, section)	Old Number (source)	Adoption or Amendment Date
§ 70-45	Secs. 235.100 through 235.108	
§ 70-46	Sec. 235.200a	Amended at time of adoption of Code
Omitted	Sec. 235.200b	
§ 70-47	Sec. 235.200c	
§ 70-48	Sec. 235.201	
§ 70-49	Sec. 235.202	
§ 70-50	Sec. 235.203	
§ 70-51	Sec. 235.204	
§ 70-52	Sec. 235.205	
§ 70-53	Sec. 235.206	Amended at time of adoption of Code
§ 70-54	Sec. 235.207	Amended at time of adoption of Code
§ 70-55	Sec. 235.300	
§ 70-56	Sec. 235.301	
§ 70-57	Sec. 235.302	
§ 70-58	Sec. 235.303	
§ 70-59	Sec. 235.400	
§ 70-60	Sec. 235.401	
§ 70-61	Secs. 235.500 and 235.501	Amended at time of adoption of Code
§ 70-62	Sec. 235.600	Amended at time of adoption of Code
§ 70-63	Sec. 235.601	
§ 70-64	Sec. 235.602	
§ 70-65	Sec. 235.700	
Omitted	Secs. 235.800 through 235.806	*
§ 70-66	Sec. 235.807	
Omitted	Secs. 235.900 through 235.906	*
Omitted	Secs. 235.1000 through 235.1009	*

New Number (chapter, title, Article, section)	Old Number (source)	Adoption or Amendment Date
Omitted	Sec. 235.1100	*
Omitted	Sec. 235.1200	*
Omitted	Sec. 235.1300	*
Omitted	Sec. 235.1400	*
Omitted	Sec. 235.1500	*
Omitted	Sec. 235.1600	*
Omitted	Sec. 235.1700	*
§ 70-67	Sec. 235.1800a	
§ 70-68	Sec. 235.1800b	
§ 70-69	Sec. 235.1800c	
§ 70-70	Sec. 235.1800d	
§ 70-71	Sec. 235.1800e	
§ 70-72	Sec. 235.1900	
Ch. 76, Dogs and Other Animals		
Article I, Dogs	L.L. No. 2-1980	2-11-1980
§ 76-1	371.01	
§ 76-2	371.02	
§ 76-3	371.03	
§ 76-4	371.04	
§ 76-5	371.05	
§ 76-6	371.06	
§ 76-7	371.07	
§ 76-8	371.08	Amended at time of adoption of Code
§ 76-9	371.09	
§ 76-10	371.10	
§ 76-11	371.11	
Omitted	371.12	
Article II, Keeping Animals	Ord. No. 116	5-13-1946; amended at time of adoption of Code
§ 76-12	Sec. 391.7(a)	
§ 76-13	Sec. 391.7(b)	

New Number (chapter, title, Article, section)	Old Number (source)	Adoption or Amendment Date
Ch. 81, Environmental Quality Review	L.L. No. 2-1979	2-12-1979
§ 81-1	Section 1	
§ 81-2	Section 2	
§ 81-3	Section 3	
§ 81-4	Section 4	
§ 81-5	Section 5	
§ 81-6	Section 6	
§ 81-7	Section 7	
§ 81-8	Section 8	
§ 81-9	Section 9	
§ 81-10	Section 10	
Omitted	Section 11	
Ch. 86, Filled-In Land	Ord. No. 140	9-14-1953
§ 86-1	Sec. 237.01	
§ 86-2	Sec. 237.02	
§ 86-3	Sec. 237.11	
§ 86-4	Sec. 237.12	
§ 86-5	Sec. 237.13	
§ 86-6	Sec. 237.14	
§ 86-7	Sec. 237.15	
§ 86-8	Sec. 237.16	
§ 86-9	Sec. 237.21	
§ 86-10	Sec. 237.22	
§ 86-11	Sec. 237.23	
§ 86-12	Sec. 237.24	
§ 86-13	Sec. 237.25	
§ 86-14	Sec. 237.26	
§ 86-15	Sec. 237.27	
§ 86-16	Sec. 237.28	
§ 86-17	Sec. 237.29	

New Number (chapter, title, Article, section)	Old Number (source)	Adoption or Amendment Date
§ 86-18	Secs. 237.41, 237.42 and 237.43	
§ 86-19	Sec. 237.51	
§ 86-20	Sec. 237.61	
§ 86-21	Sec. 237.62	
§ 86-22	Sec. 237.63	Amended at time of
adoption of Code		
§ 86-23	Sec. 237.64	
§ 86-24	Sec. 237.71	Amended at time of adoption of Code
§ 86-25	Sec. 237.81	
§ 86-26		Added at time of adoption of Code
Ch. 90, Firearms, Fireworks and Explosives	Ord. No. 106	5-25-1942; amended at time of adoption of Code
§ 90-1	Sec. 331.1	
§ 90-2	Sec. 331.2	
§ 90-3	Sec. 331.3	
§ 90-4		Added at time of adoption of Code
Ch. 94, Flood Damage Prevention	L.L. No. 1-1987	5-13-1987
§ 94-1	1.1	
§ 94-2	1.2	
§ 94-3	1.3	
§ 94-4	Section 2.0	
§ 94-5	3.1	
§ 94-6	3.2	
§ 94-7	3.3	
Omitted	3.4	
§ 94-8	3.5	
§ 94-9	3.6	
§ 94-10	4.1	
§ 94-11	4.2	
§ 94-12	4.3	
§ 94-13	5.1	

New Number (chapter, title, Article, section)	Old Number (source)	Adoption or Amendment Date
§ 94-14	5.2	
§ 94-15	5.3	
§ 94-16	6.1	
§ 94-17	6.2	
Ch. 98, Freshwater Wetlands	L.L. No. 5-1976	8-27-1976
§ 98-1	Section 1	
§ 98-2	Section 2	
§ 98-3	Section 3	
§ 98-4	Section 4	
§ 98-5	Section 5	
§ 98-6	Section 6	
§ 98-7	Section 7	
§ 98-8	Section 8	
§ 98-9	Section 9	
§ 98-10	Section 10	
§ 98-11	Section 11	
§ 98-12	Section 12	
§ 98-13	Section 13	
§ 98-14	Section 14	
§ 98-15	Section 15	
§ 98-16	Section 16	
§ 98-17	Section 17	
Omitted	Section 18	
Omitted	Section 19	
Ch. 103, Garage and Tag Sales	L.L. No. 7-1977	9-19-1977
§ 103-1	Sec. 3.15.01	
§ 103-2	Sec. 3.15.02	Amended at time of adoption of Code
§ 103-3	Sec. 3.15.03, 1	
§ 103-4	Sec. 3.15.03, 2	
§ 103-5	Sec. 3.15.04	Amended at time of adoption of Code

New Number (chapter, title, Article, section)	Old Number (source)	Adoption or Amendment Date
§ 103-6	Sec. 3.15.05	
§ 103-7	Sec. 3.15.06	
§ 103-8	Sec. 3.15.07	
§ 103-9	Sec. 3.15.08	
§ 103-10		Added at time of adoption of Code
Ch. 106, Garbage, Rubbish and Refuse	Ord. No. 155	3-12-1956
§ 106-1	Sec. 3.12.01	
§ 106-2	Sec. 3.12.02	Amended at time of adoption of Code
§ 106-3	Sec. 3.12.03	
§ 106-4	Sec. 3.12.04	
§ 106-5	Sec. 3.12.05	Amended at time of adoption of Code
§ 106-6	Sec. 3.12.06	Amended at time of adoption of Code
Ch. 110, Gardeners	L.L. No. 1-1986	2-12-1986
§ 110-1	Section 1	
§ 110-2	Section 2	
§ 110-3	Section 3(a) and (b)	
§ 110-4	Section 3(c)	
§ 110-5	Section 3(d)	
§ 110-6	Section 4	
§ 110-7	Section 5	
§ 110-8	Section 6	
§ 110-9	Section 7	
§ 110-10	Section 9	
§ 110-11	Section 8	Amended at time of adoption of Code
Omitted	Section 10	
Ch. 115, Hawkers, Peddlers and Solicitors		
Article I, Hawking and Peddling	Ord. No. 106	5-25-1942
§ 115-1	Sec. 313.2(b)	

New Number (chapter, title, Article, section)	Old Number (source)	Adoption or Amendment Date
§ 115-2	Sec. 313.2(c)	
§ 115-3		Added at time of adoption of Code
Article II, Peddling and Soliciting on Private Property	L.L. No. 5-1982	9-8-1982
§ 115-4	Sec. 315.60(a)	
§ 115-5	Sec. 315.60(b)	Amended at time of adoption of Code
§ 115-6	Sec. 315.60(c)	
§ 115-7	Sec. 315.60(d)1,	
	2 and 3	
§ 115-8	Sec. 315.60(d)4	Amended at time of adoption of Code
§ 115-9	Sec. 315.60(d)5	
§ 115-10	Sec. 315.60(d)6	
§ 115-11	Sec. 315.60(e)	
Omitted	Sec. 315.60(f)	
§ 115-12		Added at time of adoption of Code
Ch. 119, Helicopters	Ord. No. 106	5-25-1942; amended 11-13-1978 by L.L. No. 7-1978
§ 119-1	Sec. 3.13.19	
§ 119-2	Sec. 3.13.20	Amended at time of adoption of Code
§ 119-3	Sec. 3.13.21(a)	
§ 119-4	Sec. 3.13.21(b)	
§ 119-5	Sec. 3.13.22	Amended at time of adoption of Code
Ch. 125, Licenses and Permits	Ord. No. 106	5-25-1942
§ 125-1	Secs. 311.1 and 311.2	
§ 125-2	Sec. 311.3	Amended at time of adoption of Code
§ 125-3	Sec. 311.4	Amended at time of adoption of Code
§ 125-4	Sec. 311.5	
§ 125-5	Sec. 311.6	Amended at time of adoption of Code

New Number (chapter, title, Article, section)	Old Number (source)	Adoption or Amendment Date
§ 125-6	Sec. 311.7	Amended at time of adoption of Code
§ 125-7	Sec. 311.8	Amended at time of adoption of Code
§ 125-8	Sec. 311.9	
§ 125-9		Added 7-2-1985 by L.L. No. 7-1985
§ 125-10	Sec. 313.1	Amended at time of adoption of Code
§ 125-11	Sec. 313.2	Amended at time of adoption of Code
Ch. 130, Notification by L.L.	L.L. No. 1-1959	5-11-1959; amended of Defects 2-13-1967 No. 2-1967
§ 130-1	Section 1	
§ 130-2	Section 2	
Omitted	Section 3	
Ch. 135, Off-Street Parking Fields, Municipal	Ord. No. 152	7-27-1955; amended 6-11-1968 by Ord. No. 210
§ 135-1	Sec. 353.04(a)1 through 6	
§ 135-2	Sec. 353.04(a)7	
§ 135-3	Sec. 353.04(a)8	
§ 135-4	Sec. 353.04(a)9	Amended 9-19-1977 by L.L. No. 6-1977
§ 135-5	Sec. 353.04(b)	Amended at time of adoption of Code
§ 135-6	Sec. 353.04(c)	
§ 135-7	Sec. 361.01	Amended at time of adoption of Code
§ 135-8		Added at time of adoption of Code
Omitted	Sec. 362.01	
§ 135-9	Sec. 362.02	Amended at time of adoption of Code
§ 135-10	Sec. 363.01	
§ 135-11	Sec. 363.02	
§ 135-12	Sec. 363.03	

New Number (chapter, title, Article, section)	Old Number (source)	Adoption or Amendment Date
Omitted	Sec. 363.04	
§ 135-13		Added 2-8-1971 by Ord. No. 221
§ 135-14		Added at time of adoption of Code
Ch. 140, Parks and Recreation		
Article I, Yacht Basin	Ord. No. 106	5-25-1942
§ 140-1	Sec. 3.10.01	Amended at time of adoption of Code
§ 140-2	Sec. 3.10.02	
§ 140-3	Sec. 3.10.04	
§ 140-4	Sec. 3.10.03	Amended at time of adoption of Code
Article II, Park House	Resolution	4-9-1979
§ 140-5	First paragraph	
§ 140-6	Second paragraph	
§ 140-7	Third paragraph	
§ 140-8	Fourth paragraph	
Ch. 144, Peace and Good Order	Ord. No. 106	5-25-1942
Article I		
§ 144-1	Sec. 321.1	
§ 144-2	Secs. 321.2 and 321.4	
§ 144-3	Sec. 321.3	
§ 144-4		Added 1-11-1971 by Ord. No. 220
Article II		
§ 144-5	Sec. 391.1	
§ 144-6	Sec. 391.2	
§ 144-7	Sec. 391.3	
Article III		Added at time of adoption of Code
§ 144-8		Added at time of adoption of Code
Ch. 149, Records, Public Access to	Resolution	3-13-1978
§ 149-1	Section 1401.1	
§ 149-2	1401.2(a)	
§ 149-3	1401.2(b)	

New Number (chapter, title, Article, section)	Old Number (source)	Adoption or Amendment Date
§ 149-4	1401.3	
§ 149-5	1401.4(a)	
§ 149-6	1401.4(b)	
§ 149-7	1401.5	
§ 149-8	1401.6	
§ 149-9	1401.7(a)	
§ 149-10	1401.7(b)	
§ 149-11	1401.7(c)	
§ 149-12	1401.7(d)	
§ 149-13	1401.7(e)	
§ 149-14	1401.7(f)	
§ 149-15	1401.7(g)	
§ 149-16	1401.7(h)	
§ 149-17	1401.8	
§ 149-18	1401.9	
Omitted	1401.10	
Ch. 154, Seaplanes	Ord. No. 184	1-16-1962
§ 154-1	Sec. 3.13.12(a)	
§ 154-2	Sec. 3.13.12(b)	
§ 154-3	Sec. 3.13.13	
§ 154-4	Sec. 3.13.14	
§ 154-5	Sec. 3.13.15	
§ 154-6	Sec. 3.13.16	Amended at time of adoption of Code
§ 154-7	Sec. 3.13.17	Amended at time of adoption of Code
Omitted	Sec. 3.13.18	
Ch. 158, Secondhand Dealers	L.L. No. 2-1981	4-8-1981
§ 158-1	Sec. 315.61A	
§ 158-2	Sec. 315.61B	
§ 158-3	Sec. 315.61C	
§ 158-4	Sec. 315.61D	

New Number (chapter, title, Article, section)	Old Number (source)	Adoption or Amendment Date
Omitted	Sec. 315.61E	
§ 158-5	Sec. 315.61F	
§ 158-6	Sec. 315.62A	
§ 158-7	Sec. 315.62B	
§ 158-8	Sec. 315.63A and B	Amended at time of adoption of Code
§ 158-9	Sec. 315.63C	
§ 158-10	Sec. 315.63D	
§ 158-11	Sec. 315.63E	
§ 158-12	Sec. 315.63F	
§ 158-13	Sec. 315.63G	
§ 158-14	Sec. 315.63H	
§ 158-15	Sec. 315.64A through I	Amended at time of adoption of Code
§ 158-16	Sec. 315.64J	Amended at time of adoption of Code
§ 158-17	Sec. 315.65A and B	Amended at time of adoption of Code
§ 158-18	Sec. 315.65C	Amended at time of adoption of Code
§ 158-19	Sec. 315.65D	Amended at time of adoption of Code
§ 158-20	Sec. 315.66	
§ 158-21	Sec. 315.67A	
§ 158-22	Sec. 315.67B	
§ 158-23	Sec. 315.67C	
§ 158-24	Sec. 315.67D	
§ 158-25	Sec. 315.67E	
§ 158-26	Sec. 315.67F	
§ 158-27	Sec. 315.67G	Amended at time of adoption of Code
§ 158-28	Sec. 315.68	
§ 158-29	Sec. 315.69	
§ 158-30	Sec. 315.70	

New Number (chapter, title, Article, section)	Old Number (source)	Adoption or Amendment Date
§ 158-31	Sec. 315.71	
§ 158-32	Sec. 315.73	
§ 158-33	Sec. 315.74	Amended at time of adoption of Code
§ 158-34	Sec. 315.75	Amended at time of adoption of Code
§ 158-35	Sec. 315.76	Amended at time of adoption of Code
§ 158-36	Sec. 315.77	Amended at time of adoption of Code.
§ 158-37	Sec. 315.72	Amended at time of adoption of Code
Ch. 162, Sewers and Cesspools	Ord. No. 206	8-4-1967; amended 6-11-1968 by Ord. No. 210
Article I		
§ 162-1	Sec. 234.0101	Amended at time of adoption of Code
Article II		
§ 162-2	Sec. 234.0201	
§ 162-3	Sec. 234.0202	
§ 162-4	Sec. 234.0203	
§ 162-5	Sec. 234.0204	
§ 162-6	Sec. 234.0205	
§ 162-7	Sec. 234.0206	
§ 162-8		Added 10-12-1970 by Ord. No. 218; amended 10-12-1971 by Ord. No. 222
§ 162-9	Sec. 234.0301	
§ 162-10	Sec. 234.0302	Amended at time of adoption of Code
§ 162-11	Sec. 234.0303	
§ 162-12	Sec. 234.0304	
§ 162-13	Sec. 234.0305	
§ 162-14	Sec. 234.0306	
§ 162-15	Sec. 234.0307	

New Number (chapter, title, Article, section)	Old Number (source)	Adoption or Amendment Date
§ 162-16	Sec. 234.0308	
§ 162-17	Sec. 234.0309	
§ 162-18	Sec. 234.0401	
§ 162-19	Sec. 234.0402	Amended at time of adoption of Code
§ 162-20	Sec. 234.0403	
§ 162-21	Sec. 234.0404	
§ 162-22	Sec. 234.0405	
§ 162-23	Sec. 234.0406	
§ 162-24	Sec. 234.0407	
§ 162-25	Sec. 234.0408	
§ 162-26	Sec. 234.0409	
§ 162-27	Sec. 234.0410	
§ 162-28	Sec. 234.0411	
§ 162-29	Sec. 234.0501	
§ 162-30	Sec. 234.0502	
§ 162-31	Sec. 234.0503	
§ 162-32	Sec. 234.0504	
§ 162-33	Sec. 234.0505	
§ 162-34	Sec. 234.0506	
§ 162-35	Sec. 234.0507	
§ 162-36	Sec. 234.0508	
§ 162-37	Sec. 234.0509	
§ 162-38	Sec. 234.0510	
§ 162-39	Sec. 234.0511	
Article III		
§ 162-40	Sec. 234.0601	Amended at time of adoption of Code
§ 162-41	Sec. 234.0701	
§ 162-42	Sec. 234.0702	
§ 162-43		Added 4-13-1970 by Ord. No. 216; amended 10-12-1971 by Ord. No. 222; at time of adoption of Code

New Number (chapter, title, Article, section)	Old Number (source)	Adoption or Amendment Date
Omitted	Sec. 234.1001	
§ 162-44	Sec. 234.1101	
§ 162-45	Sec. 3	
§ 162-46	Sec. 234.0901	Amended at time of adoption of Code
§ 162-47	Sec. 234.0801	Amended 4-13-1970 by Ord. No. 216; 2-10-1975 by L.L. No. 2-1975; 12-12-1977 by L.L. No. 8-1977; 4-8-1981 by L.L. No. 3-1981; 4-14-1982 by L.L. No. 2-1982; 4-11-1984 by L.L. No. 1-1984 3-27-1985 by L.L. No. 4-1985; at time of adoption of Code
Ch. 166, Signs	Ord. No. 106	5-25-1942
§ 166-1	Sec. 341.1	
§ 166-2	Sec. 341.2	
§ 166-3	Sec. 341.3	7-25-1988
§ 166-4	Sec. 341.4	Amended at time of adoption of Code
§ 166-5	Sec. 341.5	
§ 166-6	Sec. 341.6	Amended at time of adoption of Code
§ 166-7		Added at time of adoption of Code
Ch. 170, Snow Emergencies	L.L. No. 3-1978	5-8-1978
§ 170-1	Sec. 3512.01	
§ 170-2	Sec. 3512.02	
§ 170-3	Sec. 3512.03	
§ 170-4	Sec. 3512.04	Amended at time of adoption of Code
Ch. 174, Sprinklers, Lawn	Ord. No. 159	4-14-1958
§ 174-1	Sec. 3.14.01	Amended at time of adoption of Code
§ 174-2	Sec. 3.14.02	
§ 174-3	Sec. 3.14.03	Amended at time of adoption of Code

New Number (chapter, title, Article, section)	Old Number (source)	Adoption or Amendment Date
§ 174-4	Sec. 3.14.04	
§ 174-5	Sec. 3.14.05	
§ 174-6	Sec. 3.14.06	Amended at time of adoption of Code
Ch. 178, Streets and Sidewalks		
Article I, Obstructions and Openings	Ord. No. 106	5-25-1942; amended at time of adoption of Code
§ 178-1	Sec. 313.2(g)	
§ 178-2	Sec. 313.2(h)	
§ 178-3		Added at time of adoption of Code
Article II, Leaving Vehicles and Carts	Ord. No. 152	7-27-1955; amended 6-11-1968 by Ord. No. 210
§ 178-4	Sec. 3510.05	
§ 178-5		Added at time of adoption of Code
Article III, Sidewalk Maintenance	L.L. No. 1-1978	1-9-1978
§ 178-6	Sec. 381.1	
§ 178-7	Sec. 381.2	Amended at time of adoption of Code
§ 178-8	Sec. 381.3	
Omitted	Sec. 3	
§ 178-9		Added at time of adoption of Code
Ch. 182, Subdivision of Land	Ord. No. 92	1-9-1939; amended 5-25-1942 by Ord. No. 106
§ 182-1	Sec. 221.1	Amended at time of adoption of Code
§ 182-2	Sec. 221.2	
§ 182-3	Sec. 221.3	
§ 182-4	Sec. 221.4	
§ 182-5	Secs. 221.5 and 221.6	
§ 182-6	Sec. 221.7	
§ 182-7	Sec. 221.8	Amended at time of adoption of Code
§ 182-8		Added 2-14-1977 by L.L. No. 1-1977

New Number (chapter, title, Article, section)	Old Number (source)	Adoption or Amendment Date
§ 182-9	Sec. 221.9	
§ 182-10		Added 2-14-1977 by L.L. No. 1-1977
§ 182-11	Sec. 221.10	
§ 182-12	Sec. 221.11	
§ 182-13	Sec. 221.12	
§ 182-14	Sec. 221.13	
§ 182-15	Sec. 221.14	
§ 182-16	Sec. 221.15	
§ 182-17	Sec. 221.16	
§ 182-18	Sec. 221.17	
§ 182-19	Sec. 221.18	
§ 182-20	Sec. 221.19	
§ 182-21	Sec. 221.20	
§ 182-22	Sec. 221.21	
§ 182-23	Sec. 221.22	
§ 182-24	Sec. 221.23	
§ 182-25	Sec. 221.24	Amended at time of adoption of Code
§ 182-26	Sec. 221.25	
§ 182-27	Sec. 221.26	
§ 182-28	Sec. 221.27	Amended at time of adoption of Code
§ 182-29	Sec. 221.28	
§ 182-30	Sec. 221.29	
Ch. 187, Taxation		
Article I, Utility Tax	L.L. No. 1-1967	3-27-1967
§ 187-1	Section 1	
§ 187-2	§ 2	
§ 187-3	§ 3	
§ 187-4	§ 4	
§ 187-5	§ 5	
§ 187-6	§ 6	

New Number (chapter, title, Article, section)	Old Number (source)	Adoption or Amendment Date
§ 187-7	§ 7	
§ 187-8	§ 8	
§ 187-9	§ 9	
§ 187-10	§ 10	
§ 187-11	§ 11	
§ 187-12	§ 12	
§ 187-13	§ 13	
§ 187-14	§ 14	
Omitted	§ 15	
Article II,	L.L. No. 2-1984	9-26-1984
Alternative Veterans Exemption		
§ 187-15	Section 1	
§ 187-16	Section 2	
Omitted	Section 3	
Ch. 194, Tow Trucks	L.L. No. 1-1985	2-13-1985
§ 194-1	353.03(g)	
§ 194-2		Added at time of adoption of Code
Ch. 204, Vehicles, Junk	L.L. No. 6-1978	9-11-1978
§ 204-1	Sec. 391.10 1	
§ 204-2	Sec. 391.10 2	
§ 204-3	Sec. 391.10 3	
§ 204-4	Sec. 391.10 4	
§ 204-5	Sec. 391.10 5	
§ 204-6		Added at time of adoption of Code
Ch. A218, Annexations	L.L. No. 1-1982	2-10-1982
§ A218-1	Section 1	
§ A218-2	Section 2	
Ch. A219, Fees	Resolution	7-10-1985; amended at time of adoption of Code
§ A219-1	Unnumbered paragraph, 1 through 26	
Ch. A220, Parking Meters	Resolution	3-12-1986

New Number (chapter, title, Article, section)	Old Number (source)	Adoption or Amendment Date
§ A220-1	Unnumbered paragraph, (A) through (E)	

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

All local laws, ordinances or resolutions of a general and permanent nature of the Village of Lawrence 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.

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

The repeal of local laws, ordinances or resolutions provided for in § 1-3 of this local law shall not affect the following classes of local laws, 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 Lawrence prior to the effective date of this local law, or any action or proceeding brought for the enforcement of such right or liability.
- B. An offense or act committed or done before the effective date of this local law in violation of any legislative provision of the Village of Lawrence, 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 Lawrence.
- D. Any franchise, license, right, easement or privilege heretofore granted or conferred by the Village of Lawrence.
- E. Any local laws, ordinances or resolutions of the Village of Lawrence 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 Lawrence or any portion thereof.
- F. Any local laws, ordinances or resolutions of the Village of Lawrence 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 Lawrence or other instruments or evidence of the Village's indebtedness.
- G. Local laws, ordinances or resolutions authorizing the purchase, sale, lease or transfer of property, or any lawful contract or obligation.
- H. The levy or imposition of special assessments or charges.
- I. The dedication of property.
- J. Any legislation relating to salaries.
- K. Any legislation relating to vehicles and traffic.

- L. All legislation adopted subsequent to March 16, 1986.
- M. Sections 359.04, 359.05 and 359.06 of the Code of Ordinances of 1942, as amended 7-27-1955 by Ord. No. 152 and 6-11-1968 by Ord. No. 210.
- N. Local Law No. 5-1976, adopted 8-27-1976, regarding freshwater wetlands.

§ 1-5. Severability.

If any clause, sentence, paragraph, section, article or part of this local law or of any local law, ordinance or resolution cited in the table in § 1-2 hereof, or any local law, ordinance or resolution included in this Code through supplementation, shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, section, article or part thereof directly involved in the controversy in which such judgment shall have been rendered.

§ 1-6. Copy of Code on file.

A copy of the Code, in loose-leaf form, has been filed in the office of the Village Clerk of the Village of Lawrence and shall remain there for use and examination by the public until final action is taken on this local law; and, if this local law shall be adopted, such copy shall be certified to by the Village Clerk of the Village of Lawrence by impressing thereon the Seal of the Village of Lawrence, and such certified copy shall remain on file in the office of said Village Clerk to be made available to persons desiring to examine the same during all times while the said Code is in effect.

§ 1-7. Amendments to Code.

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

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

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

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

Copies of the Code may be purchased from the Village Clerk of the Village of Lawrence upon the payment of a fee to be set by resolution of the Board of Trustees, which may also arrange by resolution for procedures for the periodic supplementation thereof.

§ 1-10. Penalties for tampering with Code. [Amended 9-11-2002 by L.L. No. 5-2002]

Any person who, without authorization from the Village Clerk, changes or amends, by additions or deletions, any part or portion of the Code of the Village of Lawrence, or who alters or tampers with such Code in any manner whatsoever which will cause the legislation of the Village of Lawrence 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 up to a maximum of \$1,000 or imprisonment for a term of not more than 15 days, or both.

§ 1-11. 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 Lawrence, as distributed and designated in the table in § 1-2 hereof, no changes in the meaning or intent of such local laws, ordinances and resolutions have been made, except as provided for in Subsection B hereof. In addition, 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 following changes, amendments or revisions 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

§ 1-12. Incorporation of provisions into Code.

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

§ 1-13. When effective.

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

1. Editor's Note: Pursuant to § 1-11B, the following sections, articles or chapters were added, deleted or amended. A complete description of the changes made is on file in the office of the Village Clerk. Sections, articles or chapters added or amended: §§ 18-5, 56-2, 60-4, 65-10, 65-14, 65-15, 70-12D, 70-36D, 70-46, 70-53, 70-54, 70-61A, 70-62, 76-8, Art. II of Ch. 76, §§ 86-22, 86-24, 86-26, Ch. 90, §§ 103-2, 103-5, 103-10, 106-2B, 106-6, 110-11, 115-3, 115-5, 115-8, 115-12, 119-2, 119-5, 125-2, 125-3, 125-5, 125-6, 125-7, 125-10, 125-11, 135-5A, 135-7D, 135-8, 135-9, 135-14, 140-1, 140-4, Art. III of Ch. 144, §§ 154-6, 154-7, 158-8, 158-15, 158-16, 158-17, 158-18, 158-19B, 158-27, 158-33, 158-34A, 158-35, 158-36B, 158-37A, 162-1A, 162-10, 162-19C, 162-40, 162-43D, 162-46, 162-47A, 166-4, 166-6, 166-7, 170-4, 174-1, 174-3, 174-6, Art. I of Ch. 178, §§ 178-5, 178-7, 178-9, 182-1, 182-7A, 182-25, 182-28, 194-2, 204-6 and Ch. A219. Original Section 3.12.02(d) of the Code of Ordinances of 1942 was deleted.

ARTICLE II
Legislation Enacted During Codification

[During the process of codification, certain complete new pieces of legislation were approved by the Board of Trustees for inclusion in the Code of the Village of Lawrence. Such new legislation is noted in the histories of the individual chapters as "Adopted ... during codification; see Ch. 1, General Provisions, Art II." During the course of normal supplementation, specific dates of adoption will be inserted where pertinent in the various chapters. The enumeration appearing below lists each chapter affected by any such legislation adopted during codification.]

Chapter/Article	Local Law Number	Adoption Date
Ch. 6, Appeals, Board of	1-1988	4-13-1988
Ch. 12, Building Design, Board of	2-1988	4-13-1988
Ch. 30, Inspector	3-1988	4-13-1988
Ch. 178, Art. IV, Obstruction of View	4-1988	4-13-1988
Ch. 200, Vehicles and Traffic	7-1988	4-13-1988
Ch. 212, Zoning	6-1988	4-13-1988

Chapter 4**ALTERNATE MEMBERS OF PLANNING BOARD AND ZONING BOARD OF APPEALS**

[HISTORY: Adopted by the Board of Trustees of the Village of Lawrence 3-14-2001 by L.L. No. 1-2001. Amendments noted where applicable.]

GENERAL REFERENCES

Board of Appeals — See Ch. 6.

Zoning — See Ch. 212.

§ 4-1. Purpose.

The Lawrence Village Board of Trustees hereby enacts this article to provide a process for appointing alternate members of the Planning Board and Zoning Board of Appeals. These individuals would serve when members are absent or unable to participate on an application or matter before the respective Board.

§ 4-2. Appointment; term. [Amended 9-2-2010 by L.L. No. 7-2010]

Alternate members of the Planning Board and Zoning Board of Appeals shall be appointed by the Mayor, subject to the approval of the Village Board of Trustees, for a term of one year.

§ 4-3. Designation; powers and duties. [Amended 9-2-2010 by L.L. No. 7-2010]

- A. The Chairperson of the Planning Board and Zoning Board of Appeals may designate an alternate to substitute for a member when such member is unable to participate on an application or matter before the Board. Such designations shall be made in rotation as nearly as feasible, so that each alternate has an equivalent opportunity to serve. 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 Planning Board and Zoning Board of Appeals meeting at which the substitution is made.
- B. Alternates shall have the right to attend all portions of meetings of the Board, including executive sessions, if any, whether or not designated to participate in place of a regular member. An alternate who so attends a meeting of the Board without being so designated to substitute at that meeting may, at the discretion of the Chairperson, sit with the regular Board members and participate in any questions or discussions in the same manner as regular members, but without the right to vote. Nothing in this section shall be construed to limit the rights of any such alternate member to participate in the same manner as permitted for members of the public.

§ 4-4. Provisions applicable to alternate members.

All provisions of state law relating to Planning Board or Zoning Board of Appeals member eligibility, vacancy in office, removal, compatibility of office and service on other boards, as well as any provision of a local ordinance, shall also apply to alternate members.

§ 4-5. Supersession of Village Law.

- A. This article is hereby adopted pursuant to the provisions of § 10 of the New York State Municipal Home Rule Law and § 10 of the New York State Statute of Local Governments.
- B. It is the intent of the Village Board of Trustees, pursuant to § 10 of the New York State Municipal Home Rule Law, to supersede the provisions of:
 - (1) Section 7-718 of the Village Law relating to the appointment of members to Village Planning Boards.
 - (2) Section 7-712 of the Village Law relating to the appointment of members to Village Zoning Boards of Appeals.

Chapter 6**APPEALS, BOARD OF**

[HISTORY: Adopted by the Board of Trustees of the Village of Lawrence during codification; see Ch. 1, General Provisions, Art II.² Amendments noted where applicable.]

GENERAL REFERENCES

Board of Building Design — See Ch. 12.

Flood damage prevention — See Ch. 94.

Building construction — See Ch. 70.

Subdivision of land — See Ch. 182.

Environmental quality review — See Ch. 81.

Zoning — See Ch. 212.

Filled-in land — See Ch. 86.

§ 6-1. Supersession. [Added 7-13-2010 by L.L. No. 5-2010³]

- A. Pursuant to Municipal Home Rule Law § 10(l)(ii)(e)(3) and other provisions of State law vesting in the Village Board of Trustees, the following sections of the Village Law are hereby amended and superseded with respect to the Village of Lawrence, to read as follows:

§ 7-712, Subdivision 2. Appointment of members. The existing five-member Board of Appeals of the Village of Lawrence is continued, and all members of such board may continue to serve on such board for the remainder of the terms for which they were duly appointed. The Board of Trustees shall appoint the members of the Board of Appeals and the chairperson and vice-chairperson thereof. In the absence of the chairperson and vice-chairperson, the Board of Appeals may designate a member to serve as acting chairperson. The Board of Trustees may appoint and provide for compensation to be paid to experts, clerks and a secretary and provide for such other expenses as may be necessary and proper, not exceeding the appropriation made by the Board of Trustees for such purpose.

§ 7-712, Subdivision 4. Terms of members.

- (a) Each member of the Board of Appeals in office at the effective date of this law may continue to hold office for the balance of the term for which each such member was appointed. Upon the expiration of each such term, the successor to each such member shall be appointed for a term of three official years.
- (b) The appointment of a member to the board for the term of office which commences on July 5, 2010 shall be for a term of three official years, and upon the expiration of any such term, the successor to such member shall serve a term of three official years.
- (c) The term of office of the chairperson and vice-chairperson shall be coterminous with such member's term of office as a member of the Board of Appeals.

2. Editor's Note: Previous regulations establishing the Board of Appeals were adopted as Secs. 211.1101 through 211.1131 of Ord. No. 200, adopted 6-29-1966. See also Ch. 212, Zoning.

3. Editor's Note: This local law also provided for the redesignation of former §§ 6-1 and 6-2 as §§ 6-2 and 6-2.1, respectively.

§ 6-2. Membership. [Added 7-13-2010 by L.L. No. 5-2010]

The Board of Appeals heretofore established is hereby continued, and shall consist of members appointed pursuant to the Village Law of the State of New York as amended and superseded pursuant to Section 6-1 hereof. Such members shall serve without compensation, except that the board of trustees may, in its sole discretion, permit reimbursement of actual expenses incurred by such members in the performance of their duties.

§ 6-2.1. Meetings. [Amended 2-14-2008 by L.L. No. 1-2008; 3-31-2009 by L.L. No. 3-2009; 7-13-2010 by L.L. No. 5-2010]

- A. All meetings of the Board of Appeals shall be held in accordance with the New York State Open Meetings Law.
- B. The Board of Appeals shall have power from time to time to make rules as to the manner of filing appeals and applications within the jurisdiction of the Board of Appeals, and shall otherwise be bound by the provisions of the Village Law. Existing rules and practice are continued until repealed or amended.

§ 6-3. Payment of fee for application.

The applicant shall pay, upon filing his application, the fee provided in Chapter A219, Fees, of this Code.

§ 6-4. Powers.

In addition to the powers granted to the Board of Appeals by the Village Law, the Board shall have the following discretionary powers:

- A. To establish appropriate requirements, in conformity with the general purposes and intent of this chapter, Chapter 12, Building Design, Board of, and Chapter 212, Zoning, for irregular lots or lots of less than the required area or depth, in any district existing at the effective date of this chapter, Chapter 12, Building Design, Board of, and Chapter 212, Zoning.
- B. To grant temporary and conditional permits of limited duration for nonconforming uses and buildings in undeveloped regions.
- C. To determine and establish the true location of district boundaries in any disputed case.
- D. Where a district boundary line divides a lot in single ownership at the date of the adoption of Chapter 212, Zoning, to permit a use authorized on the less highly restricted portion of said lot to be extended into the more highly restricted portion of such lot.
- E. To permit the extension or enlargement of a nonconforming use or building existing at the date of the enactment of Chapter 212, Zoning.
- F. To permit any public utility in a restricted district if the Board is satisfied that public convenience and necessity require it.
- G. Where the street layout actually on the ground varies from the street layout as shown on the Building Zone Map, to apply the use and other regulations to the ground in such a way as to carry out the intent and purpose of the map for such particular area.
- H. To determine, in the case of an irregular lot or in a disputed case, the identity of the front, rear or side

of a building and the location of the front yard, the rear yard or the side yards thereof.

- I. To grant a permit wherever it is provided in this chapter, Chapter 12, Building Design, Board of, or Chapter 212, Zoning, that the approval of the Board of Appeals is required.
- J. To take jurisdiction and to grant relief not inconsistent with this chapter, Chapter 12, Building Design, Board of, or Chapter 212, Zoning, in any case provided in any deed or restrictive covenant heretofore executed relating to the use of land or the construction of any street within the Village.
- K. To exercise the powers conferred upon it, directly or by implication, by this chapter or any other chapter or local law.

§ 6-5. Objective of zoning regulations.

For the purpose of §§ 6-4 through 6-6, the objective of Chapter 212, Zoning, is to confine business to the business district, to strictly construe the uses permitted in the business district, to encourage the development of multiple dwellings in the business district, to limit two-family dwellings to the property along the northerly and westerly boundaries of the Village and to preserve and permit the development of the rest of the Village as a place for one-family houses for yearround occupancy and, in the case of the Residence AA and Residence A Districts, located on large, well-planted and landscaped sites.

§ 6-6. Special powers.

The Board of Appeals shall also have the following special powers:

- A. Where a lot is situated partly within the Village and partly outside the Village, the Board of Appeals may permit the regulations of Chapter 12, Building Design, Board of, and Chapter 212, Zoning, to be applied to the entire lot, or such portion of it as the Board may determine, in the same manner and to the same extent as if such lot, or portion thereof, had been situated entirely within the Village and within the same zoning district established by Chapter 212, Zoning. For such purpose, the Board may impose conditions, by way of deed restrictions or otherwise, which assure that the portion of the lot outside of the Village is not severed or detached and is effectively bound by the regulations as so applied to the same extent as the portion of the lot within the Village.
- B. The Board of Appeals may permit public garages and automobile filling and service stations in the business district, subject, in each case, to the following conditions:
 - (1) That no part of the lot upon which such use is permitted is situated within 200 feet of a church or a public or private school.
 - (2) That there shall be submitted to the Board the written consent of the owners and mortgagees covering 75% of the area of all property situated within 200 feet of the property in respect to which the permission is sought and of all property situated more than 200 feet distant deemed by the Board to be immediately affected by the proposed use.
- C. In determining whether or not to permit a social club in a residence district, the Board may impose such terms and conditions as it may determine for the protection of the property or the occupants thereof whom the Board may deem affected by such use.

§ 6-7. Conditions, limitations and standards governing exercise of powers.

In granting permits, approvals and special exceptions and in exercising the powers conferred upon the Board of Appeals by §§ 6-4 through 6-6, the Board of Appeals shall be governed by the following

conditions, limitations and standards:

- A. No person shall be entitled as a matter of right to a variance, permit, approval or other favorable action by the Board of Appeals.
- B. The Board of Appeals may refuse to exercise the discretionary powers conferred upon it by §§ 6-4 and 6-5 or the special powers conferred upon it by § 6-6. If it does so refuse, the applicant shall not be entitled to the relief sought and shall comply with the provisions of Chapter 212, Zoning, that control in the absence of such variance, special exception, permit or approval by the Board of Appeals.
- C. The powers of the Board of Appeals under §§ 6-4 through 6-6 are not limited to cases where there are practical difficulties or unnecessary hardship. In the absence of practical difficulties and unnecessary hardship, the Board of Appeals shall act only in such a manner as, in the judgment of the Board, will be in harmony with the provisions and purposes of the legislation and will preserve the spirit of the legislation and secure public safety and welfare and do substantial justice.
- D. No action shall be taken by the Board of Appeals, the effect of which, in the judgment of the Board, would impair or tend to impair the value or character or desirability of properties in the Village for the purposes stated in Subsection D of the section or which would permit or tend to permit the introduction into the village of a type of development not established in the Village at the date of the adoption of this chapter, Chapter 12, Building Design, Board of, and Chapter 212, Zoning.
- E. In granting relief, the Board of Appeals may impose conditions which, in its judgment, will tend to carry out the purpose of this section, including but not limited to determining the location of the proposed structure or the landscaping thereof and requiring a larger size of lot or smaller building area or larger front, rear or side yards than required by Chapter 212, Zoning, for the district in which the lot is situated.
- F. In case conditions are imposed, the Board may require the applicant to furnish the bond of a surety company satisfactory to the Board in an amount fixed by the Board to assure the performance of such conditions.

APPEARANCE TICKETS

Chapter 8

APPEARANCE TICKETS

[HISTORY: Adopted by the Board of Trustees of the Village of Lawrence 3-11-2010 by L.L. No. 2-2010. Amendments noted where applicable.]

GENERAL REFERENCES

Building construction and fire prevention — See Ch. 70.

Vehicles and traffic — See Ch. 200.

Licenses and permits — See Ch. 125.

Zoning — See Ch. 212.

§ 8-1. Statutory authority.

Pursuant to Municipal Home Rule Law § 10(4)(a), the Board of Trustees of the Village of Lawrence is empowered to authorize the issuance of an appearance ticket by a public servant who, by virtue of office, title or position, is authorized or required to enforce any statute, local law, ordinance, rule or regulation relating to parking, licensing of occupations or businesses, fire prevention and safety, health and sanitation, and building, zoning and planning.

§ 8-2. Persons authorized to issue tickets.

Pursuant to the authority granted by law, and in addition to any person authorized by any other law to issue appearance tickets, the persons holding the following offices, titles or positions are authorized to issue appearance tickets for violation of any statute, local law, ordinance, rule or regulation relating to parking, licensing of occupations or businesses, fire prevention and safety, health and sanitation, and/or building, zoning and planning:

- A. Mayor.
- B. Trustee.
- C. Superintendent of the Building Department.
- D. Building Inspector.
- E. Code Enforcer(s).
- F. Village Administrator.
- G. Deputy Village Clerk/Treasurer.
- H. Village Inspector. **[Added 4-6-2017 by L.L. No. 5-2017]**

LAWRENCE CODE

Chapter 12

BUILDING DESIGN, BOARD OF

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

GENERAL REFERENCES

Board of Appeals — See Ch. 6.

Subdivision of land — See Ch. 182.

Building construction — See Ch. 70.

Zoning — See Ch. 212.

ARTICLE I

Board Established**[Adopted 1-14-1998 by L.L. No. 1-1998⁴****§ 12-1. Policy.**

- A. The Board of Trustees finds that excessive similarity or general inappropriateness of design in the exterior appearance of residential and/or commercial buildings erected in a respective district adversely affects the desirability of the immediate area and neighboring areas for residential and/or commercial purposes and by so doing impairs the benefits for residential and/or commercial purposes and by so doing impairs the benefits of occupancy of existing residential and/or commercial property in such areas, impairs the stability and value of both improved and unimproved real property in such areas, prevents the most appropriate development of such areas, produces degeneration of residential and/or commercial property in such areas with attendant deterioration of conditions affecting the health, safety and welfare of the inhabitants thereof and destroys a proper relationship between the table value of real property in such areas and the cost of municipal services provided therefor.
- B. It is the purpose of Chapter 6, Appeals, Board of, this article and Chapter 212, Zoning, to prevent these and other harmful effects of such exterior appearances of buildings erected in residential and/or commercial neighborhoods and thus to promote and protect the health, safety and general welfare of the community.
- C. It is the further purpose of this article to preserve and promote the character and appearances and conserve the property values of the Village, the attractiveness of whose residential and business areas is the economic mainstay of the community, by providing procedures for a review of structures henceforth erected, reconstructed or altered in the Village and thereby:
 - (1) To encourage good quality of exterior building design and appearances and to relate such design and appearances to the sites and surroundings of the structure.
 - (2) To permit originality and resourcefulness in building design and appearance which are appropriate to the sites and surroundings.
 - (3) To prevent such designs and appearances as are unnecessarily offensive to visual sensibilities.

§ 12-2. Continuation; membership; residency of members.

The Board of Building Design heretofore established is hereby continued.

- A. It shall consist of five members who will serve without compensation.
- B. All members of said Board shall be residents of the Village of Lawrence throughout their terms of office.
- C. The members of said Board and the Chairman thereof shall be appointed by the Mayor with the consent of the Board of Trustees.
- D. The members of the Board of Building Design shall serve for terms of one year.
- E. A vacancy shall be filled for the unexpired term of any member whose place has become vacant.

4. Editor's Note: This local law also superseded former Ch. 12, Board of Building Design, adopted 4-13-1988 by L.L. No. 2-1988.

§ 12-3. Acting Chairman; Secretary.

Such Board of Building Design shall appoint from its members an Acting Chairman, who shall act during the absence or incapacity of the Chairman. The Board shall also appoint a Secretary, who need not be a member of the Board and may be compensated.

§ 12-4. Meetings and records; rules of procedure at meetings.

- A. A majority of said Board shall constitute a quorum.
- B. (Reserved)⁵
- C. Notice of meetings shall be given by the Secretary in the same manner as provided by the Village Law for meetings of the Board of Trustees.
- D. Minutes of all meetings and proceedings of the Board shall be taken and recorded by the Secretary. Such minutes need not be verbatim but shall state the substance of the proceedings.
- E. In case of the absence of the Secretary at any meeting, the Board may appoint a Secretary pro tem, who shall take and record the minutes of the meeting for which he was appointed.
- F. The Minute Book shall be kept on file in the Village office of the Village of Lawrence and shall be open to public inspection during regular business hours.
- G. The Board may adopt rules of procedure which shall include, but are not limited to, the frequency and time of meetings and rules of attendance.
- H. The Chairman (or Acting Chairman) may administer oaths and compel the attendance of witnesses.

§ 12-5. Referrals.

- A. The Board of Building Design shall review and advise on all applications for building permits referred to it by the Building Inspector, including but not limited to:
 - (1) New construction of any kind.
 - (2) Any exterior addition or alteration to preexisting buildings/structures or accessory buildings.
 - (3) Swimming pools, decks, recreational structures.
 - (4) New fences (including replacements).
 - (5) Air conditioners.
 - (6) Curb cuts.
 - (7) Other matters referred by the Planning Board or Zoning Board of Appeals.
 - (8) Any plans or proposals which, in the opinion of the Building Inspector, violate the spirit and intent of this article.
- B. Applications must be accompanied by plans showing all elevations of new structures and all affected

5. Editor's Note: Former Subsection B, which stated that meetings of the Board not be public unless the Board so determined, was repealed 3-31-2009 by L.L. No. 4-2009.

elevations in the case of additions or alterations. When required by the Building Inspector or by the Board of Building Design, a site plan shall be submitted showing both existing and proposed contours at one-foot intervals, all existing trees with a trunk diameter of three inches or more and whether such trees shall remain or be removed and/or other topographical features.

§ 12-6. Consideration of applications; manner of disapproval and approval.

- A. Upon receipt of such application, the Chairman or Secretary shall, pursuant to rules to be established as per § 12-4G, arrange for a meeting of said Board, as soon thereafter as convenient, to consider such application, and the Secretary shall give notice of such meeting in the manner hereinbefore provided.
- B. Approval of any building permit referred to the Board shall be by a vote of a majority of at least a quorum of members of the Board of Building Design.
- C. In considering an application for a permit, the Board shall take into account natural features of the site and surroundings, exterior design and appearances of existing structures and the character of the Village and its peculiar suitability for particular purposes, with a view to conserving the values of property and encouraging the most appropriate use of land.
- D. The Board may approve any application referred to it upon finding that the building or structure for which the permit was requested, if erected or altered in accordance with the submitted plan, would be in harmony with the purpose of this article, would not be visually offensive or inappropriate by reason of poor quality of exterior design, excessive similarity or striking visual discord in relation to the sites or surroundings, would not mar the appearance of the area, would not impair the use, enjoyment and desirability or reduce the values of properties in the area, would not be detrimental to the character of the neighborhood, would not prevent the most appropriate development and utilization of the site or of adjacent lands and would not adversely affect the functioning, economic stability, prosperity, health, safety and general welfare of the entire community.
- E. In approving any application, the Board may impose appropriate conditions and safeguards designed to prevent the harmful effects set forth in § 12-1.
- F. The Board may disapprove any application for a permit, provided that the Board has afforded the applicant an opportunity to confer upon suggestions for change of the plan, and provided that the Board finds and states that the structure for which the permit was requested would, if erected as indicated, provoke one or more of the harmful effects set forth in § 12-1 and thus be detrimental to the character, property values or development of the surrounding property or of the Village as a whole by reason of:
 - (1) Excessive similarity to any other structure or structures located or proposed to be located on the same street or corner thereof and within 500 feet of the site of the structure for which a building permit is requested, in respect to one or more of the following features of exterior design and appearance:
 - (a) Substantially identical facade.
 - (b) Substantially identical size and arrangement of either doors, windows, porticoes, porches or garages or other openings or breaks or extensions in the facade, including reverse arrangements.
 - (c) Other substantially identical features, such as but not limited to setbacks from street lines, heights, widths and lengths of elements of the building design and exterior materials and

treatments.

- (2) Striking dissimilarity, visual discord or inappropriateness with respect to other structures located or proposed to be located on the same street or a corner thereof and within 150 feet of the site of the structures for which a building permit is requested, in respect to one or more of the following features of exterior design and appearance:
 - (a) Facade.
 - (b) Size and arrangement of doors, windows, porticoes, porches or garages or other openings, breaks or extensions in the facade.
 - (c) Other significant design features, such as but not limited to heights, widths and lengths of elements of design, exterior materials and treatments, roof structures, exposed mechanical equipment, service and storage areas, retaining walls, landscaping, signs, light posts, parking areas and fences and service and loading areas.
 - (3) Visual offensiveness or other poor qualities of exterior design, including, with respect to signs and awnings, considerations of the harmony or discord of colors, or incompatibility of the proposed structure with the terrain on which it is to be located, including but not limited to excessive divergences of the height or levels of any part of the structure from the grade of the terrain.
 - (4) There shall be a rebuttable presumption that the following matters would produce one or more of the harmful effects set forth in § 12-1 and thus be detrimental to the character, property values or development of the surrounding property or of the Village as a whole: **[Added 12-21-2017 by L.L. No. 6-2017]**
 - (a) Side yard fences in excess of five feet in height, based on the median grade along the path of the fence (except where the applicant's side yard abuts the rear yard of another property and the height of the applicant's fence would be necessary to match the height of an existing rear yard fence on the adjoining property); and
 - (b) Side yard fences extending further than the area between the rear property line and the front facade of the primary structure on the property; and
 - (c) Rear yard fences in excess of six feet in height, based on the median grade along the path of the fence; and
 - (d) Horseshoe-shaped driveways, or other driveways requiring two curb cuts, unless the property has street frontage of at least 66 feet and a minimum distance of 50 feet between the curb (or if none, the paved surface of the street) and the front facade of the primary building on the property.
- G. The Board may disapprove any application where the provisions of § 12-5B have not been complied with.
- H. In disapproving any application for a building permit, the Board of Building Design may specify modifications in the design of the building which the Board finds will, in the opinion of the Board, be adequate to render the same acceptable.
- I. Such disapproval shall be given within 30 days after the date when such application was submitted by the Building Inspector to the Board of Building Design, and, if such disapproval is not given

within said period of time, the application shall be deemed approved unless the applicant shall have agreed to an extension of time or shall have agreed to provide additional data, information or plans.

§ 12-7. Issuance of building permits.

The Building Inspector shall not issue or approve the issuance of a building permit upon such application until after the expiration of said period of 30 days, unless such application has been approved by the Board of Building Design, and shall not approve the issuance of any building permit for which the application has been disapproved by said Board, unless the plans for such building have been amended to include the modifications in design that the Board may have specified as adequate to render such design acceptable.

§ 12-8. Appeals. [Amended 12-21-2017 by L.L. No. 6-2017]

Any applicant aggrieved by the action of the Board of Building Design in disapproving a building permit application, and by the Building Inspector in denying such permit because of such disapproval, may request the Board to make formal findings of fact. In the event of such a request, the Board shall make such findings of fact within 15 days after the request is filed in the office of the Village Clerk, shall thereafter provide the applicant with an opportunity to answer the findings by the submission of formal proof and shall reconsider the application on the basis of such answer. If the application is disapproved after such reconsideration, the applicant may appeal the decision through a proceeding filed pursuant to Article 78 of the Civil Practice Law and Rules.

§ 12-9. Powers to be exercised.

The powers intended to be exercised under this article are those conferred upon the Board of Trustees by § 4-412 and Article 7 of the Village Law and by any other statute which may be applicable.

ARTICLE II
Alternate Members
[Adopted 9-10-2003 by L.L. No. 7-2003]

§ 12-10. Purpose.

The Lawrence Village Board of Trustees hereby enacts this article to provide a process for appointing alternate members of the Board of Building Design. These individuals would serve when members are absent or unable to participate on an application or matter before the Board.

§ 12-11. Appointment; term.

Alternate members of the Board of Building Design shall be appointed by the Village Board of Trustees for a term of one year.

§ 12-12. Designation; powers and duties.

The Chairperson of the Board of Building Design may designate an alternate to substitute for a member when such member is unable to participate on an application or matter 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 Building Design meeting at which the substitution is made.

§ 12-13. Applicability of state law.

All provisions of state law relating to Board of Building Design member eligibility, vacancy in office, removal, compatibility of office and service on other boards, as well as any provision of a local ordinance, shall also apply to alternate members.

Chapter 18**DEFENSE AND INDEMNIFICATION**

[HISTORY: Adopted by the Board of Trustees of the Village of Lawrence 10-20-1980 by L.L. No. 5-1980. Section 18-5 amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Other amendments noted where applicable.]

GENERAL REFERENCES

Code of Ethics — See Ch. 23.

Notification of defects — See Ch. 130.

§ 18-1. Intent and findings.

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

§ 18-2. Definitions.

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

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

§ 18-3. Defense to be provided; conditions to provide defense.

- A. Upon compliance by the employee with the provisions of § 18-5 of this chapter, 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 § 1981 or 1983 of Title 42 of the United States Code. 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 Lawrence.
- B. Subject to the conditions set forth in Subsection A of this section, 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 may require, as a condition to payment of fees and expenses of such representation, that appropriate groups of such employees be represented by the same counsel. If the employee or group of employees is entitled to be represented by private counsel under the provisions of this section, the Village Attorney shall so certify to the Village Board. Reasonable attorney's 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 this section by the head of the department, commission, division, office or agency in which such employee is employed and upon the audit of the Board of Trustees 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 special proceeding.

- C. Where the employee delivers process and a request for a defense to the Village Attorney as required by § 18-5 of this chapter, the Attorney shall take the necessary steps, including the retention of private counsel under the terms and conditions provided in Subsection B of this section, on behalf of the employee to avoid entry of a default judgment pending resolution of any question pertaining to the obligation to provide for a defense.

§ 18-4. Indemnification of employees.

- 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 or in the amount of any settlement of a claim, provided that the act or omission from which such judgment or settlement arose occurred while the employee was acting within the scope of his public employment or duties.
- B. An employee represented by private counsel shall cause to be submitted to the Village of Lawrence Board of Trustees any proposed settlement which may be subject to indemnification by the Village, and, if not inconsistent with the provisions of this section, the Mayor shall certify, after approval of such settlement by the Board of Trustees, and submit such settlement and certification to the Village Attorney. The Attorney shall review such proposed settlement as to form and amount and shall give his approval if, in his judgment, the settlement is in the best interest of the Village. Nothing in this subsection 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 and Board of Trustees.
- C. Upon entry of a final judgment against the employee or upon the settlement of the claim, the employee shall cause to be served a copy of such judgment or settlement, personally or by certified or registered mail, within 30 days of the date of entry or settlement, upon the Mayor; and, if not inconsistent with the provisions of this section, such judgment or settlement shall be certified for payment by such Mayor. If the Attorney concurs in such certification, the judgment or settlement shall be paid upon the audit of the Board of Trustees and warrant of the Village Treasurer.

§ 18-5. Conditions on duty to defend or indemnify.⁶

The duty to defend or indemnify and save harmless provided by this chapter shall be conditioned upon the delivery to the Village Administrator or his assistant, at his office, by the employee, of the original

6. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

or a copy of any summons, complaint, process, notice, demand or pleading within 10 days after he is served with such document and upon 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. Such delivery shall be deemed a request by the employee that the Village provide for his defense pursuant to this chapter.

§ 18-6. Applicability to employees.

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

§ 18-7. Effect upon insurance.

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

§ 18-8. Applicability to pending actions.

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

§ 18-9. Effect on other law.

Except as otherwise specifically provided in this chapter, the provisions of this chapter 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.

Chapter 23**ETHICS, CODE OF**

[HISTORY: Adopted by the Board of Trustees of the Village of Lawrence 11-9-1970 by Ord. No. 219. Amendments noted where applicable.]

GENERAL REFERENCES

Defense and indemnification of employees — See Ch. 18.

Public access to records — See Ch. 149.

§ 23-1. Purpose.

Pursuant to the provisions of § 806 of the General Municipal Law, the Board of Trustees of the Village of Lawrence 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 Code of Ethics to promulgate these rules of ethical conduct for the officers and employees of said Village. These rules shall serve as a guide for the official conduct of the officers and employees of said Village. The rules of the ethical conduct of this code, as adopted, shall not conflict with but shall be in addition to any prohibition of Article 18 of the General Municipal Law or any other general or special law relating to ethical conduct and interest in contracts of municipal officers and employees.

§ 23-2. Definitions.

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

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 Village of Lawrence, whether paid or unpaid, including members of any administrative board, commission or other agency thereof. No person shall be deemed to be a municipal officer or employee solely by reason of being a volunteer fireman or civil defense volunteer, except a Chief Engineer or Assistant Chief Engineer.

§ 23-3. Standards of conduct.

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

A. General.

- (1) A person who accepts a public office or public employment subjects himself to legal and ethical standards of conduct that are broader and more exacting than those applicable in private office or private employment. He does not act for a private individual or corporation or to enable a private individual or corporation to make a profit. He acts for and in behalf of the public. In his dealings with others, he represents the public. He, too, is a member of the public. Just as he would wish public officers and employees to deal with him as a member of the public, so he, as a public official or member of the public, should deal with others. Just as he would demand that the officers and employees of his municipality maintain the highest standards of honesty and

integrity and subordinate their own personal interests to the interests of the municipality that they represent, so must he maintain the highest standards of honesty and integrity and subordinate his own personal interest to the interests of the municipality that he represents. Just as he would condemn the officers and employees of his municipality if they used their offices or employment for personal gain and advantage, so he must avoid the same acts and conduct that he would condemn in others.

- (2) Honesty and integrity cannot be legislated. It cannot be defined by statute, ordinance, code, rule or regulation. The specific standards enumerated in this code must be observed, the specific disclosures set forth in the statute must be made. But it does not follow that acts not expressly prohibited are permitted or sanctioned or that conflicts of interest that are not specifically directed to be disclosed may be concealed. There are ethical and moral standards of conscience and common decency as well. These may be even more vital and compelling than the standards that have been specifically set forth in statute or code. They, too, must be scrupulously observed.
- B. Gifts. He shall not, directly or indirectly, solicit any gift or accept or receive any gift, regardless of its value, whether in the form of money, services, loan, travel, entertainment, hospitality, thing or promise, or any other form, under circumstances in which it could reasonably be inferred that the gift was intended to influence him, or could reasonably be expected to influence him, in the performance of his official duties or was intended as a reward for any official action on his part.
- C. Confidential information. He shall not disclose confidential information acquired by him in the course of his official duties or use such information to further his personal interest.
- D. Representation before one's own agency. He shall not receive or enter into any agreement, express or implied, for compensation for services to be rendered in relation to any matter before any municipal agency of which he is an officer, member or employee or of any municipal agency over which he has jurisdiction or to which he has the power to appoint any member, officer or employee.
- E. Representation before any agency for a contingent fee. He shall not receive or enter into any agreement, express or implied, for compensation for services to be rendered in relation to any manner before any agency of his municipality, whereby his 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.
- F. Disclosure of interest in legislation. To the extent that he knows thereof, a member of the Board of Trustees and any officer or employee of the Village of Lawrence, whether paid or unpaid, who participates in the discussion or gives official opinion to the Board of Trustees on any legislation before the Board of Trustees shall publicly disclose on the official record the nature and extent of any direct or indirect financial or other private interest he has in such legislation.
- G. Investments in conflict with official duties. He shall not invest or hold any investment, directly or indirectly, in any financial or business transaction which creates a conflict with his official duties.
- H. Private employment. He shall not engage in, solicit, negotiate for or promise to accept private employment or render services for private interests when such employment or services create a conflict with or impair the proper discharge of his official duties.
- I. Future employment. He shall not, after the termination of service or employment with such municipality, appear before any board or agency of the Village in relation to any case, proceeding or application in which he personally participated during the period of his service or employment or which was under his active consideration.

§ 23-4. Effect upon employees' filing suit.

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

§ 23-5. Distribution.

The Mayor shall cause a copy of this Code of Ethics to be distributed to every officer and employee of the Village within 10 days after the effective date of this code. Each officer and employee elected or appointed thereafter shall be furnished a copy before entering upon the duties of his office or employment.

§ 23-6. 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.

Chapter 30

INSPECTOR

[HISTORY: Adopted by the Board of Trustees of the Village of Lawrence 10-11-1971 by resolution; amended in its entirety 4-13-1988 by L.L. No. 3-1988. Subsequent amendments noted where applicable.]

GENERAL REFERENCES

Board of Appeals — See Ch. 6.

Licenses and permits — See Ch. 125.

Defense and indemnification — See Ch. 18.

Sewers and cesspools — See Ch. 162.

Building construction and fire prevention — See Ch. 70.

Streets and sidewalks — See Ch. 178.

Filled-in land — See Ch. 86.

Subdivision of land — See Ch. 182.

Flood damage prevention — See Ch. 94.

Zoning — See Ch. 212.

§ 30-1. Establishment.

The office of Village Inspector is hereby established in the Department of the Village Administrator.

§ 30-2. Appointment; compensation.

- A. The Village Inspector shall be appointed by the Board of Trustees and shall serve at the pleasure of the Board.
- B. He shall receive such compensation as the Board may, from time to time, determine. If the person appointed to such office is employed by the Village in another capacity, he shall receive no compensation for his duties as Village Inspector unless the Board of Trustees shall so direct.

§ 30-3. Supervision; employment in other capacities.

The Village Inspector shall perform his duties as Village Inspector under the supervision of the Village Administrator. If he is employed by the Village in another capacity, his duties as Village Inspector shall be in addition to his duties in such other capacity, and he shall continue to perform his duties in such other capacity.

§ 30-4. Duties.

The duties of the Village Inspector shall be:

- A. To inspect properties in the Village for the purpose of detecting existing or threatened violations of Chapter 212, Zoning, the Uniform Fire Prevention and Building Code⁷ and all other provisions of the Code of the Village of Lawrence.
- B. To use his best efforts to procure by voluntary action a discontinuance of violations and the avoidance

7. Editor's Note: See Ch. 70, Building Construction and Fire Prevention.

§ 30-4

INSPECTOR

of such violations in the future.

- C. To appear in the Village Court and give testimony when requested by the Village Prosecutor prosecuting cases in such Court and to assist the Village Prosecutor in the preparation of such cases.

§ 30-5. (Reserved)⁸

§ 30-6. Additional duties.

- A. The Village Inspector shall perform such other duties as may be authorized from time to time by the Board of Trustees of the Village of Lawrence.
- B. The Village Inspector shall not have general criminal jurisdiction.

8. Editor's Note: Former § 30-5, Authorization to issue appearance tickets, was repealed 3-11-2010 by L.L. No. 2-2010. See now Ch. 8, Appearance Tickets.

LAWRENCE CODE

Chapter 42

TERMS OF OFFICE

[HISTORY: Adopted by the Board of Trustees of the Village of Lawrence 6-14-1995 by L.L. No. 4-1995. Amendments noted where applicable.]

ARTICLE I

Mayor

§ 42-1. Limitation on number of terms. [Amended 1-13-2022 by L.L. No. 2-2022]

In addition to the provisions of law otherwise established in the Village Law or in this Code for eligibility for election or appointment to the office of Mayor, no person shall be elected to the office of Mayor for more than four full terms.

§ 42-2. through § 42-3. (Reserved)

ARTICLE II
Trustees

§ 42-4. Limitation on number of terms. [Amended 2-6-2014 by L.L. No. 1-2014]

- A. In addition to the provisions of law otherwise established in the Village Law or in this Code for eligibility for election or appointment to the office of Trustee, no person shall be eligible to be elected or appointed to a term of office of Village Trustee if such election or appointment would (if the full term were served) result in the holding of the office of Village Trustee for more than eight consecutive years.
- B. For the purposes of this section, any service in the office of Village Trustee prior to July 1, 2014, shall not be considered in calculating ineligibility to be elected or appointed to terms beginning in an even-numbered year, beginning first for a term beginning on July 1, 2014; and any service in the office of Village Trustee prior to July 1, 2015, shall not be considered in calculating ineligibility to be elected or appointed to terms beginning in an odd-numbered year, beginning first for a term beginning on July 1, 2015.

§ 42-5. (Reserved)

ARTICLE III
Other Village Officers
[Added 7-15-2021 by L.L. No. 7-2021⁹]

§ 42-6. Village Clerk-Treasurer — Term of office; appointment.

- A. Notwithstanding any state or local law to the contrary, the term of office of the Village Clerk (and Clerk-Treasurer, if the Clerk is appointed as such), who shall also be the Village Administrator (as that position was established by resolution of the Board of Trustees on July 14, 1980) of the Incorporated Village of Lawrence, shall be three official years, as defined in § 3-302 of the Village Law.
- B. The Village Clerk shall be appointed by the Mayor, subject to confirmation by resolution of the Board of Trustees.

§ 42-7. (Reserved)

§ 42-8. Village Deputy Clerk — Term of office; appointment.

- A. Notwithstanding any state or local law to the contrary, the term of office of the Village Deputy Clerk (who shall also be the Deputy Village Administrator) of the Incorporated Village of Lawrence shall be three official years, as defined in § 3-302 of the Village Law.
- B. The Village Deputy Clerk shall be appointed by the Mayor, subject to confirmation by resolution of the Board of Trustees.

§ 42-9. (Reserved)

§ 42-10. Village Deputy Treasurer — Term of office; appointment.

- A. Notwithstanding any state or local law to the contrary, the term of office of the Deputy Village Treasurer of the Incorporated Village of Lawrence shall be three official years, as defined in § 3-302 of the Village Law.
- B. The Deputy Village Treasurer shall be appointed by the Mayor, subject to confirmation by resolution of the Board of Trustees.

§ 42-11. (Reserved)

§ 42-12. Village Assessor — Term of office; appointment.

- A. Notwithstanding any state or local law to the contrary, the term of office of the Village Assessor of the Incorporated Village of Lawrence shall be three official years, as defined in § 3-302 of the Village Law.
- B. The Village Assessor shall be appointed by the Mayor, subject to confirmation by resolution of the Board of Trustees.

9. Editor's Note: Section 2 of this local law stated it supersedes any provision of state or local law to the contrary, including, but not limited to, Village Law § 3-302, Subsection 3.

Chapter 45**TRAFFIC VIOLATIONS BUREAU**

[HISTORY: Adopted by the Board of Trustees of the Village of Lawrence 11-11-1968 by part of Ord. No. 211; amended in its entirety 6-10-2010 by L.L. No. 4-2010. Subsequent amendments noted where applicable.]

GENERAL REFERENCES

Municipal off-street parking fields — See Ch. 135.

Vehicles and traffic — See Ch. 200.

§ 45-1. Establishment.

The Village Justice Court of the Village of Lawrence is hereby authorized to establish a Traffic Violations Bureau to assist the Court in the disposition of offenses in relation to traffic and parking violations, pursuant to Article 14-B of the General Municipal Law.

§ 45-2. Authorization to dispose of violations.

The Traffic Violations Bureau, when established, is authorized to dispose of violations of traffic and parking laws, ordinances, rules and regulations, when such offenses do not constitute the traffic infraction known as "speeding" or a misdemeanor or a felony, by permitting a person charged with an offense, within the limitations stated in Article 14-B of the General Municipal Law, to answer at any time from the receipt of the summons and at a time prior to the return day thereof, at such Traffic Violations Bureau, either in person or by written general or special power of attorney, by paying a prescribed fine and, in writing, waiving a 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 a fine in court.

§ 45-3. Powers and limitations.

The Traffic Violations Bureau shall have the powers and shall be subject to the limitations set forth in Article 14-B of the General Municipal Law and shall be subject to such additional limitations as the Court establishing it may designate.

§ 45-4. Procedures.

The procedure before the Traffic Violations Bureau shall be that provided in said Article 14-B of the General Municipal Law and as provided by the Village Justice Court from time to time.

General Legislation

Chapter 56

ALARM SYSTEMS

[HISTORY: Adopted by the Board of Trustees of the Village of Lawrence 7-9-1979 by L.L. No. 5-1979. Amendments noted where applicable.]

GENERAL REFERENCES

Building construction and fire prevention — See Ch. 70.

§ 56-1. Unlawful actions.

It shall be unlawful for any owner, lessee or occupant of any real property in the Village of Lawrence to suffer or permit any burglar alarm or fire alarm to emit sound, audible beyond the boundaries of the real property on which located, for a continuous period of more than one hour.

§ 56-2. Penalties for offenses. [Amended 4-13-1988 by L.L. No. 5-1988; 9-11-2002 by L.L. No. 5-2002]

Any violation of this chapter shall be punishable by a fine of \$25 for the first such violation and a fine of \$50 for the second such violation. Any person committing any succeeding violation against any provision of this chapter shall, upon conviction thereof, be guilty of a violation pursuant to the Penal Law of the State of New York, punishable by a fine up to a maximum of \$1,000 or by imprisonment for a term not exceeding 15 days, or by both such fine and imprisonment. The continuation of an offense against the provisions of this chapter shall constitute, for each day the offense is continued, a separate and distinct offense hereunder.

ALCOHOLIC BEVERAGES

Chapter 60

ALCOHOLIC BEVERAGES

[HISTORY: Adopted by the Board of Trustees of the Village of Lawrence 4-8-1981 by L.L. No. 1-1981. Amendments noted where applicable.]

GENERAL REFERENCES

Boats — See Ch. 65.

Peace and good order — See Ch. 144.

Parks — See Ch. 140.

§ 60-1. Consumption and open bottles in public places.

It shall be unlawful and illegal for any person to drink or consume liquor, wine, beer or other alcoholic beverages or to have in his possession, carry or transport any open bottle or open container containing liquor, wine, beer or other alcoholic beverage in or on any public highway, street, sidewalk, parking lot, public park or other place within the Village of Lawrence.

§ 60-2. Presumptive evidence of possession in vehicles.

An open bottle or open container in any vehicle while in or on any public highway, street, sidewalk, parking lot, public park or other public place shall be presumptive evidence that the same is in possession of all occupants thereof.

§ 60-3. Presumptive evidence of nature of beverage.

The label, tag or marking of any such open bottle or container which indicates that a quantity of alcohol is contained therein shall be presumptive evidence of the liquor, wine, beer or beverage.

§ 60-4. Penalties for offenses. [Added 4-13-1988 by L.L. No. 5-1988; amended 9-11-2002 by L.L. No. 5-2002]

Any person committing an offense against any provision of this chapter shall, upon conviction thereof, be guilty of a violation pursuant to the Penal Law of the State of New York, punishable by a fine up to a maximum of \$1,000 or by imprisonment for a term not exceeding 15 days, or by both such fine and imprisonment. The continuation of an offense against the provisions of this chapter shall constitute, for each day the offense is continued, a separate and distinct offense hereunder.

Chapter 65**BOATS AND WATERWAYS**

[HISTORY: Adopted by the Board of Trustees of the Village of Lawrence 1-16-1962 as part of Ord. No. 184.¹⁰ Sections 65-10, 65-14 and 65-15 amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Other amendments noted where applicable.]

GENERAL REFERENCES

Alcoholic beverages — See Ch. 60.

Peace and good order — See Ch. 144.

Parks and recreation — See Ch. 140.

Seaplanes — See Ch. 154.

§ 65-1. Findings.

It is hereby declared and found that the operation of boats in the waterways of the Village of Lawrence and of the Town of Hempstead adjacent thereto is a matter affecting the public interest and consequently should be subject to supervision and administrative control for the purpose of safeguarding the public by means of uniform rules and regulations adopted by municipalities having jurisdiction.

§ 65-2. Applicability.

The following rules and regulations shall apply to all waters or waterways within the Village of Lawrence and any waters and waterways adjacent, to a distance of 1,500 feet from the shore, except when prohibited by the laws of the United States.

§ 65-3. Compliance with other laws.

All provisions of the Navigation Law of this state, of the inland rules enacted by Congress and governing the navigation of the inland waters of the United States and of the Pilot Rules for United States Inland Waters, applicable to Reynolds Channel or East Rockaway Inlet, and waterways tributary thereto, relative to the rules for vessels passing each other, as to lights on vessels and other matters consistent with the proper use on such waterways, shall be complied with by all vessels navigating said waterways.

§ 65-4. Definitions.

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

BOAT or VESSEL — Includes every description of watercraft or other contrivance used on or capable of being used as a means of transportation in water and in air.

OWNER — Includes the person under whose name the vessel was last registered with the United States Coast Guard or the New York State Department of Conservation, Division of Motor Boats, and, in any other case, the last known owner.

WATERWAYS — Includes main channels, cross channels connecting with them, anchorages, mooring areas, basins and bathing areas within the territory specified in § 65-2.

10. Editor's Note: Approved 2-19-1962 by the New York State Conservation Commissioner.

§ 65-5. Discharge of toilets.¹¹

Discharging of toilets is prohibited in the waters of Bannister Creek, Crooked Creek, Brosewere Bay and Post Lead and waters tributary thereto.

§ 65-6. Dumping wastes.¹²

Dumping of oil, refuse, garbage or waste in the waters described in § 65-2 is prohibited.

§ 65-7. Mooring and anchoring.

- A. Boats shall not moor or anchor in any waterway except at the edges thereof, and in no case shall vessels moor to or anchor within 50 feet of any channel marker or so as to interfere with the full use of the channel. 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 Board of Trustees or any duly authorized officer or agent thereof. If said boat is not removed after an order to so remove it, it may be removed by or at the direction of the Board of Trustees, or any duly authorized officer or agent thereof, at the expense of the owner or person in charge of said vessel.
- B. Boats shall not moor or anchor so as to endanger the safety of or cause damage to any boat previously anchored or moored nor so as to interfere with the mooring of any boat previously laid down. Any boat so moored or anchored shall be removed by the owner or person in charge thereof on order of the Board of Trustees or any duly authorized officer or agent thereof. If said boat is not removed after an order to so remove it, it may be removed by or at the direction of the Board of Trustees or any duly authorized officer or agent thereof at the expense of the owner or person in charge of said vessel.
- C. No vessel or boat shall be moored on any waterway so that such vessel or boat, or any part or projection thereof, extends into the waterway more than 1/4 of the width of such waterway, as measured between the mean low waterlines along the waterway at the point or place that such vessel or boat is moored.
- D. Subsection C above shall apply only to such points or places along the waterways within the Village wherein said waterway is less than 100 feet in width as measured from the mean high waterline at the point or place to the closest point or place along the mean high waterline of the opposite bank, shore or bulkhead.
- E. At such points or places along the waterways within the Village where slips or basins have been cut or excavated into the adjacent upland, the computations of distances between mean low waterlines and mean high waterlines shall be made from the extensions of the mean low waterlines and mean high waterlines in front of the uplands immediately adjoining and adjacent to the slip or basin.

§ 65-8. Additional regulations in Bannister Creek Yacht Basin.

Any boat or vessel using the Bannister Creek Yacht Basin maintained by the Village of Lawrence shall, in addition to the rules and regulations provided by this chapter, comply with the rules, regulations and ordinances of the Village of Lawrence now or hereafter in force specifically applicable to such Yacht Basin.

§ 65-9. Safe operation.

11. Editor's Note: For related provisions, see Ch. 162, Sewers and Cesspools.

12. Editor's Note: For related provisions, see Ch. 106. Garbage, Rubbish and Refuse.

- A. Every person operating a boat shall at all times operate the same in a careful and prudent manner and at such a rate of speed as not to disturb the reasonable comfort or endanger the property of another or the life or limb of any person or so as not to interfere with the free and proper use of the waters of said channel.
- B. Throwing up a wake which is dangerous to the life and limb of a person, boats or other property is also prohibited by this chapter.

§ 65-10. Speed limit. [Amended 4-13-1988 by L.L. No. 5-1988]

No boat shall be operated at a greater speed than four miles per hour in the territory described in § 65-2. The term "speed" shall mean the speed of a boat as measured in slack water in statute miles.

§ 65-11. Waterskiing and aquaplaning.

Waterskiing, aquaplaning or similar sports are hereby prohibited in any four-mile-per-hour speed zone and in any anchorage, mooring area, boat basin or bathing area.

§ 65-12. Mufflers required.

No person shall operate a boat propelled wholly or partly by an engine operated by gas, gasoline, naphtha, diesel oil or other substance without having the exhaust from the engine run through a muffler or so controlled by the introduction of water into the exhaust pipe or line as to muffle the noise of exhaust in a reasonable manner.

§ 65-13. Powerboat racing.

The racing of power-driven boats of any type is prohibited unless written permission shall have been received from the Board of Trustees and from the Town Board where such Board has jurisdiction. The application therefor shall state the time and place of the proposed race or races, the types of boats participating therein and the type and kind of race to be conducted.

§ 65-14. Enforcement. [Amended 4-13-1988 by L.L. No. 5-1988]

The Police Department of the County of Nassau is hereby empowered to enforce the provisions of this chapter, and every person in charge of the vessel navigating or using the waters and waterways within the territory specified in § 65-2 shall at all times obey the lawful orders of the members of the Police Department. The members of such Department shall have the right to stop any vessel navigating or using said waters and waterways for the purpose of enforcing this chapter.

§ 65-15. Penalties for offenses. [Amended 4-13-1988 by L.L. No. 5-1988; 9-11-2002 by L.L. No. 5-2002]

Any person committing an offense against any provision of this chapter shall, upon conviction thereof, be guilty of a violation pursuant to the Penal Law of the State of New York, punishable by a fine up to a maximum of \$1,000 or by imprisonment for a term not exceeding 15 days, or by both such fine and imprisonment. The continuation of an offense against the provisions of this chapter shall constitute, for each day the offense is continued, a separate and distinct offense hereunder.

BUILDING CONSTRUCTION AND FIRE PREVENTION

Chapter 70

BUILDING CONSTRUCTION AND FIRE PREVENTION

[HISTORY: Adopted by the Board of Trustees of the Village of Lawrence 5-25-1942 as part of Ord. No. 106.¹³ Amendments noted where applicable.]

GENERAL REFERENCES

Board of Building Design — See Ch. 12.

Inspector — See Ch. 30.

Alarm systems — See Ch. 56.

Filled-in land — See Ch. 86.

Flood damage prevention — See Ch. 94.

Licenses and permits — See Ch. 125.

Sewers and cesspools — See Ch. 162.

Subdivision of land — See Ch. 182.

Zoning — See Ch. 212.

13. Editor's Note: The provisions of this chapter are derived from Chapter 3 of Part II of the Code of Ordinances of 1942.

ARTICLE I
Building Inspector

§ 70-1. Creation.

The office of Building Inspector is hereby created.

§ 70-2. Appointment; who may serve.

The Building Inspector shall be appointed by the Board of Trustees at its annual meeting and shall continue to hold such office at the pleasure of the Board of Trustees. Any Village official, other than an elected official, may hold the position of Building Inspector in addition to such other official position.

§ 70-3. Substitutes.

In case of the temporary absence or disability of the Building Inspector or his disqualification to act in a particular matter, the Mayor may designate a substitute to act in matters that require prompt, official attention.

§ 70-4. Qualifications.

The Building Inspector shall be a person generally informed on the quality and strength of building materials, on the prevailing methods of building construction, on good practice in fire prevention, on the accepted requirements for safe exit facilities and on the proper installation of plumbing, electric wiring, elevators and other installations for the safety, comfort and convenience of occupants. He shall be in good health and physically capable of making the necessary examinations and inspections of buildings in the course of construction.

§ 70-5. General duties.

- A. The Building Inspector shall receive applications required by this Building Code, issue permits and furnish all prescribed certificates.
- B. He shall examine premises for which permits have been issued and shall make necessary inspections to see that the provisions of law and Village ordinances are complied with and that the construction is prosecuted safely and in accordance with permits previously granted.
- C. He shall enforce all laws, ordinances and regulations relating to the construction, alteration, repair, removal, demolition, equipment, location, maintenance, occupancy or use of buildings and structures, except as may be otherwise provided for.
- D. He shall, when requested by the Mayor or the Board of Trustees or when the interests of the Village shall require, make investigations in connection with matters referred to in this chapter and render written reports on the same.
- E. He shall issue such notices or orders as may be necessary to enforce 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 and structures.

§ 70-6. Inspections.

Inspections required under the provisions of this chapter shall be made by the Building Inspector or

by a duly appointed and qualified assistant, provided that the Building Inspector may accept reports of inspectors of recognized inspection services after investigation of their qualifications and reliability. But no certificate called for by any provision of this chapter shall be based on such reports unless the same are in writing and certified by a responsible officer of such service.

§ 70-7. Notice of starting or enclosing work.

At least 24 hours' notice shall be given to the Building Inspector before work is started under a permit, and a like notice shall be given before any work requiring inspection has been enclosed or covered.

§ 70-8. Survey and staking of premises. [Amended 6-8-1994 by L.L. No. 2-1994]

The Building Inspector may require a guaranteed survey, showing the premises, the location of the building and its various parts and the elevations of grades, curbs, streets and first floors, and may also require that the surveyor stake out the corners and lines of the building and of the lot, all expense to be borne by the owner.

§ 70-9. Records to be kept.¹⁴

The Building Inspector shall keep on file in the Village office careful and comprehensive records of applications, of permits issued, of certificates issued, of inspections made, of reports rendered and of notices or orders issued. He shall retain on file copies of all papers in connection with building work so long as any part of the building or structure to which they relate may be in existence. All such records shall be open to public inspection at reasonable hours but shall not be removed from the Village office.

§ 70-10. Authority to enter premises.

The Buildings Inspector, in the discharge of his duties, shall have authority to enter any building, structure or premises at any reasonable hour. He shall also have authority to take samples and to make tests, and, in case any work may have been performed or covered without his inspection, he shall have the right to require the owner, architect, engineer or contractor to remove and demolish such work as may be necessary in order to permit the Building Inspector to make a proper examination and test.

14. Editor's Note: For related provisions, see Ch. 149, Records, Public Access to.

ARTICLE II
General Provisions

§ 70-11. Building permits required. [Amended 6-8-1994 by L.L. No. 2-1994; 3-8-2000 by L.L. No. 1-2000]

- A. Except as provided in § 70-14, it shall be unlawful to construct, alter, repair, remove or demolish or to commence the construction, alteration, repair, removal or demolition of a building or structure without first filing with the Building Inspector an application in writing and obtaining a permit therefor.
- B. In addition, it shall be unlawful to alter, change, add to or remove from any site soil or other material which will result in any deviation from the original grade of the property.
- C. It shall be unlawful to construct or alter the surface coverage of any property without first filing with the Building Inspector an application in writing and obtaining a permit therefor.¹⁵ **[Added 12-12-2001 by L.L. No. 5-2001]**

§ 70-12. Application for building permit.¹⁶

- A. An application for a permit shall be submitted in such form as the Building Inspector may require.
- B. Such application shall be made by the owner or lessee, or agent of either, or the architect, engineer or builder employed in connection with the proposed work. If such application is made by a person other than the owner in fee, it shall be accompanied by a duly verified affidavit of the owner in fee or the person making the application that the proposed work is authorized by the owner in fee and that the person making the application is authorized to make such application. Where the work costs more than \$5,000 or the building has more than 15,000 cubic feet of volume or where the work, in the opinion of the Building Inspector, may involve the structural safety of the building, the plans shall be prepared by a registered architect or a registered engineer, or under his supervision, and shall bear his certificate and official seal.
- C. Such application shall contain the full names and addresses of the applicant and of the owner and, if the owner is a corporate body, of its responsible officers.
- D. Such application shall describe briefly the proposed work and shall give such additional information as may be required by the Building Inspector for the intelligent understanding of the proposed work. It shall contain a certificate that the proposed work complies with all of the provisions of this chapter, Chapter 212, Zoning, and all other applicable statutes, ordinances, local laws, rules and regulations, any exceptions being specifically noted. **[Amended 4-13-1988 by L.L. No. 5-1988]**
- E. Such application shall also comply with all of the requirements of Chapter 212, Zoning.
- F. Applications for permits shall be accompanied by such drawings of the proposed work drawn to scale, including floor plans, sections, elevations and structural details, as the Building Inspector may require.
- G. There shall also be filed a plot plan or diagram in a form and size suitable for filing permanently with the permit records, drawn to scale, with all dimensions figured showing accurately the size and exact

15. Editor's Note: For related provisions, see Ch. 212, Zoning.

16. Editor's Note: For related provisions, see Ch. 125, Licenses and Permits.

location of all proposed new constructions or, in the case of demolition, of such construction as is to be demolished and of all existing buildings and structures that are to remain.

§ 70-13. Amendment of applications.

Nothing in §§ 70-11 through 70-15 shall prohibit the filing of amendments to an application or to a plan or other record accompanying the same at any time before the completion of the work for which the permit was sought. Such amendments, after approval, shall be filed with and be deemed a part of the original application.

§ 70-14. Repairs to existing structures.

Ordinary repairs to buildings or structures, which do not involve structural changes and which do not affect matters of health or safety, may be made without filing an application or obtaining a permit; but such repairs shall not include the cutting away of any wall or portion thereof, the removal or cutting of any beams or supports or the removal, change or closing of any stairway or required means of exit and shall not include any alterations affecting the application of Chapter 212, Zoning.

§ 70-15. Completion of previously commenced work.

Nothing in this chapter shall require changes in the plans, construction or designated use of a building or structure for which a lawful permit has been heretofore issued or which has been otherwise lawfully authorized and the construction of which shall have been actually begun within 90 days after this chapter becomes effective and which entire building shall be completed, as authorized, within two years thereafter.

§ 70-16. Action on application for permits.

- A. It shall be the duty of the Building Inspector to examine the applications for permits within a reasonable time after filing and payment of the fees hereinafter provided. If, after examination, he finds no objection to the same and it appears that the proposed work will be in compliance with the laws, ordinances and regulations applicable thereto and the proposed construction or work will be safe, he shall approve such application and issue a permit for the proposed work as soon as practicable. If his examination reveals otherwise, he will reject such application, noting his findings in a report to be attached to the application and sending a copy to the applicant.
- B. Nothing in §§ 70-16 through 70-23 shall be construed to prevent the Building Inspector from issuing a permit for the construction of part of a building or structure before the entire plans and detailed statements of said building or structure have been submitted or approved, if adequate plans and detailed statements have been presented for said part and have been found to comply with Articles I and II.

§ 70-17. Permit to move building.

No permit to move a building or structure shall be granted until notice of application therefor shall have been given to the owners of land adjoining the lot or parcel to which said building or structure is to be moved and to the owners of poles, wires or other impediments, the temporary removal of which will be necessary, and until an opportunity has been given said owners to be heard upon such application, nor until a bond in a sum fixed by the Building Inspector has been filed with the Village to cover all damage to public property and to indemnify and save harmless the Village for damages and claims for damages arising out of the work. The Building Inspector may designate the route to be covered, the hours of moving and the portions of the streets to remain unobstructed and may impose such other conditions as he may

deem advisable. He is hereby authorized to deny the permit if he determines that the moving of the building or structure would cause excessive injury or inconvenience to the public or to the Village.

§ 70-18. Conditions on permits.

All work performed under a permit issued by the Building Inspector shall conform to the approved application and plans and approved amendments thereof. The location of all new construction, as shown on the approved plat diagram or an approved amendment thereof, shall be strictly adhered to. The work shall comply with all the requirements of this chapter and of Chapter 212, Zoning.

§ 70-19. Signature on permit.

Every permit issued under the provisions of this chapter shall be signed by the Building Inspector.

§ 70-20. Permit expiration and extension. [Amended 1-9-2020 by L.L. No. 1-2020]

A. Building permits for major construction projects.

- (1) Building permits for major construction projects shall expire six months after their date of issuance unless the Superintendent of Buildings, or the Superintendent's designee, determines that:
 - (a) In the case of a new building, structure or addition, the permit holder has made substantial progress on the construction of the foundation and framing for the project; or
 - (b) In the case of reconstruction or interior renovation not involving a new foundation, the permit holder has made substantial progress on the framing for the project.
- (2) If the Superintendent finds that there has been substantial progress in the work, the building permit shall continue to be valid for 24 months from the date of issuance. For purposes of this subsection, "major construction" shall mean:
 - (a) Construction of a new building or structure; or
 - (b) Alteration to an existing building or structure which changes the certificate of occupancy by:
 - [1] Adding or expanding the building or structure; and/or
 - [2] Converting the building or structure from commercial to residential use, or vice versa; and/or
 - [3] Changing the specific use(s) of the building or structure; and/or
 - [4] Adding a dormer to a residence; and/or
 - [5] Increasing the maximum occupancy of a building, structure, or space therein.
- (3) Ambiguity as to whether a project qualifies as a major construction project shall be resolved by the Superintendent of Buildings.

B. Building permits for minor construction projects shall expire six months after their date of issuance unless the Superintendent of Buildings, or the Superintendent's designee, determines that the permit holder has made substantial progress toward completion of the work. If the Superintendent finds there

has been substantial progress in the work, the building permit shall continue to be valid for one year from the date of issuance. For purposes of this subsection, "minor construction" shall mean the alteration of an existing building or structure that does not change the certificate of occupancy, use or maximum occupancy therefor, but which requires multiple forms or separate areas of work. Ambiguity as to whether a project qualifies as a minor construction project shall be resolved by the Superintendent of Buildings.

- C. A permit issued for plumbing, drainage, air-conditioning, ventilation, refrigeration or electrical work shall expire six months from the date of issuance unless issued in conjunction with a building permit for major construction or minor construction, in which case the permit shall be subject to the same expiration date(s) as the major or minor construction permit.
- D. Notwithstanding the above, a permit issued pursuant to this chapter may be additionally extended for up to six months at a time upon written application to the Building Department made within 30 days before the then-current permit expiration date. It shall be the obligation of the permit holder alone to monitor the expiration date of their permit and to contact the Building Department in advance of that date to apply for an extension.
 - (1) The Superintendent of Buildings shall review each application for extension and shall grant same if the Superintendent finds that:
 - (a) The request for extension was timely made;
 - (b) The permit holder has demonstrated good cause for the need for the extension; and
 - (c) The permitted work has been substantially completed.
 - (2) No permit extension shall be granted unless and until the permit holder pays a permit extension fee to the Building Department. A permit which has expired without extension or for which all permitted extensions have been exhausted shall require submission of a new permit application and payment of all applicable application fees.
- E. All permits issued pursuant to this chapter shall require a close out inspection, which shall also be a prerequisite to issuance of a certificate of occupancy, certificate of completion or any other certification or approval for the permitted work. A permit holder's failure to properly close out or extend a permit prior to its expiration shall result in forfeiture of the permit deposit and shall constitute a violation of this chapter which, upon conviction, shall be punishable by a fine of \$1,500 for a first offense, \$3,000 for a second offense occurring within 18 months of a first offense, and \$5,000 for a third or subsequent offense occurring within 18 months of a first offense.
- F. Continuation of work after a permit has expired shall constitute a violation of this chapter for performance of work without a permit.

§ 70-21. Posting of permit.

A copy of the permit shall be kept on the premises, open to public inspection during the prosecution of the work and until the completion of the same. The Building Inspector may require a certified copy of the approved plans to be kept on the premises at all times from the commencement of the work to the completion thereof.

§ 70-22. Permits nontransferable.

No permit issued under this chapter shall be assignable or transferable.

§ 70-23. Suspension of permit or approval.

- A. The Building Inspector may suspend a permit or approval issued under the provisions of this chapter in case he shall be satisfied that there has been any false statement or misrepresentation as to a material fact in the application or plans on which the permit or approval was based or that any of the work has been or is about to be performed or materials furnished which do not comply with this chapter or with the terms of the permit or that, in any respect, the provisions of this chapter or of Chapter 212, Zoning, have been violated or have not been complied with.
- B. The Building Inspector shall report the matter to the Board of Trustees at its next regular meeting, and the holder of the permit so suspended shall have the opportunity to appear before the Board of Trustees at said meeting or at some other time fixed by the Board. The Board of Trustees may thereupon continue the suspension of such permit or approval until the holder has complied with all matters giving rise to such suspension, or, in its discretion, the Board of Trustees may revoke the permit.

§ 70-24. Fees.

The fees for a building permit for the construction, alteration or repair of a building or other structure, including plumbing and incidental structures, and the fees for other permits required by this chapter shall be as specified in Chapter A219, Fees, of this Code of the Village of Lawrence.

§ 70-25. Fee for permit which requires second permit.

In case any permit under this chapter shall include within its terms a permit as required by Chapter 212, Zoning, the amount of the fee shall be either as provided in this chapter or as provided in Chapter 212, Zoning, whichever is greater, but two fees shall not be required.

§ 70-26. Certificate of occupancy required for new building.

No building or structure hereafter constructed shall be occupied or used, in whole or in part, until a certificate of occupancy shall have been issued by the Building Inspector, certifying that such building or structure conforms to the provisions of this chapter.

§ 70-27. Certificate of occupancy required for altered building.

No building or structure hereafter enlarged or extended or so altered, wholly or in part, as to change its classification, and no building hereafter altered for which a certificate of occupancy has not been heretofore issued, shall be occupied or used, in whole or in part, until a certificate of occupancy shall have been issued by the Building Inspector, certifying that the work for which the permit was issued has been completed in accordance with the provisions of this chapter, provided that, if the occupancy or use of such building was not discontinued during the work of alteration, the occupancy or use of the building shall not continue for more than 30 days after completion of the alterations unless such certificate shall have been issued.

§ 70-28. Applicability of certificate of occupancy.

In addition to the certification as to compliance with the provisions of this chapter, such certificate may, if warranted by the facts, also contain the matters required for a certificate of occupancy under Chapter 212, Zoning, and, in such case, the certificate of occupancy shall constitute the certificate of occupancy required both by this chapter and by Chapter 212, Zoning.

§ 70-29. Issuance of certificate of occupancy.

A certificate of occupancy shall be issued within five days after written application therefor if the building, at the time of such application, shall be entitled thereto. Copies of a certificate of occupancy shall be furnished, on request, to persons having a proprietary interest in the building.

§ 70-30. Change of occupancy inconsistent with certificate.

No change of occupancy or use shall be made in a building hereafter constructed or altered that is not consistent with the last issued certificate of occupancy for such building, unless a permit is secured.

§ 70-31. Application for certificate of occupancy.

Application for a certificate of occupancy shall be made to the Building Inspector. In the case of a multiple dwelling, a business structure or an industrial structure, and in any other case where the plans accompanying the application for a building permit are required to be made or authenticated by a licensed architect or a licensed professional engineer, the application for a certificate of occupancy shall be accompanied by the affidavit of a licensed architect or licensed professional engineer who supervised the construction work or by the affidavit of a superintendent of construction who supervised the construction work and who has had at least 10 years' experience in supervising building construction work, which affidavit shall be to the effect that the deponent has examined the approved plans of the structure for which the certificate of occupancy is sought and that, to the best of his knowledge and belief, the structure has been erected or altered in accordance with the approved plans and, as erected or altered, complies with the statutes, ordinances, rules and regulations governing building construction or use, except insofar as variances therefrom have been legally authorized, such variances to be specified in the affidavit.

§ 70-32. Certificates of occupancy for existing structures.

In the case of a building or structure completed prior to the adoption of this chapter, the Building Inspector shall, if so requested by the holder of a permit and if the facts warrant, issue a certificate to the effect that the building or structure has been completed in conformity with the provisions of this chapter and indicating the use or uses to which such structure may thereafter be put and to what extent.

§ 70-33. Installations requiring certificates.

When a certificate is specifically required by a provision of this chapter for an installation, alteration, repair or removal of an elevator or elevator equipment, plumbing, gas piping, electric wiring, heating system or other installation, it shall be unlawful to use or permit the use thereof until the appropriate certificate has been issued.

§ 70-34. Abandoned property. [Amended 1-8-2009 by L.L. No. 1-2009]

A. Unlawful acts. It shall be deemed a public nuisance and unlawful for any person to violate the terms of this section by maintaining a building, structure or surrounding property in a condition adverse to the public health, safety and welfare as specified in Subsection B of this section.

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

ABANDON or ABANDONMENT — Existing where the owner of a building or premises has by action or inaction failed to correct a serious health and/or safety violation at a building or on the surrounding property. A serious health and/or safety violation may be found, by way of example only and without limitation, where the health, safety and welfare of the community is or may be at risk due

to conditions such as:

- (1) Where a building is vacant. However, vacancy is not necessarily to be considered a prerequisite to a finding of abandonment.
- (2) Where there exists a lack of maintenance of a building or grounds which actually or potentially poses a risk to the public health, safety or welfare.
- (3) Where a building is not structurally sound or where the building or its interior is otherwise unfit for healthy or safe habitation or access.
- (4) Where vandalism at the property has gone unrepaired.
- (5) Where a lack of maintenance or use of the property promotes a degradation of the surrounding community affecting the public health, safety and welfare.
- (6) Where a building may now be or shall become dangerous or unsafe or a fire hazard or health hazard.

BUILDING — Any structure as defined within Chapter 212, Zoning, of the Code of the Village of Lawrence which is used or intended to be used for residential or any other use.

PUBLIC NUISANCE — A building or property which constitutes a menace to the public health, welfare, or safety, or which is structurally unsafe, unsanitary, or not provided with adequate and safe ingress or egress, or which constitutes a fire hazard, or which may otherwise be dangerous to human safety, or which in relation to existing uses constitutes a hazard to the public health, welfare or safety by reason of inadequate maintenance, dilapidation, obsolescence or abandonment.

C. Determination of public nuisance.

- (1) Investigation. The Building Inspector or his or her designee within the Building Department shall be responsible for the investigation of all properties or complaints concerning conditions creating a public nuisance as defined within this section.
- (2) Determination. Upon complaint or other notification, the Building Inspector shall order a field examination of the site to determine whether a public nuisance exists as defined in Subsection B of this section.
- (3) A building declared structurally unsafe may be restored to safe condition, provided that if the cost of reconstruction or restoration is in excess of 50% of the value of the building, as shown upon the records of the Tax Assessor, such building shall be made to conform to the requirements for buildings hereafter erected, but no change of use or occupancy shall be compelled by reason of any such reconstruction or restoration.
- (4) In case there shall be, in the opinion of the Building Inspector, actual or immediate danger of the falling of a building so as to endanger life or property, he or she shall cause the necessary work to be done to render said building, or part thereof, temporarily safe or to demolish said building, or part thereof, whether the procedure prescribed in this section has been instituted or not.
- (5) When a building is in an unsafe condition so that life is endangered thereby, the Building Inspector may order and require the occupants to vacate same forthwith. He or she may, if he or she deems it necessary for the public safety, temporarily close sidewalks, streets, buildings, and places adjacent to such buildings and prohibit same from being used.

- (6) Order to comply. Should the Building Inspector, after inspection and investigation, find that a public nuisance exists at any building or property, he or she shall cause to be issued a written notification, served personally or by regular and certified mail addressed to the property owners as their names and addresses are shown upon the records of the Tax Assessor. The notification shall declare the property to be a public nuisance, and cite the conditions found constituting the nuisance. Notification shall order the property owner to comply. The notice shall allow the property owner a specific and reasonable period of time as determined by the Building Inspector, not to exceed 30 days (unless extended in writing within the sound discretion of the Building Inspector) for the correction of all listed nuisances.
 - (7) Compliance or appeal by the property owner. The property owner shall, after notice as stated above, complete all actions required to abate any nuisance as determined by the Building Inspector within the time period prescribed. Should the property owner contest the decision of the Building Inspector, an appeal in writing may be filed with the Village Clerk at any time prior to the expiration of 30 days from the date of mailing of the notice as specified above. Further action otherwise required pursuant to the terms of this section may be stayed upon timely request, pending the resolution of appeal pending before the Village Clerk.
- D. Procedure upon failure to achieve certified notice. Should the Building Inspector not affect personal service or not receive confirmation of the receipt of a written certified notification within 10 days of the mailing, he or she shall cause a notification to be posted in a conspicuous place on the property to which it relates for three successive days. After the third day of advertisement, proper notice shall be deemed to have been provided.
- E. Contents of notice by publication. The notice by publication prescribed herein shall include the address, section, block and lot number of the property cited as a public nuisance and the name of the property owner as listed on the Tax Assessor's records. Also included shall be a listing of the conditions found to create a public nuisance and the corrective action to be taken to eliminate the public nuisance. Should no notification be received by the Building Inspector from the property owner after the third day of posting and should no appeal to the declaration of a public nuisance be filed with the Village Clerk within the time prescribed, the Building Inspector may then cause to be corrected all of those conditions which create a public nuisance under the terms of this section or the matter may be referred to the Village Attorney for pursuit of any other or further remedy deemed appropriate.
- F. Correction by Village; lien for expenses. Upon failure to the owner of the premises found in violation of this section to remedy the conditions existing in violation of the requirements hereof within 30 days after mailing or personal service of notice to do so, then the Building Inspector shall proceed to have such conditions remedied, and the cost thereof shall be and become a lien against such property to the same extent and character as a lien for real estate taxes and with the same penalties and interest and with the same rights of collection, foreclosure, sale and forfeiture as obtained for tax liens.
- G. Filing of lien. Upon final determination of a violation of the provisions of this section, the Building Inspector shall deliver a certified copy thereof and of the notice to the Village Clerk and the Village Clerk shall place the same on record as a lien against the property described therein. It shall also be the duty of the Building Inspector to file such other and further certificates as to work done and amounts due and/or paid as the circumstances may require.
- H. Assessment of costs. Upon completion of the required work by the Village as provided in Subsection F, notice thereof and of the cost assessed therefor shall be given to the owner in the same manner as prescribed for notices of violation and the same assessed shall be due and payable 30 days after such

notice of completion and cost, unless such assessment shall be appealed to the Village Clerk prior to the expiration of such thirty-day period.

- I. Appeal of assessment of costs. Any such person shall have the right to appeal the assessment of costs within 30 days of service of notice thereof. Such appeals shall be taken to the Village Clerk.

§ 70-35. Costs of Village action on unsafe structure.

The Village Attorney shall institute appropriate actions against the owner of the premises where the unsafe building or structure was located for the recovery of the expenses incurred by the Building Inspector or by the Village in the performance of such emergency work.

§ 70-36. Penalties for offenses; methods of enforcement.

- A. Whenever the Building Inspector is satisfied that a building or structure, or any work in connection therewith, the construction, alteration, repair, demolition or use of which is regulated, permitted or forbidden by this chapter, is being constructed, altered, repaired, demolished or used in violation of the provisions or requirements of this chapter or in violation of a detailed statement or plan submitted and approved hereunder or of a permit certificate issued hereunder, he may serve a written notice or order upon the person responsible therefor, directing discontinuance of such illegal action and the remedying of the condition that is in violation of the provisions or requirements of this chapter.
- B. In case such notice or order is not promptly complied with, the Building Inspector shall request the Village Attorney to institute an appropriate action or proceeding, at law or in equity, to restrain, correct or remove such violation of the execution of work thereon or to restrain or correct the construction, alteration, repair or use of or to require the removal of or to prevent the occupation or use of the building or structure constructed, altered, repaired or used in violation of or not in compliance with the provisions of this chapter or with respect to which the requirements thereof, or of any order or direction made pursuant to provisions contained therein, shall not have been complied with.
- C. Whenever, in the opinion of the Building Inspector, by reason of defective or illegal work in violation of a provision or requirement of this chapter, the continuance of a building operation is contrary to public welfare, he may order, either orally or in writing, all further work to be stopped and may require suspension of work until the condition in violation has been remedied.
- D. Any person committing an offense against any provision of this chapter shall, upon conviction thereof, be guilty of a violation pursuant to the Penal Law of the State of New York, punishable by a fine up to a maximum of \$1,000 or by imprisonment for a term not exceeding 15 days, or by both such fine and imprisonment. The continuation of an offense against the provisions of this chapter shall constitute, for each day the offense is continued, a separate and distinct offense hereunder. **[Added 4-13-1988 by L.L. No. 5-1988; amended 9-11-2002 by L.L. No. 5-2002]**

§ 70-37. Conflict as to structure locations.

In case of any conflict in relation to the location of structures and uses, the provisions of Chapter 212, Zoning, shall apply.

§ 70-38. Methods Inspector may apply.

The Building Inspector may adopt and apply the standards and methods approved by the American Society for Testing and Materials.

§ 70-39. Fencing during building operation.

During a building operation, including excavation and preliminary work, construction, alteration, repair or demolition, the owner or person doing or causing the work to be done shall, unless released by the Building Inspector, erect and maintain along the street lines of the building, structure or lot, during such building operation and as long as any hazard shall exist, a substantial fence not less than eight feet high. Such fence shall be built solid for its full length except for such openings, provided with sliding doors or doors swinging inwards, as may be necessary for the proper prosecution of the work.

§ 70-40. Removal of debris; filling excavations.

- A. In the demolition of buildings, all rubbish, wreckage and debris shall be forthwith removed and disposed of.
- B. All cellars, wells, holes or other excavations which may remain on the premises after the completion of the work shall be forthwith filled to grade with clean earth or gravel and shall be evenly leveled off.

§ 70-41. Effect on existing building permits.

This chapter shall not relieve the holder of any building permit heretofore issued from any requirements under such permit, and the work under such building permit shall be performed in the same manner and to the same extent as if this amendment to this chapter had not been adopted.

§ 70-42. Heating, ventilation and air-conditioning equipment. [Added 6-11-1968 by Ord. No. 210; amended 10-12-1971 by Ord. No. 222; 9-13-1995 by L.L. No. 11-1995; 4-9-2003 by L.L. No. 2-2003]

The following provisions shall apply to all heating, ventilation and air-conditioning equipment other than individual window units: In all districts, as now or hereafter established by Chapter 212, Zoning, the location of all heating, ventilation and air-conditioning equipment shall be approved by the Building Inspector; provided, however, that said provisions shall not prevent the maintenance and use of heating, ventilation and air-conditioning equipment legally installed before the effective date of this section.

§ 70-43. Mirrors in elevators. [Added 4-12-1977 by L.L. No. 4-1977]

All elevators now located or hereafter installed in any building within the Village shall have, as standard equipment therein, mirrors in the rear of the elevator in order to make the interior of the elevator visible prior to entry into such elevator.

ARTICLE III
Plumbing
[Amended 4-13-1959 by Ord. No. 172]

§ 70-44. Title.

This article shall be known and may be cited as the "Plumbing Code of the Village of Lawrence."

§ 70-45. Definitions.

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

HOUSE DRAIN — That part of the main horizontal drain and its branches inside of the walls of a building, vault or area and extending to and connecting with the house sewer.

HOUSE SEWER — That part of the main drain or sewer extending from a point four feet outside of the outer front wall of the building, vault or area to its connection with a public sewer, private sewer or cesspool and septic tanks.¹⁷

MASTER PLUMBER — A person engaged by contract or otherwise, in any other capacity than as an employee to a duly licensed master plumber, in the work of installing, setting up or putting together any plumbing fixtures, pipes or appurtenances of any kind, which are connected or are to be connected with the gas, water or sewerage system of a building or in the work of connecting such plumbing fixtures, pipes or appurtenances with the gas, water or sewerage system.

PLUMBING — The profession, art or trade of, and all work done and all materials used in and for:

- A. Introducing, maintaining and extending a supply of water through a pipe or pipes, or any appurtenances thereof, in a building, premises or establishment.
- B. Installing, connecting or repairing any system of drainage whereby foul waste, cooling water, rain or surplus water, gas, odor, vapor or fluid is discharged or proposed to be discharged through a pipe or pipes from any building, lot, premises or establishment into any main, public or private sewer, drain, pit, box, filter bed, leaching well, septic tank or other receptacle or into any natural or artificial body of water or watercourse, upon private or public property.
- C. Ventilating any building, sewer or fixture or appurtenance connected therewith.
- D. Connecting any building, lot, premises or establishment with any service pipe, building sewer, water pipe, main, public or private sewer or underground structure.
- E. Performing all classes of work generally done by plumbers.

PLUMBING SYSTEM — Includes the hot- and cold-water supply of a building, distributing pipes, hot-water storage tanks and connections thereof, the fixtures and fixture traps; the soil, waste and vent pipes; the house drain and house sewer; the stormwater drainage with its devices, appurtenances and connections, all within or adjacent to the building.

PRIVATE SEWER — Main sewers that are not constructed by or under the supervision of the Village.

SOIL LINE — Any vertical line of pipe having outlets above the floor of a first story for water closet connections.

17. Editor's Note: For related provisions, see Ch. 162, Sewers and Cesspools.

VENT PIPE — Any special pipe provided to ventilate a system of piping and to prevent trap siphonage and back pressure.

WASTE LINE — Any vertical line of pipe having outlets above the first floor for fixtures other than water closets.

§ 70-46. Construal.¹⁸

Except where the context clearly requires a literal interpretation of the provisions of this article, which is hereby declared to be remedial, it shall be construed liberally to secure the beneficial interests and purposes thereof: public safety, health and welfare and safety to life and property.

§ 70-47. Conformance required.

No new plumbing or drainage work or extension of or alteration to existing plumbing or drainage installations shall be undertaken or performed hereafter, except in conformance with the provisions of this article.

§ 70-48. Building Inspector to enforce.

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

§ 70-49. Inspector of Plumbing.

An Inspector of Plumbing may be appointed by the Board of Trustees to serve at its pleasure, and, if an Inspector of Plumbing is appointed, he shall serve under the immediate direction of the Building Inspector. If no Inspector of Plumbing is appointed, the duties and powers of the Inspector of Plumbing shall be performed by the Building Inspector, and references in this article to the Plumbing Inspector shall apply to the Building Inspector as if specifically named.

§ 70-50. Inspector to examine applications and work being done.

The Plumbing Inspector shall examine applications for permits, and, if the same are found to comply with the provisions of this article, a permit for the work specified shall be issued. He shall also examine all plumbing work as the same is being installed or performed to see that it complies with the provisions of this article and the conditions of the permit.

§ 70-51. Report of violations.

Whenever the Plumbing Inspector finds, upon examination, that a violation of a provision of this article or any unsafe or unhealthful condition exists, he shall endeavor to compel an immediate correction of the conditions. Failing in this, he shall make a report of the condition deemed to be unsafe or unhealthful or in violation of said code and deliver a copy of such report to the owner, agent or other person in charge of or in control of the premises and report such violation to the Building Inspector, who shall enforce the provisions of this article by appropriate remedies as provided by law.

§ 70-52. Authority to enter.

In the discharge of his duties, the Plumbing Inspector shall have authority, at any hour of the day or night,

18. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

to enter any premises, building or structure.

§ 70-53. Records to be kept.¹⁹

The Plumbing Inspector shall keep a record of applications filed, permits issued, certificates issued and reports, notices and orders issued.

§ 70-54. Report of fees.²⁰

The Building Inspector shall make a monthly report of fees collected to the Village Administrator, who shall include it in the monthly report to the Board of Trustees.

§ 70-55. Master plumber's license required.

No person shall engage in the business of plumbing in the Village of Lawrence or apply for a plumbing permit or supervise any plumbing work in the Village unless he holds, unrevoked and unsuspended, a license as a master plumber from the proper authorities of the Town of Hempstead or is licensed by the Examining Board of Plumbers of the Village.

§ 70-56. Examining Board of Plumbers.

The Examining Board of Plumbers of the Village shall consist of three members appointed by the Board of Trustees. The present Examining Board of Plumbers shall continue without change in membership or terms held for the respective members.

- A. The terms of office of the members shall be three years and shall be so integrated that the term of one member shall expire on the first Monday in July of each year.
- B. They shall serve without pay, unless the Board of Trustees should provide compensation.
- C. It shall be the duty of the Board to ascertain the fitness and competency of persons desiring to do plumbing work in the Village who do not hold a license or certificate sufficient to entitle them to do such work in the Village.
- D. The Board may adopt rules to govern its procedure in discharging its duties.

§ 70-57. Responsibility of master plumber.

The master plumber who applies for a plumbing permit or who supervises the work shall be personally responsible for the quality of the work and the competency of the workmen who perform the work. He shall not sign, authenticate or submit any application or act as agent for, or allow his name to be used by, any person who is not a master plumber or who does not hold a certificate of competency.

§ 70-58. Suspension and revocation of plumber's certification or license.

The Building Inspector may suspend a certificate of competency or temporarily suspend the authority of a master plumber to perform work in the Village in case a violation of this article or Chapter 162, Sewers and Cesspools, should occur in the course of the work. In such case, he shall report the matter to the Board of Trustees at its next meeting, and the Board of Trustees at that meeting or at a subsequent meeting may,

19. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

20. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

after giving the accused notice and an opportunity to be heard, continue the suspension for such period of time as it may determine or may permanently revoke the certificate of competency and the authority of the master plumber to engage in work in the Village.

§ 70-59. Plumbing permits.²¹

It shall not be lawful to install any new plumbing or drainage work in a building or structure or to extend or alter any existing plumbing or drainage work, whether such work is to be connected with the sewer or not, without first filing with the Building Department an application, in writing, and obtaining a permit. Such application and permit shall be in addition to any other application or permit required by Chapter 212, Zoning, or this chapter.

- A. Such applications shall be made by a licensed master plumber on forms furnished by the Building Department.
- B. The Building Department may require such application to be accompanied by plans. when such are necessary for an intelligent understanding of the work applied for.
- C. No changes shall be made in the specifications or plans for plumbing or drainage work after a permit has been issued, unless an amendment showing such changes has been made to the application and has been approved by the Plumbing Inspector and unless an additional fee for any additional work has been paid.
- D. Repairs to existing plumbing and drainage may be made without filing an application and securing a permit, but such repairs shall not be construed to include new vertical or horizontal soil, waste or vent pipes: connecting additional fixtures to existing soil or waste pipes; main house drains; or the replacement of existing fixtures with others.
- E. Domestic hot-water hookups made in conjunction with either new or conversion-type hand-fired or automatic fuel-fired installations shall require an additional permit applied for by a duly licensed plumber.

§ 70-60. Application for permit.

Every application shall be examined as soon as practicable after filing, and, if it conforms to this article, a permit for the work shall be issued.

- A. Every such permit shall be signed by the Building Inspector.
- B. Fees. The fee for a permit for plumbing or drainage work shall be as provided in Chapter A219, Fees, of the Code of the Village of Lawrence. The payment of the fees herein provided shall not relieve the holder of the permit from the payment of other fees prescribed by law or ordinance.

§ 70-61. Certificate of approval of work.

- A. Upon the completion of plumbing or drainage work for which a permit was issued under this article, the Plumbing Inspector shall inspect said work and shall issue a certificate of approval of said work if the work has been done in accordance with this article and other ordinances and local laws applicable thereto.²²

21. Editor's Note: For related provisions, see Ch. 125, Licenses and Permits.

22. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

- B. It shall be unlawful for an owner to use or permit the use of any plumbing or drainage until such certificate of approval has been issued by the Plumbing Inspector.

§ 70-62. Penalties for offenses.²³

The owner of a building, structure or premises, or part thereof, where anything in violation of this article shall be placed or shall exist and any architect, 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 offense and, upon conviction thereof, shall be punished as provided in § 70-36D.

§ 70-63. Proceedings to prevent unlawful actions.

The Village Attorney may institute, in the name of the Village, 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.

§ 70-64. Inspector's neglect of duty not to legalize action.

No omission or neglect of duty on the part of the Building Inspector or the Plumbing Inspector shall legalize the erecting, construction, alteration, removal, use or occupancy of a building or structure that does not conform to the provisions of this article.

§ 70-65. Sewer connections required from new plumbing installations.

A new installation of a plumbing system in a building or structure shall be connected with a public sewer as provided in Chapter 162, Sewers and Cesspools.

§ 70-66. Notice of commencing work; inspection and approval required.

Before beginning work on a house sewer, notice shall be given to the Plumbing Inspector. No work shall be covered until it has been inspected and approved by him.

§ 70-67. Private sewage disposal facilities.

Private sewage disposal facilities shall be constructed and installed within the Village limits in compliance with the rules and regulations of the Nassau County Department of Health and under such other conditions as may be prescribed.

§ 70-68. Location of water-borne sewage disposal facilities.

Waterborne sewage disposal facilities for dwellings shall be installed in the front yard wherever possible, and, for any other location, approval shall first be obtained from the Building Department of the Village of Lawrence.

§ 70-69. Unlawful use of public sewer.²⁴

It shall be unlawful to throw or deposit, or cause to be thrown or deposited, in any fixture, vessel or

23. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

24. Editor's Note: For related provisions, see Ch. 162, Sewers and Cesspools.

receptacle connected with a public sewer or with a plumbing system connected with a public sewer any matter other than feces, urine, the necessary water closet paper and liquid house slops, unless special permission is obtained for the discharge of other wastes.

§ 70-70. Properly vented sink in cellar.

All new buildings, including stores, apartments and public buildings, must have a properly vented and water-supplied sink in the cellar for indirect wastes or a properly vented plugged connection for future accommodation.

§ 70-71. Discontinuance of cesspools.²⁵

Where cesspools or overflow pools are discontinued following connections to a public sewer or for any other reason, the owner of the land on which they are situated shall have the pools emptied, cleaned and backfilled with earth, sand or other acceptable clean material within 30 days from the date of discontinuance or within 30 days from the date of connection with the public sewer, whichever date is earlier.

§ 70-72. Effect on sewer regulations.

To the extent that this article may be inconsistent with Chapter 162, Sewers and Cesspools, the requirements of both this article and Chapter 162 shall be complied with. Nothing in this article shall be deemed to permit what Chapter 162, Sewers and Cesspools, does not permit, and nothing in Chapter 162, Sewers and Cesspools, shall be deemed to permit what this article does not permit.

25. Editor's Note: For related provisions, see Ch. 162, Sewers and Cesspools.

ARTICLE IV
Commercial Fire Sprinkler Systems
[Added 10-14-2021 by L.L. No. 9-2021]

§ 70-73. Fire Department connections.

Property owners shall ensure that:

- A. The caps of Siamese connections used for automatic sprinkler systems shall be painted green.
- B. The caps of each Siamese connection used for standpipe systems shall be painted red.
- C. The caps of each Siamese connection used for combination standpipe and sprinkler systems shall be painted yellow.
- D. The entire Siamese connection of a nonautomatic sprinkler system shall be painted with aluminum paint.

§ 70-74. Effect on other provisions.

Nothing in this article shall exempt from any other requirements in New York State Building Code or any other New York State or Nassau County regulation or National Fire Protection Association standards.

§ 70-75. Penalty for offenses.

Violation of this article shall be punishable by a fine as provided in § 70-36D.

LAWRENCE CODE

Chapter 71

BUSINESSES, OPERATING HOURS OF

[HISTORY: Adopted by the Board of Trustees of the Village of Lawrence 11-10-1993 by L.L. No. 5-1993. Amendments noted where applicable.]

GENERAL REFERENCES

Licenses and permits — See Ch. 125.

§ 71-1. General provisions.

No business, trade or occupation shall be conducted within any district in the Village prior to 6:00 a.m. or later than 12:00 midnight. However, nothing contained herein shall effect the rights of any existing business, trade or occupation, provided that its usual hours of business are regularly conducted prior to 6:00 a.m. and subsequent to 12:00 midnight.

CANNABIS PROHIBITION

Chapter 73

CANNABIS PROHIBITION

[HISTORY: Adopted by the Board of Trustees of the Village of Lawrence 5-6-2021 by L.L. No. 5-2021; amended in its entirety 10-14-2021 by L.L. No. 8-2021. Subsequent amendments noted where applicable.]

§ 73-1. Legislative intent.

It is the intent of this chapter to opt the Village of Lawrence out of hosting retail cannabis dispensaries and/or on-site cannabis consumption establishments within its boundaries.

§ 73-2. Authority.

This chapter is adopted pursuant to Cannabis Law § 131, which expressly authorizes villages to opt out of allowing retail cannabis dispensaries and/or on-site cannabis consumption establishments to locate and operate within their boundaries.

§ 73-3. Local cannabis retail dispensary and/or on-site consumption opt-out.

The Board of Trustees of the Village of Lawrence hereby opts out of licensing and establishing cannabis retail dispensaries and/or cannabis on-site consumption establishments within its boundaries. Furthermore, the Village of Lawrence hereby requests that the State of New York (and/or the New York State Cannabis Control Board and/or any other governmental agency authorized to issue such license) prohibit the establishment of any retail dispensary and/or on-site consumption by refusing to grant any such license (which would otherwise permit the sale and/or consumption of cannabis) within the Village of Lawrence.

§ 73-4. Severability.

If a court determines that any clause, sentence, paragraph, subdivision, or part of this chapter 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 chapter, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this chapter 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.

§ 73-5. When effective.

This chapter shall take effect immediately upon filing with the Secretary of State, subject to the citizens' right to seek a permissive referendum pursuant to the provisions of General Municipal Law § 24.²⁶

26. Editor's Note: No valid petition for referendum was filed.

LAWRENCE CODE

Chapter 75

DISORDERLY CONDUCT; HARASSMENT

[HISTORY: Adopted by the Board of Trustees of the Village of Lawrence 10-8-2003 by L.L. No. 8-2003. Amendments noted where applicable.]

GENERAL REFERENCES

Peace and good order — See Ch. 144.

§ 75-1. Disorderly conduct.

A person is guilty of disorderly conduct when, with intent to cause public inconvenience, annoyance or alarm, or recklessly creating a risk thereof:

- A. He engages in fighting or in violent, tumultuous or threatening behavior; or
- B. He makes unreasonable noise; or
- C. In a public place, he uses abusive or obscene language, or makes an obscene gesture; or
- D. Without lawful authority, he disturbs any lawful assembly or meeting of persons; or
- E. He obstructs vehicular or pedestrian traffic; or
- F. He creates a hazardous or physically offensive condition by any act, which serves no legitimate purpose.

§ 75-2. Harassment.

A person is guilty of harassment when, with intent to harass, annoy or alarm another person.

- A. He or she strikes, shoves, kicks or otherwise subjects such other person to physical contact, or attempts or threatens to do the same; or
- B. He or she follows a person in or about a public place or places; or
- C. He or she engages in a course of conduct or repeatedly commits acts which alarm or seriously annoy such other person and which serve no legitimate purpose.

§ 75-3. Penalties for offenses.

- A. Disorderly conduct and harassment shall each be deemed a violation.
- B. Penalties shall be as for violation of any Village ordinance.

DOGS AND OTHER ANIMALS

Chapter 76

DOGS AND OTHER ANIMALS

[HISTORY: Adopted by the Board of Trustees of the Village of Lawrence: Art. I, 2-11-1980 by L.L. No. 2-1980; Art. II, 5-13-1946 by Ord. No. 116, amended in its entirety 4-13-1988 by L.L. No. 5-1988 at time of adoption of Code (see Ch. 1, General Provisions, Art. I); Art. III, 8-31-1995 by L.L. No. 5-1994. Section 76-8 amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Other amendments noted where applicable.]

GENERAL REFERENCES

Garbage, rubbish and refuse — See Ch. 106.

Streets and sidewalks — See Ch. 178.

Parks — See Ch. 140.

Zoning — See Ch. 212.

Peace and good order — See Ch. 144.

ARTICLE I

Dogs**[Adopted 2-11-1980 by L.L. No. 2-1980]****§ 76-1. Findings and intent.**

- A. The Board of Trustees of the Village of Lawrence has determined that the running at large and other uncontrollable behavior of dogs have caused physical harm to persons and damage to property and have created nuisances within the Village.
- B. It is the intent of the Board of Trustees, in the enactment of this article, to protect the health, safety and well-being of persons and property of all citizens by imposing restrictions on persons owning or possessing dogs within the Village.

§ 76-2. Definitions.

Unless otherwise expressly provided for the purpose of this article, the following words shall have the meanings herein indicated:

DOG — Male and female members of the species canis familiaris.

HARBOR — To provide food or shelter to any dog.

OWNER — The owner of record, or any person who harbors or has the custody or control of any dog. If the owner of a dog shall be under the age of 16 years, the parent or guardian of such person shall be deemed the "owner."

OWNER OF RECORD — The person in whose name a dog was last licensed pursuant to Article 7 of the Agriculture and Markets Law.

POSSESSOR — A person having custody or control of any dog.

PUBLIC PROPERTY — A place to which the public or a substantial group of persons has access, and includes but is not limited to sidewalks, streets, transportation facilities, schools, places of amusement, parks and playgrounds.

§ 76-3. Restraint required.

- A. It shall be unlawful for a dog to be on public property or on private property without the consent of the owner or person in possession of such private property unless the dog is effectively restrained in the immediate custody and control of its owner or possessor by a chain or leash not exceeding six feet in length. A person owning or possessing a dog which is not so restrained, with or without the knowledge, consent or fault of such person, shall be guilty of a violation of this article.
- B. It shall be presumed that the presence of a dog on the private property of a person other than the dog's owner or possessor is without the consent of the owner or person in possession of such private property.

§ 76-4. Defecation and urination in public and private places.

- A. It shall be unlawful for a dog to defecate, urinate or commit a nuisance on public property, except that portion of a public street lying between the curblines in accordance with the requirements of Subsection B or on private property without the consent of the owner or person in possession of such private property. A person owning or possessing a dog which defecates, urinates or commits any

nuisance, as prohibited herein, with or without the knowledge, consent or fault of such person, shall be guilty of a violation of this section. It shall be presumed that a dog defecating, urinating or committing a nuisance on private property of a person other than the dog's owner or possessor does so without the consent of the owner or person in possession of such private property.

- B. The owner or possessor of any dog shall immediately remove all feces deposited by said dog by placing such feces in a plastic bag which shall be sealed and deposited in a covered garbage receptacle.

§ 76-5. Menacing.

It shall be unlawful for a dog to chase, jump upon or at or otherwise harass any person in such a manner as to reasonably cause intimidation or fear or to put such person in reasonable apprehension of bodily harm or injury. A person owning or possessing a dog committing an act prohibited herein, with or without the knowledge, consent or fault of such person, shall be guilty of a violation of this section.

§ 76-6. Loud dogs.

It shall be unlawful for a dog to engage in habitual or frequent loud howling, barking, crying or whining so as to unreasonably disturb the comfort or repose of any person in the immediate vicinity. The person owning or possessing a dog committing an act prohibited herein, with or without the knowledge, consent or fault of such person, shall be guilty of a violation of this section.

§ 76-7. Seizure of dogs at large.

Any dog, whether or not tagged or licensed, running loose or at large in the Village of Lawrence or found off the premises of the owner or harbinger thereof and not so restrained may be seized by any duly appointed dog warden, peace officer or duly authorized officer or representative of the Village and confined and impounded in a pound or shelter maintained by the Village or by the Town of Hempstead or maintained by any other person, corporation or association pursuant to agreement with the Village. Any dog so found loose or at large or not under effective restraint as aforesaid that cannot be safely seized may be destroyed by such dog warden, peace officer or duly authorized officer or representative of the Village.

§ 76-8. Redemption of seized dogs. [Amended 4-13-1988 by L.L. No. 5-1988]

The owner of a dog so seized may redeem the dog within 12 days if bearing a license tag, or within seven days if not bearing a license tag, by paying to the Village Administrator the sum of \$25 as the cost of seizure. If not so redeemed, the owner shall forfeit all title to the dog, and the dog shall be sold or destroyed in the manner provided by the Agriculture and Markets Law of the State of New York.

§ 76-8.1. Dogs on public property prohibited. [Added 12-10-1997 by L.L. No. 5-1997]

It shall be illegal and unlawful for a person possessing or harboring a dog to permit or allow said dog on any public property as posted.

§ 76-9. Complaints.

Any person who observes a dog in violation of any section of this article may file a signed complaint, under oath, with a Justice of the Village of Lawrence, specifying the violation, the date of violation and the damage caused and including the place(s) where the violation occurred and the name and address of the dog's owner, if known.

§ 76-10. Jurisdiction.

The Village Justice of the Village of Lawrence shall have jurisdiction to hear all signed complaints filed, all actions and proceedings hereunder and all prosecutions for the violation of this article. Upon receipt by the Village Justice of any complaint against the conduct of any particular dog, the Village Justice shall summon the alleged owner or other person harboring said dog to appear in person before him. If the summons is disregarded, the Village Justice may issue a warrant for the arrest of such person.

§ 76-11. Penalties for offenses.

- A. Any person convicted of a violation of any provision of this article shall be guilty of an offense and shall be punished by a fine of up to a maximum of \$1,000. Each separate offense shall constitute a separate additional violation. **[Amended 9-11-2002 by L.L. No. 5-2002]**
- B. The provisions hereof are in addition to the regulations, restrictions, requirements and penalties contained in Article 7 of the Agriculture and Markets Law.

ARTICLE II

Keeping Animals**[Adopted 5-13-1946 by Ord. No. 116; amended in its entirety 4-13-1988 by L.L. No. 5-1988]****§ 76-12. Restrictions. [Amended 8-31-1994 by L.L. No. 5-1994]**

The keeping of horses and the keeping or harboring of more than four dogs and/or more than six cats is prohibited in all districts of the Village except the Residence A and Residence AA Districts.

§ 76-12.1. Restrictions: nuisance animals. [Added 1-10-2024 by L.L. No. 2-2024]

On properties less than 1/4 acre in size, the keeping, maintaining or harboring of chickens, roosters, ducks, geese or other fowl or pigeons is hereby declared a nuisance. It shall be unlawful for any person to keep, maintain or harbor any such animal or permit any land less than 1/4 acre in size owned, occupied or controlled by him or her to be used for such purpose.

§ 76-13. Restraint required; noise. [Added 7-23-2003 by L.L. No. 6-2003]

- A. It shall be unlawful for any animal to be on public property or on private property without the consent of the owner or person in possession of such private property unless the animal is effectively restrained in the immediate custody and control of its owner or possessor. A person owning or possessing any such animal, which is not so restrained, with or without the knowledge, consent or fault of such person shall be guilty of a violation of this article.
- B. It shall be presumed that the presence of an animal on the private property of a person other than the animal's owner or possessor is without the consent of the owner or person or possessor of such private property.
- C. It shall be unlawful for any animal to habitually or frequently make such noises as to disturb the comfort or repose of any person in the immediate vicinity. The person owning or possessing such animal, committing such act with or without the knowledge, consent or fault of such person shall be guilty of a violation of this section.

§ 76-13.1. Penalties for offenses. [Amended 9-11-2002 by L.L. No. 5-2002; 7-23-2003 by L.L. No. 6-2003]

Any person committing an offense against any provision of this article shall, upon conviction thereof, be guilty of a violation pursuant to the Penal Law of the State of New York, punishable by a fine up to a maximum of \$1,000 or by imprisonment for a term not exceeding 15 days, or by both such fine and imprisonment. The continuation of an offense against the provisions of this article shall constitute, for each day the offense is continued, a separate and distinct offense hereunder.

ARTICLE III

Cats**[Adopted 8-31-1994 by L.L. No. 5-1994]****§ 76-14. Findings and intent.**

- A. The Board of Trustees of the Village of Lawrence has determined that the running at large and other uncontrollable behavior of cats has caused physical harm to persons and damage to property and has created nuisances within the Village.
- B. It is the intent of the Board of Trustees, in the enactment of this article, to protect the health, safety and well-being of persons and property of all citizens by imposing restrictions on persons owning or possessing cats within the Village.

§ 76-15. Definitions.

Unless otherwise expressly provided, for the purpose of this article, the following words shall have the meanings herein indicated:

CAT — Any animal of the domestic feline species; male, female or altered.

HARBOR — Providing food or shelter to any cat.

OWNER — Every person having a right of property (or custody) in any cat and every person who has a cat in his keeping or who harbors or maintains a cat or knowingly permits a cat to remain on or about any premises occupied by that person. The owner of a cat shall be considered the initial owner of its kittens. A person who continually feeds a stray cat shall be considered its owner. If the owner of a cat shall be under the age of 16 years, the parent or guardian of such person shall be deemed the "owner."

RUN AT LARGE — Applies to any cat not being physically restrained by the owner which is off and not on the premises of the owner.

§ 76-16. Abandonment.

No person shall abandon any cat, no matter what its age or condition within the Village.

§ 76-17. Running at large.

No owner shall permit or allow any cat to run at large.

§ 76-18. Nuisances prohibited.

No owner shall permit or allow either willfully or negligently any cat to create a nuisance upon the property of another or to destroy or deface the property of another, whether the same be real or personal.

§ 76-19. Complaints.

Any person who observes a cat in violation of any section of this article may file a signed complaint, under oath, with a Justice of the Village of Lawrence, specifying the violation, the date of violation and the damage caused and including the place(s) where the violation occurred and the name and address of the cat's owner, if known.

§ 76-20. Jurisdiction.

The Village Justice of the Village of Lawrence shall have jurisdiction to hear all signed complaints filed, all actions and proceedings hereunder and all prosecutions for the violations of this article. Upon receipt by the Village Justice of any complaint against the conduct of any particular cat, the Village Justice shall summon the alleged owner or other person harboring said cat to appear in person before him. If the summons is disregarded, the Village Justice may issue a warrant for the arrest of such person.

§ 76-21. Penalties for offenses. [Amended 9-11-2002 by L.L. No. 5-2002]

Any person convicted of a violation of any provision of this article shall be guilty of an offense and shall be punishable by a fine of up to a maximum of \$1,000. Each separate offense shall constitute a separate additional violation.

Chapter 81**ENVIRONMENTAL QUALITY REVIEW**

[HISTORY: Adopted by the Board of Trustees of the Village of Lawrence 2-12-1979 by L.L. No. 2-1979.²⁷ Amendments noted where applicable.]

GENERAL REFERENCES

Filled-in land — See Ch. 86.

Sewers and cesspools — See Ch. 162.

Flood damage prevention — See Ch. 94.

Subdivision of land — See Ch. 182.

Garbage, rubbish and refuse — See Ch. 106.

Zoning — See Ch. 212.

§ 81-1. Purpose.

The purpose of this chapter is to implement SEQR and Part 617 for the Village of Lawrence.

§ 81-2. Definitions.

- A. The terms and words used in this chapter shall have the same meanings as such terms and words are defined in Article 8 of the Environmental Conservation Law and Part 617, unless the context requires a different meaning.
- B. For the purposes of this chapter, the following terms shall have the following meanings:

EAF — Environmental assessment form.

EIS — Environmental impact statement.

PART 617 — The rules and regulations set forth in 6 NYCRR 617.

SEQR — The State Environmental Quality Review Act as set forth in Article 8 of the Environmental Conservation Law.

VILLAGE — The Village of Lawrence.

§ 81-3. Appropriate compliance required.

No action, other than an exempt, excluded or Type II action, shall be carried out, approved or funded by any agency, board, body or officer of the Village, unless it has complied with SEQR, Part 617, to the extent applicable, and this chapter.

§ 81-4. Environmental assessment forms.

- A. An EAF shall be prepared by or on behalf of any agency, board, body or officer of the Village in connection with any Type I action such agency, board, body or officer contemplates or proposes to carry out directly. For an unlisted action, an EAF in a short or long form may be prepared to facilitate

27. Editor's Note: Local Law No. 2-1979 superseded L.L. No. 3-1977, adopted 3-28-1977, which established previous environmental quality review procedures.

a preliminary determination of environmental significance.

- B. An application for a permit for or funding of a Type I action shall be accompanied by an EAF and, for an unlisted action, may be accompanied by a short- or long-form EAF as may be needed to assist the lead agency in making a preliminary determination of environmental significance. An applicant may prepare a draft EIS to accompany the application in place of the EAF. In lieu of an EAF, the Village Board or a lead agency having authority to adopt its own regulations may adopt different procedures for reviewing the environmental significance of unlisted actions. The lead agency shall make a preliminary determination of the environmental significance of the action on the basis of the EAF or draft EIS or with respect to unlisted actions in accordance with its own procedures, as the case may be, and such other information it requires. Such determination shall be made within 15 days of its designation as lead agency or within 15 days of its receipt of all the information it requires, whichever is later. For Type I actions, a determination of nonsignificance shall be noticed and filed as provided in Part 618.10(b); for unlisted actions, a determination of nonsignificance shall be sent to the applicant and maintained in accordance with Part 617.7(e) and 617.10(f). After a determination of nonsignificance, the action, including one involving a permit or funding, shall be processed without further regard to SEQR, Part 617 or this chapter.
- C. The time of filing an application for approval or funding of an action shall commence to run from the date on which the preliminary determination of environmental nonsignificance is rendered or, if, in lieu of an EAF, the applicant prepares a draft EIS, from the date on which the applicant files a draft EIS acceptable to the lead agency.

§ 81-5. Environmental impact statement procedure.

If the lead agency determines that an EIS is required, it shall proceed as provided in Part 617.8, 617.9 and 617.10. Commencing with the acceptance of the draft EIS, the time limitation for processing the EIS shall run concurrently with the time limitations applicable to processing the application for approval or funding of the action, and a public hearing on the draft EIS, if any, shall be held concurrently with any hearing to be held on such application. The draft EIS shall be prepared by the applicant. Failure by the applicant to prepare an EIS acceptable to the lead agency shall, at the option of the lead agency, be deemed an abandonment and discontinuance of the application.

§ 81-6. Designation of lead agency.

The lead agency shall be determined and designated as provided in Part 617.6 and 617.7, except that, in the following Type I and unlisted actions, the lead agency shall be as provided herein:

- A. Adoption, amendment or change in zoning regulations not requiring a federal or state agency permit or approval: the Village Board.
- B. Construction or expansion of Village buildings, structures and facilities within the town not requiring a federal or state agency permit or approval: the Village Board.
- C. Variances not requiring a federal or state agency permit or approval: the Zoning Board of Appeals.
- D. Purchase, sale and lease of real property by the Village not requiring a federal or state permit or approval: the Village Board.
- E. Planned unit development or cluster zoning not requiring a federal or state agency permit or approval: the Village Board.

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ENVIRONMENTAL QUALITY REVIEW

- F. Site plan review and special use permit not requiring a federal or state agency permit or approval: the Village Planning Board.
- G. Construction or expansion of a nonresidential facility not requiring a federal or state agency permit or approval: the Village Building Inspector.
- H. Parking lot not requiring a federal or state agency permit or approval: the Building Inspector.

§ 81-7. Clearinghouse for lead agency designation.

The Village Attorney shall act as the Village clearinghouse for lead agency designation. Such clearinghouse shall assist agencies and applicants to identify other agencies, including federal and state, that may be involved in approving, funding or carrying out Type I and unlisted actions. The clearinghouse shall also make recommendations on the designation of a lead agency.

§ 81-8. Review involving federal agency.

Environmental review of actions involving a federal agency shall be processed in accordance with Part 617.16.

§ 81-9. Fees.

The fees for review or preparation of an EIS involving an applicant for approval or funding of an action shall be fixed from time to time by a resolution of the Village Board in accordance with the limitations of Part 617.17.

§ 81-10. Designation of critical areas of environmental concern.

Critical areas of environmental concern may be designated by resolution of the Village Board in accordance with Part 617.4(j).

Chapter 86**FILLED-IN LAND**

[HISTORY: Adopted by the Board of Trustees of the Village of Lawrence 9-14-1953 by Ord. No. 140. Sections 86-22 and 86-24 amended and § 86-26 added at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Other amendments noted where applicable.]

GENERAL REFERENCES

Waterways — See Ch. 65.

Sewers and cesspools — See Ch. 162.

Building construction — See Ch. 70.

Subdivision of land — See Ch. 182.

Environmental quality review — See Ch. 81.

Zoning — See Ch. 212.

Flood damage prevention — See Ch. 94.

§ 86-1. Applicability.

The area to which this chapter applies includes the marsh and meadowland, part of which has been or may be filled in, in the Bannister Creek Basin, the Woodmere Channel Basin and the land adjacent to Reynolds Channel, Crooked Creek and Brosware Bay, and the creeks and streams tributary thereto, and is generally described as follows:

- A. Bannister Creek Basin: bounded on the west by Doughty Boulevard; on the north by Rock Hall Road; on the east by Causeway; and on the south by Barrett Road and a line, part of which is marked by a road or former road, located where the meadowland and the upland adjoin. It also includes the island, sometimes known as "Williams Island," which lies between Reynolds Channel and a portion of Bannister Creek.
- B. Woodmere Channel Basin: bounded on the east by the Village line; on the north by a line, part of which is marked by a road or former road designed as Cedarhurst Avenue, and located where the meadowland and the upland adjoin; on the west by the upland of the former Albro Farm; and on the south by Brosware Bay. It is contiguous with Reynolds Channel, Crooked Creek and Brosware Bay Basin and includes an area where the meadowland has heretofore been filled in.
- C. Reynolds Channel, Crooked Creek and Brosware Bay Basin: bounded on the south by Reynolds Channel; on the west by the upland at the Isle of Wight; on the north by Mallow Way and a line, a portion of which is marked by a road or former road designated variously as "Cedarhurst Avenue" or "Meadow Road," located where the meadowland and the upland adjoin; and on the east by the Village line.

§ 86-2. Findings.

The areas to which this chapter applies consist principally of marsh and meadowland, immediately adjacent to and crossed by tidal creeks and streams, the greater part of which marsh and meadowland is covered with water during spring tides and during storms. The development of this region involves many problems which do not exist elsewhere in the Village and which directly affect the safety and health of persons who may live, work or be present there, the protection of their property and the protection of public

improvements which may be located therein. Among such problems are:

- A. The flooding of these areas to a considerable depth of water, such as occurred during the hurricanes of 1938 and 1944, which, in case of recurrence, might result in a heavy loss of life and great destruction of property.
- B. The unstable nature of the surface or of subsurface soil of the marsh and meadowland, which, among other things, tends to:
 - (1) Result in uneven subsidence of the fill which may be placed thereon.
 - (2) Result in changes in grade and consequent fractures and disalignment of sewers, drains, curbs and pavements.
 - (3) Make difficult the permanent retention of the fill in place.
 - (4) Endanger the stability of foundations of dwellings and other structures.
- C. The small elevation above tidewater, which makes unsafe and unsanitary the use of cesspools, septic tanks, tile fields and other facilities for sewage disposal, requires direct connection with properly designed and maintained sewage disposal plants and causes stormwater drains to back up and operate unsatisfactorily during periods of high tides, storms and heavy rainfall. For these reasons and other reasons, the Board of Trustees finds that it is expedient and desirable, for the good government of the Village, its management and business, the protection of its property, the safety and health of its inhabitants, the protection of their property, the preservation and protection of the public streets, the preservation of public health and the regulating of the construction, alteration, removal and inspection of all buildings and structures erected or to be erected herein, that the provisions of this chapter be enacted and made applicable to the area hereinbefore described, in addition to the requirements of the several ordinances, rules and regulations applicable generally throughout the Village.

§ 86-3. Plan to be approved before commencing work.

No work shall be performed or commenced, including filling, dredging, bulkheading, clearing, grading, excavating, building, construction (temporary or permanent), road construction, installation of sewers, drains, gas, water, electricity and other utilities or work of any character whatsoever, except preliminary surveying and engineering, unless and until a plan of development therefor shall have been filed with and approved by the Board of Trustees of the Village of Lawrence.

§ 86-4. Development plan.

Such development plan shall be comprehensive and shall show all of the property owned or controlled by the applicant and adjacent property and shall show all creeks, streams, channels and waterways and all topographical features. So far as practicable, it shall contain all of the information and details required by Chapter 182, Subdivision of Land, of the Code of the Village of Lawrence. It shall show all proposed streets, stormwater drains, sanitary sewers, pumping stations and disposal plants and shall show the methods by which the various streets, drains, sewers and other facilities and utilities are to be connected with the nearest existing facilities. It shall also contain construction data showing in detail the method by which the applicant intends to comply with the requirements of this chapter and a time schedule therefor. It shall also contain such additional data as may be required by the Board of Trustees or the Planning Board.

§ 86-5. Public hearings on plans.

The Board of Trustees may, in its discretion, hold a public hearing in relation to any plan submitted for its approval as provided in this chapter, upon such notice as it may determine, at which public hearing the developer and all persons interested may have an opportunity to be heard.

§ 86-6. Imposition of conditions on plan.

The Board of Trustees may impose such conditions on the approval of any development plan that it may deem necessary to assure that the development will be carried out in accordance with the plan and in accordance with the provisions of this chapter. Such conditions may include requirements as to the manner in which the work shall be performed and the order in which the various portions thereof shall be carried out, the dedication to the Village free and clear of encumbrances of all streets, sanitary sewers, sewage pumping stations, sewage disposal plants, stormwater drains, catch basins and appertaining structures and any control strips, access strips, rights-of-way, easements and other facilities.

§ 86-7. Surety bond.

The Board of Trustees may also require the developer to furnish a surety bond, in form, amount and content satisfactory to the Board, not exceeding the estimated cost of the work, including bulkheads. Such bond may be in addition to any bond that the Planning Board or the Board of Trustees may require under Article 7 of the Village Law. The Board of Trustees may, however, permit said bonds to be consolidated or a single bond given to cover the entire work and improvement.

§ 86-8. Approval to be noted and recorded.

The approval of the Board of Trustees shall be noted on the face of the development plan and entered in the minutes of the Board.

§ 86-9. Compliance required.

All work and materials shall comply with the requirements of this chapter.

§ 86-10. Fill.

- A. Fill shall consist of sand or gravel or sandy or gravelly soils rated as "fair to good" or better for foundation purposes on the Casagrande soil chart. Silts and very fine sands, clays of low to medium plasticity, sandy clays, silty clays, peat and other high-organic swamp soils, as described on said soil chart, shall not be used.
- B. Fill may be either dry or placed by hydraulic means.
- C. Fill must be graded to a stable elevation at least equal to the height of the highest spring tides plus three feet, as may be shown by data prepared by the County of Nassau or the United States Coast and Geodetic Survey or other official sources, or as may be determined by the Board of Trustees. If mud, peat or silt is not removed before the fill is placed, an additional two feet of elevation is required to assure against settlement because of compression.
- D. Fill shall be planted with beach grass or other vegetation, sufficient to avoid dust in times of heavy wind.

§ 86-11. Bulkheads.

Bulkheads complying with the requirements of this chapter must be installed adjacent to all channels, creeks, ponds, lakes, canals and waterways of every kind. If filling is carried on in sections, sod bulkheads may be erected at the boundaries of each of such sections.

§ 86-12. Bulkhead specifications.

Bulkheads may be of wood, concrete or stone. If of wood, they shall comply with the following specifications. If of concrete or stone, they shall have a strength and stability equal to a wooden bulkhead complying with such specifications. Such specifications are as follows:

- A. Piles. Piles shall be southern yellow pine, treated to retain not less than 20 pounds of No. 1 creosote oil per cubic foot. Piles shall be spaced a maximum of seven feet on centers. Piles shall be at least ten-inch butts of a length to ensure five-foot penetration in sound bottom. Spud piles of similar specifications shall be provided where required by the Board of Trustees.
- B. Wales. Two sets shall be required of eight-inch by three-inch sound timbers. All splices shall be on the piles. All splices shall be bolted with half-inch bolts, two bolts to each splice. Wales shall be southern yellow pine, treated to retain not less than 20 pounds of No. 1 creosote oil per cubic foot of wood.
- C. Sheathing. Sheathing shall be a minimum thickness of three inches. Lengths shall be such as to ensure a minimum penetration of four feet in sound bottom. Sheathing shall be southern yellow pine, treated to retain not less than 20 pounds of No. 1 creosote oil per cubic foot of wood.
- D. Tiebacks. Bulkheads shall be tied back with iron or steel tie-rods not less than one inch in diameter and spaced not less than seven-foot centers. Tie-rods shall be securely fastened to an untreated oak deadman not less than 10 inches in diameter and buried not less than four feet below grade level. All tie-rods shall be hot-dipped galvanized. All tie-rods shall be equipped with DD washers three inches in diameter, washers to be countersunk in outer pile. All rods shall have minimum six-inch threads at each end for adjustment purposes. Lower tie-rods shall be provided in addition where required by the Board of Trustees.
- E. Where bulkheads are constructed along Reynolds Channel or Woodmere Bay or other places where there is a substantial tidal velocity, the Board of Trustees may impose additional requirements.

§ 86-13. Bulkhead permits.

No bulkhead shall be constructed unless a special permit therefor has been previously applied for and issued by the Village. The provisions of Chapter 70, Building Construction and Fire Prevention, relating to applications for a building permit, the issuance of a building permit and the issuance of a certificate of occupancy, shall apply to the construction of a bulkhead.

§ 86-14. Stormwater drains.

Stormwater drains, catch basins and appurtenant structures shall be constructed of a size and so located as to provide adequate drainage, in conformity with the requirements of the Commissioner of Public Works of the County of Nassau or other Nassau County official having jurisdiction. All stormwater drains must be of reinforced concrete or cast iron.

§ 86-15. Sanitary sewers.²⁸

Sanitary sewers shall be provided of a size and so located as to conform to a comprehensive sewerage plan approved by the State Department of Health. In addition, sewage pumping stations and other accessory structures shall also be provided where required by the Board of Trustees. In cases where it is not feasible to connect with the existing Village sewerage system, a complete sewage disposal plant must be provided of a size, capacity and design approved by the Board of Trustees of the Village of Lawrence or the New York State Department of Health. Sanitary sewers shall be constructed of cast-iron pipe with waterproof joints, unless otherwise provided by the Board of Trustees.

§ 86-16. Beds for sanitary sewers and stormwater drains.

All stormwater drains and sanitary sewers shall be constructed on a stabilized bed composed of three-fourths-inch stone or selected gravel confined by tight shoring or such equivalent as may be approved by the Board of Trustees.

§ 86-17. Shoring trenches.

All trenches must be shored. Where required by the Board of Trustees, shoring must remain in place.

§ 86-18. Building requirements.

In addition to the requirements of Chapter 212, Zoning, Chapter 70, Building Construction and Fire Prevention, and other applicable Village ordinances, the following requirements shall apply:

- A. Every building having sanitary facilities shall be connected with sanitary sewers. No cesspools, septic tanks, tile fields or other sewage disposal facilities will be permitted. Under no circumstances may sewage be permitted to discharge directly or indirectly into Reynolds Channel, Broswere Bay, Crooked Creek, Bannister Creek, Mill Creek or Woodmere Channel or any waters tributary thereto.
- B. Unless otherwise permitted by the Board of Trustees, all buildings, other than temporary workmen's shacks, shall be constructed with pile foundations of a size and capacity approved by the Board, which shall be driven to a point of resistance that will carry the required tonnage.

§ 86-19. Additional requirements.

The Board of Trustees may, in particular cases or in particular classes of cases, impose such additional requirements as it may deem necessary or proper to carry out the purposes of this chapter.

§ 86-20. Payment of Village's engineering, inspection and supervision costs.

Upon filing a development plan, the applicant shall pay to the Village, upon demand, the reasonable cost, to be determined by the Board of Trustees, of engineering and inspection services which may be required in the study of the terrain covered by the application and the study of the engineering matters involved, and the Board of Trustees shall not be required to act upon the application unless and until such sum of money has been paid to the Village. In addition, the Board of Trustees may, from time to time, during the progress of the development, require the developer to pay such additional sums of money as the Board of Trustees may determine to defray the cost of supervision, inspection and engineering in behalf of the Village to assure the compliance, by the developer or his contractor, with the requirements of this chapter and other applicable Village ordinances.

28. Editor's Note: For related provisions, see Ch. 162, Sewers and Cesspools.

§ 86-21. Inspections and testing.

The Village Engineer, and such other persons as may be designated by the Board of Trustees, shall have full right of inspection during the progress of the work and access to all parts of the development. The Village Engineer may also cause tests to be made, at the cost and expense of the developer, of any work or materials or to determine the nature and bearing capacity of the soil and any other physical or other condition that they may deem necessary to assure compliance with this chapter.

§ 86-22. Stopping work for noncompliance.²⁹

If the Village Engineer shall determine that any work performed or intended to be performed or any materials used or intended to be used do not comply with the development plan or the provisions of this chapter or any conditions imposed by the Board of Trustees, he may order the work affected by this determination to be stopped until he is satisfied that the violations or proposed violations have been corrected. No work shall be performed while such order is in effect. The developer may appeal in writing to the Board of Trustees from such order of the Village Engineer, and, upon such appeal, the Board of Trustees may affirm, modify or reverse the determination appealed from. If the Board of Trustees shall fail to meet or take action within 10 days from the date of filing such written notice of appeal in the office of the Village Administrator, the work may proceed, without prejudice, however, to any other action which the facts may justify.

§ 86-23. Prerequisites to construction and certificate of occupancy.

No building shall be constructed unless and until a development plan of the region in which such building is proposed shall have been approved by the Board of Trustees and unless and until the method for providing such building with access to public streets and with sewers and other public utilities has been approved by the Board of Trustees. No certificate of occupancy shall be granted for any such building unless and until such streets, sewers and public utilities shall have been completed to the satisfaction of the Board of Trustees and unless and until the Board of Trustees shall have accepted a dedication of such streets and sewers and other utilities (other than gas, water, telephone, electricity and utilities installed and maintained by private utilities companies) or, in case of streets, unless and until a bond shall have been posted, and shall continue in force, in an amount approved by the Board of Trustees sufficient, in the opinion of the Board, to assure the completion of such streets in accordance with Village specifications.

§ 86-24. Interpretation. [Amended 4-13-1988 by L.L. No. 5-1988]

This chapter is remedial and shall be construed liberally to carry out the legislative purposes hereinbefore stated.

§ 86-25. When effective; current and future filled-in areas.

This chapter shall take effect upon its adoption and shall apply throughout the areas described in this chapter, whether heretofore or hereafter filled in. But in case of areas already filled in, in whole or in part, or in case a subdivision plan has been heretofore approved by the Planning Board or Board of Trustees, no additional plan need be filed or work performed by reason of this chapter, unless or until buildings are proposed to be constructed thereon, in which case this chapter shall apply to all such new construction.

§ 86-26. Penalties for offenses. [Added 4-13-1988 by L.L. No. 5-1988; amended 9-11-2002 by L.L.]

29. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

No. 5-2002]

Any person committing an offense against any provision of this chapter shall, upon conviction thereof, be guilty of a violation pursuant to the Penal Law of the State of New York, punishable by a fine up to a maximum of \$1,000 or by imprisonment for a term not exceeding 15 days, or by both such fine and imprisonment. The continuation of an offense against the provisions of this chapter shall constitute, for each day the offense is continued, a separate and distinct offense hereunder.

FIREARMS, FIREWORKS AND EXPLOSIVES

Chapter 90

FIREARMS, FIREWORKS AND EXPLOSIVES

[HISTORY: Adopted by the Board of Trustees of the Village of Lawrence 5-25-1942 as part of Ord. No. 106;³⁰ amended in its entirety 4-13-1988 by L.L. No. 5-1988. Subsequent amendments noted where applicable.]

GENERAL REFERENCES

Dogs — See Ch. 76.

Parks and recreation — See Ch. 140.

Licenses and permits — See Ch. 125.

Peace and good order — See Ch. 144.

§ 90-1. Fireworks restricted.

The sale, distribution or possession of fireworks, as defined in General Business Law § 322-a and Penal Law §§ 270.00 and 405.00, is hereby prohibited, unless a license has previously been issued for such purpose by the Village Administrator of the Village of Lawrence, who is hereby designated the "permit authority" of the Village of Lawrence. with the powers and duties granted to the permit authority by the statute.

§ 90-2. Explosives restricted.

The storage, use or transportation of any high or low explosives, fuses or electric blasting caps, fireworks or any other explosives compound or dangerous article is hereby prohibited, unless a license has previously been issued for such purpose by the Village Administrator of the Village of Lawrence, who is hereby empowered to issue a license therefor, upon proof to his satisfaction that the regulations of the Bureau of Public Safety of the Nassau County Police Department and all applicable statutes, rules and regulations have been or will be complied with.

§ 90-3. Firearms restricted.

The carrying on the public streets or the use or discharge in the Village of Lawrence of any rifle, pistol, shotgun or other firearm is hereby prohibited, unless a license has previously been issued for such purpose by the Village Administrator of the Village of Lawrence, who is hereby empowered to issue a license therefor, covering such period of time or such locality and upon such conditions as he may determine, upon proof to his satisfaction that all applicable statutes, rules and regulations have been or will be complied with and that such use or discharge will not endanger or annoy any person or property.

§ 90-4. Penalties for offenses. [Amended 9-11-2002 by L.L. No. 5-2002]

Any person committing an offense against any provision of this chapter shall, upon conviction thereof, be guilty of a violation pursuant to the Penal Law of the State of New York, punishable by a fine up to a maximum of \$1,000 or by imprisonment for a term not exceeding 15 days, or by both such fine and imprisonment. The continuation of an offense against the provisions of this chapter shall constitute, for each day the offense is continued, a separate and distinct offense hereunder.

30. Editor's Note: The provisions of this chapter are derived from Chapter 3 of the Code of Ordinances of 1942.

LAWRENCE CODE

Chapter 94

FLOOD DAMAGE PREVENTION

[HISTORY: Adopted by the Board of Trustees of the Village of Lawrence 9-10-2009 by L.L. No. 6-2009.³¹ Amendments noted where applicable.]

GENERAL REFERENCES

Building construction and fire prevention — See Ch. 70.

Storm sewers — See Ch. 176.

Environmental quality review — See Ch. 81.

Streets and sidewalks — See Ch. 178.

Filled-In Land — See Ch. 86.

Subdivision of land — See Ch. 182.

Freshwater wetlands — See Ch 98.

Zoning — See Ch. 212.

31. Editor's Note: This local law also repealed former Ch. 94, Flood Damage Prevention, adopted 5-13-1987 by L.L. No. 1-1987, as amended.

ARTICLE I
Statutory Authorization and Purpose

§ 94-1. Findings.

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

§ 94-2. 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;
- C. Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of floodwaters;
- D. Control filling, grading, dredging and other development which may increase erosion or flood damages;
- E. Regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands; and
- F. Qualify for and maintain participation in the National Flood Insurance Program.

§ 94-3. Objectives.

The objectives of this chapter are:

- A. To protect human life and health;
- B. To minimize expenditure of public money for costly flood-control projects;
- C. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- D. To minimize prolonged business interruptions;
- E. To 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. To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
- G. To provide that developers are notified that property is in an area of special flood hazard; and

- H. To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

ARTICLE II Terminology

§ 94-4. Definitions.

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

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

AREA OF MODERATE WAVE ACTION — The portion of the SFHA landward of a V Zone or landward of an open coast without mapped V Zones, in which the principal sources of flooding are astronomical tides, storm surges, seiches, or tsunamis, not riverine sources. Areas of moderate wave action may be subject to wave effects, velocity flows, erosion, scour, or combinations of these forces and are treated as V Zones. The area of moderate wave action is an area within a Zone AE that is bounded by a line labeled "Limit of Moderate Wave Action."

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, V, VO, VE, or V1-V30. It is also commonly referred to as the "base floodplain" or "one-hundred-year floodplain." For purposes of this chapter, the term "special flood hazard area (SFHA)" is synonymous in meaning with the phrase "area of special flood hazard."

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

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

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

BUILDING — See "structure."

CELLAR — 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. The coastal high-hazard area shall also include areas on a FIRM within Zone AE that are bounded by a line labeled "Limit of Moderate Wave Action."

CRAWL SPACE — An enclosed area beneath the lowest elevated floor, 18 inches or more in height, which is used to service the underside of the lowest elevated floor. The elevation of the floor of this enclosed area, which may be of soil, gravel, concrete or other material, must be equal to or above the

lowest adjacent exterior grade. The enclosed crawl space area shall be properly vented to allow for the equalization of hydrostatic forces which would be experienced during periods of flooding.

CRITICAL FACILITIES —

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

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

DEVELOPMENT — Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, paving, excavation or drilling operations or storage of equipment or materials.

ELEVATED BUILDING — A nonbasement building built, in the case of a building in Zone 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 Zone V1-30, VE, or V, or areas of moderate wave action, to have the bottom of the lowest horizontal structure member of the elevated floor, elevated above the ground level by means of pilings, columns (posts and piers), or shear walls parallel to the flow of the water and adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of Zone A1-A30, AE, A, A99, AO, AH, B, C, X, or D, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of floodwaters. In the case of Zone V1-V30, VE, or V, "elevated building" also includes a building otherwise meeting the definition of "elevated building" even though the lower area is enclosed by means of breakaway walls that meet the federal standards.

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

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

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

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

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 the definition of "flood or 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 — Has the same meaning as "regulatory floodway."

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

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

HISTORIC STRUCTURE — Any structure that is:

- (1) Listed individually on the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- (4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - (a) By an approved state program as determined by the Secretary of the Interior; or

(b) Directly by the Secretary of the Interior in states without approved programs.

LOCAL ADMINISTRATOR — The Building Inspector.

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, and only where such structures are otherwise permitted by law. 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, where permitted by law.

MEAN SEA LEVEL — For 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."

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

ONE-HUNDRED-YEAR FLOOD — 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 — That at least 51% of the actual cash value of the structure, excluding land value, is above ground.

RECREATIONAL VEHICLE — A vehicle which is lawfully permitted in the Village and:

- (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 § 94-12B of this chapter.

SAND DUNES — Naturally occurring accumulations of sand in ridges or mounds landward of the

beach.

START OF CONSTRUCTION —

- (1) 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.
- (2) Permanent construction does not include land preparation (such as clearing, excavation, grading, or filling), or the installation of streets or walkways, or excavation for a basement, footings, piers or foundations, or the erection of temporary forms, or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main building. For a substantial improvement, the "actual start of construction" means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

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

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

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

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

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

VILLAGE — The Village of Lawrence.

ARTICLE III
General Provisions

§ 94-5. Applicability.

This chapter shall apply to all areas of special flood hazard within the jurisdiction of the Village.

§ 94-6. Basis for establishing areas of special flood hazard.

- A. The areas of special flood hazard for the Village, Community Number 360476, are identified and defined on the following documents prepared by the Federal Emergency Management Agency:
- (1) Flood Insurance Rate Map Panel Numbers: 36059C0301G, 36059C0302G, 36059C0303G, 36059C0304G, 36059C0306G, 36059C0308G, whose effective date 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 a part of this chapter. The Flood Insurance Study and/or maps are on file at Village Hall, 196 Central Avenue, Lawrence, New York.

§ 94-7. Interpretation; conflict with other provisions.

- 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.

§ 94-8. Penalties for offenses.

No structure in an area of special flood hazard shall hereafter be constructed, located, extended, converted, or altered and no land shall be excavated or filled without full compliance with the terms of this chapter and any other applicable regulations. Any infraction of the provisions of this chapter by failure to comply with any of its requirements, including infractions of conditions and safeguards established in connection with conditions of the permit, shall constitute a violation. Any person who violates this chapter or fails to comply with any of its requirements shall, upon conviction thereof, be fined no more than \$250 or imprisoned for not more than 15 days, or both. Each day of noncompliance shall be considered a separate offense. Nothing herein contained shall prevent the Village from taking such other lawful action as necessary to prevent or remedy an infraction. Any structure found not compliant with the requirements of this chapter for which the developer and/or owner has not applied for and received an approved variance under Article VI will be declared noncompliant, and notification will be sent to the Federal Emergency Management Agency.

§ 94-9. Warning and disclaimer of liability.

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare

occasions. Flood heights may be increased by man-made or natural causes. This chapter does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the Village, any officer or employee thereof, or the Federal Emergency Management Agency for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.

ARTICLE IV
Administration

§ 94-10. Designation of local administrator.

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

§ 94-11. Floodplain development permit.

- A. Purpose. A floodplain development permit is hereby established for all construction and other development to be undertaken in areas of special flood hazard in this community for the purpose of protecting its citizens from increased flood hazards and 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 § 94-6, without a valid floodplain development permit. Application for a permit shall be made on forms furnished by the local administrator and may include but not be limited to plans, in duplicate, drawn to scale, and showing the nature, location, dimensions, and elevations of the area in question, existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing.
- B. Fees. All applications for a floodplain development permit shall be accompanied by an application fee in an amount established from time to time by resolution of the Board of Trustees. In addition, the applicant shall be responsible for reimbursing the Village for any additional costs necessary for review, inspection and approval of this project. The local administrator may require a deposit of no more than \$1,000 to cover these additional costs.
- C. Application for a permit. The applicant shall provide the following information, as appropriate. Additional information may be required on the permit application form.
- (1) The proposed elevation, in relation to mean sea level, of the lowest floor (including basement or cellar) of any new or substantially improved structure to be located in Zone A1-A30, AE or AH, or Zone A if base flood elevation data are available. Upon completion of the lowest floor, the permittee shall submit to the local administrator the as-built elevation, certified by a licensed professional engineer or surveyor.
 - (2) [REMOVED SEQ FIELD]The proposed elevation, in relation to mean sea level, of the bottom of the lowest structural member of the lowest floor (excluding pilings and columns) of any new or substantially improved structure to be located in Zone V1-V30 or VE, or Zone V if base flood elevation data are available. Upon completion of the lowest floor, the permittee shall submit to the local administrator the as-built elevation, certified by a licensed professional engineer or surveyor.
 - (3) The proposed elevation, in relation to mean sea level, to which any new or substantially improved nonresidential structure will be floodproofed. Upon completion of the floodproofed portion of the structure, the permittee shall submit to the local administrator the as-built floodproofed elevation, certified by a professional engineer or surveyor.
 - (4) A certificate from a licensed professional engineer or architect that any utility floodproofing will meet the criteria in § 94-14C, Utilities.
 - (5) A certificate from a licensed professional engineer or architect that any nonresidential

floodproofed structure will meet the floodproofing criteria in § 94-17, Nonresidential structures.

- (6) A description of the extent to which any watercourse will be altered or relocated as a result of proposed development. Computations by a licensed professional engineer must be submitted that demonstrate that the altered or relocated segment will provide equal or greater conveyance than the original stream segment. The applicant must submit any maps, computations or other material required by the Federal Emergency Management Agency (FEMA) to revise the documents enumerated in § 94-6, when notified by the local administrator, and must pay any fees or other costs assessed by FEMA for this purpose. The applicant must also provide assurances that the conveyance capacity of the altered or relocated stream segment will be maintained.
- (7) A technical analysis, by a licensed professional engineer, if required by the local administrator, which shows whether proposed development to be located in an area of special flood hazard may result in physical damage to any other property.
- (8) In Zone A, when no base flood elevation data are available from other sources, base flood elevation data shall be provided by the permit applicant for subdivision proposals and other proposed developments (including proposals for manufactured home and recreational vehicle parks and subdivisions) that are greater than either 50 lots or five acres.
- (9) In Zones V1-V30 and VE, and also Zone V if base flood elevation are available, or in an area of moderate wave action, designs and specifications, certified by a licensed professional engineer or architect, for any breakaway walls in a proposed structure with design strengths in excess of 20 pounds per square foot.
- (10) In Zones V1-V30 and VE, and also Zone V if base flood elevation are available, or in an area of moderate wave action, for all new and substantial improvements to structures, floodplain development permit applications shall be accompanied by design plans and specifications, prepared in sufficient detail to enable independent review of the foundation support and connection components. Said plans and specifications shall be developed or reviewed by a licensed professional engineer or architect and shall be accompanied by a statement, bearing the signature of the architect or engineer, certifying that the design and methods of construction to be used are in accordance with accepted standards of practice and with all applicable provisions of this chapter.

§ 94-12. Duties and responsibilities of local administrator.

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

- A. Permit application review. The local administrator shall conduct the following permit application review before issuing a floodplain development permit:
 - (1) Review all applications for completeness, particularly with the requirements of § 94-11C, Application for a permit, and for compliance with the provisions and standards of this chapter.
 - (2) Review subdivisions and other proposed new development, including manufactured home parks, to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is located in an area of special flood hazard, all new construction and substantial improvements shall meet the applicable standards of Article V, Construction Standards, and, in particular, § 94-13B, Subdivision proposals.

- (3) Determine whether any proposed development in an area of special flood hazard may result in physical damage to any other property (e.g., stream bank erosion and increased flood velocities). The local administrator may require the applicant to submit additional technical analyses and data necessary to complete the determination. If the proposed development may result in physical damage to any other property or fails to meet the requirements of Article V, Construction Standards, no permit shall be issued. The applicant may revise the application to include measures that mitigate or eliminate the adverse effects and resubmit the application.
- (4) Determine that all necessary permits have been received from those governmental agencies from which approval is required by state or federal law.

B. Use of other flood data.

- (1) When the Federal Emergency Management Agency has designated areas of special flood hazard on the community's Flood Insurance Rate Map (FIRM) but has neither produced water surface elevation data (these areas are designated Zone A or V on the FIRM) nor identified a floodway, the local administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, including data developed pursuant to § 94-11C(7), as criteria for requiring that new construction, substantial improvements or other proposed development meets the requirements of this chapter.
- (2) When base flood elevation data are not available, the local administrator may use flood information from any other authoritative source, such as historical data, to establish flood elevations within the areas of special flood hazard, for the purposes of this chapter.

C. Alteration of watercourses. The local administrator shall:

- (1) Provide notification to 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. The local administrator shall:

- (1) In Zones A1-A30, AE and AH, and also Zone A if base flood elevation data are available, upon placement of the lowest floor or completion of floodproofing of a new or substantially improved structure, obtain from the permit holder a certification of the as-built elevation of the lowest floor or floodproofed elevation, in relation to mean sea level. The certificate shall be prepared by or under the direct supervision of a licensed land surveyor or professional engineer and certified by same. For manufactured homes, the permit holder shall submit the certificate of elevation upon placement of the structure on the site. A certificate of elevation must also be submitted for a recreational vehicle if it remains on 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, or in an area of moderate wave action, upon placement of the lowest floor of a new or substantially improved structure, the permit holder shall submit to the local administrator a certificate of elevation, in relation to 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 developer's engineer or architect shall make periodic inspections at appropriate times throughout the period of construction in order to monitor compliance with permit conditions and enable said inspector to certify, if requested, that the development is in compliance with the requirements of the floodplain development permit and/or any variance provisions.
- F. Stop-work orders.
- (1) The local administrator shall issue, or cause to be issued, a stop-work order for any floodplain development found ongoing without a development permit. Disregard of a stop-work order shall subject the violator to the penalties described in § 94-8 of this chapter.
 - (2) The local administrator shall issue, or cause to be issued, a stop-work order for any floodplain development found noncompliant with the provisions of this chapter and/or the conditions of the development permit. Disregard of a stop-work order shall subject the violator to the penalties described in § 94-8 of this chapter.
- G. Certificate of compliance.
- (1) In areas of special flood hazard, as determined by documents enumerated in § 94-6, it shall be unlawful to occupy or to permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted or wholly or partly altered or enlarged in its use or structure, until a certificate of compliance has been issued by the local administrator stating that the building or land conforms to the requirements of this chapter.
 - (2) A certificate of compliance shall be issued by the local administrator upon satisfactory completion of all development in areas of special flood hazard.
 - (3) Issuance of the certificate shall be based upon the inspections conducted as prescribed in Subsection E, Inspections, of this section and/or any certified elevations, hydraulic data, floodproofing, anchoring requirements or encroachment analyses which may have been required as a condition of the approved permit.
- H. Information to be retained. The local administrator shall retain and make available for inspection, copies of the following:
- (1) Floodplain development permits and certificates of compliance;
 - (2) Certifications of as-built lowest floor elevations of structures, required pursuant to Subsection D(1) and (2) of this section, and whether or not the structures contain a basement;
 - (3) Floodproofing certificates required pursuant to Subsection A of this section, and whether or not the structures contain a basement;

- (4) Variances issued pursuant to Article VI, Variance Procedures; and
- (5) Notices required under Subsection C, Alteration of watercourses, of this section.

ARTICLE V
Construction Standards

§ 94-13. General standards.

The following standards apply to new development, including new and substantially improved structures, in the areas of special flood hazard shown on the Flood Insurance Rate Map designated in § 94-6.

- A. Coastal high-hazard areas. The following requirements apply within Zones V1-V30, VE and V or in an area of moderate wave action:
- (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. Subdivision proposals. The following standards apply to all new subdivision proposals and other proposed development in areas of special flood hazard (including proposals for manufactured home and recreational vehicle parks and subdivisions):
- (1) Proposals shall be consistent with the need to minimize flood damage;
 - (2) Public utilities and facilities, such as sewer, gas, electrical and water systems, shall be located and constructed so as to minimize flood damage; and
 - (3) Adequate drainage shall be provided to reduce exposure to flood damage.
- C. Encroachments.
- (1) Within Zones A1-A30 and AE, on streams without a regulatory floodway, no new construction, substantial improvements or other development (including fill) shall be permitted unless:
 - (a) The applicant demonstrates that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any location; or
 - (b) The Village agrees to apply to the Federal Emergency Management Agency (FEMA) for a conditional FIRM revision, FEMA approval is received and the applicant provides all necessary data, analyses and mapping and reimburses the Village 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 for all costs related to the final map revision.
 - (2) On streams with a regulatory floodway, as shown on the Flood Boundary and Floodway Map or the Flood Insurance Rate Map adopted in § 94-6, no new construction, substantial improvements or other development in the floodway (including fill) shall be permitted unless:
 - (a) A technical evaluation by a licensed professional engineer shows that such an encroachment shall not result in any increase in flood levels during occurrence of the base flood; or

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

§ 94-14. Standards for all structures.

- A. Anchoring. New structures and substantial improvements to structures in areas of special flood hazard shall be anchored to prevent flotation, collapse, or lateral movement during the base flood. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.
- B. Construction materials and methods.
 - (1) New construction and substantial improvements to structures shall be constructed with materials and utility equipment resistant to flood damage.
 - (2) New construction and substantial improvements to structures shall be constructed using methods and practices that minimize flood damage.
 - (3) For enclosed areas below the lowest floor of a structure within Zone A1-A30, AE or AH, and also Zone A if base flood elevation data are available, new and substantially improved structures shall have fully enclosed areas below the lowest floor that are useable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters.
 - (a) Designs for meeting this requirement must either be certified by a licensed professional engineer or architect or meet or exceed the following minimum criteria:
 - [1] A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided; and
 - [2] The bottom of all such openings shall be no higher than one foot above the lowest adjacent finished grade.
 - (b) Openings may be equipped with louvers, valves, screens or other coverings or devices, provided 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, or in an area of moderate wave action, new construction and substantial improvements shall have the space below the lowest floor either free from obstruction or constructed with nonsupporting breakaway walls, open wood lattice-work or insect screening intended to collapse under wind

and water loads without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting foundation system. The enclosed space below the lowest floor shall be used only for parking vehicles, building access or storage. Use of this space for human habitation is expressly prohibited. The construction of stairs, stairwells and elevator shafts is subject to the design requirements for breakaway walls.

C. Utilities.

- (1) New and replacement electrical equipment, heating, ventilating, air-conditioning, plumbing connections, and other service equipment shall be located at or above the base flood elevation or be designed to prevent water from entering and accumulating within the components during a flood and to resist hydrostatic and hydrodynamic loads and stresses. Electrical wiring and outlets, switches, junction boxes and panels shall be elevated to or above the base flood elevation unless they conform to the appropriate provisions of the electrical part of the Building Code of New York State or the Residential Code of New York State for location of such items in wet locations.
- (2) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
- (3) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters. Sanitary sewer and storm drainage systems for buildings that have openings below the base flood elevation shall be provided with automatic backflow valves or other automatic backflow devices that are installed in each discharge line passing through a building's exterior wall.
- (4) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

§ 94-15. Residential structures (except coastal high-hazard areas).

- A. 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 § 94-13B, Subdivision proposals, and § 94-13C, Encroachments, and § 94-14, Standards for all structures.
- (1) Within Zones A1-A30, AE and AH, and also Zone A if base flood elevation data are available, new construction and substantial improvements shall have the lowest floor (including basement) elevated to or above two feet above the base flood elevation.
 - (2) 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.
 - (3) 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 § 94-6 (at least two feet if no depth number is specified).
 - (4) Within Zones AH and AO, adequate drainage paths are required to guide floodwaters around and away from proposed structures on slopes.

§ 94-16. Residential structures (coastal high-hazard areas).

The following standards, in addition to the standards in § 94-13A, Coastal high-hazard areas, and § 94-13B, Subdivision proposals, and § 94-14, Standards for all structures, apply to new and substantially improved residential structures located in areas of special flood hazard shown as Zone V1-V30, VE or V, or in an area of moderate wave action, on the community's Flood Insurance Rate Map designated in § 94-6.

- A. Elevation. New construction and substantial improvements shall be elevated on pilings, columns or shear walls such that the bottom of the lowest horizontal structural member supporting the lowest elevated floor (excluding columns, piles, diagonal bracing attached to the piles or columns, grade beams, pile caps and other members designed to either withstand storm action or break away without imparting damaging loads to the structure) is elevated to or above two feet above the base flood elevation so as not to impede the flow of water.
- B. Determination of loading forces. Structural design shall consider the effects of wind and water loads acting simultaneously during the base flood on all building components.
 - (1) The structural design shall be adequate to resist water forces that would occur during the base flood. Horizontal water loads considered shall include inertial and drag forces of waves, current drag forces, and impact forces from water-borne storm debris. Dynamic uplift loads shall also be considered if bulkheads, walls, or other natural or man-made flow obstructions could cause wave runoff beyond the elevation of the base flood.
 - (2) Buildings shall be designed and constructed to resist the forces due to wind pressure. Wind forces on the superstructure include windward and leeward forces on vertical walls, uplift on the roof, internal forces when openings allow wind to enter the house, and upward force on the underside of the house when it is exposed. In the design, the wind should be assumed to blow potentially from any lateral direction relative to the house.
 - (3) Wind-loading values used shall be those required by the Building Code.
- C. Foundation standards.
 - (1) The pilings or column foundation and structure attached thereto shall be adequately anchored to resist flotation, collapse or lateral movement due to the effects of wind and water pressures acting simultaneously on all building components. Foundations must be designed to transfer safely to the underlying soil all loads due to wind, water, dead load, live load and other loads (including uplift due to wind and water).
 - (2) Spread footings and fill material shall not be used for structural support of a new building or substantial improvement of an existing structure.
- D. Pile 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 8 x 8 inches for square timber piles. All woodpiles 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 plane.
- (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 2 x 8 lumber bolted to the sides of the pile/beam, or 4 x 4 or larger braces framed into the pile/beam. Bolting shall consist of two five-eighths-inch galvanized steel bolts (each end) for 2 x 8 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.

E. Column foundation design.

- (1) Masonry piers or poured-in-place concrete piers shall be internally reinforced to resist vertical and lateral loads and shall be connected with a movement-resisting connection to a pile cap or pile shaft.

F. Connectors and fasteners.

- (1) Galvanized metal connectors, wood connectors, or bolts of size and number adequate for the calculated loads must be used to connect adjoining components of a structure. Toe-nailing as a principal method of connection is not permitted. All metal connectors and fasteners used in exposed locations shall be steel, hot-dipped galvanized after fabrication. Connectors in

protected interior locations shall be fabricated from galvanized sheet.

G. Beam-to-pile connections.

- (1) The primary floor beams or girders shall span the supports in the direction parallel to the flow of potential floodwater and wave action and shall be fastened to the columns or pilings by bolting, with or without cover plates. Concrete members shall be connected by reinforcement, if cast-in-place, or (if precast) shall be securely connected by bolting and welding. If sills, beams, or girders are attached to 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%.

H. Floor and deck connections.

- (1) Wood 2 x 4 inch (minimum) connectors or metal joist anchors shall be used to tie floor joists to floor beams/girders. These should be installed on alternate floor joists, at a minimum. Cross bridging of all floor joists shall be provided. Such cross bridging may be 1 x 3 inch members, placed eight feet on center maximum, or solid bridging of same depth as the joist at the same spacing.
- (2) Plywood should be used for subflooring and attic flooring to provide good torsional resistance in the horizontal plane of the structure. The plywood should not be less than three-fourths-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.

I. Exterior wall connections.

- (1) 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 2 x 4 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 nor more than four feet on center.

J. Ceiling joist/rafter connections.

- (1) All ceiling joists or rafters shall be installed in such a manner that the joists provide a continuous tie across the rafters. Ceiling joists and rafters shall be securely fastened at their intersections. A metal or wood connector shall be used at alternate ceiling joist/rafter connections to the wall top plate.
- (2) Gable roofs shall be additionally stabilized by installing 2 x 4 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.

K. Projecting members.

- (1) 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.

L. Roof sheathing.

- (1) Plywood, or other wood material, when used as roof sheathing, shall not be less than 15/32 inch in thickness and shall be of exterior sheathing grade or equivalent. All attaching devices for sheathing and roof coverings shall be galvanized or be of other suitable corrosion-resistant material.
- (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.

M. Protection of openings.

- (1) 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.

N. 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 the breakaway walls will fail under water loads less than those that would occur during the base flood and the elevated portion of the building and supporting foundation system will not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components (structural and nonstructural). Water-loading values used shall be those associated with the base flood. Wind-loading values shall be those required by the Building Code.

§ 94-17. Nonresidential structures (except coastal high-hazard areas).

The following standards apply to new and substantially improved commercial, industrial and other

nonresidential structures located in areas of special flood hazard, in addition to the requirements in § 94-13B, Subdivision proposals, and § 94-13C, Encroachments, and § 94-14, Standards for all structures.

- A. Within Zones A1-A30, AE and AH, and also Zone A if base flood elevation data are available, new construction and substantial improvements of any nonresidential structure, together with attendant utility and sanitary facilities, shall either:
 - (1) Have the lowest floor, including basement or cellar, elevated to or above two feet above the base flood elevation; or
 - (2) Be floodproofed so that the structure is watertight below two feet above the base flood elevation with walls substantially impermeable to the passage of water. All structural components located below the base flood elevation must be capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy.
- B. Within Zone AO, new construction and substantial improvements of nonresidential structures shall:
 - (1) Have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as two feet above the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified); or
 - (2) Together with attendant utility and sanitary facilities, be completely floodproofed to that level to meet the floodproofing standard specified in § 94-14C.
- C. If the structure is to be floodproofed, a licensed professional engineer or architect shall develop and/or review structural design, specifications, and plans for construction. A floodproofing certificate or other certification shall be provided to the local administrator that certifies the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of Subsection A(2) of this section, including the specific elevation (in relation to mean sea level) to which the structure is to be floodproofed.
- D. Within Zones AH and AO, adequate drainage paths are required to guide floodwaters around and away from proposed structures on slopes.
- E. Within Zone A, when no base flood elevation data are available, the lowest floor (including basement) shall be elevated at least three feet above the highest adjacent grade.

§ 94-18. Nonresidential structures (coastal high-hazard areas).

- A. In Zones V1-V30 and VE, and also Zone V if base flood elevations are available, or in an area of moderate wave action, new construction and substantial improvements of any nonresidential structure, together with attendant utility and sanitary facilities, shall have the bottom of the lowest member of the lowest floor elevated to or above two feet above the base flood elevation. Floodproofing of structures is not an allowable alternative to elevating the lowest floor to two feet above the base flood elevation in Zones V1-V30, VE and V.
 - (1) Critical facilities. In order to prevent potential flood damage to certain facilities that would result in serious danger to life and health, or widespread social or economic dislocation, no new critical facility shall be located within any area of special flood hazard or within any five-hundred-year flood zone shown as a B Zone or a Shaded X Zone on the Community's Flood Insurance Rate Maps.

§ 94-19. Manufactured homes and recreational vehicles.

The following standards, in addition to the standards in § 94-13, General standards, and § 94-14, Standards for all structures, apply, as indicated, in areas of special flood hazard to manufactured homes and to recreational vehicles which are located in areas of special flood hazard.

- A. Recreational vehicles placed on sites within Zones A1-A30, AE, AH, V1-V30, V, and VE shall either be on site fewer than 180 consecutive days, be fully licensed and ready for highway use, or meet the requirements for manufactured homes in Subsections B, C and D of this section. A recreational vehicle is ready for highway use if it is on its wheels or a jacking system, is attached to the site only by quick-disconnect-type utilities and security devices and has no permanently attached additions.
- B. 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.
- C. 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 blocks is prohibited.
- D. 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 § 94-6 (at least two feet if no depth number is specified). Elevation on piers consisting of dry stacked blocks is prohibited.

ARTICLE VI
Variance Procedure

§ 94-20. Appeals Board.

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

information, and report any variances to the Federal Emergency Management Agency upon request.

§ 94-21. 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, provided that the items in § 94-20D(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 a determination that:
 - (1) The proposed repair or rehabilitation will not preclude the structure's continued designation as an historic structure; and
 - (2) The variance is the minimum necessary to preserve the historic character and design of the structure.
- C. Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use, provided that:
 - (1) The criteria of Subsections A, D, E and F of this section are met; and
 - (2) The structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threat to public safety.
- D. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- E. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- F. Variances shall only be issued upon receiving written justification of:
 - (1) A showing of good and sufficient cause;
 - (2) A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
 - (3) A determination that the granting of 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 the lowest floor elevation.

Chapter 98**FRESHWATER WETLANDS**

[HISTORY: Adopted by the Board of Trustees of the Village of Lawrence 8-27-1976 by L.L. No. 5-1976. Amendments noted where applicable.]

GENERAL REFERENCES

Building construction — See Ch. 70.

Sewers and cesspools — See Ch. 162.

Environmental quality review — See Ch. 81.

Subdivision of land — See Ch. 182.

Filled-in land — See Ch. 86.

Zoning — See Ch. 212.

Flood damage prevention — See Ch. 94.

§ 98-1. Title.

This chapter shall be known as the "Freshwater Wetlands Protection Law of the Village of Lawrence."

§ 98-2. Declaration of policy.

It is declared to be the public policy of the Village to preserve, protect and conserve freshwater wetlands and the benefits derived therefrom, to prevent the despoliation and destruction of freshwater wetlands and to regulate the development of such wetlands in order to secure the natural benefits of freshwater wetlands, consistent with the general welfare and beneficial economic, social and agricultural development of the Village. It is further declared to be the policy of the Village to exercise its authority pursuant to Article 24 of the State Environmental Conservation Law.

§ 98-3. Findings.

- A. The freshwater wetlands located in the Village are invaluable resources for flood protection, wildlife habitat, open space and water resources.
- B. Freshwater wetlands are in jeopardy of being lost, despoiled or impaired by unregulated acts of draining, dredging, filling, excavating, building, pollution or other acts inconsistent with the natural uses of such.
- C. Recurrent flooding aggravated or caused by the loss of freshwater wetlands has serious effects upon natural ecosystems.
- D. Freshwater wetlands conservation is a matter of Village concern.
- E. Any loss of freshwater wetlands deprives the people of the Village of some or all of the many and multiple benefits to be derived from wetlands, such as:
 - (1) Flood and storm control by the hydrologic absorption and storage capacity of freshwater wetlands.
 - (2) Wildlife habitat by providing breeding, nesting and feeding grounds and cover for many forms of wildlife, wildfowl and shorebirds, including migratory wildfowl and rare species.

- (3) Protection of subsurface water resources and provision for valuable watersheds and recharging groundwater supplies.
- (4) Recreation by providing areas for hunting, fishing, boating, hiking, bird watching, photography, camping and other uses.
- (5) Pollution treatment by serving as biological and chemical oxidation basins.
- (6) Erosion control by serving as sedimentation areas and filtering basins, absorbing silt and organic matter and protecting channels and harbors.
- (7) Education and scientific research by providing readily accessible outdoor biophysical laboratories, living classrooms and training and education resources.
- (8) Open space and aesthetic appreciation.
- (9) Sources of nutrients in freshwater food cycles and nursery grounds and sanctuaries for freshwater fish.

§ 98-4. Definitions.

The following terms, phrases, words and their derivatives shall have the meanings given herein:

ADJACENT AREA — Any land in the Village immediately adjacent to a freshwater wetland lying within 100 feet, measured horizontally of the boundary of a freshwater wetland.

AGENCY — The Board of Trustees of the Village.

APPLICANT — Any person who files an application for any permit issued by the agency pursuant to this chapter, and includes the agent of the owner or a contract vendee.

BOARD — The Freshwater Wetlands Appeals Board established by Article 24 of the State Environmental Conservation Law.

BOUNDARIES OF A FRESHWATER WETLAND — The outer limit of the vegetation specified in Subsections A and B of the definition of "freshwater wetlands" in this section and of the waters specified in Subsection C of the definition of "freshwater wetlands" in this section.

FRESHWATER WETLANDS — Lands and waters lying within the boundaries of the Village, as shown on a freshwater wetlands map, or other lands or waters which contain any or all of the following:

- A. Lands and submerged lands commonly called "marshes," "swamps," "sloughs," "bogs" and "flats," supporting aquatic or semiaquatic vegetation of the following vegetative types:
 - (1) Wetland trees which depend upon seasonal or permanent flooding or sufficiently water-logged soils to give them a competitive advantage over other trees, including among others red maple (*Acer rubrum*), willows (*Salix* species), black spruce (*Picea mariana*), swamp white oak (*Quercus bicolor*), red ash (*Fraxinus pennsylvanica*), American elm (*Ulmus americana*) and larch (*Larix laricina*).
 - (2) Wetlands shrubs, which depend upon seasonal or permanent flooding or sufficiently water-logged soils to give them a competitive advantage over other shrubs, including among others alder (*Alnus* species), buttonbush (*Cephalanthus occidentalis*), bog rosemary (*Andromeda glaucophylla*) and leatherleaf (*Chamaedaphne calyculata*).
 - (3) Emergent vegetation, including among others cattails (*Typha* species), pickerelweed

(Pontederia cordata), bulrushes (Scirpus species), arrow arum (Peltandra virginica), arrowheads (Sagittaria species), reed (Phragmites communis), wildrice (Zizania aquatica), bur-reeds (Sparganium species), purple loosestrife (Lythrum salicaria), swamp loosestrife (Decodon verticillatus) and water plantain (Alisma plantagoaquatica).

- (4) Rooted, floating-leaved vegetation, including among others waterlily (Nymphaea odorata), watershield (Brasenia Schreberi) and spatterdock (Nuphar species).
 - (5) Free-floating vegetation, including among others duckweed (Lemma species), big duckweed (Spirodela polyrhiza) and watermeal (Wolffia species).
 - (6) Wet meadow vegetation, which depends upon seasonal or permanent flooding or sufficiently waterlogged soils to give them a competitive advantage over other open land vegetation, including among others sedges (Carex species), rushes (Juncus species), cattails (Typha species), rice cut-grass (Leersia ryzoides), reed canary grass (Phalaris arundinacea), swamp loosestrife (Decodon verticillatus) and spikerush (Eleocharis species).
 - (7) Bog mat vegetation, including among others sphagnum mosses (Sphagnum species), bog rosemary (Andromeda glaucophylla), leatherleaf (Chamaedaphne calyculata), pitcher plant (Sarracenia purpurea) and cranberries (Vaccinium macrocarpon and Vaccinium macrocarpon oxycoccos).
 - (8) Submergent vegetation, including among others pondweeds (Potamogeton species), naids (Najas species), bladderworts (utricularia species), wild celery (Vallisneria americana), coontail (Ceratophyllum demersum), water milfoils (Myrio-phyllum species), muskgrass (Chara species), stonewort (Nitella species), waterweeds (Elodea species), and water smartweed (Polygonum amphibium).
- B. Lands and submerged lands containing remnants of any vegetation that is not aquatic or semiaquatic that has died because of wet conditions over a sufficiently long period, provided that such wet conditions do not exceed a maximum seasonal water depth of six feet, and provided further that such conditions can be expected to persist indefinitely, barring human intervention.
- C. Lands and waters enclosed by aquatic or semiaquatic vegetation as set forth herein in Subsection A of this definition and dead vegetation as set forth in Subsection B of this definition, the regulation of which is necessary to protect and preserve the aquatic and semiaquatic vegetation.
- D. The waters overlying the areas as set forth in Subsections A and B of this definition and the lands underlying Subsection C of this definition.

FRESHWATER WETLANDS MAP — A map on which are indicated the boundaries of any freshwater wetland and which has been filed with the Clerk of the Village by the State Department of Environmental Conservation pursuant to § 24-0301 of the State Environmental Conservation Law.

LOCAL GOVERNMENT — A city, county, town or village.

PARTY IN INTEREST — The applicant, the agency, the State Department of Environmental Conservation, each local government in which the regulated activity or any part thereof is located, and any person who appears and wishes to be a party in interest at the public hearing held pursuant to § 98-7 of this chapter.

PERSON — Any corporation, firm, partnership, association, trust, estate, one or more individuals and any

unit of government or agency or subdivision thereof.

POLLUTION — The presence in the environment of human induced conditions or contaminants in quantities or characteristics which are or may be injurious to humans, plants, animals or property.

PROJECT — Any action which may result in direct or indirect physical impact on a freshwater wetland, including but not limited to any regulated activity.

REGULATED ACTIVITY — Any form of draining, dredging, excavation, removal of soil, mud, sand, shells, gravel or other aggregate from any freshwater wetland, either directly or indirectly; any form of dumping, filling or depositing of any soil, stones, sand, gravel, mud, rubbish or fill of any kind, either directly or indirectly; erecting any structure or roads, the driving of pilings or placing of any other obstructions, whether or not changing the ebb and flow of the water; any form of pollution, including but not limited to installing a septic tank, running a sewer outfall, discharging sewage treatment effluent or other liquid wastes directly into or so as to drain into a freshwater wetland; that portion of any subdivision of land that involves any land in any freshwater wetland or adjacent area; and any other activity which substantially impairs any of the several functions served by freshwater wetlands or the benefits derived therefrom which are set forth in § 98-3 of this chapter.

SELECTIVE CUTTING — The annual or periodic removal of trees, individually or in small groups, in order to realize the yield and establish a new crop and to improve the forest, which removal does not involve the total elimination of one or more particular species of trees.

STATE — The State of New York.

STATE AGENCY — Any state department, bureau, commission, board or other agency, public authority or public benefit corporation.

SUBDIVISION OF LAND — Any division of land into two or more lots, parcels or sites, whether adjoining or not, for the purpose of sale, lease, license or any form of separate ownership or occupancy (including any grading, road construction, installation of utilities or other improvements or any other land use and development preparatory or incidental to any such division) by any person or by any other person controlled by, under common control with or controlling such person or by any group of persons acting in concert as part of a common scheme or plan. "Subdivision of land" shall include any map, plat or other plan of division of land, whether or not previously filed. "Subdivision of land" shall not include the lease of land for hunting and fishing and other open space recreation uses and shall not include the division of land by bona fide gift, devise or inheritance.

VILLAGE — The Village of Lawrence.

§ 98-5. Permit required; exceptions.

- A. Except as provided in Subsection B of this section, no person shall conduct a regulated activity on any freshwater wetland or adjacent area unless such person has first obtained a permit pursuant to this chapter.
- B. No permit under this chapter shall be required for:
 - (1) The deposition or removal of the natural products of freshwater wetlands and adjacent areas by recreational or commercial fishing, shellfishing, agriculture, hunting or trapping where otherwise legally permitted and regulated.
 - (2) Public health activities, orders and regulations of the State Department of Health, County Department of Health, City Department of Health or other, as applicable, undertaken in compliance with § 24-0701(5) of the State Environmental Conservation Law.

- (3) Activities subject to the review jurisdiction of the State Public Service Commission or the New York State Board on Electric Generation Siting and the Environment under Article 7 or Article 8 of the State Public Service Law, respectively. The standards and restrictions of this chapter will be applied by said bodies in determining whether to issue a certificate of environmental compatibility and public need under such articles.
- (4) Any actual and ongoing emergency activity which is immediately necessary for the protection and preservation of life or property or the protection or preservation of natural resource values. Such emergency activities include, for example, search and rescue operations; preventive or remedial activities related to large-scale contamination of streams or other bodies of water; floods, hurricanes and other storms; and public health concerns. Within five days of the end of such an emergency involving the undertaking of any activity which otherwise would be treated as a regulated activity under this chapter, the person chiefly responsible for undertaking such emergency activity shall send a written statement to the agency setting forth the pertinent facts regarding such emergency, including an explanation of the life, property or resource values such activity was designed to protect or preserve.
- (5) Any activity located in a freshwater wetland where such wetland is located in more than one town or village.

§ 98-6. Application for permit; processing.

- A. Any person proposing to conduct or cause to be conducted a regulated activity requiring a permit under this chapter upon any freshwater wetland or adjacent area shall file an application for a permit with the Clerk of the Village. The Clerk shall immediately forward such application to the agency.
- B. Form of application.
 - (1) An application for a permit shall be filed by the applicant on a form prescribed by the agency. Such application shall set forth the purpose, character and extent of the proposed regulated activity. The application shall include a detailed description of the regulated activity, a map showing the area of freshwater wetland or adjacent area directly affected, with the location of the proposed regulated activity thereon, a deed or other legal description describing the subject property and such additional information as the agency deems sufficient to enable it to make the findings and determination required under this chapter.
 - (2) The application shall be accompanied by a list of the names of the owners of record of lands adjacent to the freshwater wetland or adjacent area upon which the project is to be undertaken and the names of known claimants of water rights, of whom the applicant has notice, which relate to any land within, or within 100 feet of the boundary of, the property on which the proposed regulated activity will be located.
 - (3) An application shall not be deemed to be completed or received until the agency determines that all such information, including any additional information requested, has been supplied in a complete and satisfactory form.
- C. The Clerk of the Village shall cause a copy of such completed application to be mailed to all local governments where the proposed activity or any part thereof is located.
- D. Within five days of its receipt of a completed application for a permit regarding a proposed regulated activity, the agency shall provide the applicant with a notice of application, which the applicant shall publish at his or her own expense at least once in a newspaper having a general circulation in the

Village.

- (1) Said notice of application shall be in a form prescribed by the agency and shall:
 - (a) Specify that persons wishing to object to the application should file a notice of objection by a specified date, together with a statement of the precise grounds of objection to the application, with the agency.
 - (b) Specify that if no notices of objection are timely filed or if the agency determines that the proposed activity is of such a minor nature as to not affect or endanger the balance of systems within any freshwater wetland, then the agency, in its discretion, may determine that a hearing is not necessary and dispense with the public hearing.
 - (c) Specify that the application, including all documents and maps therewith, is available for public inspection at the office of the Clerk of the Village.
- (2) Notwithstanding any other provision of this section, the agency may, in its discretion, dispense with the requirement for a notice of application and require a notice of hearing pursuant to Subsection F of this section.

E. Hearing to be held; exceptions.

- (1) No sooner than 30 days and not later than 60 days after its receipt of a completed application for a permit regarding a proposed regulated activity and after the publication of a notice of application pursuant to Subsection D of this section, the agency shall hold a public hearing on such application at a suitable location in the Village, which hearing shall be held pursuant to the provisions of § 98-7 of this chapter.
- (2) Notwithstanding the provisions of Subsection E(1) of this section, where no notice of objection to the notice of application published pursuant to Subsection D of this section shall have been filed within the time specified by that notice or where the agency determines that the proposed activity is of such a minor nature as not to affect or endanger the balance of systems within any freshwater wetland, the agency may, in its discretion, dispense with such hearing. Where the agency finds that a public hearing is not necessary, it shall publish a decision setting forth its reasons therefor, which decision shall be a matter of public record and shall be mailed to each local government where the proposed regulated activity or any part thereof will be located. Public notice of such decision that a public hearing is not necessary shall be provided in the same manner as notice of application set forth in Subsection D of this section.

F. Notice of hearing.

- (1) The agency shall, within 21 days of receipt of a completed application, provide the applicant with a notice of hearing, which the applicant shall publish at his or her own expense at least 15 days prior to the date set for the hearing, at least once in a newspaper of general circulation in the Village.
- (2) At least 15 days prior to the date set for the hearing, the agency shall, by certified mail, provide a notice of hearing to each local government within whose boundaries the proposed regulated activity or any portion thereof will be located.
- (3) At least 15 days prior to the date set for the hearing, the agency shall, by certified mail, provide notice of hearing to all owners of records of land adjacent to the affected freshwater wetland or adjacent area and to all known claimants of water rights, of whom the applicant has notice,

which relate to any land within, or within 100 feet of the boundary of, the property on which the proposed regulated activity will be located.

(4) The notice of hearing shall:

- (a) State the name of the applicant.
- (b) Specify the location and outline the scope of the proposed regulated activity.
- (c) Specify the date, time and place of the public hearing on the application.
- (d) Specify that persons wishing to be parties in interest and eligible to be heard at such public hearing, if any, should file a notice of appearance by a specified date, together with a statement of the precise grounds of support of, opposition to or interest in the application, with the agency.
- (e) Specify that any person who wishes to be a party in interest without filing a notice of appearance may do so by appearing at the public hearing and indicating his or her desire to be a party in interest, if a public hearing is held.
- (f) Specify that if no notices of appearance are timely filed by any party in interest and if the applicant waives any public hearing, then the public hearing may be canceled by the agency.
- (g) Specify that the application, including all documents and maps therewith, is available for public inspection at the office of the Clerk of the Village.

- G. The agency shall make the application, including all documents and maps associated with it, available for public inspection at the office of the Clerk of the Village.
- H. If no timely notice of appearance has been filed as provided in the notice of hearing published pursuant to Subsection F of this section and the applicant waives, in writing, any public hearing on his or her application, the agency may dispense with a public hearing and, in such instance, shall provide public notice of the cancellation of the hearing.
- I. For any notice canceling a hearing which has been scheduled, notice shall be given on the same basis as the notice of public hearing provided in Subsection F of this section.
- J. The agency may establish permit fees to assist its implementation of this chapter.

§ 98-7. Public hearing.

- A. Any public hearing held on a permit application received under this chapter shall be conducted by a hearing officer designated by the agency. The hearing officer shall have full authority to control the conduct and procedure of the hearing and shall be responsible that a complete record of the hearing be kept. The public hearing shall be held within the Village.
- B. Parties in interest.
 - (1) Any person may appear as a party in interest, notwithstanding the failure of such person to file a timely notice of appearance, by appearing at the hearing and making known his or her desire to be a party in interest. Persons who are not parties in interest may be allowed to participate in the hearing where the hearing officer finds that such participation would be in the public interest.

- (2) All parties in interest shall be afforded an opportunity to present oral and written arguments on issues of law and policy and an opportunity to call witnesses in their behalf and to present oral and written evidence on issues of fact. The hearing officer shall permit the parties in interest to cross-examine witnesses but may limit such cross-examination to avoid the introduction of irrelevant or repetitious material in the record of the hearing.

§ 98-8. Decision on permit application.

A. Decision after public hearing.

- (1) Where a public hearing has been held regarding a permit application, the agency shall either issue the permit requested, with or without conditions, or deny the application.
- (2) The decision by the agency to issue or deny a permit after public hearing shall be based on the record of the hearing and shall be made in writing within 30 days of the agency's receipt of the hearing record.

B. Decision without public hearing.

- (1) Where no public hearing regarding a permit application has been held, either because a hearing was determined not to be necessary pursuant to § 98-6E(2) of this chapter or because no notice of appearance was filed with regard to the public hearing and the hearing was canceled pursuant to § 98-6H of this chapter, the agency shall compile an official file consisting of documents submitted by the applicant and all additional documents relied on by the agency with respect to the application. The agency may also take notice of general, technical or scientific facts within the specialized knowledge of the agency. Any document made part of such office file shall be available for inspection by the applicant or any interested member of the public. On the basis of such file, the agency shall either issue the permit requested with or without conditions, deny the application or order a public hearing to be held pursuant to the provisions of this chapter.
- (2) The decision by the agency to issue or deny a permit or to order that a hearing be held shall be based on the official file and shall be made in writing within 30 days of its completion of the official file and in any event within 60 days of its receipt of a completed application, provided that, in the case where there have been no objections filed regarding a proposed project, the issuance of a permit shall be deemed to be a written decision by the agency.

C. A copy of the decision of the agency on each application for a permit under this chapter shall be mailed by the agency as soon as practicable following such decision to the applicant and to each local government within whose boundaries the proposed regulated activity or any portion thereof is located and, if a public hearing has been held regarding the application, to each party in interest.

§ 98-9. Standards for permit decisions.

A. In granting, denying or conditioning any permit, the agency shall consider the effect of the proposed activity with reference to the public health and welfare, fishing, flood, hurricane and storm dangers and protection or enhancement of the several functions of the freshwater wetlands and the benefits derived therefrom which are set forth in § 98-3 of this chapter.

B. Standards.

- (1) No permit shall be issued by the agency pursuant to this chapter unless the agency shall find that:

- (a) The proposed regulated activity is consistent with the policy of this chapter to preserve, protect and conserve freshwater wetlands and the benefits derived therefrom, to prevent the despoliation and destruction of freshwater wetlands and to regulate the development of such wetlands in order to secure the natural benefits of freshwater wetlands, consistent with the general welfare and the beneficial economic, social and agricultural development of the Village.
 - (b) The proposed regulated activity is consistent with the land use regulations applicable in the Village pursuant to § 24-0903 of Article 24 of the State Environmental Conservation Law.
 - (c) The proposed regulated activity is compatible with the public health and welfare.
 - (d) The proposed regulated activity is reasonable and necessary.
 - (e) There is no reasonable alternative for the proposed regulated activity on a site which is not a freshwater wetland or adjacent area.
- (2) The applicant shall have the burden of demonstrating that the proposed regulated activity will be in accord with the standards set forth in this subsection.
- C. Duly filed written notice by the state or any agency or subdivision thereof to the agency that the state or any such agency or subdivision is in the process of acquiring the affected freshwater wetland on which a proposed regulated activity would be located by negotiation or condemnation shall be sufficient basis for denial of a permit for such regulated activity. Such notice may be provided at any time prior to the agency's decision to issue or deny a permit for the regulated activity.

§ 98-10. Conditions to permit.

- A. Any permit issued pursuant to this chapter may be issued with conditions. Such conditions may be attached as are necessary to assure the preservation and protection of affected freshwater wetlands and to assure compliance with the policy and provisions of this chapter and the provisions of the agency's rules and regulations adopted pursuant to this chapter.
- B. Every permit issued pursuant to this chapter shall contain the following conditions:
- (1) The agency shall have the right to inspect the project from time to time.
 - (2) The permit shall expire on a date certain.
 - (3) The permit holder shall notify the agency of the date on which project construction is to begin, at least five days in advance of such date.
 - (4) The agency's permit shall be prominently displayed at the project site during the undertaking of the activities authorized by the permit.
- C. The agency shall set forth in writing in the file it keeps regarding a permit application its findings and reasons for all conditions attached to any permit.

§ 98-11. Powers of agency.

In order to carry out the purposes and provisions of this chapter, the agency shall have the following powers:

- A. To appoint officers, agents, employees and prescribe their duties and qualifications and fix their compensation.
- B. To adopt, amend and repeal, after public hearing (except in the case of rules and regulations that relate to the organization or internal management of the agency), said rules and regulations, consistent with this chapter, as it deems necessary to administer this chapter, and to do any and all things necessary or convenient to carry out the purpose policies of this chapter.
- C. To contract for professional and technical assistance and advice.
- D. To hold hearings and subpoena witnesses in the exercise of its powers, functions and duties provided for in this chapter.

§ 98-12. Applicability of other provisions.

- A. To the greatest extent practicable, any public hearing held pursuant to § 98-7 of this chapter shall be incorporated with any public hearing required by or pursuant to the New York State Town Law, Village Law, General City Law, General Municipal Law or Environmental Conservation Law relating to approvals or permits otherwise required for the undertaking of regulated activities on the freshwater wetland or adjacent area in question.
- B. No permit granted pursuant to this chapter shall remove any person's obligation to comply in all respects with the applicable provisions of any other federal, state or local law or regulation, including but not limited to the acquisition of any other required permit or approval.

§ 98-13. Bonding requirements.

- A. The agency may require that, prior to commencement of work under any permit issued pursuant to this chapter, the permittee shall post a bond with the agency, in an amount determined by the agency, conditioned upon the faithful compliance with the terms of such permit and for the indemnification of the Village for restoration costs resulting from failure to so comply. Such bond shall be issued by a corporate surety authorized to do business in the state and shall be in favor of the Village. It shall remain in effect until the agency certifies that the work has been completed in compliance with the terms of the permit or the bond is released by the agency or a substitute bond is provided.
- B. The agency shall set forth in writing in the file it keeps regarding a permit application its findings and reasons for imposing a bond pursuant to this section.

§ 98-14. Suspension or revocation of permits.

- A. The agency may suspend or revoke a permit issued pursuant to this chapter where it finds that the permittee has not complied with any or all terms of such permit, has exceeded the authority granted in the permit or has failed to undertake the project in the manner set forth in the application.
- B. The agency shall set forth in writing in the file it keeps regarding a permit application its findings and reasons for revoking or suspending a permit pursuant to this section.

§ 98-15. Penalties for offenses.

- A. Administrative sanctions. Any person who violates, disobeys or disregards any provision of this chapter, including any provision or any permit issued pursuant to this chapter or any rule or regulation adopted by the agency pursuant to this chapter, shall be liable to the People of the state for a civil

penalty of not to exceed \$3,000 for every such violation, to be assessed, after a hearing or opportunity to be heard upon due notice and with the rights to specification of the charges and representation by counsel at such hearing, by the agency. Such penalty may be recovered in an action brought by the Attorney General at the request and in the name of the agency in any court of competent jurisdiction. Such civil penalty may be released or compromised by the Agency before the matter has been referred to the Attorney General, and such penalty may be decreased or compromised, and any action commenced to recover the same may be settled and discontinued by the Attorney General with the consent of the agency. In addition, the agency shall have power, following a hearing held in conformance with the procedures set forth in § 71-1709 of the Environmental Conservation Law, to direct the violator to cease his or her violation of this chapter and to restore the affected freshwater wetland to its condition prior to the violation, insofar as that is possible within a reasonable time and under the supervision of the agency. Any such order of the agency shall be enforceable in an action brought by the Attorney General at the request and in the name of the agency in any court of competent jurisdiction. Any civil penalty or order issued by the agency pursuant to this subsection shall be reviewable in a proceeding pursuant to Article 78 of the State Civil Practice Law and Rules.

- B. Criminal sanctions. Any person who violates an order, permit or rule or regulation of the agency regulating freshwater wetlands and adjacent areas pursuant to this chapter shall, in addition, for the first offense, be guilty of a violation punishable by a fine of not less than \$500 nor more than \$1,000; for a second and each subsequent offense, he or she shall be guilty of a misdemeanor punishable by a fine of not less than \$1,000 nor more than \$2,000 or a term of imprisonment of not less than 15 days nor more than six months, or both. Instead of these punishments, any offender may be punished by being ordered by the court to restore the affected freshwater wetland to its condition prior to the offense insofar as that is possible. The court shall specify a reasonable time for the completion of such restoration, which shall be effected under the supervision of the agency. Each offense shall be a separate and distinct offense as in the case of a continuing offense, each day's continuance thereof shall be deemed a separate and distinct offense.

§ 98-16. Enforcement.

- A. The Attorney General, upon his or her own initiative, or upon complaint of the agency, shall prosecute persons alleged to have violated any such order of the agency pursuant to this chapter.
- B. The agency shall have the right to seek equitable relief to restrain any violation or threatened violation of the provisions of this chapter.

§ 98-17. Review and appeal.

- A. Any decision or order of the agency, or any officer or employee thereof, made pursuant to or within the scope of this chapter may be reviewed at the instance of any person affected thereby, including but not limited to any owner of the affected wetland or adjacent area and any resident or citizen of the Village by the Board in accordance with Title 11 of Article 24 of the Environmental Conservation Law, provided that such review is commenced by the filing with the Board of a notice of review within 30 days after service of such order or notice of such decision given, as the case may be.
- B. Any party to any proceeding before the agency may make an appeal to the Board in accordance with Title 11 of Article 24 of the State Environmental Conservation Law from its order or decision of the agency, or any officer or employee thereof, issued or made pursuant to or within the scope of this chapter, provided that such appeal is commenced by the filing with the Board of a notice of appeal within 30 days after service of such order or after notice of such decision given, as the case may be.

- C. Any decision or order of the agency, or any officer or employee thereof, made pursuant to or within the scope of this chapter may be reviewed at the instance of any person, including but not limited to any owner of the affected wetland or adjacent area and any resident or citizen of the Village in accordance with Article 78 of the State Civil Practice Law and Rules, provided that such review is commenced within 30 days of the filing of such decision or order; and the limitation upon the availability of such remedy as prescribed in § 7801 of the Civil Practice Law and Rules shall not be applicable to the applications for review of determinations and orders made pursuant to this chapter.
- D. The institution of a judicial proceeding to review a determination or order of the agency shall preclude the institution of a proceeding before the Board to review a determination or order. The availability of such review by the Board shall not affect the right of any person to seek review of a determination of the agency as provided in Article 78 of the State Civil Practice Law and Rules.

Chapter 103**GARAGE AND TAG SALES**

[HISTORY: Adopted by the Board of Trustees of the Village of Lawrence 9-19-1977 by L.L. No. 7-1977. Sections 103-2 and 103-5 amended and § 103-10 added at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Other amendments noted where applicable.]

GENERAL REFERENCES

Litter — See Ch. 106.

Peace and good order — See Ch. 144.

Hawkers, peddlers and solicitors — See Ch. 115.

Secondhand dealers — See Ch. 158.

§ 103-1. Definitions.

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

GOODS — Includes any goods, warehouse, merchandise or other property capable of being the object of a sale regulated hereunder.

PERSON — Includes individuals, partnerships, voluntary associations and corporations.

TAG SALE — Includes all sales entitled "tag sale," "garage sale," "lawn sale," "attic sale," "rummage sale," or "flea market sale," or any similar casual sale of tangible personal property in an area, the zoning for which does not permit the same, which sale is advertised by any means whereby the public at large is or can be made aware of said sale.

§ 103-2. License required: license fee.³²

It shall be unlawful for any person to conduct a tag sale in the Village of Lawrence in any residential zone without first filing with the Village Administrator the information hereinafter specified and obtaining from such Village Administrator a license so to do, to be known as a "tag sale license." The fees for such license shall be as set by resolution of the Board of Trustees.³³

§ 103-3. Frequency of license issuance; term of license.

Such license shall be issued to any one residence address only once within a twelve-month period, and no such license shall be issued for more than two consecutive calendar days.

§ 103-4. Display of license.

Each license issued under this chapter must be prominently displayed on the premises upon which the tag sale is conducted throughout the entire period of the licensed sale.

§ 103-5. Information to be filed. [Amended 4-13-1988 by L.L. No. 5-1988]

The information to be filed with the Village Administrator, pursuant to this chapter, shall be as follows:

32. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

33. Editor's Note: The current fee is available and on file in the Village offices.

- A. The name of the persons, firm, group, corporation, association or organization conducting said sale.
- B. The name of the owner of the property on which said sale is to be conducted and the consent of the owner if the applicant is other than the owner.
- C. The location at which the sale is to be conducted.
- D. The number of days of the sale.
- E. The date and nature of any past sale and relationship or connection the applicant may have had with any other person, firm, group, organization, association or corporation conducting said sale, and the date or dates of such sale.
- F. Whether or not the applicant has been issued any other vendor's license by any local, state or federal agency.
- G. A sworn statement or affirmation by the person signing that the information therein given is full and true and known to him to be so.

§ 103-6. Hours of operation.

All tag sales shall be conducted between the hours of 9:00 a.m. and 6:00 p.m. only.

§ 103-7. Signs.³⁴

No more than one sign advertising such sale, no larger than 24 inches by 12 inches in size, shall be permitted. Such sign must be posted on the premises where such sale is conducted and must contain the name and address of the person conducting the sale. Said sign must be removed within 24 hours after the completion of the sale.

§ 103-8. Exemptions.

The provisions of this chapter shall not apply to or affect the following persons or sales:

- A. Persons selling goods pursuant to an order of process of a court of competent jurisdiction.
- B. Persons acting in accordance with their powers and duties as public officials.
- C. Any bona fide charitable, eleemosynary, educational, cultural or governmental institution or organization; provided, however, that the burden of establishing the exemption under this subsection shall be on the organization or institution claiming such exemption.

§ 103-9. Responsibility for conduct.

The person to whom such license is issued and the owner or tenant of the premises on which such sale or activity is conducted shall be jointly and severally responsible for the maintenance of good order and decorum on the premises during all hours of such sale or activity. No such person shall permit any loud or boisterous conduct on said premises nor permit vehicles to impede the passage of traffic on any roads or streets in the area of such premises. All such persons shall obey the reasonable orders of any member of the Police Department or Fire Department of the Village of Lawrence in order to maintain the public health, safety and welfare.

34. Editor's Note: For related provisions, see Ch. 166, Signs.

§ 103-10. Penalties for offenses. [Amended 4-13-1988 by L.L. No. 5-1988; amended 9-11-2002 by L.L. No. 5-2002]

Any person committing an offense against any provision of this chapter shall, upon conviction thereof, be guilty of a violation pursuant to the Penal Law of the State of New York, punishable by a fine up to a maximum of \$1,000 or by imprisonment for a term not exceeding 15 days, or by both such fine and imprisonment. The continuation of an offense against the provisions of this chapter shall constitute, for each day the offense is continued, a separate and distinct offense hereunder.

Chapter 106**GARBAGE, RUBBISH AND REFUSE**

[HISTORY: Adopted by the Board of Trustees of the Village of Lawrence 3-12-1956 by Ord. No. 155. Amendments noted where applicable.]

GENERAL REFERENCES

Waterways — See Ch. 65.

Peace and good order — See Ch. 144.

Dogs and other animals — See Ch. 76.

Sewers and cesspools — See Ch. 162.

Filled-in land — See Ch. 86.

Streets and sidewalks — See Ch. 178.

Gardeners — See Ch. 110.

Junk, unlicensed and unregistered vehicles — See Ch. 204.

Parks — See Ch. 140.

§ 106-1. Definitions.

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

GARBAGE — Includes garbage, offal, household waste, restaurant waste, business or commercial waste and refuse of every kind and character, cans, bottles, discarded metal, automobile fenders, automobile parts, paintbrushes, paint scrapings, furniture, mattresses or upholstery, discarded machinery and offensive material of every character.

LITTER — Includes cigarette boxes, envelopes, books and papers, tissues, paper bags, cellophane and other discarded material of similar character not included within the terms "garbage" or "rubbish."

RUBBISH — Includes rubbish, cartons, boxes, excelsior, sawdust, packing, papers, newspapers and discarded material and waste of every character not included under the term "garbage."

§ 106-2. Handling and storage.

The following regulations shall govern the handling and storage of garbage and rubbish in the Village.

- A. No person, firm or corporation shall deposit, store or hold, or suffer or permit to be deposited, stored or held, on the premises under his, their or its ownership, tenancy or control any garbage, as defined by this chapter, unless the same is placed in garbage cans or similar containers completely and securely covered and placed in such a way as not to create a nuisance.
- B. Such cans or containers shall be metal or plastic and shall be watertight, and shall be equipped with close-fitting metal or plastic tops completely enclosing the same, which shall at all times be securely closed and fastened. **[Amended 4-13-1988 by L.L. No. 5-1988]**
- C. No person, firm or corporation shall deposit, hold or store, or suffer or permit to be deposited, stored or held, on premises under his, their or its ownership, tenancy or control, any rubbish, as defined by this chapter, unless the same is placed in containers of a kind required by Subsections A and B of this section or unless such rubbish is placed in baskets, bags or similar containers, completely and securely covered and placed in such a way as not to create a nuisance.

- D. Such cans and containers shall at all times be sufficient in number and capacity to contain the maximum amount of garbage and rubbish originating in or in connection with the building, store or establishment for which they were provided.
- E. In the business district of the Village, as now or hereafter defined by Chapter 212, Zoning, in case the service regularly rendered by Sanitary District No. 1 of the Town of Hempstead is not sufficiently frequent or scheduled in such a way as not to permit the removal of such garbage and rubbish without accumulating to an extent greater than the capacity of the cans and containers provided for the purpose, it shall be the duty of the owner, tenant or occupant of the building, store or establishment to provide additional or supplementary garbage- or rubbish-removal service which will be adequate for such purpose.
- F. All such cans, containers, baskets, bags or similar containers shall be placed, deposited and stored on the premises where such garbage or rubbish originated.
- G. No person, firm or corporation shall place, deposit or store, or permit to be placed, deposited or stored, on any street, sidewalk, parking field or the approaches thereto or on any public property or on the property of another person any garbage or rubbish, as defined in this chapter, or any of the cans, containers, baskets, bags or other containers used in the holding and storage thereof.
- H. It shall be illegal to construct, place or build any facility for the storage of garbage, litter and refuse receptacles below property grade (in-ground). **[Added 3-17-2005 by L.L. No. 3-2005]**
- I. One- and two-family residences. All garbage, rubbish and refuse shall be placed at the side or rear of the premises, at the location of the garbage cans, for collection by the Sanitary District, other than for bulk pickup, which may not be placed forward of the front building line or at the curb earlier than 7:00 p.m. on the day prior to the scheduled sanitation pickup. **[Added 3-13-2008 by L.L. No. 3-2008]**
- J. Multiple dwellings. No cans, containers, baskets, bags, similar containers or bulk pickup materials shall be placed for sanitation pickup in a front yard, a side yard abutting a street (as defined by Chapter 212, Zoning), or at curbside earlier than 7:00 p.m. on the day prior to the scheduled pickup. **[Added 3-13-2008 by L.L. No. 3-2008]**
- K. Business district. No bags or similar containers containing garbage, rubbish or trash, other than securely closed garbage disposal containers with permanently attached covers, may be placed or stored outside the premises prior to 6:00 p.m. on the day prior to the scheduled sanitation pickup. **[Added 3-13-2008 by L.L. No. 3-2008]**

§ 106-3. Sidewalks in business districts.

- A. The following regulations shall apply to the care of sidewalks in the business district of the Village, as now or hereafter defined by Chapter 212, Zoning.
 - (1) It shall be the duty of the owner, tenant, occupant and person in charge of every store, building and establishment in the Village to keep the sidewalks, curbs, gutters and parking fields adjoining said premises at all times free from garbage, rubbish and litter.
 - (2) The owner, tenant, occupant and person in charge of every store, building and other establishment shall sweep such sidewalk or cause the same to be swept and remove any garbage, rubbish and litter and sweepings which may be found upon such sidewalks, curbs, gutters and parking fields, as often as may be necessary for such purpose.
 - (3) All such sweepings shall be placed in the containers required under § 106-2 of this chapter and

shall be stored, held and disposed of as therein provided.

- (4) In no event shall any sweepings be swept into the street or the gutters thereof or into a parking field or upon the property of another or upon the sidewalk adjoining the building, store or establishment of another person.

- B. The foregoing regulations shall apply regardless of the source or origin of such garbage, rubbish and litter.

§ 106-4. Placing wastes in public places.

The following regulations shall apply to all streets, sidewalks, gutters and parking fields and other public places in the Village.

- A. No person, firm or corporation shall place or permit to be placed upon any street, sidewalk, curb, gutter, parking field or other public place in the Village any garbage, rubbish or litter, as defined in this chapter.
- B. No person shall throw or toss from any motor vehicle in the Village upon any street, curb, gutter, parking field or other public place in the Village any garbage, rubbish or litter, as defined in this chapter.
- C. No builder, contractor, gardener, workman, foreman or person in charge of any work in the Village shall permit any bags, cartons, shavings, sawdust, containers, plaster, stone or other waste material, or material used in connection with the work, to be placed upon any street, curb, gutter, parking field or other public place in the Village. This regulation shall apply equally whether such material was placed on such property by such person or was carried there by the wind, the force of gravity or other means; provided, however, that this regulation shall not be construed to prevent the use and exercise of any license or permit which may have been issued pursuant to § 125-9A(9) of this Code of the Village of Lawrence.

§ 106-5. Placing wastes on lands of other persons.

No builder, contractor, gardener, workman, foreman or person in charge of any work in the Village shall dump or place or permit to be dumped or placed upon the lands of another any garbage, refuse or litter, as defined in this chapter, or any ashes, boxes, leaves, grass, clippings, weeds, garden refuse, branches, limbs or any discarded materials of any character whatsoever, without the previous consent of the owner of such land.

§ 106-5.1. Outdoor storage in Business K District. [Added 1-13-2005 by L.L. No. 1-2005]

With the exception of securely closed garbage and trash receptacles as described in § 106-2, all outdoor storage is prohibited in the Business K District of the Village of Lawrence, including, but not limited to, the storage and or placement of shopping carts, boxes, crates and pallets.

§ 106-6. Penalties for offenses. [Amended 4-13-1988 by L.L. No. 5-1988; 9-11-2002 by L.L. No. 5-2002]

Any person committing an offense against any provision of this chapter shall, upon conviction thereof, be guilty of a violation pursuant to the Penal Law of the State of New York, punishable by a fine up to a maximum of \$1,000 or by imprisonment for a term not exceeding 15 days, or by both such fine and imprisonment. The continuation of an offense against the provisions of this chapter shall constitute, for

each day the offense is continued, a separate and distinct offense hereunder.

Chapter 110**GARDENERS, LANDSCAPERS AND TREE SERVICERS**

[HISTORY: Adopted by the Board of Trustees of the Village of Lawrence 2-12-1986 by L.L. No. 1-1986; amended in its entirety 7-13-2010 by L.L. No. 6-2010. Subsequent amendments noted where applicable.]

GENERAL REFERENCES

Garbage, rubbish and litter — See Ch. 106.

Lawn sprinklers — See Ch. 174.

§ 110-1. Definitions.

As used in this chapter, the following words and phrases shall have the following meanings:

GARDENER — Any person (except an individual under the age of 16) who engages for hire in the tending, cultivation, maintaining, fertilization, seeding, planting, managing, trimming, pruning, treating or laying out of grass, lawns, gardens, flower beds, shrubbery, trees, foliage or landscaping of every nature and description on private property. The term "gardener" shall include persons engaged in the business of landscaping and tree servicing. The term "gardener" shall not include a person who owns or resides upon the property where such activity is being conducted, or an employee of such person.

PERSON — Any individual, firm, partnership, corporation or legal entity.

PRIVATE PROPERTY — All real property, improved or unimproved, owned by any person which is not included in the definitions for "public highway" or "public place" in this section.

PUBLIC HIGHWAY — 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 PLACE — Any real property available to or open to use by all or a majority of the property owners or residents of the Village of Lawrence.

§ 110-2. License required.

- A. No person shall engage in the business of a gardener in the Village of Lawrence without first being licensed in accordance with this chapter.
- B. This chapter shall not require a license for any gardener performing work pursuant to certification from the Superintendent of Building Department or such Superintendent's designee that such work is necessary to protect public health or safety in the case of an emergency, provided that the person performing such work files with the Village documentation of insurance as may be required from persons licensed by the Village to perform such work.
- C. This chapter shall not apply to any gardener performing work pursuant to contract with the Village of Lawrence, or any other governmental agency or public utility company.

§ 110-3. (Reserved)

§ 110-4. Application procedure.

Any gardener desiring a license required by this chapter shall make application on forms prescribed by the Village Clerk.

§ 110-5. Fees.

Each applicant for a license shall pay a nonrefundable filing fee with the application. A license fee shall be paid upon issuance of the license. The application filing fee and license fee shall be determined by resolution of the Board of Trustees.

§ 110-6. Expiration of license; renewal.

All licenses issued pursuant to this chapter shall expire on the last day of December in the year of issuance. Licenses may be renewed upon application made before March 1 of the following year, and payment of a renewal annual fee as determined by resolution of the Board of Trustees. If a licensee fails to make proper timely application for renewal, the licensee shall be required to reapply and pay any application and license fee pursuant to § 110-5.

§ 110-7. Insurance.

Each applicant for a license or renewal of such license pursuant to this chapter shall have and maintain during the term of such license all workers' compensation and disability insurance as is required by law, and such other insurance as may be required by resolution of the Board of Trustees, and shall provide the Village with documentation of such insurance.

§ 110-8. General regulations.

No gardener or any employee of a gardener shall perform, or cause, suffer or permit any person to perform, any of the following:

- A. Operate any power or manual lawn mower or any other power equipment Monday through Friday, before 8:00 a.m. or after 6:00 p.m.
- B. Operate noise-producing power equipment at any time on Saturday, Sunday, New Year's Day, Martin Luther King, Jr. Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day. **[Amended 9-12-2019 by L.L. No. 6-2019]**
- C. Place any garbage, refuse, cuttings, leaves, wood or other materials upon any public highway, public place or private property.
- D. Scatter any garbage, refuse, cuttings, leaves or other waste materials from the custody of such person to any public highway, public place or private property.
- E. Cause or permit anyone to blow or rake leaves, grass or other debris onto the public highway or right-of-way or onto adjoining property. As a precondition to the issuance of a license, a landscaper will be required to furnish proof that he, she or it has a permit to deposit leaves, grass clippings and other debris at a duly licensed depository.
- F. Cause or permit anyone to spill or dump oil, gasoline or other petroleum products or any pesticides on the public highway or right-of-way or anywhere on the ground. No equipment shall be filled or refilled except over a drop cloth or other device designed to catch and retain any accidental spillage.

§ 110-8

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- G. Cause or permit anyone to remove any tree, nor operate any machinery, in violation of law.
- H. Perform any work in violation of any applicable federal, state and local laws, ordinances, rules and regulations. Every applicant for a license shall review the applicable laws, ordinances, rules and regulations and shall affirm in the application or renewal application that the applicant and all of its employees are familiar with such.
- I. Violate any other rule or regulation adopted by resolution of the Board of Trustees, as it may deem necessary to further the purposes of this chapter.

§ 110-9. Penalties for offenses.

Any person committing an offense against any provision of this chapter shall, upon conviction thereof, be guilty of a violation and shall be punished by a fine up to a maximum of \$1,000 or by imprisonment for a term not exceeding 15 days, or by both such fine and imprisonment. Each day on which any violation of this chapter occurs shall constitute a separate and distinct offense hereunder.

§ 110-10. Revocation or suspension of license.

In addition to the penalties otherwise provided by law, the Board of Trustees may revoke or suspend any license issued pursuant to this chapter after notice to the licensee and a reasonable opportunity for the licensee to be heard. The Board of Trustees may take such action if, in its discretion, such action is warranted due to the licensee's deliberate or willful disregard of the standards imposed by this chapter or by any other village, county, state or federal law, or due to two or more violations of this chapter or any other law occurring within a period of 60 days.

§ 110-11. Display of license or decal.

Each vehicle used for landscaping functions in the Village shall be registered with the Village, and shall prominently display a decal provided by the Village. The fee for each such decal shall be established by the Board of Trustees.

§ 110-12. Review procedure.

Any review of the revocation of any license shall be pursuant to Article 78 of the Civil Practice Law and Rules.

Chapter 113**GRAFFITI**

[HISTORY: Adopted by the Board of Trustees of the Village of Lawrence 1-13-1999 by L.L. No. 2-1999. Amendments noted where applicable.]

§ 113-1. Prohibited acts.

No person shall, within the Village of Lawrence, write, paint, draw or otherwise place any inscription, figure nor mark of any type upon any building, public or private, nor upon any other property, real or personal, whether same be owned, possessed, maintained or operated by any person, public or private corporation or other entity whatsoever, without the prior express written permission of the owner of said property or the duly authorized agent of such owner.

§ 113-2. Penalties for offenses. [Amended 9-11-2002 by L.L. No. 5-2002]

Any person having been found guilty of any violation of the provisions of this chapter, for each and every such violation, shall be guilty of a violation pursuant to the Penal Law of the State of New York, punishable by a fine up to a maximum of \$1,000 or by imprisonment for a term not exceeding 15 days, or by both such fine and imprisonment. The continuation of an offense against the provisions of this chapter shall constitute, for each day the offense is continued, a separate and distinct offense hereunder.

§ 113-3. Removal of graffiti; costs.

- A. Requirement to remove graffiti. The occupant, lessee, sublessee, owner, landlord or agent of the owner and/or landlord of any commercial or residential premises located in the Village of Lawrence which has any form of graffiti on any building, structure or accessory structure or property located thereon shall be required to either restore the defaced surface by removing the graffiti or repaint the defaced surface using the same color paint as existed previously on such defaced surface or may repaint the entire structure or area within 15 days after written notice to such occupant, lessee, sublessee, owner, landlord or agent of the owner and/or landlord from the Village of Lawrence notifying said person to remove the same.
- B. Costs and/or remedy of village. In the event that said graffiti condition is not cured or corrected within 15 days after the written notice hereinabove provided for, in addition to any other penalty for a violation of this chapter as may be provided herein, the village shall have the right to enter upon said premises, without any further notice, to remove the graffiti and/or paint the premises as hereinabove set forth, and the cost of the removal of such graffiti and/or painting shall be at the sole cost and expense of the occupant, lessee, sublessee, owner, landlord or agent. The actual costs of the inspection of said graffiti, resurfacing and/or repainting of such building, together with any other costs incidental to such removal of graffiti, shall thereupon become a lien upon the real property upon which the graffiti was found to be located, and such costs or lien shall be added to and become part of the village taxes next to be assessed and levied on such real property, and the same shall be collected and enforced in the same manner as taxes.

§ 113-4. Conflict with other laws.

The provisions of this chapter are intended to be in addition to, shall supplement and, in any event, are not intended to replace any other provisions applicable to the prohibited conduct hereinabove set forth, including but not limited to any applicable provisions of the Penal Law of the State of New York and/or

any applicable ordinances of the County of Nassau and/or Town of Hempstead.

HAWKERS, PEDDLERS AND SOLICITORS

Chapter 115

HAWKERS, PEDDLERS AND SOLICITORS

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

GENERAL REFERENCES

Garage sales — See Ch. 103.

Peace and good order — See Ch. 144.

Licenses and permits — See Ch. 125.

Secondhand dealers — See Ch. 158.

Parks — See Ch. 140.

ARTICLE I

Hawking and Peddling**[Adopted 5-25-1942 by part of Ord. No. 106³⁵]****§ 115-1. Crippled veterans and state licensees exempted from licensing.**

No license or permit to hawk or peddle shall be required of an honorably discharged soldier, sailor or marine who is crippled as a result of injuries received while in the Naval or Military Service of the United States, and no such license shall be required of the holder of a license granted pursuant to § 32 of the General Business Law.

§ 115-2. Proximity to schools and parks.

In no event shall hawking or peddling of foodstuffs or merchandise of any kind be permitted, at any time, within 300 feet of any school or 300 feet of any village park, and no automobile, wagon, cart or vehicle of any kind from which foodstuffs or other merchandise is offered for sale or sold shall stand within said distance of 300 feet.

§ 115-3. Penalties for offenses. [Added 4-13-1988 by L.L. No. 5-1988; amended 9-11-2002 by L.L. No. 5-2002]

Any person committing an offense against any provision of this article shall, upon conviction thereof, be guilty of a violation pursuant to the Penal Law of the State of New York, punishable by a fine up to a maximum of \$1,000 or by imprisonment for a term not exceeding 15 days, or by both such fine and imprisonment. The continuation of an offense against the provisions of this article shall constitute, for each day the offense is continued, a separate and distinct offense hereunder.

35. Editor's Note: The provisions of this article are derived from § 313.2(b) and (c) of the Code of Ordinances of 1942.

ARTICLE II

**Peddling and Soliciting on Private Property
[Adopted 9-8-1982 by L.L. No. 5-1982]****§ 115-4. Consent of occupant required.**

It shall be unlawful for any person or company to enter upon any private residential property in the village for the purpose of peddling or soliciting without the consent of the occupant of said premises previously given.

§ 115-5. Notice of allowing soliciting to be filed. [Amended 4-13-1988 by L.L. No. 5-1988]

- A. No person shall enter upon any private residential property in the village for the purpose of soliciting alms or a subscription or a contribution to any church, charitable or public institution; nor for the purpose of distributing any handbill, pamphlet, tract, notice, advertising or other like matter; nor for the purpose of selling or distributing any ticket or chance; nor for the purpose of distributing campaign literature of any political organizations; nor for the purpose of soliciting signatures on any petition, unless an occupant of said premises has filed in the Village Administrator's office a notice allowing any or all such solicitations or distributions.
- B. Such notice shall include:
- (1) The name of the person filing.
 - (2) The address of the property affected.
 - (3) The date of such filing.
 - (4) A statement specifically identifying the churches, charitable organizations or public institutions which the person filing objects to permitting entrance onto his private residential property for the purpose of solicitations or distribution or that all such solicitations or distributions are allowed.
 - (5) Whether the person filing wishes to permit entrance onto his private residential property only for solicitations or distributions by a person who has been a bona fide resident of the village for a period of at least six consecutive months prior thereto and/or is soliciting or distributing in behalf of a church, charitable organization or public institution of which the solicitor or distributor is a member and which has had a place of worship or office in the village for a period of at least six consecutive months prior thereto.
- C. The Village Administrator shall prepare and maintain a list, by occupant's home and street address, of all private residential properties in the village which are the subject of a filing described herein.
- D. Any occupant of private residential property who has given notice as described herein may withdraw or modify such notice at any time, upon notification to the Village Administrator.

§ 115-6. License required.

It shall be unlawful for any person, organization, society, association, company or corporation or their agents or representatives to solicit donations of money or property or financial assistance of any kind upon the streets, in office or business buildings, by house-to-house canvass or in public places in the village without a license issued pursuant to this article.

§ 115-7. Application for soliciting; grant of license.

- A. Applications to solicit funds for any cause whatever, as provided for in this article, shall be in writing and addressed to the Mayor and shall contain the following information:
- (1) The name, address and purpose of the cause for which permission to solicit is sought.
 - (2) The names and addresses of the officers and directors of the organization, firm, society, association, company or corporation.
 - (3) The time for which permission is sought and localities and places of solicitation.
 - (4) Whether or not any commissions, fees, wages or emoluments are to be expended in connection with such solicitation.
 - (5) Such other information as the Board of Trustees may require to determine the bona fide status of the applicant and whether such solicitation would not be detrimental to the best interests of the village and the public.
- B. Upon receiving such application, the Mayor shall present the same to the Board of Trustees at its next regular meeting, and the Board of Trustees shall thereupon investigate or cause an investigation to be made of the person, organization, firm, society, association, company or corporation for which a license to solicit donations in public is sought and the time and locality in which it is desired to make such solicitation, and, if the Board shall, after such investigation, be satisfied that the purpose of the solicitation is not fraudulent or misleading and would not be detrimental to the best interests of the village and the public, the Mayor or such village officer designated by him shall issue a license signed by the Mayor or such designated officer.
- C. The Board of Trustees may place reasonable restrictions on the granting of any such license, to include, but not be limited to, the hours of solicitation, the number of persons soliciting, the locality of such solicitation and the period for which such license is granted.

§ 115-8. Labeling of containers. [Amended 4-13-1988 by L.L. No. 5-1988]

Licensees operating under this article shall be compelled to label all collection boxes or containers used in the solicitation of funds, either by appeal in person or the placing of receptacles for the receipt of such public contributions in stores, factories, shops, offices, theaters, hotels, restaurants, railway stations or other public places, with the name of the organization for which the permit is issued and in such conspicuous manner as the Village Administrator may direct.

§ 115-9. Identification card to be carried.

All persons soliciting donations pursuant to this article shall, at all times during such solicitation, carry an identification card issued by the chairman or district chairman of any such charitable drive, which identification card shall plainly show the name of the person soliciting and the person, organization, society, association, company or corporation on whose behalf such solicitation is being made.

§ 115-10. Establishment of additional regulations.

The Board of Trustees may establish such regulations as it may deem necessary in effectuating the purposes and objects of this article.

§ 115-11. Applicability.

The provisions of this article shall not apply to any duly organized religious corporation, any lodge, benevolent or fraternal order or any political organization, whenever such solicitation is made at the regular places of worship or regular meeting places of such religious corporation, lodge, benevolent or fraternal order or political organization.

§ 115-12. Penalties for offenses. [Added 4-13-1988 by L.L. No. 5-1988; amended 9-11-2002 by L.L. No. 5-2002]

Any person committing an offense against any provision of this article shall, upon conviction thereof, be guilty of a violation pursuant to the Penal Law of the State of New York, punishable by a fine up to a maximum of \$1,000 or by imprisonment for a term not exceeding 15 days, or by both such fine and imprisonment. The continuation of an offense against the provisions of this article shall constitute, for each day the offense is continued, a separate and distinct offense hereunder.

HELICOPTERS

Chapter 119

HELICOPTERS

[HISTORY: Adopted by the Board of Trustees of the Village of Lawrence 5-25-1942 as part of Ord. No. 106;³⁶ amended in its entirety 11-13-1978 by L.L. No. 7-1978. Amendments noted where applicable.]

GENERAL REFERENCES

Boats — See Ch. 65.

Seaplanes — See Ch. 154.

§ 119-1. Declaration of purpose.

It is declared and determined that the use of helicopters within the territorial limits of the Village of Lawrence constitutes a problem affecting the public health, safety and general welfare of the residents of the Village of Lawrence and consequently should be prohibited from use in the Village, except in cases of emergency as declared by resolution of the Board of Trustees.

§ 119-2. Definitions. [Amended 4-13-1988 by L.L. No. 5-1988]

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

HELICOPTER — An aircraft having the potential to take off and land at an angle nearly or completely vertical from the take off or landing surface.

§ 119-3. Landing not allowed.

No helicopter shall land in or pick up or discharge passengers from or to any place located within the Village of Lawrence.

§ 119-4. Flying near residential buildings.

No helicopter shall fly over or pass within 200 feet of any residence or residential building located within the Village of Lawrence.

§ 119-5. Penalties for offenses. [Amended 4-13-1988 by L.L. No. 5-1988; 9-11-2002 by L.L. No. 5-2002]

The owner of any helicopter and the person operating any helicopter in violation of any provision of this chapter shall, upon conviction thereof, be guilty of a violation pursuant to the Penal Law of the State of New York, punishable by a fine up to a maximum of \$1,000 or by imprisonment for a term not exceeding 15 days, or by both such fine and imprisonment. The continuation of an offense against the provisions of this chapter shall constitute, for each day the offense is continued, a separate and distinct offense hereunder.

36. Editor's Note: The provisions of this chapter are derived from Chapter 13, Article 4, of the Code of Ordinances of 1942.

Chapter 125**LICENSES AND PERMITS**

[HISTORY: Adopted by the Board of Trustees of the Village of Lawrence 5-25-1942 as part of Ord. No. 106.³⁷ Amendments noted where applicable.]

GENERAL REFERENCES

Peace and good order — See Ch. 144.

Parking meters — See Ch. A220.

Fees — See Ch. A219.

§ 125-1. Interpretation and validity period of licenses and permits.

- A. Every license or permit shall constitute a personal privilege of the person to whom it is issued and is not assignable or transferable and shall not be availed of by any person not named or described therein.
- B. Every such license shall be valid for a period of time therein specified but shall not extend for a longer period of time than the 31st day of December of the year following that in which the license is issued.

§ 125-2. Issuance in writing; information on license or permit. [Amended 4-13-1988 by L.L. No. 5-1988]

Except as otherwise provided by ordinances and local laws now or heretofore or hereafter enacted, every license and permit required by any Village ordinance or local law shall be in writing and shall be issued by the Village Administrator under the Seal of the Village and shall state the name and address of the person to whom it is issued, the term and the purpose thereof and the fee paid therefor.

§ 125-3. Voiding for nonexercise of rights granted. [Amended 4-13-1988 by L.L. No. 5-1988]

In case the right granted under any license or permit shall not have been exercised within six months after the date of its issue, such license or permit shall thereupon become void and shall grant no further rights to any person and shall be forthwith surrendered to the Village Administrator upon demand. In such case, no part of the fee shall be refunded.

§ 125-4. Payment of fee prior to issuance; charitable exemptions.

No license or permit shall be issued until the fee hereinafter provided has been paid; provided, however, that the Mayor, in his discretion, may waive the payment of the fee in case of a license or permit issued to any charitable institution or any association or other group formed or organized for charitable or patriotic purposes.

§ 125-5. Objectionable persons and businesses. [Amended 4-13-1988 by L.L. No. 5-1988]

No license or permit shall be issued, reissued or extended to any person whom the Mayor or the Village

37. Editor's Note: The provisions of this chapter are derived from §§ 311.1 through 313.2(a) of the Code of Ordinances of 1942.

Administrator shall deem, for any reason, unfit or against whom any complaints have been submitted which he shall deem justifiable or whose conduct may have been objectionable to the residents of the Village of Lawrence. No license or permit shall be issued to any person whose conduct may, in the judgment of the Mayor or the Village Administrator, have been immoral or improper or objectionable or whose business or method of conducting the same shall, in the judgment of the Mayor or the Village Administrator, be likely to disturb or tend to disturb the peace and order of the Village or create or tend to create unsanitary or annoying conditions or to litter the streets, sidewalks and other public or private property or likely to be objectionable to its residents.

§ 125-6. Suspension and revocation. [Amended 4-13-1988 by L.L. No. 5-1988]

Whenever it shall appear, to the satisfaction of the Mayor or the Village Administrator, that there has been any false statement or any misrepresentation as to a material fact in the application on which the license or permit was based, that any license or permit has been issued in error, that the conditions are such that the license or permit should not have been issued, that there has been a failure to comply with any statute, ordinance, local law, rule or regulation or any condition upon which the license or permit was granted, that the further use of the license or permit or the exercise of the privilege thereunder would be contrary to the best interests of the Village or its inhabitants or would cause or tend to cause injury, damage or annoyance to persons or property in the Village or that other sufficient or adequate reasons exist, the Mayor or the Village Administrator may forthwith suspend such license or permit, with or without notice and without refunding any portion of the license fee, but shall report the facts and circumstances to the Board of Trustees at its next regular meeting. Thereupon, the Board of Trustees may, in its discretion, forthwith and without notice, revoke said license or permit or may continue the suspension of such license or permit for such period of time as the Board may determine. The licensee shall, however, have the right to appear before the Board of Trustees and present such proof as he may desire in respect to any such matter. The Board of Trustees may also require the licensee to appear before the Board and show cause why the license or permit should not be permanently revoked, and the failure of the licensee to appear at the time and place appointed shall, without more, be deemed adequate grounds for the permanent revocation of the license or permit.

§ 125-7. Effect of suspension and revocations. [Amended 4-13-1988 by L.L. No. 5-1988]

During the period of time that any such license or permit has been suspended or after the same has been revoked, the licensee shall be entitled to no more rights or privileges than if the license or permit had never been issued; but all actions done in good faith while the license or permit was in force and in conformity with a statute, ordinance, local law, rules and regulations and the conditions of the license or permit shall be valid.

§ 125-8. Violating or allowing violations of regulations.

No licensee, or servant, agent or employee of a licensee, and no owner, licensee, manager, operator or other person having charge or control of any premises or part thereof, wherein or whereon any licensed business or activity is carried on or performed, and no clerk, waiter, cashier or ticket taker shall do or knowingly allow or permit any person, whether in his employ or otherwise, to do or permit any act or acts in violation of the terms and conditions upon which such license or permit has been issued or in violation of any statute, ordinance, rule or regulation applicable thereto.

§ 125-9. Activities requiring licenses or permits. ³⁸ [Added 7-2-1985 by L.L. No. 7-1985; amended

38. Editor's Note: Former § 125-9 contained fees which were repealed 7-2-1985 by L.L. No. 6-1985. See now Ch. A219, Fees.

11-10-1999 by L.L. No. 9-1999]

A. Licenses or permits are required for the privilege of carrying on the following businesses or activities or of performing the acts hereinafter described:

- (1) Opening a public street.³⁹
- (2) Opening a sidewalk.⁴⁰
- (3) Cutting a curb.⁴¹
- (4) Posting billboards, signs and other displays on private property.⁴²
- (5) Operating an automobile, taxicab, public carriage, cab, bus or other vehicle for the transportation of persons for hire for a fee or charge.
- (6) Conducting an auction or auctioneering, not including sales in connection with legal proceedings, or the foreclosure of mortgages or the sale of property held as security.
- (7) Moving of buildings from one place to another, over or upon any street, sidewalk or public place in the Village, including dwelling houses, barns, garages, outbuildings or other structures.
- (8) Conducting any and every procession, parade or race in or upon any street, sidewalk or public place.
- (9) Building activities required under Chapter 70, Building Construction and Fire Prevention, or Chapter 212, Zoning, including plumbing, electrical work and general construction of a swimming pool.
- (10) Construction of a swimming pool, hot tub or spa.
- (11) Obtaining a certificate of occupancy.⁴³
- (12) Obtaining a certificate of compliance.⁴⁴
- (13) The demolition of a building.⁴⁵
- (14) ⁴⁶Parking for:
 - (a) Lawrence Plaza.
 - (b) Inwood Plaza.
- (15) Bringing an appeal or application to the Board of Appeals.⁴⁷

39. Editor's Note: For related provisions, see Ch. 178, Streets and Sidewalks.

40. Editor's Note: For related provisions, see Ch. 178, Streets and Sidewalks.

41. Editor's Note: For related provisions, see Ch. 178, Streets and Sidewalks.

42. Editor's Note: For related provisions, see Ch. 166, Signs.

43. Editor's Note: For related provisions, see Ch. 70, Building Construction and Fire Prevention.

44. Editor's Note: For related provisions, see Ch. 70, Building Construction and Fire Prevention, and Ch. 212, Zoning.

45. Editor's Note: For related provisions, see Ch. 70, Building Construction and Fire Prevention.

46. Editor's Note: For related provisions, see Ch. 135, Off-Street Parking Fields, Municipal.

47. Editor's Note: For related provisions, see Ch. 6, Appeals, Board of.

- (16) Installation of a central or split-system air conditioner.⁴⁸
- (17) Performing work in the Village as an electrician, except when employed by a public service company.⁴⁹
- (18) Installing a gas or oil furnace or burner.⁵⁰
- (19) The abandonment or removal of an oil tank.
- (20) Performing work in the Village as a plumber.⁵¹
- (21) Connecting with the public sewer of the Village.⁵²
- (22) Operating a tow car within the Village.⁵³
- (23) The erection of a fence.⁵⁴
- (24) The addition of or alteration to surface coverage.⁵⁵
- (25) The erection of tents. **[Added 2-11-2004]**

- B. These licenses or permits will be issued upon payment of fees established pursuant to a resolution of the Board of Trustees.⁵⁶

§ 125-10. Imposition of additional conditions. [Amended 4-13-1988 by L.L. No. 5-1988]

In his discretion, the Village Administrator issuing the license or permit, or the Mayor, may impose such terms and conditions as he shall deem reasonable and proper for the protection of the Village and the persons and property therein or to avoid damage or annoyance to persons who may be affected by the exercise of the license.

§ 125-11. General conditions. [Amended 4-13-1988 by L.L. No. 5-1988]

In addition to conditions which may be imposed by the Mayor or the Village Administrator, the following conditions shall apply:

- A. In case it shall appear to the satisfaction of the Mayor or the Village Administrator that any trade, business or other act for which a license or permit is required shall constitute interstate commerce or an exercise of the right of freedom of speech or freedom of religion guaranteed by the Constitution of the United States of America, the license fee shall be waived.

§ 125-12. Penalties for offenses. [Added 11-10-1999 by L.L. No. 9-1999; amended 9-11-2002 by L.L.]

48. Editor's Note: For related provisions, see Ch. 70, Building Construction and Fire Prevention.

49. Editor's Note: For related provisions, see Ch. 70, Building Construction and Fire Prevention.

50. Editor's Note: For related provisions, see Ch. 70, Building Construction and Fire Prevention.

51. Editor's Note: For related provisions, see Ch. 70, Building Construction and Fire Prevention.

52. Editor's Note: For related provisions, see Ch. 162, Sewers and Cesspools.

53. Editor's Note: For related provisions, see Ch. 194, Tow Trucks.

54. Editor's Note: For related provisions, see Ch. 212, Zoning.

55. Editor's Note: For related provisions, see Ch. 212, Zoning.

56. Editor's Note: The fees may be found in Ch. A219, Fees.

No. 5-2002]

Anyone carrying on the businesses or activities as set forth in § 125-9 of the Village of Lawrence Code or who performs the acts described therein without obtaining the required licenses or permits in violation of any provision of this chapter shall, upon conviction thereof, be guilty of a violation pursuant to the Penal Law of the State of New York, punishable by a fine up to a maximum of \$1,000 or by imprisonment for a term not exceeding 15 days, or by both such fine and imprisonment. The continuation of an offense against the provisions of this chapter shall constitute, for each day the offense is continued, a separate and distinct offense hereunder.

Chapter 126**FOOD SALES**

[HISTORY: Adopted by the Board of Trustees of the Village of Lawrence 3-11-2021 by L.L. No. 2-2021. Amendments noted where applicable.]

§ 126-1. Definitions.

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

FOOD — Any item, including, but not limited to, raw, cooked, or processed edible substances, beverages, ingredients, which can be safely consumed by humans.

MOBILE FOOD VEHICLE — Any car, truck, van, bus, cart (motorized or nonmotorized), or other type of motor vehicle, in which a mobile food vendor prepares, heats, or cooks food.

MOBILE FOOD VENDOR — A person or entity who sells food in a mobile food vehicle.

§ 126-2. License required.

- A. It shall be unlawful for any mobile food vendor to sell any food in the Village without first obtaining a license.
- B. This chapter shall not apply to any home food delivery service (i.e., the food being delivered was not prepared, heated, or cooked in a mobile food vehicle. Such services include Uber Eats, DoorDash, Grubhub, Postmates, Seamless, etc.).

§ 126-3. Application for license.

To obtain a license in accordance with this chapter, a mobile food vendor must complete an application on forms prescribed by the Village Clerk-Treasurer. Such application shall include:

- A. The applicant's name, address, and phone number;
- B. A valid copy of all licenses, permits, or certifications as required by the Village;
- C. A valid New York State Department of Motor vehicle's driver's license, vehicle registration, and insurance by a licensed insurance company in New York and approved by the Village's Clerk-Treasurer, which is kept continuously throughout the term of the license;
- D. A description of the mobile food vehicle, including the vehicle's license plate, make, model, color, and year;
- E. A copy of the certificate of authority to collect sales tax issued by the State of New York, and has a tax clearance certificate from the state tax commission of the State of New York.

§ 126-4. License fees.

Each applicant for a license shall pay a nonrefundable filing fee with the application. A license fee shall be paid upon issuance of the license. The application filing fee and license fee shall be determined by resolution of the Board of Trustees.

§ 126-5. Display of license.

Each mobile food vehicle shall be registered with the Village, and shall prominently display a decal provided by the Village. The fee for each such decal shall be established by the Board of Trustees.

§ 126-6. License transferability.

No license pursuant to this chapter shall be transferred or loaned to, from or by one person to another or transferred from one vehicle to another.

§ 126-7. Expiration of license; renewal.

All licenses issued pursuant to this chapter shall expire on the last day of December in the year of issuance. Licenses may be renewed upon application made before March 1 of the following year, and payment of a renewal annual fee as determined by resolution of the Board of Trustees. If a licensee fails to make proper timely application for renewal, the licensee shall be required to reapply and pay any application and license fee pursuant to § 126-4.

§ 126-8. Regulations.

- A. Mobile food vendors shall comply with all laws, rules and regulations regarding food handling, preparation, heating, refrigeration, storage and distribution.
- B. Mobile food vehicles shall be equipped with trash containers, and the mobile food vendor shall be responsible for properly disposing of any waste that accumulates in the course of conducting its operations.
- C. Mobile food vehicles shall also contain a fire extinguisher.
- D. Mobile food vendors must stop, park and stand a mobile food vehicle only next to a sidewalk and shall provide food services only on the side of the mobile food vehicle that is adjacent to the sidewalk.

§ 126-9. Restrictions.

Mobile food vendors shall not:

- A. Violate any section of this Code's vehicle and Traffic laws, or any section of the New York State vehicle and Traffic Laws.
- B. Park in any metered or permit parking spaces in the Village, except in Lot 1.
- C. Cause, suffer or allow any loud, excessive or unusual noise in the operation of mobile food vending which loud, excessive or unusual noise shall disturb the comfort, quiet or repose of persons therein or in the vicinity.
- D. Prepare or sell food before 8:00 a.m. and after 10:00 p.m., Monday through Sunday.
- E. Stop, park, or stand at the scene of any emergency, accident, or other situation whereby emergency vehicles may be called to provide services.
- F. Obstruct pedestrian and vehicle pathways.

§ 126-10. License revocation.

In addition to the penalties otherwise provided by law, the Board of Trustees may revoke or suspend any license issued pursuant to this chapter after notice to the licensee and a reasonable opportunity for the licensee to be heard. The Board of Trustees may take such action if, in its discretion, such action is warranted due to the licensee's deliberate or willful disregard of the standards imposed by this chapter or by any other village, county, state or federal law, fraud, misrepresentation or false statement contained in the application for license or in the course of carrying on the licensed business, or due to two or more violations of this chapter or any other law occurring within a period of 60 days.

§ 126-11. Penalties for offenses.

Any person committing an offense against any provision of this chapter shall, upon conviction thereof, be guilty of a violation and shall be punished by a fine up to a maximum of \$1,000 or by imprisonment for a term not exceeding 15 days, or by both such fine and imprisonment. Each day on which any violation of this chapter occurs shall constitute a separate and distinct offense hereunder.

LAWRENCE CODE

Chapter 130

NOTIFICATION OF DEFECTS

[HISTORY: Adopted by the Board of Trustees of the Village of Lawrence 5-11-1959 by L.L. No. 1-1959; amended in its entirety 2-13-1967 by L.L. No. 2-1967. Subsequent amendments noted where applicable.]

GENERAL REFERENCES

Defense and indemnification — See Ch. 18.

§ 130-1. Liability of Village after written notice of defect.

Section 6-628 of the Village Law, as amended by Local Law No. 1-1959 of the Village of Lawrence, as it applies to the Village of Lawrence, is hereby amended so as to read as follows:

Section 6-628. Liability of Village in certain actions.

No civil action shall be maintained against the Village for damages for injuries to person or property sustained in consequence of any street, highway, bridge, culvert, sidewalk, crosswalk, park, parking field, parking space, golf course, yacht basin or other recreational area, public building, public grounds or other building or area open for use by the public being defective, out of repair, unsafe, dangerous or obstructed or for damages for injuries to person or property sustained in consequence of the existence of snow or ice upon any sidewalk, crosswalk, street, highway, bridge, culvert, park, parking field, parking space, golf course, yacht basin or other recreational area, public building, public grounds or other building or area open for use by the public or in consequence of any traffic control sign or signal or streetlight being defective, out of repair, not working, improperly located, obstructed, obliterated, damaged, removed or inoperative from any cause or in consequence of any street, highway, sidewalk or pedestrian crossing being unsafe or dangerous by reason thereof, unless written notice of the defective, unsafe, dangerous or obstructed condition or of the existence of the snow or ice, relating to the particular place, or of the condition of such traffic control sign or signal or streetlight was actually given to the Village Clerk and there was a failure or neglect, within a reasonable time after the receipt of such notice, to repair or remove the defect, danger or obstruction complained of or to cause the snow or ice to be removed or to repair and/or replace such traffic control sign or signal or streetlight or to correct such condition or to make the place otherwise reasonably safe.

§ 130-2. Effect upon previously barred claims.

Nothing herein contained, however, shall be held to revive any claim or cause of action now barred by any existing requirement or statute of limitations or to waive any existing limitation now applicable to any claim or cause of action against the Village of Lawrence.

Chapter 135**OFF-STREET PARKING FIELDS, MUNICIPAL**

[HISTORY: Adopted by the Board of Trustees of the Village of Lawrence 7-27-1955 as part of Ord. No. 152; amended in its entirety 6-11-1968 by Ord. No. 210. Subsequent amendments noted where applicable.]

GENERAL REFERENCES

Traffic Violations Bureau — See Ch. 45.

Vehicles and traffic — See Ch. 200.

Licenses and permits — See Ch. 125.

Parking meters — See Ch. A220.

Streets and sidewalks — See Ch. 178.

§ 135-1. Use restrictions.

- A. Parking places heretofore or hereafter established by the Board of Trustees of the Village of Lawrence are intended primarily for the convenience of persons desiring off-street parking facilities for temporary purposes and, where a parking place is located in an area used for business or adjacent to a place where people meet or assemble for social, recreational or other purposes, to enable the persons using such parking places to have easy access to the places where they desire to be.
- B. A parking place is not a public street and shall not be used as a public street. Its use is limited to the parking of vehicles for the purposes stated in §§ 135-1 through 135-6 of this chapter and for such movement of vehicles as may be necessary for such purposes. All traffic, except incident to parking, is forbidden and excluded.
- C. No vehicle shall be parked in any parking place for the purpose of sale or rent or which shall display any sign or insignia indicating it is for sale or for rent.
- D. No vehicle owned, held or controlled by any manufacturer, dealer or repairman, as defined in § 415 of the Vehicle and Traffic Law, for sale, rental, delivery or demonstration, for washing, servicing, repair or dismantling or for towing, servicing or transporting property shall be parked in any parking place.
- E. No vehicle shall be washed, serviced, repaired or dismantled while in any parking place.
- F. No commercial vehicle is permitted to park in a parking place at any time.
- G. Village Parking Lot No. 2. **[Added 1-8-2009 by L.L. No. 2-2009]**
 - (1) It shall be unlawful for any person to trespass upon Village Parking Lot No. 2 or to enter or remain therein except to enter or exit a legally parked vehicle.
 - (2) Notices or signboards required by this chapter to be posted shall state “No Trespassing” and shall be not less than 14 inches high by 24 inches wide and have letters not less than four inches high and shall be placed at all points of entry to Parking Lot No. 2.
 - (3) Any person committing an offense against this chapter shall be guilty of a violation punishable

by a fine not to exceed \$1,000 or imprisonment not to exceed five days for each such offense, or by both such fine and imprisonment for a first conviction, and upon conviction of a second or subsequent offense within five years of a conviction of a previous offense herein, shall be guilty of a violation punishable by a fine of not less than \$250 or imprisonment not to exceed 15 days, or both such fine and imprisonment.

§ 135-2. Parking within markings.

Where pavement markings have been installed in any parking place of the Village, indicating stalls for parked automobiles, it shall be unlawful to park any automobile or motorcycle in such a way as to cross any such pavement marking or so as to obstruct or occupy, in whole or in part, more than one stall.

§ 135-3. License required where Trustees provide.

In parking fields and parking places heretofore or hereafter established, where the Board of Trustees provides that the parking of vehicles shall be permitted only upon procuring licenses for such purpose, no vehicle shall be parked or permitted to stand in such parking place; without first obtaining and thereafter holding unrevoked a license from the Board of Trustees to park in such parking place: provided, however, that no license shall be issued for a vehicle registered or required to be registered under Subdivisions 7 and 8 of § 401 of the Vehicle and Traffic Law of the State of New York, and no such motor vehicle shall be parked or permitted to stand therein.

§ 135-4. Parking head in; exceptions. [Amended 9-19-1977 by L.L. No. 6-1977; 1-19-2017 by L.L. No. 1-2017]

All vehicles parked in spaces in Village parking fields shall be parked head in. Notwithstanding the preceding sentence, vehicles parked in Parking Field No. 3 may be parked head in or head out.

§ 135-5. Specific regulations.

The following special regulations shall also apply:

- A. Parking in Lawrence Station Plaza and Inwood Plaza is hereby prohibited between the hours of 3:00 a.m. and 5:00 a.m. of any day. [Amended 4-13-1988 by L.L. No. 5-1988]
- B. Parking is prohibited along the southerly side of Central Parking Field No. 3 for more than three consecutive hours between 7:00 a.m. and 7:00 p.m.
- C. Elsewhere in Central Parking Field No. 3, parking is prohibited for more than three consecutive hours at any time.
- D. Vehicles shall enter a parking field only through a designated entrance and shall leave only through a designated exit. Leaving a parking field through a designated entrance or entering a parking field through a designated exit is prohibited.
- E. For Parking Field No. 3, the designated entrances shall be at the Rockaway Turnpike and at the alleyway from Central Avenue. The designated exit shall be at Frost Lane.
- F. For Parking Field No. 4, the designated entrances shall be at the Rockaway Turnpike and at the alleyway from Central Avenue. The designated exit shall be at William Street.
- G. For Parking Field No. 2 at Inwood Station, the designated entrance shall be at Lord Avenue, and the designated exit shall be at Doughty Boulevard.

§ 135-6. Signs to be erected and maintained.

Appropriate signs shall be erected and maintained at the places where special regulations are imposed by §§ 135-1 through 135-6.

§ 135-7. Parking fields established.

- A. Lawrence Station Plaza. That portion of Lawrence Station Plaza now paved with concrete and bounded on the north and west by property of the Long Island Rail Road Company, on the east by the easterly side of East Plaza Drive and on the south by the present curbline along the park and such curbline as extended easterly is hereby designated as a parking place wherein the parking of vehicles shall be permitted only upon procuring licenses as provided in this chapter. Such parking place may be referred to as "Parking Field No. 1."
- B. Inwood Plaza. The area bounded on the north by the right-of-way of the Long Island Rail Road Company, on the east by the westerly side of Lord Avenue, on the south by the northerly side of Foote Avenue and on the west by the easterly side of Doughty Boulevard is hereby designated as a parking place, to be known as "Inwood Plaza," wherein the parking of vehicles shall be permitted only upon procuring the license as provided in this chapter. Such parking place may be referred to as "Parking Field No. 2."
- C. Central Plaza. The area bounded on the west by the easterly side of Rockaway Turnpike, on the east by the westerly side of Frost Lane, on the south by the northerly line of land heretofore of William Wicke and on the north by a line parallel thereto and situated 75 feet distant therefrom, is hereby designated as a parking place. Such parking place may be referred to as "Parking Field No. 3."
- D. Central Plaza North. The area bounded on the west by the easterly side of Rockaway Turnpike, on the east by the westerly side of Williams Street, on the south by those properties situated on Central Avenue and on the north by those properties situated on Mulry Lane is hereby designated as a parking place. Such parking place may be referred to as "Parking Field No. 4." [Added 4-13-1988 by L.L. No. 5-1988]

§ 135-8. Fees. [Added 4-13-1988 by L.L. No. 5-1988]

Fees for parking and for parking licenses for Village parking areas regulated by this chapter shall be set by resolution by the Board of Trustees and may be found in Chapter A220, Parking Meters.

§ 135-9. Eligibility for licenses. [Amended 4-13-1988 by L.L. No. 5-1988]

No license to park in Lawrence Station Plaza shall be issued for any vehicle whose registered owner is not an individual residing in the Village of Lawrence or a partnership or corporation having its principal place of business in the Village or a taxpayer of the Village of Lawrence, unless the vehicle is rented on an annual basis to a person or corporation described in this section or unless the vehicle is used exclusively by a resident of the Village. The annual registration issued by the Bureau of Motor Vehicles for the current year shall be conclusive evidence of the residence or principal place of business of the registered owner, and the certificate of the applicant shall be conclusive evidence of compliance with the rental or use requirements of this section. (NOTE: For fees, see Chapter A220, Parking Meters.)

§ 135-10. Applicability of vehicle and traffic regulations.

Notwithstanding the purposes for which parking places are established and for which they may be used, the provisions of Chapter 200, Vehicles and Traffic, of the Code of the Village of Lawrence and of regulations

now or hereafter issued thereunder shall apply to a parking place established by the Board of Trustees to the same effect as if such parking place were a public street.

§ 135-11. Applicability of zoning regulations.

Notwithstanding the purposes for which parking places are established and for which they may be used, the provisions of Chapter 212, Zoning, of the Code of the Village of Lawrence relating to property adjacent to a public, private or proposed street shall apply to the same extent as if a parking space heretofore or hereafter established or proposed were an existing or proposed street, as the case may be.

§ 135-12. Access from adjacent properties.

There shall be no right of access to a parking place from the land, building or structures adjacent thereto. The Board of Trustees may, however, in exceptional cases and in conformity with the general purposes hereinbefore stated, grant to the owner, for the time being, of land or structures adjacent to a parking place the privilege of access to such parking place, together with the privilege to make, construct and maintain curb cuts, driveways and other means of access, subject to such terms and limitations and subject at all times to regulation by the Board of Trustees, under the following conditions:

- A. When it will create additional parking facilities and will not interfere with the parking on such parking place.
- B. When the property owner will suffer unnecessary hardship or injustice unless such privilege is granted.
- C. Such limitations and regulations may include specifying the times when use of such facilities is prohibited, the construction and maintenance of a rail, chain, gate, fence or other barrier, except when not in use, and a limitation of the character of the use permitted.

§ 135-13. Form and placement of licenses. [Added 2-8-1971 by Ord. No. 221]

Every parking license for Lawrence Plaza and/or Inwood Plaza shall show the year for which it is issued and shall be accompanied by a sticker also showing such year. The sticker shall be affixed to the rear window of the motor vehicle for which it is issued, or, if the vehicle has no rear window, it shall be affixed to the rear bumper in a conspicuous place. Each parking license shall be in effect during the year for which it is issued and during the month of January of the following year.

§ 135-14. Penalties for offenses. [Added 4-13-1988 by L.L. No. 5-1988; amended 9-11-2002 by L.L. No. 5-2002]

Any person committing an offense against any provision of this chapter shall, upon conviction thereof, be guilty of a violation pursuant to the Penal Law of the State of New York, punishable by a fine up to a maximum of \$1,000 or by imprisonment for a term not exceeding 15 days, or by both such fine and imprisonment. The continuation of an offense against the provisions of this chapter shall constitute, for each day the offense is continued, a separate and distinct offense hereunder.

PARKS AND RECREATION

Chapter 140

PARKS AND RECREATION

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

GENERAL REFERENCES

Boats and waterways — See Ch. 65.

Streets and sidewalks — See Ch. 178.

Dogs and other animals — See Ch. 76.

Subdivision of land — See Ch. 182.

ARTICLE I

Yacht Basin

[Adopted 5-25-1942 as part of Ord. No. 106]**§ 140-1. General regulations. [Amended 4-13-1988 by L.L. No. 5-1988]**

The following regulations shall govern the use and operation of the Village of Lawrence Yacht Basin and the docking privileges in such Basin:

- A. The assignment by the village of a slip or berth grants a personal privilege to the applicant, revocable by the village, and is not assignable or transferable without the consent of the village. No person to whom a slip or berth has been assigned shall give, grant, lease, convey or sublet the use of such slip or berth or any part thereof to any other person, whether for consideration or otherwise. If the applicant ceases to be the owner or charterer of the yacht named in the application, the assignment of the slip or berth shall terminate.
- B. A slip or berth is assigned to an applicant only for the use of the yacht named in the application and only so long as such yacht is owned or chartered by the applicant. No other vessel may occupy the slip or berth assigned, unless the applicant requests and has previously received the written consent of the Village of Lawrence or its representative in charge of the Basin.
- C. No changes or exchanges are permitted between the occupants of slips or berths, except such temporary changes or exchanges as may be allowed with the written consent of the village or its representative in charge of the Basin.
- D. A small tender or rowboat is permitted, provided that it is kept within the confines of the slip or berth assigned for the use of the principal vessel.
- E. Any tender using motor power is considered as a yacht and will be charged accordingly, unless the tender does not extend beyond the limits of the slip or berth assigned for the use of the principal vessel.
- F. Persons in charge of yachts must use the proper size of good rope or dock lines when securing their vessels in the Basin. The representative of the village in charge of the Basin has the right and authority to inspect the lines and to require such changes as he may deem necessary or advisable for the safe or convenient docking or securing of such vessels.
- G. The representative of the village in charge of the Basin also has authority to shift the dock lines of any vessel in case such representative shall deem such vessel to be improperly or insufficiently secured or to be in danger from any cause or to be obstructing any other vessel, slip or berth, and neither the village nor such representative shall be under any liability or responsibility in so doing.
- H. Any condition around or aboard any vessel, slip or berth deemed a fire hazard or otherwise dangerous, in the judgment of the village or its representative in charge of the Basin, shall be forthwith remedied by the applicant, and the representative in charge of the Basin shall have the right and authority forthwith to abate the same, and neither the village nor such representative shall be under any liability or responsibility in so doing.
- I. Floats, walks and gangways around the slips and berths must be kept clear at all times. Supplies and materials must not be piled there.
- J. Garbage, bottles, cans, refuse, paper and waste materials shall not be thrown overboard but must be

deposited in receptacles and incinerators placed along the shore for this purpose.

- K. Fresh water may be used only for filling water tanks and washing down yachts enjoying docking privileges. It must not be wasted. Valves on hoses must be turned off tight after use. Hoses and nozzles must not be allowed to hang or lie in the water. Leaks must be reported at once to the Village Office or the representative in charge of the Basin.
- L. The painting of signs or decorating or staining or disfiguring the slips, berths, floats, walks, gangways or bulkheads is prohibited, except with the consent of the village or its representative in charge of the Basin.
- M. Children and guests are not permitted to play upon the floats, walks or gangways or cause any annoyance to the occupants of other vessels.
- N. Fishing or crabbing from the floats, walks and gangways or from any other part of the Basin is prohibited.
- O. No swimming or bathing is permitted.
- P. No trespassing is allowed on tees, greens or fairways of the golf course adjoining the Yacht Basin, and nothing shall be done which might annoy persons using the golf course or in any way interfere with their use and enjoyment of the golf course.
- Q. Vessels entering the Basin have the right-of-way through the entrance channel, except that sailing vessels not under power shall have the right-of-way at all times. Rowboats and canoes shall keep clear.
- R. Operators of vessels must reduce their speed to four miles per hour in the vicinity of the Basin and in Bannister Creek so that the least possible wash is caused.
- S. One automobile parking permit will be issued to the lessee for each slip or berth. The appropriate parking permit must be prominently displayed in the front windshield of the automobile and only used in the appropriate location. **[Amended 5-9-2001 by Ord. No. 2-2001]**
- T. All directions of the representative of the village in charge of the Basin must be immediately complied with. Any disagreement may, after complying, be taken up with the Village Administrator or the Board of Trustees.
- U. Neither the Village of Lawrence nor any of its officers, servants, agents or employees shall be liable to any person using the Yacht Basin or the approaches thereto, or the slips, berths, floats, gangways, walks, bulkheads or other parts thereof, for damages to person or property, whether for negligence or otherwise, and every person, by using the Yacht Basin, expressly waives any such claim. "Person" shall include but not be limited to the applicant and the owner, charterer, captain or person in charge of the yacht or vessel and the officers, servants, agents, employees, guests, families and invitees thereof.

§ 140-2. Compliance required.

The owner, charterer, captain or person in charge of any yacht or vessel of any description which may use the Yacht Basin or the docking privileges therein, and every person who may use the Yacht Basin or to whom docking privileges may be extended, shall comply with all of the terms and provisions of the foregoing regulations, and no person or yacht or vessel shall use the Yacht Basin or exercise docking privileges therein except in accordance with such regulations.

§ 140-3. Penalties additional to termination of privileges.

The penalties provided by this article shall be in addition to the right of the village to terminate the assignment of a slip or berth or docking privileges extended by the village and shall be in addition to any other liabilities imposed on the violator by the foregoing regulations or by the terms of the agreement with the village in respect to the use of a slip or berth or other docking privilege at the Yacht Basin.

§ 140-4. Penalties for offenses. [Amended 4-13-1988 by L.L. No. 5-1988; 9-11-2002 by L.L. No. 5-2002]

Any person committing an offense against any provision of this article shall, upon conviction thereof, be guilty of a violation pursuant to the Penal Law of the State of New York, punishable by a fine up to a maximum of \$1,000 or by imprisonment for a term not exceeding 15 days, or by both such fine and imprisonment. The continuation of an offense against the provisions of this article shall constitute, for each day the offense is continued, a separate and distinct offense hereunder.

ARTICLE II
Park House
[Adopted 4-9-1979]

§ 140-5. Guests in card and lounge rooms.

Exclusive of Saturdays, Sundays and holidays, residents of the Village of Lawrence, permit holders of the golf, tennis or marina facilities and their spouses are permitted to invite one guest per week for use of the card and lounge rooms at the Lawrence Village Park House.

§ 140-6. Frequency of use by each guest.

A person who is a guest may not use the card and lounge rooms more than one day in any week.

§ 140-7. Registration of guests and hosts.

All guests and persons inviting them are required to register at the Park House office.

§ 140-8. Guests on Saturdays, Sundays and holidays.

On Saturdays, Sundays and holidays, guest privileges for use of the card and lounge rooms are limited to those persons who have played on the golf course or tennis courts for standard greens fees or tennis fees, and only for such day.

PEACE AND GOOD ORDER

Chapter 144

PEACE AND GOOD ORDER

[HISTORY: Adopted by the Board of Trustees of the Village of Lawrence 5-25-1942 as part of Ord. No. 106.⁵⁷ Amendments noted where applicable.]

GENERAL REFERENCES

Alcoholic beverages — See Ch. 60.

Boats — See Ch. 65.

Dogs and other animals — See Ch. 76.

Firearms, fireworks and explosives — See Ch. 90.

Garage sales — See Ch. 103.

Garbage, rubbish and litter — See Ch. 106.

Hawkers, peddlers and solicitors — See Ch. 115.

Helicopters — See Ch. 119.

Parks and recreation — See Ch. 140.

Secondhand dealers — See Ch. 158.

Vehicles and traffic — See Ch. 200.

57. Editor's Note: The provisions of this chapter are derived from Article 1 of Chapter 2 and Article 1 of Chapter 9 of Part III of the Code of Ordinances of 1942.

ARTICLE I
Public Property

§ 144-1. Fires in public places.

No person shall build, kindle, add fuel to, maintain or permit a bonfire or fire of any character whatsoever upon or adjacent to any pavement, curb, sidewalk, tree, shrubbery or grass within or upon any street, park or other public property in the Village of Lawrence.

§ 144-2. Damage restricted.

- A. No person shall, without previously procuring and thereafter holding unrevoked a permit therefor, as provided by the Code of the Village of Lawrence, cut, open, paint, deface, damage or destroy any pavement, curb, sidewalk, tree, shrubbery or grass within or upon any street, park or other public property in the Village of Lawrence.
- B. No person shall damage, deface, mutilate or destroy any grass, trees, shrubbery, posts, poles, fences, buildings or other structures within or upon any street, park or other public property in the Village of Lawrence.

§ 144-3. Posting bills and notices.

No person shall post any bills, notices or advertising material of any character whatsoever upon any trees or posts, poles, fences, buildings or other structures within or upon any streets, parks or other public property in the Village of Lawrence.

§ 144-4. Placement of grass and grass cuttings. [Added 1-11-1971 by Ord. No. 220]

No person shall, between the first days of April and October in each year, place or permit to be placed any grass or grass cuttings in or upon the paved portion of any public street in the Village or in or upon the shoulders, gutters or unpaved portions of the street adjacent to such paved portions.

ARTICLE II

Noise

§ 144-5. Excessive noise or disturbance. [Amended 11-8-2000 by L.L. No. 6-2000]

- A. No person shall make, aid, countenance, encourage or assist in making any excessive or improper noise, riot or disturbance to the annoyance or inconvenience of the public or of persons residing in the vicinity.
- B. Any and all construction, whether with or without a building permit, occurring both inside or outside a building or structure, including excavation, demolition, alteration or repair of any building, shall be permitted only between the hours of 8:00 a.m. and 6:00 p.m., Monday through Friday, and 9:00 a.m. and 6:00 p.m. on Saturday and Sunday. Notwithstanding the foregoing, no construction, including excavation, demolition, alteration or repair of any building or structure, and whether with or without a building permit, may be conducted outside any building or structure, or inside any building or structure in such manner as to emit noise audible at the property line, on Saturday, Sunday, New Year's Day, Martin Luther King, Jr. Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day. **[Amended 11-15-2012 by L.L. No. 3-2012; 9-12-2019 by L.L. No. 6-2019]**

§ 144-6. Disturbing sound-reproduction devices.

No person owning, occupying or having charge of any building or premises or any part thereof in the Village of Lawrence shall cause, suffer or allow any loud, excessive or unusual noise in the operation or use of any radio, phonograph or other mechanical or electrical sound-making or sound-reproducing device, instrument or machine, which loud, excessive or unusual noise shall disturb the comfort, quiet or repose of persons therein or in the vicinity.

§ 144-7. Sound reproduction in public places.

No person shall use or operate or cause to be used or operated, in front or outside of any building, place or premises or in or through any window, doorway or opening of such building, place or premises abutting on or adjacent to a public street or place, any device or apparatus for the amplification of sound from any radio, phonograph or other sound-making or sound-reproducing device.

§ 144-8. Maximum permissible continuous sound levels. [Added 5-12-2022 by L.L. No. 3-2022]

It shall be prima facie evidence that an activity has created unreasonable noise if it measures in excess of the standards set forth below for continuous sound levels. An activity that does not measure in excess of the standards may still be deemed to have created unreasonable noise if it violates any of the prohibitions set forth in § 144-5, 144-6, 144-7 or 144-9 of this chapter.

- A. No person shall make, cause, allow, or permit the operation of any source of sound on a particular category of property or any public space or right-of-way in such a manner as to create a sound level that exceeds the particular continuous sound level limits set forth in Table I when measured at or within the real property line of the receiving property, except as provided in Subsection B.
- B. When measuring noise within a dwelling unit of a multidwelling-unit building, all exterior doors and windows shall be closed and the measurements shall be taken in the center of the room.

TABLE I		
Sound Limits		
	Residential Area (dBA)	Commercial Area (dBA)
7:00 a.m. to 10:00 p.m.	65	70
10:00 p.m. to 7:00 a.m.	50	60

C. Motor vehicles.

- (1) Motor vehicle sound level limits and equipment shall be in compliance with provisions of any state law, including, but not limited to, §§ 386 and 375 of the New York State Vehicle and Traffic Law governing the emission of sound from public highways.
- (2) No person shall operate or permit to be operated any motor vehicle off of a public highway at any time, at any speed or under any condition or grade, load, acceleration or deceleration or in any manner whatsoever, as to exceed 86 dBA. The limit shall apply at a distance of 50 feet from such motor vehicle.

§ 144-9. Maximum permissible impulsive sound levels. [Added 5-12-2022 by L.L. No. 3-2022]

- A. It shall be prima facie evidence that an activity has created unreasonable noise if it measures in excess of the standards set forth below for impulsive sound levels. An activity that does not measure in excess of the standards may still be deemed to have created unreasonable noise if it violates any of the prohibitions set forth in § 144-5, 144-6, 144-7 or 144-8 of this chapter.
- B. No person shall make, cause, allow or permit the operation of any impulsive source of sound within any and all property in the Village which has a peak sound pressure level in excess of 80 Db, measured on the C-weighted scale, when measured at the property line. If an impulsive sound is the result of the normal operation of an industrial or commercial facility and occurs more frequently than four times in any hour, the levels set forth in Table I shall apply.

ARTICLE III

Penalties**[Added 4-13-1988 by L.L. No. 5-1988; amended 9-11-2002 by L.L. No. 5-2002]****§ 144-10. Penalties for offenses.⁵⁸**

Any person committing an offense against any provision of this chapter shall, upon conviction thereof, be guilty of a violation pursuant to the Penal Law of the State of New York, punishable by a fine up to a maximum of \$1,000 or by imprisonment for a term not exceeding 15 days, or by both such fine and imprisonment. The continuation of an offense against the provisions of this chapter shall constitute, for each day the offense is continued, a separate and distinct offense hereunder.

58. Editor's Note: Former § 144-8, Penalties for offenses, was redesignated as § 144-10 5-12-2022 by L.L. No. 3-2022.

Chapter 146**PROPERTY MAINTENANCE**

[HISTORY: Adopted by the Board of Trustees of the Village of Lawrence 11-15-2012 by L.L. No. 4-2012. Amendments noted where applicable.]

§ 146-1. Care of property.

- A. It shall be unlawful for any owner or occupant of land within the limits of the Village to permit or maintain growth or accumulation of brush, grass, rubbish or noxious or other rank growths, weeds or hedges, garbage, litter, refuse or rubble, which constitutes or creates an unsafe or unhealthy condition. The existence of any of the conditions described in this Subsection A shall constitute a nuisance.
- B. 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 owner or occupant of the adjoining property in the same manner as set forth in § 146-1A.
- C. Notwithstanding any other provision of law, it shall also be unlawful for any owner or occupant of land within the limits of the Village to permit any tree, branch, bush, or other foliage originating on the owner or occupant's land, to extend to any point which is less than six inches from the paved portion of any adjacent Village right of way. **[Added 3-11-2021 by L.L. No. 3-2021]**
- D. Any owner who has been notified by the Village Clerk that his tree, branch, or other foliage extends more than six inches beyond the paved portion of any adjacent Village right of way, and who fails to correct the condition within 20 days of the sending of such notice by certified mail, return receipt requested, to such person's last known address shall be guilty of a violation. In addition to the penalties otherwise enforceable, the Village may thereafter perform such work as may reasonably be required to remediate the said default or failure and assess the cost thereof against the adjacent property, and such costs, if not paid within 30 days after written notice of such assessment and the amount thereof, shall be assessed and collected in the same manner as a tax. **[Added 3-11-2021 by L.L. No. 3-2021]**

§ 146-2. Maintenance of fences and structures.

It shall be unlawful for the owner or occupant of any lot or parcel of land within the Village to cause or to permit the existence or maintenance of a fence or other structure upon such lot or parcel where the fence or other structure is so structurally unstable as to cause physical danger to persons or to property on or off the premises.

§ 146-3. Notice of violation; remediation by Village; recovery of costs.

- A. Whenever, in the opinion of the Building Inspector, a person or property is in violation of any of the requirements or restrictions contained in §§ 146-1 or 146-2, the Building Official shall cause a notice to be issued to the owner or occupant of the property as indicated on the then-current Village tax roll, or to any person in possession of the property or any part thereof.
- B. Such notice shall include the following information, at a minimum:
 - (1) Inform the person to whom it is addressed that violation(s) of § 146-1 or 146-2 exist on such property;

- (2) Describe the condition of the property or the reason or reasons which cause the violation(s) to exist;
 - (3) Inform such person that if the person disagrees with the conclusion of the Building Inspector as to the existence of any violation, such person may, within seven business days from receipt of the notice, request a hearing before the Village Zoning Board of Appeals;
 - (4) Inform such person that if the person fails to cure the violation(s) within a reasonable period of time as specified in such notice, the Village will either perform such work as may be required to cure such violation(s) or, in the case of an illegal fence or structure, cure the violation(s) or remove the fence or structure. The notice also shall inform such person that in the event of remedial action taken by the Village pursuant to this chapter, all reasonable costs thereof shall be the expense of the owner of the property as indicated on the then-current Village tax rolls.
- C. Any notice required to be given by the Building Inspector pursuant to this chapter shall be given in writing in the following manner:
- (1) By personal delivery to the person to be served; or
 - (2) By personal delivery to a person of suitable age and discretion residing at or occupying the real property which is the subject of the notice; or
 - (3) By certified mail, return receipt requested, addressed to the person to be served at the last known dwelling place of the person to be served; or
 - (4) By posting the notice in a prominent location at the property which is the subject of the notice and mailing a copy of such notice by first class mail, or any other form of delivery using the United States Postal Service, addressed to the person to be served at the last known dwelling place of such person.

§ 146-4. Compliance with notice.

- A. Time period for compliance. Unless a different period of time is specified in a notice served pursuant to this chapter, the person served with a notice of violation pursuant to this chapter shall be permitted five days from such service to eliminate and fully remediate the violation described in the notice.
- B. Action upon noncompliance. Upon the failure, neglect or refusal of any person so notified to properly cure the violation within the time required by this chapter, the Village is authorized and empowered to take such action as may reasonably be necessary to remove the nuisance specified in the notice, and dispose of any growth or material so removed.
- C. Charge included in tax bill. When the Village has affected the cure or remediation of the violation as provided in this chapter, the actual cost thereof, plus accrued interest at the rate of 6% per annum from the date of the completion of the work, if not paid by such owner prior thereto, shall be charged to the owner of such property on the next regular tax bill forwarded to such owner by the Village, and said charge shall be due and payable by said owner at the time of payment of such bill.
- D. Filed statement constitutes lien. The Building Inspector shall cause to be filed in the office of the Village Clerk a sworn statement showing the cost and expense incurred for the work, the date the work was done and the location of the property, by section, block and lot, on which said work was done, and the name of the reputed owner thereof. The filing of such sworn statement shall constitute a lien on the property, and shall remain in full force and effect for the amount due in principal and interest, plus costs of court, if any, for collection, until final payment has been made. Thereafter, a

§ 146-4

PROPERTY MAINTENANCE

notice shall be sent to the owner, as appears on the tax records maintained by the Village, demanding payment within 20 days after receipt of notice. If payment is not received, then said costs and expenses shall be collected in the manner fixed by law for the collection of taxes and, further, shall be subject to a delinquent penalty of 6% in the event same is not paid in full on or before the date the tax bill upon which said charge appears becomes delinquent. Sworn statements filed in accordance with the provisions hereof shall be prima facie evidence that all legal formalities have been complied with and that the work has been done properly and satisfactorily, and shall be full notice to every person concerned that the amount of the statement, plus interest, constitutes a charge against the property designated or described in the statement, and that the same is due and collectible as provided by law.

§ 146-5. Additional penalties.

It shall be a violation of this chapter for any person being the owner or occupant of real property in the Village, or the agent of any such person, to do or fail to do any act in violation of any provision of this chapter, or to cause, permit or maintain any nuisance on such property. Any person convicted of a violation of this chapter shall, upon conviction, be subject to penalty as otherwise provided in this Code for a violation.

Chapter 149**RECORDS, PUBLIC ACCESS TO**

[HISTORY: Adopted by the Board of Trustees of the Village of Lawrence 3-13-1978 by resolution. Amendments noted where applicable.]

GENERAL REFERENCES

Notification of defects — See Ch. 130.

§ 149-1. Policy of findings.

- A. The People's right to know the process of government decisionmaking and the documents and statistics leading to determinations is basic to our society. Access to such information should not be thwarted by shrouding it with the cloak of secrecy or confidentiality.
- B. This chapter provides information concerning the procedures by which records may be obtained from an agency as defined by Subdivision 3 of § 86 of the Public Officers Law. No agency regulations shall be more restrictive than this chapter.
- C. Agency personnel shall furnish to the public the information and records required by the Freedom of Information Law, as well as records otherwise available by law.
- D. Any conflicts among laws governing public access to records shall be construed in favor of the widest possible availability of public records.
- E. Agencies shall amend existing regulations or adopt new regulations to implement the Freedom of Information Law in conformity with this chapter.

§ 149-2. Records access officer.

The governing body of a public corporation and the head of an executive agency or governing body of other agencies shall be responsible for ensuring compliance with the regulations herein and shall designate one or more persons as records access officer by name or by specific job title and business address, who shall have the duty of coordinating agency response to public requests for access to records. The designation of one or more records access officers shall not be construed to prohibit officials who have in the past been authorized to make records or information available to the public from continuing to do so.

§ 149-3. Responsibilities of records access officer.

The records access officer is responsible for assuring that agency personnel:

- A. Maintain an up-to-date subject matter list.
- B. Assist the requester in identifying requested records, if necessary.
- C. Upon locating the records, take one of the following actions:
 - (1) Make records available for inspection.

- (2) Deny access to the records in whole or in part and explain in writing the reasons therefor.
- D. Upon request for copies of records:
 - (1) Make a copy available upon payment or offer to pay established fees, if any.
 - (2) Permit the requester to copy those records.
- E. Upon request, certify that a record is a true copy.
- F. Upon failure to locate records, certify that:
 - (1) The agency is not the custodian for such records.
 - (2) The records of which the agency is a custodian cannot be found after diligent search.

§ 149-4. Locations for records access.

Each agency shall designate the locations where records shall be available for public inspection and copying.

§ 149-5. Hours of access.

Each agency shall accept requests for public access to records and produce during all hours that they are regularly open for business.

§ 149-6. Procedure where regular hours do not exist.

In agencies which do not have daily regular business hours, a written procedure shall be established by which a person may arrange an appointment to inspect and copy records. Such procedure shall include the name, position, address and phone number of the party to be contacted for the purpose of making an appointment.

§ 149-7. Requests for access.

- A. An agency may require that a request be made in writing or may make records available upon oral request.
- B. An agency shall respond to any request reasonably describing the record or records sought within five business days of receipt of the request.
- C. A request shall reasonably describe the record or records sought. Whenever possible, a person requesting records should supply information regarding dates, file designations or other information that may help to describe the records sought.
- D. If the agency does not provide or deny access to the record sought within five business days of receipt of a request, the agency shall furnish a written acknowledgment of receipt of the request and a statement of the approximate date when the request will be granted or denied.
- E. If access to records is neither granted nor denied within 10 business days after the date of acknowledgment of receipt of a request, the request may be construed as a denial of access that may be appealed.

§ 149-8. Subject matter list of records.

- A. Each agency shall maintain a reasonably detailed current list, by subject matter, of all records in its possession, whether or not records are available pursuant to Subdivision 2 of § 87 of the Public Officers Law.
- B. The subject matter list shall be sufficiently detailed to permit identification of the category of the record sought.
- C. The subject matter list shall be updated not less than twice per year. The most recent update shall appear on the first page of the subject matter list.

§ 149-9. Appeals body.

The governing body of a public corporation or the head, chief executive or governing body of other agencies shall hear appeals or shall designate a person or body to hear appeals regarding denial of access to records under the Freedom of Information Law.

§ 149-10. Denial of access.

Denial of access shall be in writing, stating the reason therefor and advising the person denied access of his or her right to appeal to the person or body established to hear appeals, and that person or body shall be identified by name, title, business address and business telephone number. The records access officer shall not be the appeals officer.

§ 149-11. Failure to respond to request.

If an agency fails to respond to a request within five business days of receipt of a request, as required in § 149-7D and E of this chapter, such failure shall be deemed a denial of access by the agency.

§ 149-12. When to appeal.

Any person denied access to records may appeal within 30 days of a denial.

§ 149-13. Commencement of time for deciding appeal.

The time for deciding an appeal by the individual or body designated to hear appeals shall commence upon receipt of written appeal identifying:

- A. The date and location of a request for records.
- B. The records that were denied.
- C. The name and return address of the appellant.

§ 149-14. Transmitting copies of appeals to state.

The agency shall transmit to the Committee on Public Access to Records copies of all appeals upon receipt of an appeal. Such copies shall be addressed to:

Committee on Public Access to Records
162 Washington Avenue
Department of State
Albany, New York 12231

§ 149-15. Determination on appeal.

The person or body designated to hear appeals shall inform the appellant and the Committee on Public Access to Records of its determination, in writing, within seven business days of receipt of an appeal. The determination shall be transmitted to the Committee on Public Access to Records in the same manner as set forth in § 149-14.

§ 149-16. Final denial of access subject to court review.

A final denial of access to a requested record, as provided for in § 149-15, shall be subject to court review, as provided for in Article 78 of the Civil Practice Law and Rules.

§ 149-17. Fees.

Except when a different fee is otherwise prescribed by law:

A. There shall be no fee charged for the following:

- (1) Inspection of records.
- (2) Search for records.
- (3) Any certification pursuant to this chapter.

B. An agency shall charge a fee for copies of records, provided that:

- (1) The fee for copying records shall not exceed \$0.25 per page for photocopies not exceeding 9 inches by 14 inches. This section shall not be construed to mandate the raising of fees where agencies in the past have charged less than \$0.25 for such copies.
- (2) In agencies which do not have photocopying equipment, a transcript of the requested records shall be made upon request. Such transcripts may either be typed or handwritten. In such cases, the person requesting records may be charged for the clerical time involved in making the transcript.
- (3) The fee for copies of records not covered by Subsection B(1) and (2) above shall not exceed the actual reproduction cost, which is the average unit cost for copying a record, excluding fixed costs of the agency, such as operator salaries.

§ 149-18. Notice of access procedures.

Each agency shall publicize, by posting in a conspicuous location and/or by publication in a local newspaper of general circulation:

- A. The location where records shall be made available for inspection and copying.
- B. The name, title, business address and business telephone number of the designated records access

officer.

- C. The right to appeal by any person denied access to a record and the name and business address of the person or body to whom an appeal is to be directed.

Chapter 152**REMOVAL OF DOUBLE UTILITY POLES**

[HISTORY: Adopted by the Board of Trustees of the Village of Lawrence 9-11-2014 by L.L. No. 3-2014. Amendments noted where applicable.]

GENERAL REFERENCES

Property maintenance — See Ch. 146.

Streets and sidewalks — See Ch. 178.

§ 152-1. Findings; legislative intent.

- A. This Village Board of Trustees hereby finds and determines that public utility companies place poles on Village of Lawrence roads and rights-of-way to facilitate the delivery of electric, telephone, cable television, and other telecommunications services to the residents of the Village of Lawrence.
- B. This Village Board of Trustees also finds that utility poles are frequently damaged by traffic accidents and adverse weather conditions.
- C. This Village Board of Trustees determines that public safety can be compromised when utility lines and equipment remain affixed to weathered/damaged/old poles for unreasonably long periods of time.
- D. This Village Board of Trustees further determines that a utility's delay in removing lines and equipment also delays the removal of the pole itself, which causes a proliferation of aesthetically unpleasant double woods/double poles along roadways, as well as obstructing the paths of pedestrians and travelers on sidewalks.
- E. This Village Board of Trustees also finds and determines that local governments have the authority to regulate their roads and rights-of-way to protect the public.
- F. Therefore, the purpose of this chapter is to require utilities that use Village roads and rights-of-way to promptly remove their plants, cables, lines, equipment, and terminals from old and damaged poles and to further require the prompt removal of double poles once all plants, cables, lines, terminals, and other fixtures have been removed.

§ 152-2. Definitions.

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

DANGEROUS/DAMAGED POLE — Any utility pole that is structurally compromised due to weather, a traffic incident, and/or age and poses a potential threat to public safety.

DOUBLE POLE/DOUBLE WOOD — Any old utility pole from which the plant has been removed, in whole or in part, which is attached or in close proximity to a new utility pole.

PLANT — The cables, terminals, conductors and other fixtures necessary for transmitting electric, telephone, cable television or other telecommunications service.

PUBLIC UTILITY — Any corporation, authority, or other entity that provides electric, telephone, cable television, or other service including telecommunication service, to the residents of the Village of

Lawrence.

SUPERINTENDENT OF HIGHWAYS — The Village of Lawrence Superintendent of Highways or his/her designee.

WRITTEN NOTIFICATION — A writing directed to a representative of a public utility, who may be designated by the utility, by regular mail, facsimile transmission, or electronic mail.

§ 152-3. Permit requirements.

- A. No person, firm or corporation shall place or erect any pole for any purpose in or upon any Village highway, street, road or right-of-way of said Village, or alter or change the location of any existing pole in any Village highway, street, road or right-of-way of said Village without first having obtained a permit from the Superintendent of Highways.
- B. Application for a permit under this section shall be made upon a form to be provided by the Superintendent of Highways and upon payment of a permit fee to be set by resolution of the Village Board of Trustees.
- C. The Superintendent of Highways shall include in all permits for the installation of utility poles on Village highways, streets, roads, or rights-of-way the following provision:
 - (1) The permit applicant shall have 60 days to remove a double pole following the installation of a new pole. Failure to do so may result in penalties as provided for in § 152-6 of the Village Code.

§ 152-4. Department notification; time frame for removal.

- A. When the Superintendent of Highways issues a permit for the installation of a utility pole which is directly next to or in close proximity to another utility pole in a Village highway or right-of-way, the applicant shall have 60 days to remove the damaged or double pole following the installation of the new pole. Failure to do so may result in penalties as provided for in § 152-6 of this chapter.
- B. When the Superintendent of Highways determines that a utility pole in a Village road or right-of-way is damaged and poses a potential threat to public safety, the Superintendent of Highways shall notify any public utility with a plant on the damaged pole that it must remove its plant from the pole and immediately replace the damaged pole or be subject to a penalty as provided for in § 152-6 of this chapter. A public utility must replace the damaged pole, replace its plant from the damaged pole and replace any other plants affixed to the damaged pole within 15 days of receiving such notification from the Superintendent of Highways.
- C. When the Superintendent of Highways determines that a double pole is in a Village road or right-of-way, the Superintendent of Highways will notify the public utility which has its plant on the double pole that such plant must be removed within 30 days or be subject to penalty pursuant to § 152-6 of this chapter. Upon removal, each subsequent public utility with its plant on a double pole will have 30 days to remove such plant from the date it receives notification from the Superintendent of Highways.
- D. After all plants have been removed from the double pole, the public utility which owns the double pole shall remove said pole within 30 days after receiving notification from the Superintendent of Highways or be subject to penalty pursuant to § 152-6 of this chapter. This provision shall not nullify or limit any private agreement between and among public utilities that assign responsibility for pole removal.

§ 152-5. Indemnity or performance bond.

The Superintendent of Highways shall not give a permit authorizing any act or acts as set forth in § 152-3 that shall be performed unless there shall have been furnished by the applicant sufficient indemnity or performance bond as determined by the Superintendent of Highways as a condition precedent to the issuance of the permit and the commencement of work. Said bond or indemnity shall be for a reasonable amount and may cover one or more than one of the acts specified in § 152-3 of this chapter, and said bond or indemnity may cover any period of time necessary to include the accomplishment of one or more of the aforesaid acts, all as shall be determined by the Superintendent of Highways. The approval of the Superintendent of Highways as to amount, form, manner of execution and sufficiency of surety or sureties shall be entered on said bond before it shall be filed in the Village Clerk's office, and said bond shall be so filed before said permit shall be effective.

§ 152-6. Penalties for offenses.

- A. Any person, firm, corporation or public utility convicted of a violation of the provisions this chapter shall be guilty of a violation, for a first conviction, punishable by a fine not exceeding \$500 or by imprisonment not exceeding 15 days, or both; for a second or subsequent conviction, punishable by a fine not exceeding \$1,000 or by imprisonment not exceeding 15 days, or both. Every day that the violation continues shall be deemed a separate violation.
- B. Any person, firm or corporation or public utility that violates this chapter and fails to remove its damaged and/or double pole or plant from a damaged pole within the timeframe provided in § 152-4 after receiving notification shall be subject to a civil penalty not to exceed \$250 for each such violation.
- C. If a person, firm or corporation or public utility violates the provisions of this chapter and fails to remove its damaged and/or double pole or plant from a damaged pole in accordance with the provisions of this chapter, the Village Attorney may commence an action in the name of the Village of Lawrence in a court of competent jurisdiction for necessary relief, which may include imposition of civil penalties as authorized by this chapter, in order to remove the double pole or plant from a damaged utility pole and/or to remove the damaged pole, the recovery of costs of the action and such other remedies as may be necessary to prevent or enjoin a dangerous condition from existing on a Village highway, street, road, or right-of-way.

§ 152-7. Applicability.

This chapter shall apply to all utility poles located on Village roads or rights-of-way on or after the effective date of this chapter.

§ 152-8. When effective.

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

Chapter 154**SEAPLANES**

[HISTORY: Adopted by the Board of Trustees of the Village of Lawrence 1-16-1962 as part of Ord. No. 184.⁵⁹ Sections 154-6 and 154-7 amended at time of adoption of Code; see Ch. 1, General Provisions, Art I. Other amendments noted where applicable.]

GENERAL REFERENCES

Boats and waterways — See Ch. 65.

Noise — See Ch. 144, Art. II.

Helicopters — See Ch. 119.

§ 154-1. Findings.

It is hereby declared and found that the unrestricted operation of seaplanes upon the waters and the waterways within the Village of Lawrence and the Town of Hempstead adjacent thereto constitutes a problem affecting the public health, safety and general welfare of the residents of the Village of Lawrence and consequently should be subject to supervision and regulation unique to such craft and not common to utilization of said waters and waterways by other types of crafts.

§ 154-2. Applicability.

The following rules and regulations shall apply to all waters or waterways within or adjacent to the Village of Lawrence or subject to its jurisdiction except when prohibited by the laws of the United States.

§ 154-3. Compliance with state and federal laws.

All provisions of the laws of this state and of Congress relative to the use and operation of aircraft shall be complied with by all seaplanes navigating and using said waterways.

§ 154-4. Definitions.

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

CHANNEL SYSTEM — Includes main channels, cross channels connecting with them, anchorages, mooring areas, basins and bathing areas within the territory specified in Chapter 65. Boats and Waterways, § 65-2.

EMERGENCY — A situation or circumstances endangering the life or the limb of the pilot or the passengers of a seaplane.

SEAPLANES — Includes aircraft of every description having attached thereto devices or contrivances which permit the takeoff and landing from or on the water.

§ 154-5. Takeoff and landing restricted.

No seaplane shall take off from or land upon any portion of the channel system defined in § 154-4 except

59. Editor's Note: Approved 2-19-1962 by the State Conservation Commissioner.

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in case of an emergency as defined by § 154-4.

§ 154-6. Enforcement. [Amended 4-13-1988 by L.L. No. 5-1988]

The Police Department of the County of Nassau is hereby empowered to enforce the provisions of this chapter, and every person in charge of the seaplane navigating or using the waters and waterways within the territory specified in Chapter 65, Boats and Waterways, § 65-2, shall at all times obey the lawful orders of the members of the Police Department. The members of such Department shall have the right to stop any seaplane navigating or using said waters and waterways for the purpose of enforcing this chapter.

§ 154-7. Penalties for offenses. [Amended 4-13-1988 by L.L. No. 5-1988; 9-11-2002 by L.L. No. 5-2002]

Any person committing an offense against any provision of this chapter shall, upon conviction thereof, be guilty of a violation pursuant to the Penal Law of the State of New York, punishable by a fine up to a maximum of \$1,000 or by imprisonment for a term not exceeding 15 days, or by both such fine and imprisonment. The continuation of an offense against the provisions of this chapter shall constitute, for each day the offense is continued, a separate and distinct offense hereunder.

Chapter 158**SECONDHAND DEALERS**

[HISTORY: Adopted by the Board of Trustees of the Village of Lawrence 4-8-1981 by L.L. No. 2-1981. Sections 158-8, 158-15, 158-16, 158-17, 158-18, 158-19B, 158-27, 158-33, 158-34A, 158-35, 158-36B and 158-37A amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Other amendments noted where applicable.]

GENERAL REFERENCES

Garage and tag sales — See Ch. 103.

Junk vehicles — See Ch. 204.

Hawkers, peddlers and solicitors — See Ch. 115.

Zoning — See Ch. 212.

Licenses and permits — See Ch. 125.

Fees — See Ch. A219.

§ 158-1. 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:

- A. 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, outboard motors or electronic equipment.
- B. Accepts or receives secondhand articles as returns of merchandise or in exchange for or for credits on any other articles or merchandise.
- C. Deals in the commercial purchase or sale of pawnbroker tickets or other evidence of pledged articles.

§ 158-2. Applicability.

Nothing contained in this chapter shall be construed to apply to:

- A. Automobiles, pianos, books, magazines, rugs, tapestries, artists' burlaps, paintings, sculptures, drawings, etchings and engravings.
- B. The first purchase or sale in the country of any imported secondhand article.
- C. 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 or exchange of such merchandise as used merchandise.
- D. 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.

- E. 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.
- F. 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.
- G. Antiques, which shall mean secondhand articles over 50 years of age, having a value of less than \$250 and void of any means of identification. "Identification" shall mean articles which are serialized, monogrammed, initialed or distinctly marked.

§ 158-3. Proof of first sale.

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 Lawrence, if any, shall be admissible for the purpose of determining whether or not merchandise is in new or used condition.

§ 158-4. 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:

- A. Considered as minimum requirements.
- B. Deemed neither to limit nor repeal any other powers granted to the Village of Lawrence under New York State statutes.

§ 158-5. Disclaimer of liability.

This chapter shall not create any liability on the part of the Village of Lawrence or its officers, agents or employees or the Nassau County Police Department 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.

§ 158-6. License required.

It shall be unlawful for any person to act as a dealer in secondhand articles without a license therefor.

§ 158-7. Types of licenses.

- A. There shall be three types of licenses:
 - (1) General license.
 - (2) Management license.
 - (3) Exposition license.
- B. A general license shall authorize the licensee to act as a secondhand dealer, with respect to all articles

other than secondhand automobiles, within the Village of Lawrence during the license period specified in § 158-10 of this chapter.

- C. 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 Lawrence, during a period of one month from the date of issuance of such license.
- D. An exposition license shall authorize a dealer in antiques or unique secondhand articles who maintains no place of business within the Village of Lawrence to exhibit and sell such articles at any fair, show or exposition within the Village of Lawrence during a period of one month from the date of issuance of such license.

§ 158-8. Bonds.⁶⁰

- A. Each dealer securing a general license shall furnish a bond to the Village of Lawrence, with sufficient surety to be approved by the Village Administrator, in the penal sum of \$2,000, conditioned for the due observance of the law relating to such dealers.
- B. Each manager of an antique or unique articles exposition shall furnish a bond to the Village of Lawrence, with sufficient surety to be approved by the Village Administrator, in the penal sum of \$2,000, conditioned for the due observance of the law relating to dealers who are exhibitors at the exposition.

§ 158-9. License fees.

The annual license fee for licenses shall be as follow:

- A. General or management license fee: \$50.
- B. Exposition license fee: \$25.

§ 158-10. Expiration and renewal of licenses.

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.

§ 158-11. Display of licenses.

All licenses shall be placed and at all times displayed in a conspicuous place at the licensee's place of activity of business for which it is issued.

§ 158-12. Licenses nontransferable.

All licenses are personal with the licensees. They do not go with title to the land nor may they be sold, assigned, transferred or disposed of.

60. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

§ 158-13. Potential for revocation or suspension of licenses.

Any license may be revoked or suspended by the Board of Trustees of the Village of Lawrence after a hearing thereon pursuant to the provisions of § 158-36 herein, at which time the licensee shall have an opportunity to be heard.

§ 158-14. Review of licensing.

The granting, refusal, revocation or suspension of any license by the Board of Trustees of the Village of Lawrence shall be subject to review by certiorari after the applicant or licensee has exhausted all administrative remedies.

§ 158-15. Application for license.⁶¹

Applicants for a license under this chapter must file with the Village Administrator of the Village of Lawrence an application, supplied by the Village Administrator, containing the following information:

- A. 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 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 photostatic 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 photostatic copy of its application for authority to do business in New York State from the New York State Secretary of State.
- B. The address of the applicant (local and legal).
- C. That the applicant is of legal age.
- D. That the applicant is a citizen of the United States and whether citizenship was obtained by birth or naturalization; if by naturalization, the date and place where obtained. The naturalization certificate or permanent Board of Elections personal registration card may be used as proof of citizenship.
- E. A statement as to whether or not the applicant has ever been convicted of or is now under charge of any crime, 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.
- F. A description of the exact type of business which the applicant intends to conduct.
- G. 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.
- H. Two photographs of the applicant, taken not more than 60 days prior to the filing of the application, which photographs shall be 2 inches by 2 inches, showing the head and shoulders of the applicant in a clear and distinguishing manner. 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.

61. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

- I. If the applicant is a corporation, the name, address and title of an officer of the corporation upon whom process or other legal notice may be served.

§ 158-16. Submission of fingerprints to state.⁶²

A copy of the applicant's fingerprints shall be mailed to the Division of Criminal Justice Services, Albany, New York, requesting a fingerprint search. The Village Administrator 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."

§ 158-17. Issuance of license.⁶³

- A. Upon receipt of the license application and upon the approval by the Village Administrator and the payment of the prescribed fees by and bonds required of the applicant, the Village Administrator shall prepare and deliver to the applicant his license.
- B. Every license issued hereunder shall be signed at the direction and in the name of the Village Administrator and sealed with the Seal of the Village of Lawrence.

§ 158-18. Records of licensing to be kept.⁶⁴

The Village Administrator shall keep a record of all licenses issued, as well as any other matters herein described.

§ 158-19. When licenses not to be granted.

No license shall be granted under this chapter to any dealer in secondhand articles:

- A. Who has been convicted of any offense which, under the laws of the State of New York, constitutes a crime involving moral turpitude.
- B. Who has been found by any court of the state to have practiced any fraud, deceit or misrepresentation in the conduct of the secondhand dealer business, unless the Village Administrator, after approval by the Board of Trustees of the Village of Lawrence, shall decide in any particular case, upon the facts there presented, that it is proper to issue the license applied for.⁶⁵
- C. Whose license under this chapter has been revoked at any time during the year prior to the time of the application for the license.
- D. 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.

§ 158-20. Report by licensee to County Police Commissioner.

Every dealer in secondhand articles shall furnish to the Police Commissioner of Nassau County or his agent, at such times, in such manner and at such intervals as shall be specified by the Police Commissioner, all information requested by the Police Commissioner relative to all records required to be kept under

62. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

63. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

64. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

65. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

this chapter. Such information shall be supplied on forms to be designated and supplied by the Police Commissioner. Duly licensed dealers in antiques shall furnish daily reports of purchases of secondhand articles within 72 hours.

§ 158-21. Sales restricted to licensed premises.

It shall be unlawful for any dealer in secondhand articles to engage in selling articles at any place other than the place of business designated in such license.

§ 158-22. Purchases from minors unlawful.

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.

§ 158-23. Hours of purchase limited.

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.

§ 158-24. Interval between purchase and sale of items.

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 Lawrence, 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 for a period of time less than the expiration of the said 15 days mentioned above, provided that the required record of purchases and sales are met pursuant to § 158-30.

§ 158-25. Secondhand dealers not to be pawnbrokers.

It shall be unlawful for any dealer in secondhand articles to be licensed as a pawnbroker or to engage in the business of a pawnbroker, nor shall any sign or emblem be displayed by any such dealer in or about the premises where such business is conducted, which in any way resembles the sign or emblem commonly used by pawnbrokers or which is intended to give the appearance that the business conducted on such premises is or is connected with the business of a pawnbroker.

§ 158-26. When town junk dealer license required.

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 by the Town of Hempstead, County of Nassau, State of New York, pursuant to Chapter 111 of the Code of the Town of Hempstead entitled "Junk Dealers."

§ 158-27. When town junkyard license required.⁶⁶

It shall be unlawful for any person licensed as a secondhand dealer to deal in the purchase or sale of secondhand motor vehicles or parts therefrom, the processing of used metals for resale and the dumping,

66. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

storage, burning and disposal of waste, secondhand or used materials of whatever composition, unless he is also licensed as a junkyard therefor by the Town of Hempstead, County of Nassau, State of New York.

§ 158-28. Labeling new 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.

§ 158-29. Lost and stolen property.

- A. If any articles shall be advertised in any newspaper printed 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 article, such dealer shall immediately give information relating thereto to the Police Commissioner of Nassau County 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 Nassau County 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 Nassau County 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. Every dealer in secondhand articles shall make available all business premises and any and all rooms or portions of rooms thereof of the secondhand dealership, at all times during normal business hours, and all articles therein pertaining to said business for inspection by the Commissioner of Police of Nassau County or any inspector of licenses or any person duly authorized, in writing, for such purposes by the Commissioner of Police of Nassau County, who shall exhibit such written authority to the dealer.

§ 158-30. Record of purchases and sales.

- A. Every dealer in secondhand articles shall keep a bound book, in a form prescribed by the Commissioner of Police of Nassau County, 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, other metals or coins, stamps or currency, 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 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 the inspection of any police officer, to the Commissioner of Police of Nassau County 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 Nassau County Police Commissioner within 72 hours after such bulk purchase.

§ 158-31. Identity of person selling to licensee.

- 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 requires and bears the signature of the person to whom issued.
 - (2) Other suitable identification documentation which, under the circumstances of any particular purchase, would lead a reasonable man 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.

§ 158-32. Enforcement.

It shall be the duty of any police officer of the County of Nassau 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.

§ 158-33. Report of violations.⁶⁷

The Village Administrator of the Village of Lawrence shall record all convictions for violations of this chapter which are officially brought to his attention by any authorized agency or person.

§ 158-34. Revocation or suspension of licenses.

67. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

- A. ⁶⁸A license issued under the provisions of this chapter may be revoked or suspended by the Village Administrator, after notice, for any of the following causes:
- (1) Fraud, misrepresentation or false statement contained in the application for the license.
 - (2) Any violation of this chapter.
 - (3) Conviction of any crime or offense involving moral turpitude.
 - (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.
- B. Notice of revocation or suspension of a license shall be given in writing, setting forth specifically the grounds of the complaint. Such notice shall be mailed, postage prepaid, to the licensee at his last known address, in accordance with § 158-35 hereof.

§ 158-35. Appeals.⁶⁹

- 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 Administrator as hereinafter provided:
- (1) Such application 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 Village Administrator was erroneous.
 - (2) Such application shall be filed with the Village Administrator by the applicant within 20 days after notice of denial of his application or notice of suspension or revocation of his permit by the Village Administrator has been mailed to him or delivered to him in person.
 - (3) Upon the filing of such application, a hearing shall be held thereon pursuant to the provisions of § 158-36.
 - (4) At such hearing, the review board shall consider the applicant's application upon the record before the Village Administrator, in connection with the Village Administrator's consideration thereof, and, in its discretion, receive new or additional evidence in support thereof or in opposition thereto.
- B. The review board, after such hearing, may affirm the action of the Village Administrator or direct the Village Administrator to issue a proper license pursuant to this chapter.

§ 158-36. 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 and at a place and hour designated by the Mayor of the Village of Lawrence.
- B. The Village Administrator 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

68. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

69. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

designated therefor, by mailing a copy thereof 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. **[Amended 4-13-1988 by L.L. No. 5-1988]**

- C. If an applicant or licensee requests a hearing, the Mayor shall designate two or more members of the Board of Trustees of the Village of Lawrence to conduct said hearing as a review board.
- D. The applicant or license holder involved shall be entitled to be represented by legal counsel and to present such competent and material testimony or other evidence in his own behalf as may be relevant to the subject matter of the hearing.
- E. All witnesses shall be sworn and examined under oath.

§ 158-37. Penalties for offenses.

- A. Any person committing an offense against any provision of this chapter shall, upon conviction thereof, be guilty of a violation pursuant to the Penal Law of the State of New York, punishable by a fine up to a maximum of \$1,000 or by imprisonment for a term not exceeding 15 days, or by both such fine and imprisonment. The continuation of an offense against the provisions of this chapter shall constitute, for each day the offense is continued, a separate and distinct offense hereunder. **[Amended 4-13-1988 by L.L. No. 5-1988; 9-11-2002 by L.L. No. 5-2002]**
- B. Conviction for any offense against the provisions of this chapter shall constitute and effect an immediate forfeiture of the license.
- C. In addition to the above-provided penalties and punishment, the Village of Lawrence also may maintain an action or proceeding, in the name of the Village of Lawrence, 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.

Chapter 160**SECURITY GATES**

[HISTORY: Adopted by the Board of Trustees of the Village of Lawrence 4-12-1989 by LL No. 1-1989. Amendments noted where applicable.]

GENERAL REFERENCES

Zoning — See Ch. 212.

§ 160-1. Legislative findings.

The Board of Trustees of the Incorporated Village of Lawrence hereby declares and finds it to be in the public interest to provide for the regulation of the installation of maintenance of security gates within the Incorporated Village of Lawrence.

§ 160-2. Definitions.

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

SECURITY GATE — A barrier, screen or cover located in front of or behind a door, window or other opening, used for the purpose of guarding premises by preventing access or blocking passage to the interior of premises.

§ 160-3. Applicability.

- A. The provisions of this chapter shall apply only to security gates located within a Business K District.⁷⁰
- B. All security gates which are in existence prior to the date of the adoption of this chapter, and which do not comply with the provisions of said chapter, shall be made to comply with the provisions of this chapter or shall be removed within three years of the date of adoption of said chapter.

§ 160-4. Use and construction.

- A. No solid barrier, screen or cover shall be erected or maintained in front of or behind doors, windows or other openings located within a Business K District.
- B. All security gates shall be of the type known as "overhead rolling grill" and shall not prevent the viewing of the interior of the premises from outside the premises.
- C. All security gates shall be located on the interior of the premises.
- D. 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.
- E. Any metal screen protection device installed by any person, firm or entity shall be constructed of an open-mesh grill or patterned, textured substance with the required visibility, so as to blend

70. Editor's Note: See Ch. 212, Zoning.

architecturally with the community.

§ 160-5. Permit; application; expiration.

- A. It shall be unlawful for any person to commence work or the erection or alteration of or to erect, alter or maintain any security gate until a permit has been duly issued upon application thereof.
- B. The Building Department 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 Building Official has examined and approved, in writing, the proposed security gate as complying with all the provisions of this chapter.
- D. Permits shall expire three months following the date of issuance if no substantial work is begun, and may be renewed upon written applications to the Building Official.

§ 160-6. Fees.

The fee for a permit for the erection, alteration or maintenance of a security gate shall be as set by the Board of Trustees by resolution by a majority vote of its members present at a Board meeting. Said fee shall be paid at the time the application is presented to the Building Department. The Board of Trustees has currently resolved that the fee shall be set at \$100.

LAWRENCE CODE

Chapter 162

SEWERS AND CESSPOOLS

[HISTORY: Adopted by the Board of Trustees of the Village of Lawrence 8-4-1967 by Ord. No. 206; amended in its entirety 9-14-1988 by L.L. No. 9-1988. Subsequent amendments noted where applicable.]

GENERAL REFERENCES

Building construction and fire prevention — See Ch. 70.

Garbage, rubbish and refuse — See Ch. 106.

Environmental quality review — See Ch. 81.

Subdivision of land — See Ch. 182.

Flood damage prevention — See Ch. 94.

Zoning — See Ch. 212.

ARTICLE I
General Penalty⁷¹

§ 162-1. Penalties for offenses. ⁷² [Amended 9-11-2002 by L.L. No. 5-2002]

Any person who violates any part of this chapter, as now enacted or as hereafter amended, or any section or provision thereof, or who violates any ordinance or Article hereafter enacted which may become a part of this chapter, or any section or provision thereof, shall, for each and every violation, and for each and every day or part of a day on which such violation exists, forfeit and pay a penalty of up to a maximum of \$1,000 unless specific fines and/or penalties greater than this amount are indicated elsewhere in this chapter. Any violation of any such ordinance or Article, or any section or provision thereof, shall constitute disorderly conduct, and any person violating the same shall be and hereby is declared a disorderly person.

71. Editor's Note: See also Art. IX, Penalties.

72. Editor's Note: See also § 162-66, Penalties for offenses.

ARTICLE II Terminology

§ 162-2. Definitions and word usage.

- A. Unless the context specifically indicates otherwise, the meanings of terms used in this chapter shall be as follows:

ACT or THE ACT — The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. § 12351, et seq.

ADMINISTRATOR — The regional administrator of the United States Environmental Protection Agency, Region II.

APPROVAL AUTHORITY — The United States Environmental Protection Agency or the New York State Department of Environmental Conservation in the event that it is delegated approval authority responsibility.

BIOCHEMICAL OXYGEN DEMAND or BOD — The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five days at 20° C.(68° F.), expressed in milligrams per liter (mg/l) as determined by the procedures described in Standard Methods.

BOARD or BOARD OF TRUSTEES — The Board of Trustees of the Village of Lawrence.

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 house connection or building sewer which begins five feet outside the inner face of the building wall.

BUILDING SEWER — A sewer conveying wastewater from the premises of a user to the POTW.

ENVIRONMENTAL PROTECTION AGENCY or EPA — The United States Environmental Protection Agency, or, where appropriate, the term may also be used as a designation for the Administrator or other duly authorized official of said agency.

GARBAGE — Solid wastes from the domestic and commercial preparation, cooking and dispensing of food and from the handling, storage and sales of produce.

GRAB SAMPLE — A sample which is taken from the waste stream on a one-time basis with no regard to the flow in the waste stream and without consideration of time.

INTERFERENCE — The inhibition or disruption of the POTW treatment processes or operations which is a cause of or significantly contributes to a violation of any requirement of the Village's SPDES permit, including an increase in the magnitude or duration of a violation. The term includes prevention of sewage sludge use or disposal by the POTW in accordance with Section 405 of the Act (33 U.S.C. § 1345) or any criteria, guidelines or regulations developed pursuant to the Solid Waste Disposal Act (SWDA), the Clean Air Act, the Toxic Substances Control Act, the Resource Conservation and Recovery Act (RCRA) or more stringent state criteria (including those contained in any state sludge management plan prepared pursuant to Title IV or the SWDA) applicable to the method of disposal or use employed by the POTW.

NATIONAL CATEGORICAL PRETREATMENT STANDARD or PRETREATMENT STANDARD — Any regulation containing pollutant limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Act (33 U.S.C. § 1347) which applies to a specific category of industrial users.

NATURAL OUTLET — Any outlet, including storm sewers, into a watercourse, pond, ditch, lake or other body of surface or ground water.

NYSDEC — The New York State Department of Environmental Conservation or duly authorized official of said Department.

PERSON — Any individual, partnership, copartnership, firm, company, corporation, association, joint-stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents or assigns.

pH — Logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution.

POLLUTANT — Any chemical wastes, biological materials, radioactive materials, heat, solid material or dissolved material discharged into water.

POLLUTION — The man-made or man-induced alteration of the chemical, physical, biological and radiological integrity of water.

POTW TREATMENT PLANT — That portion of the POTW designed to provide treatment to wastewater.

PRETREATMENT REQUIREMENTS — Any substance or procedural requirements related to pretreatment, other than a national pretreatment standard on an industrial user.

PRETREATMENT or TREATMENT — The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a publicly owned treatment works (POTW) as defined in Section 2.2.37. The reduction or alteration can be obtained by physical, chemical or biological processes or process changes by other means, except as prohibited by 40 CFR 403.6(d).

PUBLICLY OWNED TREATMENT WORKS (POTW) — A treatment works as defined by Section 212 of the Act (33 U.S.C. § 1292), which is owned in this instance by the Village. This definition includes any sewers that convey wastewater to the POTW treatment plant, but does not include pipes, sewers or other conveyances not connected to a facility providing treatment. For the purpose of this chapter, "POTW" shall also include any sewers that convey wastewater to the POTW from persons who are, by contract or agreement with the Village, users of the Village's "POTW."

PUBLIC SEWER — A sewer in which all owners of abutting properties have equal rights and which is controlled by a governmental agency.

SANITARY SEWER — A sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions, together with minor quantities of ground-, storm- and surface water that are not admitted intentionally.

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 liquid or solid matter whatsoever.

SIGNIFICANT INDUSTRIAL USER or SIU — Any industrial user of the Village's wastewater disposal system who:

- (1) Is subject to promulgated categorical pretreatment standards;
- (2) Is found having substantial impact either singly or in combination with other contributing industries, on the operation of the treatment works;

- (3) Is a manufacturing industry using, on an annual basis, more than 10,000 pounds or 1,000 gallons of raw material containing priority pollutions/substances of concern and discharging a measurable amount of those pollutants to the sewer system from the process using these pollutants; or
- (4) Discharges more than 5% of the waste flow or load carried by the sewage treatment plant receiving the waste.

STANDARD INDUSTRIAL CLASSIFICATION (SIC) — A classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972.

STATE — The State of New York.

STATE POLLUTANT DISCHARGE ELIMINATION SYSTEM OR SPDES PERMIT — A permit issued pursuant to Section 402 of the Act (33 U.S.C. § 1342).

SUPERINTENDENT — The person designated by the Village to supervise the operation of the publicly owned treatment works and who is charged with certain duties and responsibilities by this chapter, or his duly authorized representative.

TOXIC POLLUTANT — Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the Environmental Protection Agency under the provision of Section 307(a) of the Clean Water Act.

USER — Any person who contributes, causes or permits the contribution of wastewater into the Village's POTW.

- B. Word usage. "Shall" is mandatory; "may" is permissive.

ARTICLE III
Use of Public Sewers

§ 162-3. Unlawful placement of objectionable wastes.

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 of Lawrence, or in any area under the jurisdiction of said Village, any human or animal excrement, garbage or other objectionable waste.

§ 162-4. Unlawful discharge of untreated waters.

It shall be unlawful to discharge to any natural outlet within the Village of Lawrence, or in any area under the jurisdiction of said Village, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this chapter.

§ 162-5. Unlawful facilities for disposal of sewage.

Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage.

§ 162-6. Required connection to public sewer.

The owners of all houses, buildings or properties used for human occupancy, employment, recreation or other purpose, situated within the Village and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a public sanitary sewer of the Village, is hereby required at his expense to install suitable toilet facilities therein and to connect such facilities directly with the proper public sewer in accordance with the provisions of this chapter within 90 days after date of official notice to so do, provided that said public sewer is within 100 feet (30.5 meters) of such house, building or property used for human occupancy.

§ 162-7. Responsibility for connection pipes.

The Board of Trustees may also from time to time require the owners or occupants of any or all property fronting or abutting on any street or portion thereof to make and lay connection pipes to and from the sewer mains in said street within such time and in such manner as the Board may prescribe; and whenever any such owner or occupant shall have made default in making said connections within the time specified, the Board may make, extend and complete the same, and the actual expenses thereof, including all labor done and materials used, shall be assessed upon each respective parcel of property and shall be collected in the same manner as assessments for local improvements in accordance with the Village Law.

§ 162-8. Restricted use of cesspools located near sewers.

Except as provided in §§ 162-11 to 162-18, no cesspool or septic tank shall be constructed and no repairs shall be permitted to any existing cesspool or septic tank costing more than 20% of the reasonable cost of construction thereof for the use of a building located within 300 feet of any street in or upon which the Village sewer, or any extension thereof, has been or is about to be laid.

§ 162-9. Compulsory connections.

A. Where a public sewer is available and accessible:

- (1) No person, firm or corporation or agent thereof, shall construct on any premises within the Village any privy, vault, cesspool, septic tank or separate system for the disposal of sewage.
 - (2) No person, firm or corporation, or agent thereof, shall on or after April 1, 1971, continue the use of or permit to be used on any premises within the Village any privy, vault, cesspool, septic tank or separate system for the disposal of sewage. The owner, occupant or person or corporation in charge of any such premises shall, prior to April 1, 1971, at his or its own cost and expense, connect all plumbing and toilet facilities on such premises directly with the proper active public sewer. Upon such connection, the use of any privy, vault, cesspool, septic tank or separate system for the disposal of sewage shall be discontinued, and any such privy, vault, cesspool, septic tank or separate system for the disposal of sewage shall be cleaned, filled in and/or removed as required by law or ordinance.
- B. For the purpose of this section and § 162-10, a public sewer shall be deemed available and accessible:
- (1) In every case where it is available and accessible within the meaning of the Public Health Ordinance of the County of Nassau as amended by ordinance adopted March 19, 1970; or
 - (2) Where it serves a building located within 300 feet of any street in or upon which the Village sewer or other public sewer, or any extension thereof, has been or is about to be laid.
- C. Where public sewer is not available and accessible, the Board of Trustees may, in its discretion, require the owner, occupant or person or corporation in charge of any property fronting or abutting any street or portion thereof to make and lay connection pipes to and from the sewer mains in said street and to connect with such sewer and to discontinue the use of a private sewage disposal system for such premises within such time and in such manner as the Board may prescribe, even though a public sewer is not available and accessible as defined in this section.
- D. For the purpose of this section and § 162-9, the word "sewage" shall mean water-carried wastes from residence, apartment houses and multiple dwellings, business buildings, public buildings, institutions, industrial establishments and buildings and uses accessory thereto.

§ 162-10. Failure to connect.

Procedure in case of failure to connect. In case the owner, occupant or person or corporation in charge of any premises within the Village should fail to make the connection and/or discontinue the sewage facilities in the manner and within the time required by Subsection A of § 162-9, or required by the Board of Trustees under Subsection C of said section, the Board of Trustees may cause such work to be performed by contract or by Village force and, for such purpose, shall have right of entry upon such premises. The cost thereof, including preliminary surveys, engineering, labor, materials, supervision and incidental expenses, shall be assessed upon each respective parcel or property and collected in the same manner as assessments for local improvements under the Village Law or other applicable statute.

ARTICLE IV
Private Sewage Disposal Systems

§ 162-11. Connection to private sewage disposal system.

Where a public sanitary sewer is not available under the provisions of §§162-3 to 162-8, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this Article.

§ 162-12. Permit requirements.

Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit signed by the Superintendent. The application for such permit shall be made on a form furnished by the Village, which the applicant shall supplement by any plans, specifications and other information as are deemed necessary by the Superintendent. A permit and inspection fee of \$25 shall be paid to the Village at the time the application is filed.

§ 162-13. Inspection required prior to use.

A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Superintendent. He shall be allowed to inspect the work at any stage of construction, and, in any event, the applicant for the permit shall notify the Superintendent when the work is ready for final inspection and before any underground portions are covered. The inspection shall be made within 48 hours of the receipt of notice by the Superintendent.

§ 162-14. Compliance with state regulations; construction standards.

The type, capacities, location and layout of a private sewage disposal system shall comply with all recommendations of the Department of Public Health of the State of New York. No permit shall be issued for any private sewage disposal system employing subsurface absorption facilities where the area of the lot is less than 15,000 square feet. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

§ 162-15. Connection to public sewer required upon availability.

At such time as a public sewer becomes available to a property served by a private sewage disposal system, a direct connection shall be made to the public sewer in compliance with this chapter, and any septic tanks, cesspools and similar private sewage disposal facilities shall be abandoned and filled with suitable material.

§ 162-16. Operation and maintenance responsibility.

The owner shall operate and maintain the private sewage disposal facilities in sanitary manner at all times, at no expense to the Village.

§ 162-17. Additional county requirements.

No statement contained in this Article shall be construed to interfere with any additional requirements that may be imposed by the Nassau County Department of Health.

§ 162-18. Public sewer connection requirements.

When a public sewer becomes available, the building sewer shall be connected to said sewer within 90

days, and the private sewage disposal system shall be cleaned of sludge and filled with clean bank-run gravel or dirt.

§ 162-19. Disconnection in abandoned buildings.

In the event that a building which is connected to the sanitary sewer is to be abandoned or demolished or a certificate of occupancy for such building is withdrawn, the sewer shall be disconnected at the original point of connection with such sewer, and the sewer shall be plugged in a manner and with a plug that is satisfactory to the Superintendent. The sewer shall be disconnected, plugged and inspected prior to any other work at the site.

ARTICLE V
Building Sewers and Connections

§ 162-20. Permit required prior to disturbance of sewer.

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.

§ 162-21. Permit application requirements.

- A. There shall be two classes of building sewer permits:
- (1) For residential and commercial service.
 - (2) For service to establishments producing industrial wastes.
- B. In either case, the owner or his agent shall make the application on a special form furnished by the Village. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the Superintendent.
- C. A permit, inspection and license fee shall be paid to the Village at the time the application for a new sewer connection, or a change of use which increases flow of an existing connection, is filed, as specified in Chapter A219, Fees, of the Code of the Village of Lawrence. **[Amended 3-10-1999 by L.L. No. 3-1999; 5-11-2006 by L.L. No. 2-2006; 12-14-2006]**

§ 162-22. Connection expenses to be borne by owner; indemnification of Village.

All costs and expense incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the Village from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

§ 162-23. Separate building sewer for each building; exception.

A separate and independent building sewer shall be provided by every building, except that where one building stands at the rear of another on an interior 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.

§ 162-24. Use of old building sewers for new buildings.

Old building sewers 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.

§ 162-25. Building sewer construction standards.

The size, slope, alignment, materials of construction of a building sewer and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench shall all conform to the requirements of the building and plumbing code⁷³ or other applicable rules and regulations of the Village. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in

73. Editor's Note: See Ch. 70, Building Construction and Fire Prevention.

appropriate specifications of the ASTM and WPCF Manual of Practice No. 9 shall apply.

§ 162-26. Elevation of building sewer; lifting of sewage.

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 to the building sewer.

§ 162-27. Surface runoff and groundwater connection to building sewer.

No person shall make connection of roof downspouts, exterior foundation drains, areaway drains or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

§ 162-28. Building sewer connection requirements.

The connection of the building sewer into the public sewer shall conform to the plumbing code⁷⁴ or other applicable rules and regulations of the Village or the procedures set forth in appropriate specifications of the ASTM and the WPCF Manual of Practice No. 9. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedure and materials must be approved by the Superintendent before installation.

§ 162-29. Inspection required prior to connection.

The applicant for the building sewer permit shall notify the Superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Superintendent or his representative.

§ 162-30. Guarding excavations; restoring disturbed property.

All excavations for building sewer installations 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.

74. Editor's Note: See Ch. 70, Building construction and Fire Prevention.

ARTICLE VI
Public Sewer Use Regulations

§ 162-31. Discharge of waters into sewers.

No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water or unpolluted industrial process waters to any sanitary sewer.

§ 162-32. Discharge of stormwater and other unpolluted waters.

Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers or to a natural outlet approved by the Superintendent. Industrial cooling water or unpolluted process waters may be discharged, on approval of the Superintendent, to a storm sewer or natural outlet.

§ 162-33. General prohibited discharges.

- A. These general prohibitions apply to all users of the POTW, whether or not the user is subject to national categorical pretreatment standards or any other national, state or local pretreatment standards or requirements.
- B. A user may not contribute the following substances to the POTW:
- (1) Any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the POTW or to the operation of the POTW. At no time shall two successive readings on an explosion hazard meter, at the point of discharge into the system (or at any point in the system), be more than 5% nor any single reading over 10% of the lower explosive limit (LEL) of the meter. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides and any other substances which the Village, the state or the EPA has notified the user is a fire hazard or a hazard to the system.
 - (2) Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the POTW treatment plant, such as but not limited to grease, garbage with particles greater than 1/2 inch in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, gas, tar, asphalt residues, residues from refining or processing or fuel or lubricating oil, mud or glass-grinding or -polishing wastes.
 - (3) Any wastewater having a pH less than 5.5 or greater than 8.5, or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment and/or personnel of the POTW.
 - (4) Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the POTW or exceed the limitations set forth in a categorical pretreatment standard. A toxic pollutant shall include but not be limited to any pollutant identified pursuant to Section 307(a) of the Act.

- (5) Any noxious or malodorous liquids, gases or solids which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for maintenance or repair.
 - (6) Any substance which may cause the POTW's effluent or any other product of the POTW, such as residues, sludges or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case shall a substance discharged to the POTW cause the POTW to be in noncompliance with sludge use or disposal criteria, guidelines or regulations developed under Section 405 of the Act; any criteria, guidelines or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act or state criteria applicable to the sludge management method being used.
 - (7) Any substance which will cause the POTW to violate its SPDES permit or the receiving water quality standards.
 - (8) Any wastewater with objectionable color not removed in the treatment process, such as but not limited to dye wastes and vegetable tanning solutions.
 - (9) Any liquid having temperature higher than 150° F. or having a temperature which will inhibit biological activity in the POTW treatment plant resulting in interference, but in no case wastewater with a temperature at the introduction into the POTW treatment plant which exceeds 104° F.
 - (10) Any pollutants, including oxygen demanding pollutants (BOD, etc.), released at a flow rate and/or pollutants concentration which a user knows or has reason to know will cause interference to the POTW. In no case shall a slug load have a flow rate or contain concentration or qualities of pollutants that exceed for any time period longer than 15 minutes more than five times the average 24-hour concentration, quantities or flow during normal operation.
 - (11) Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Superintendent in compliance with applicable state or federal regulations.
 - (12) Any wastewater which causes a hazard to human life or creates a public nuisance.
 - (13) Stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water or unpolluted industrial process water.
- C. When the Superintendent determines that a user(s) is contributing to the POTW any of the above-enumerated substances in such amounts as to interfere with the operation of the POTW, the Superintendent shall advise the user(s) of the impact of the contribution on the POTW and develop effluent limitation(s) for such user to correct the interference with the POTW or may order the user(s) to cease and desist the objectionable discharge.

§ 162-34. Specific prohibited discharges.

- A. No person shall discharge or cause to be discharged the following described substances, materials, waters or wastes if it appears likely in the opinion of the Superintendent that such wastes can harm either the sewers, POTW treatment process or equipment, have an adverse effect on the receiving stream or can otherwise endanger life, limb, public property or constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the Superintendent will give consideration to such

factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the POTW treatment plant, degree of treatability of wastes in the POTW treatment plant and other pertinent factors. The substances prohibited are:

- (1) Any waters or wastes containing fats, wax, grease or oils, whether emulsified or not, in excess of 100 mg/l or containing substances which may solidify or become viscous at temperatures between 32° and 150° F. (0° and 65° C.).
- (2) Any garbage, shredded or otherwise.
- (3) Any waters or wastes containing acid-pickling wastes or concentrated plating solutions.
- (4) Any waters or wastes containing iron, chromium, copper, zinc and similar objectionable or toxic substances or wastes exerting an excessive chlorine requirement to such a 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 Superintendent. The following are the limits which may not be exceeded for industrial wastes at the point of entry into the public system:

Objectionable Substance Limitations for Discharge to Sanitary Sewers	
Substance	Concentration Limit (milligrams per liter)
Cadmium	0.2
Hex (avalent), 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	9.5
Cyanide, free	0.2
Cyanide, complex	0.8
Selenium	0.1
Sulfide	2.0
Barium	2.0
Manganese	2.0
Silver	0.1

Objectionable Substance Limitations for Discharge to Sanitary Sewers	
Substance	Concentration Limit (milligrams per liter)
Fluorides (total)	3.0
Chlorine demand (30 minutes)	15
Total dissolved solids	1000
Nitrogen (total)	20
Phenol (total)	0.6

- (5) Any waters or wastes containing taste- or odor-producing substances in such concentrations exceeding limits which may be established by the Superintendent as necessary, after treatment of the composite sewage, to meet the requirements of the state, federal or other public agencies having jurisdiction for such discharge to the receiving waters.
 - (6) Materials which exert or cause unusual concentrations of inert suspended solids, such as but not limited to diatomaceous earth, Fuller's earth, lime slurries and lime residues; or of dissolved solids, such as but not limited to sodium chloride and sodium sulfate.
- B. Upon the promulgation of the national categorical pretreatment standards for a particular industrial subcategory, the national standard, if more stringent than limitations imposed under this Sewer Code for sources in that subcategory, will immediately supersede the limitations imposed under this Sewer Code. The Superintendent shall notify all affected users of the applicable reporting requirements under 40 CFR 403.12. Users shall provide necessary wastewater treatment as required to comply with this Sewer Code and shall achieve compliance with all national categorical pretreatment standards within the time limitations as specified by the national pretreatment regulations.

§ 162-35. Disposal of garbage into sewer.

No mechanism or device for the disposal of garbage, certain types of which are known as "garbage disposer," "garbage grinder" or "food waste shredder," which is designed or intended or operates to shred, grind, pulverize or otherwise decompose or dispose of garbage, shall be installed in such a way that it can discharge directly or indirectly into the public sewer. No permit for such installation shall be granted.

§ 162-36. Pretreatment of objectionable wastes.

- A. If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in § 162-34 and which, in the judgment of the Superintendent, may have a deleterious effect upon the sewage works, processes, equipment or receiving waters or which otherwise create a hazard to life or constitute a public nuisance, the Superintendent may:
- (1) Reject the wastes.
 - (2) Require pretreatment to an acceptable condition for discharge to the public sewers.
 - (3) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of § 162-41.
- B. If the Superintendent permits the pretreatment or equalization of waste flows, the design and

installation of the plants and equipment shall be subject to the review and approval of the Superintendent and subject to the requirements of all applicable codes, ordinances and laws.

- C. Upon the promulgation of the national categorical pretreatment standards for a particular industrial subcategory, the national standard, if more stringent than limitations imposed under this Sewer Code for sources in that subcategory, will immediately supersede the limitations imposed under this Sewer Code. The Superintendent shall notify all affected users of the applicable reporting requirements under 40 CFR 403.12. Users shall provide necessary wastewater treatment as required to comply with this Sewer Code and shall achieve compliance with all national categorical pretreatment standards within the time limitations as specified by the national pretreatment regulations.

§ 162-37. Grease, oil and sand interceptors.

Grease, oil and sand interceptors shall be provided when, in the opinion of the Superintendent, 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 living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Superintendent and shall be located as to be readily and easily accessible for cleaning and inspection.

§ 162-38. Maintenance of pretreatment and flow-equalizing facilities.

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.

§ 162-39. Control manholes for observing industrial wastes.

When required by the Superintendent, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole, together with such necessary meters, and other appurtenances in the building sewer to facilitate observation, sampling and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located and shall be constructed in accordance with plans approved by the 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.

§ 162-40. Water and waste sampling methods and standards.

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 nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the POTW works 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.)

§ 162-41. Special agreements for acceptance of certain wastes.

No statement contained in this Article shall be construed as preventing any special agreement or

arrangement between the Village and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the Village for treatment, subject to payment therefor, by the industrial concern.

ARTICLE VII
Permit Requirements

§ 162-42. Permit required.

It shall be unlawful to discharge without a Village permit to any natural outlet within the Village, or in any area under the jurisdiction of said Village, and/or to the POTW any wastewater except as authorized by the Superintendent in accordance with the provisions of this Sewer Code. The following permits and conditions shall apply to all significant industrial users.

§ 162-43. Wastewater contribution permit required for significant industrial users.

All significant industrial users proposing to connect to or to contribute to the POTW treatment plant shall obtain a wastewater contribution permit before connecting to or contributing to the POTW.

§ 162-44. Permit application requirements; issuance.

A. Permit application. Significant industrial users required to obtain a wastewater contribution permit shall complete and file with the Village an application prescribed by the Village and accompanied by a fee as established by the Village. In support of the application, the user shall submit, in units and terms appropriate for evaluation, the following information:

- (1) Name, address and location of industry (if different from the address).
- (2) Standard industrial classification number according to the Standard Industrial Classification Manual, Bureau of the Budget, 1972, as amended.
- (3) Wastewater constituents and characteristics, including but not limited to those mentioned in § 162-34 of this chapter, as determined by a reliable analytical laboratory. Sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to Section 304(g) of the Act and contained in 40 CFR 136, as amended.
- (4) Time and duration of contribution.
- (5) Average daily and three-minute peak wastewater flow rates, including daily, monthly and seasonally variations, if any.
- (6) Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections and appurtenances by size, location and elevation.
- (7) Description of activities, facilities and plant processes on the premises, including all materials which are or could be discharged.
- (8) Where known, the nature and concentration of any pollutants in the discharge which are limited by any Village, state or federal pretreatment standards.
- (9) If for an existing industry additional pretreatment and/or operation and management will be required to meet the pretreatment standards, the shortest schedule by which the significant industrial user will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard.
- (10) The following conditions shall apply to this schedule:
 - (a) The schedule shall contain increments of progress in the form of dates for the

commencement and completion of major events leading to the construction and operation of additional pretreatment required for the significant industrial user to meet the applicable pretreatment standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.).

- (b) No increments referred to in Subsection A(10)(a) shall exceed nine months.
 - (c) Not later than 14 days following each date in the schedule and the final date for compliance, the significant industrial user shall submit a progress report to the superintendent, including, as a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay and the steps being taken by the user to return to the schedule established. In no event shall more than nine months elapse between such progress reports to the Superintendent.
- (11) Each product produced by type, amount, process or processes and rate of production.
 - (12) Type and amount of raw materials processed (average and maximum per day).
 - (13) Number and type of employees and hours of operation of plant and proposed or actual hours of operation of pretreatment system.
 - (14) Any other information as may be deemed by the Village to be necessary to evaluate the permit application.
- B. The Village will evaluate the data furnished by the industrial user and may require additional information. After evaluation and acceptance of the data furnished, the Village may issue a wastewater contribution permit subject to terms and conditions provided herein.

§ 162-45. Permit conditions.

Wastewater contribution permits shall be expressly subject to all provisions of this Sewer Code and all other applicable regulations, user charges and fees established by the Village. Permits may contain the following:

- A. The unit charge or schedule or user charges and fees for the wastewater to be discharged to the POTW.
- B. Limits on the average and maximum wastewater constituents and characteristics.
- C. Limits on average and maximum rate and time of discharge or requirements for flow regulations and equalization.
- D. Requirements for installation and maintenance of inspection and sampling facilities.
- E. Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types and standards for tests and reporting schedule.
- F. Compliance schedules.
- G. Requirements for submission of technical reports or discharge reports.
- H. Requirements for maintaining and retaining plant records relating to wastewater discharge as

specified by the Village and affording the Village access thereto.

- I. Requirements for notification of the Village of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system.
- J. Requirements for notification of slug discharges.
- K. Other conditions as deemed appropriate by the Village to correct any operational problems that may occur at the POTW treatment plant and to ensure compliance with this chapter.

§ 162-46. Term of permit; conditions subject to modification.

Permits shall be issued for a specified time period, not to exceed five years. A permit may be issued for a period less than a year or may be stated to expire on a specific date. The significant industrial user shall apply for permit reissuance a minimum of 180 days prior to the expiration of the industrial user's existing permit. The terms and conditions of the permit may be subject to modification by the Village during the term of the permit as limitations or requirements as identified in this Sewer Code are modified or other just cause exists. The industrial user shall be informed of any proposed changes in his permit at least 30 days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

§ 162-47. Nontransferability of permit; change in operations.

Wastewater contribution permits are issued to a specified significant industrial user for a specific operation. The permit shall not be reassigned, transferred or sold to a new owner, new industrial user, different premises or a new or changed operation without approval of the Village. In the event that a specific operation is altered resulting in a violation of this Sewer Code or the wastewater discharge permit, the significant industrial user may be required to develop a compliance schedule for installation of control technology.

ARTICLE VIII
Pretreatment

§ 162-48. Wastewater pretreatment.

Significant industrial users shall provide necessary wastewater treatment as required to comply with this Sewer Code and shall achieve compliance with all national categorical pretreatment standards within the time limitations as specified by the National Pretreatment Regulations, Section 403.5(f). Any facilities required to pretreat wastewater to a level acceptable to the Village shall be provided, operated and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the Village for review and shall be acceptable to the Village before construction of the facility. The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the Village under the provisions of this Sewer Code. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the Village prior to the user's initiation of the changes.

§ 162-49. Availability of records related to pretreatment standards.

All records relating to compliance with pretreatment standards shall be made available to officials of the EPA or approval authority upon request.

§ 162-50. Protection from accidental discharges.

Each significant industrial user shall provide protection from accidental discharge of prohibited materials or other substances regulated by this Sewer Code. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the significant industrial user's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the Village for review and shall be approved by the Village before construction of the facility. All existing users shall complete such a plan within nine months of the effective date of this Sewer Code. No significant industrial user who commences contribution to the POTW after the effective date of this chapter shall be permitted to introduce pollutants into the system until accidental discharge procedures have been approved by the Village. Review and approval of such plans and operating procedures shall not relieve the significant industrial user from the responsibility to modify its facility as necessary to meet the requirements of this Sewer Code. In the case of an accidental discharge, it is the responsibility of the significant industrial user to immediately telephone and notify the Village of the incident. The notification shall include the location of the discharge, the type of waste, concentration(s) and volume(s) and corrective action(s) taken.

§ 162-51. Notification of accidental discharge.

Within five days following an accidental discharge, the significant industrial user shall submit to the Village a detailed written report describing the cause of the discharge and the measures to be taken by the significant industrial user to prevent similar future occurrences. Such notification shall not relieve the significant industrial user of any expense, loss, damage or other liability which may be incurred as a result of damage to the POTW or any other damage to person or property; nor shall such notification relieve the significant industrial user of any fines, civil penalties or other liability which may be imposed by this Sewer Code or other applicable law.

§ 162-52. Employees to be advised of accidental discharge procedures.

A notice shall be permanently posted on the significant industrial user's bulletin board or other prominent

place advising employees whom to call in the event of a dangerous discharge. Employers shall ensure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure.

§ 162-53. Report on nature and concentration of pollutants.

Within 90 days following the date for final compliance with applicable pretreatment standards or, in the case of a new source, following commencement of the introduction of wastewater into the POTW, any significant industrial user subject to pretreatment standards and requirements shall submit to the Superintendent a compliance report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by pretreatment standards and requirements and the average and maximum daily flow for these process units in the user facility which are limited by such pretreatment standards or requirements. The report shall state whether the applicable pretreatment standards or requirements are being met on a consistent basis and, if not, what additional operation and maintenance and/or pretreatment is necessary to bring the user into compliance with the applicable pretreatment standards or requirements. This statement shall be signed by an authorized representative of the user and certified to by a qualified professional engineer licensed in the State of New York.

§ 162-54. Periodic compliance reports.

Any significant industrial user subject to a pretreatment standard, after the compliance date of such pretreatment standard, or, in the case of a new source, after commencement of the discharge into the POTW, shall submit to the Superintendent during the months of June and December, unless required more frequently in the pretreatment standard or by the Superintendent, a periodic compliance report indicating the nature and concentration of pollutants in the effluent which are limited by such pretreatment standards. In addition, this report shall include a record of all daily flows during the reporting period which exceeded the average daily flow reported under § 162-45C. At the discretion of the Superintendent and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the Superintendent may agree to alter the months during which the above reports are to be submitted.

§ 162-55. Mass limitations and additional regulations for certain users.

The Superintendent may impose mass limitations on significant industrial users which are using dilution to meet applicable pretreatment standards or requirements or in other cases where the imposition of mass limitations are appropriate. In such cases, the report required by § 162-54 shall indicate the mass of pollutants regulated by pretreatment standards in the effluent of the user. These report shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration, or production and mass where requested by the Superintendent, of pollutants contained therein which are limited by the applicable pretreatment standards. The frequency of monitoring shall be prescribed in the applicable pretreatment standard. All analysis shall be performed in accordance with procedures established pursuant to Section 304(g) of the Act and contained in 40 CFR 136, and amendments thereto, or with any other test procedures approved by the Administrator of the EPA. Sampling shall be performed in accordance with the techniques approved by the Administrator of the EPA. (Comment: Where 40 CFR 136 does not include a sampling or analytical technique for the pollutant in question, sampling and analysis shall be performed in accordance with the procedures set forth in the EPA publication, Sampling and Analysis Procedures for Screening of Industrial Effluents for Priority Pollutants, April 1977, and amendments thereto, or with any other sampling and analytical procedures approved by the Administrator of the EPA.)

§ 162-56. Notification upon discharge of a Slug.

If a slug is discharged into the sewerage system, the POTW treatment plant should be notified immediately.

§ 162-57. Confidentiality of certain information.

Information and data on a significant industrial user obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public or other governmental agency without restriction unless the industrial user specifically requests and is able to demonstrate to the satisfaction of the Village that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the industrial user.

§ 162-58. Confidential information available to governmental agencies.

When requested by the person furnishing a report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available upon written request to governmental agencies for uses related to this Sewer Code, the State Pollutant Discharge Elimination System (SPDES) permit and/or the pretreatment programs; provided, however, that such portions of a report shall be available for use by the state or any state agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.

§ 162-59. User to be notified prior to release of confidential information.

Information accepted by the Village as confidential shall not be transmitted to any governmental agency or to the general public by the Village until and unless a ten-day notification is given to the user.

§ 162-60. Monitoring facilities.

The Village shall require to be provided and operated at the significant industrial user's own expense monitoring facilities to allow inspection, sampling and flow measurement of the building sewer and/or internal drainage systems. The monitoring facility should normally be situated on the industrial user's premises, but the Village may, when such a location would be impractical or cause undue hardship on the industrial user, allow the facility to be constructed in the public street or sidewalk area and located so that it will not be obstructed by landscaping or parked vehicles.

§ 162-61. Maintenance of sampling equipment.

There shall be ample room in or near such sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the user.

§ 162-62. Standards and specifications of sampling facilities.

Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the Village's requirements and all applicable local construction standards and specifications. Construction shall be completed within 90 days following written notification by the Village.

ARTICLE IX
Penalties⁷⁵

§ 162-63. Violators to be penalized.

Any person who violates any section or provision of this Sewer Code, or any part thereof, shall be subject to the penalties and provisions of § 162-1 of this chapter.

§ 162-64. Notice of violation to be served.

Whenever the Village finds that the user has violated or is violating this Sewer Code, wastewater contribution permit or any prohibition, limitation or requirement contained herein, the Village may serve upon such person a written notice stating the nature of the violation. Within 30 days of the date of the notice, a plan for the satisfactory correction thereof shall be submitted to the Village by the user.

§ 162-65. Revocation of permit.

Any significant industrial user who violates the following conditions of this Sewer Code, or applicable state and federal regulations, is subject to having the permit revoked in accordance with the procedures of this Article:

- A. Failure of a significant user to factually report the wastewater constituents and characteristics of the discharge.
- B. Failure of the significant industrial user to report significant changes in operations or wastewater constituents and characteristics.
- C. Refusal of reasonable access to the significant industrial user's premises of the purpose of inspection or monitoring.
- D. Violation of conditions of the permit.

§ 162-66. Penalties for offenses.⁷⁶

Any person who is found to have violated an order of the Board of Trustees, or who willfully or negligently fails to comply with any provision of this Sewer Code and the orders, rules, regulations and permits issued hereunder, or who knowingly makes any false statement, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this Sewer Code or wastewater contribution permit, or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required under this Sewer Code, shall be fined not less than \$300 nor more than \$1,000 for each offense. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense. In addition to the penalties provided herein, the Village may recover reasonable attorneys' fees, court costs, court reporters' fees and other expenses of litigation (by appropriate suit at law) against the person found to have violated this Sewer Code or the orders, rules, regulations and permits issued hereunder.

75. Editor's Note: See also Art. I, General Penalty.

76. Editor's Note: See also § 162-1, Penalties for offenses.

ARTICLE X
Enforcement; Hearings

§ 162-67. Suspension of permit or service.

The Village may suspend the wastewater treatment service and/or a wastewater contribution permit when such suspension is necessary, in the opinion of the Village, in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons or to the environment, causes interference to the POTW treatment plant or causes the Village to violate any condition of its SPDES permit. A forty-eight-hour period shall pass before a suspension or restriction is effective unless an emergency situation arises relating to public health and safety or a significant impairment of the treatment process.

§ 162-68. Action by user upon notification of suspension.

Any person notified of a suspension of the wastewater treatment service and/or the wastewater contribution permit shall immediately stop or eliminate the contribution. In the event of a failure of the person to comply voluntarily with the suspension order, the Village shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW treatment plant system or endangerment to any individuals. The Village shall reinstate the wastewater contribution permit and/or the wastewater treatment service upon proof of the elimination of the noncomplying discharge. A detailed written statement submitted by the significant industrial user describing the causes of the harmful contribution and the measures taken to prevent any future occurrence shall be submitted to the Village within 15 days of the date of the occurrence.

§ 162-69. Legal and/or equitable relief by Village.

If any person discharges sewage, industrial wastes or other wastes into the Village's POTW contrary to the provisions of this Sewer Code, federal or state pretreatment requirements or any order of the Village, the Village's legal counsel may commence an action for appropriate legal and/or equitable relief in the Supreme Court of the State of New York or other court of competent jurisdiction of the matter in question.

§ 162-70. Notice to be served; hearing to be held.

The Village may order any significant industrial user who causes or allows an unauthorized discharge to enter the POTW to show cause before the Board of Trustees why the proposed enforcement action should not be taken. A notice shall be served on the significant industrial user specifying the time and place of a hearing to be held by the Board of Trustees regarding the violation, the reasons why the action is to be taken, the proposed enforcement action and directing the significant industrial user to show cause before the Board of Trustees why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least 10 days before the hearing. Service may be made on any agent or officer of the corporation.

§ 162-71. Taking of evidence prior to hearing.

The Board of Trustees may itself conduct the hearing and take the evidence or may designate any of its members or any officer or employee of the Village to:

- A. Issue in the name of the Board of Trustees notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings.

- B. Take the evidence.
- C. Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the Board of Trustees for action thereon.

§ 162-72. Taking of testimony; availability of transcript.

At any hearing held pursuant to this Sewer Code, testimony taken must be under oath and recorded stenographically. The transcript, so recorded, will be made available to any member of the public or any party to the hearing upon payment of the usual charges thereof.

§ 162-73. Issuance of order to comply.

After the Board of Trustees has reviewed the evidence, it may issue an order to the significant industrial user responsible for the discharge directing that, following a specified time period, the sewer service be discontinued unless adequate treatment facilities, devices or other related appurtenances shall have been installed on existing treatment facilities and that these devices or other related appurtenances are properly operated. Further orders and directives as are necessary and appropriate may be issued.

ARTICLE XI

Inspections**§ 162-74. Authority to enter and inspect user's facilities.**

The Village shall inspect the facilities of any user to ascertain whether the purpose of this Sewer Code is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the Village or its representative ready access at all reasonable times to all parts of the premises for the purpose of inspection, sampling, records examination or in the performance of any of their duties. The Village, approval authority and EPA shall have the right to set up on the user's property such devices as are necessary to conduct sampling inspection, compliance monitoring and/or metering operations. Where a user has security measures in force which would require proper identification and clearance before entry into their premises, the user shall make necessary arrangements with their security guards so that upon presentation of suitable identification, personnel from the Village, approval authority and EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.

§ 162-75. Authority to enter and inspect easements.

The Superintendent and other duly authorized employees of the Village bearing proper credentials and identification shall be permitted to enter all private properties through which the Village holds a duly negotiated easement for the purpose of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

ARTICLE XII
Sewer Rents

§ 162-76. Sewer rents established. [Amended 5-20-1992 by L.L. No. 3-1992; 4-24-2006]

The following sewer rents will be established as of June 1, 2006:

A. Premises connected with the public sewer:

- (1) Private residence including one-family and two-family dwellings: \$345 and \$46 in addition for each outlet in excess of 10.
- (2) Dwellings for not more than 10 families [not included in Subsection A(1)], stores, garages, offices and commercial establishments: \$690 and \$69 in addition for each outlet in excess of 10.
- (3) Restaurants and food establishments: \$721 and \$72 in additional for each outlet in excess of 10.
- (4) Apartment houses for more than 10 families, hotels and multiple dwellings: \$1,150 and \$69 in addition for each outlet in excess of 10.
- (5) Industrial establishments: \$2,404 and \$72 in addition for each outlet in excess of 10.
- (6) Public or private schools and educational establishments, including public libraries and museums, churches and other places of worship, courthouse, clubs, firehouse, Y.M.C.A. and similar institutions: \$690 and \$69 in addition for each outlet in excess of 10.
- (7) Other premises: as fixed by the Superintendent in conformity, as nearly as may be, with the rates specified in Subsections A(1) through (5).

B. Premises not connected with the sewer but adjoining any street or right-of-way in which the public sewer or any extension thereof is situated and containing a building located within 200 feet of such sewer at a grade which would enable the first or ground floor and all upper floors to utilize the sewer without pumping:

- (1) Private residence (including one-family and two-family dwellings): \$345.
- (2) Dwellings for not more than 10 families [not included in Subsection B(1)], stores, garages, offices and commercial establishments: \$690.
- (3) Restaurants and food establishments: \$721.
- (4) Apartment houses for more than 10 families, hotels, and multiple dwellings: \$1,150.
- (5) Industrial establishments: \$2,404.
- (6) Public or private schools and educational establishments, including public libraries and museums, churches and other places of worship, courthouse, clubs, firehouse, Y.M.C.A. and similar institutions: \$690.
- (7) Other premises: as fixed by the Superintendent in conformity, as nearly as may be with the rates specified in Subsection B(1) through (5).

C. Changes of classification. In case of any change in classification, or change in rate, the amount of the sewer rent shall be prorated according to the number of months in each class or under each rate, and the amount of sewer rent, if any, previously paid for any period under the former classification or

former rate shall be credited against the amount due for the same period under the new classification or rate; provided, however, that in no event shall any refund be allowed. For the purpose of this section, any part of a month in excess of 14 days shall be deemed a full month, and any part of a month of 14 days or less shall be disregarded.

D. In the case of connections during any fiscal year, the following provisions shall apply:

- (1) If a connection permit is issued on or after June 1 of any fiscal year and on or before November 30 of such fiscal year, the annual rents provided by this section shall apply for the balance of such fiscal year without abatement or apportionment.
- (2) If a connection permit is issued on or after December 1 of any fiscal year and on or before May 31 of such fiscal year, the rents shall be 1/2 of the annual rents provided by this section and shall apply for the balance of such fiscal year without abatement or apportionment.
- (3) Such rents shall be paid upon filing the application of a connection permit, in addition to any fees that may be elsewhere required.

§ 162-77. Lien and payment.

- A. The annual sewer rents hereinabove provided shall be for each year from the first day of June to May 31 following.
- B. Such annual rents shall become a lien on June 1 of each year and shall continue to be a lien until paid.
- C. Such annual rents shall be included as a separate item on the bills issued for the annual Village tax and shall be paid at the same time and shall carry interest and penalties at the same time and in the same amounts and shall be collected in the same manner as the annual Village tax.
- D. For the purpose of collection, the annual sewer rents shall be deemed part of the annual Village tax, and the Village Administrator shall not be required to accept payment of the annual Village tax, or an installment thereof, unless the sewer rent, or the installment thereof then due, is paid.

ARTICLE XIII
Protection from Damage

§ 162-78. Damaging or tampering with equipment prohibited.

No unauthorized person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the POTW. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

ARTICLE XIV
Construal of Provisions

§ 162-79. Effect on County Public Health Ordinance.

Nothing in this Sewer Code shall be deemed to conflict with the requirements of the Public Health Ordinance of the County of Nassau, but this Sewer Code shall be construed and applied so as to supplement and implement said ordinance. In case of any differences between the requirements of this Sewer Code and the requirements of said Public Health Ordinance, the stricter requirements shall be complied with.

§ 162-80. Effect on previous sewer rents.

Nothing in this chapter or the amendments of the Sewer Code herein provided shall be deemed to affect any sewer rents heretofore imposed, paid or billed, but such sewer rents may be collected in the same manner and shall be subject to the same interest and penalties as if this chapter had not been adopted.

Chapter 166**SMOKING, PERSONAL**

[HISTORY:⁷⁷ Adopted by the Board of Trustees of the Village of Lawrence 7-15-2021 by L.L. No. 6-2021. Amendments noted where applicable.]

§ 166-1. through § 166-9. (Reserved)

§ 166-10. Definitions.

As used in §§ 166-11 through 166-12, the following terms, phrases, words and their derivatives shall have the following meanings:

DESIGNATED SMOKING AREA — Any public area conspicuously designated "smoking permitted" by a sign, receptacle, or otherwise, where smoking of legal substances is permitted.

SMOKING — The use, burning, inhaling, exhaling, vaping or other discharging of any substance including, but not limited to, tobacco, tobacco substitutes, cannabis, oils, herbs, fruits, and spices by a person, and also the carrying of any lighted or burning smoking device by a person.

SMOKING DEVICE — Any product or device used or intended to be used to facilitate smoking, including, but not limited to, cigarettes, cigars, cigarillos, pipes, pipe filler, waterpipes, bongs, rolling papers, joints, or similar products/devices.

§ 166-11. Personal smoking prohibited.

- A. It shall be a violation of this chapter for any person to smoke at the following locations within the Village of Lawrence:
- (1) Any Village-owned, leased, operated or maintained park or recreational facility;
 - (2) Any Village-owned, leased, operated or maintained property open to the public, including but not limited to open spaces;
 - (3) Public sidewalks within the Village of Lawrence;
 - (4) Any area designated by the Village Administrator as a "no smoking" zone by the placement of signage;
 - (5) Any area within a 100-foot radius of any/all designated entrances/exits to any of the areas listed in this § 166-11A.
- B. Notwithstanding Subsection A of this section, the Village Administrator may designate any of the areas (or portions of areas) listed in Subsection A(1) through (5) as "smoking permitted," and thereby exempt such area from the prohibition against smoking which would otherwise apply.

§ 166-12. Penalties for offenses.

Any person who commits or permits any act in violation of § 166-11 of this chapter shall be deemed to have committed an offense against this chapter and shall be liable for such violation and the penalty therefor

⁷⁷ Editor's Note: Former Ch. 166, Signs, adopted 5-25-1942 as part of Ord. No. 106, as amended, was repealed 1-9-2002 by L.L. No. 1-2002. See now Ch. 212, Art. XII.

shall be subject to a fine of not more than \$250.

LAWRENCE CODE

Chapter 170

SNOW EMERGENCIES

[HISTORY: Adopted by the Board of Trustees of the Village of Lawrence 5-8-1978 by L.L. No. 3-1978. Amendments noted where applicable.]

GENERAL REFERENCES

Traffic Violations Bureau — See Ch. 45.

Vehicles and traffic — See Ch. 200.

Municipal off-street parking fields — See Ch. 135.

§ 170-1. Authority to declare or terminate emergency.

- A. The Mayor of the Village of Lawrence is hereby granted the authority to declare a snow emergency within the Village of Lawrence upon all or any one or more streets, highways, roads, culs-de-sac and parking fields, or any part thereof, named in such declaration and to declare the termination thereof. Such declaration shall be made when the Mayor, in his judgment, based upon existing snowfall accumulation and road conditions, determines the need for such emergency status.
- B. The Mayor may terminate the snow emergency when, in his judgment, there is no further need for such emergency status.

§ 170-2. Notice of emergency; when emergency effective.

- A. Due notice of a declaration of snow emergency and due notice of its termination shall be given to the public by the posting of notices at the Village Hall, the Park House and five other conspicuous places within the Village.
- B. The snow emergency will be effective within five hours after the posting of such notice and will terminate upon the posting of notice of termination of the snow emergency.

§ 170-3. Parking unlawful during emergency.

It shall be unlawful for an owner of a vehicle to park or to permit his vehicle to be parked on any street, highway, road, cul-de-sac or parking field, or any part thereof, named in the declaration of snow emergency during such snow emergency until the termination thereof pursuant to the provisions of this chapter.

§ 170-4. Penalties for offenses. [Amended 4-13-1988 by L.L. No. 5-1988; 9-11-2002 by L.L. No. 5-2002]

Any person committing an offense against any provision of this chapter shall, upon conviction thereof, be guilty of a violation pursuant to the Penal Law of the State of New York, punishable by a fine up to a maximum of \$1,000 or by imprisonment for a term not exceeding 15 days, or by both such fine and imprisonment. The continuation of an offense against the provisions of this chapter shall constitute, for each day the offense is continued, a separate and distinct offense hereunder.

SNOW PARKING

Chapter 171

SNOW PARKING

[HISTORY: Adopted by the Board of Trustees of the Village of Lawrence 6-8-1994 by L.L. No. 3-1994. Amendments noted where applicable.]

GENERAL REFERENCES

Snow emergencies — See Ch. 170.

Vehicles and traffic — See Ch. 200.

§ 171-1. Restrictions.

It shall be unlawful for an owner of a vehicle to park or permit his vehicle to be parked on any street, road, cul-de-sac, parking field or highway or any part thereof, except a state highway or those local streets where overnight parking is permitted, within the corporate limits of the Village of Lawrence, at any time if snowfall has accumulated to a depth of two or more inches.

§ 171-2. Penalties for offenses. [Amended 9-11-2002 by L.L. No. 5-2002]

Any person committing an offense against any provision of this chapter shall, upon conviction thereof, be guilty of a violation pursuant to the Penal Law of the State of New York, punishable by a fine up to a maximum of \$1,000 or by imprisonment for a term not exceeding 15 days, or by both such fine and imprisonment. The continuation of an offense against the provisions of this chapter shall constitute, for each day the offense is continued, a separate and distinct offense hereunder.

Chapter 174**SPRINKLERS, LAWN**

[HISTORY: Adopted by the Board of Trustees of the Village of Lawrence 4-14-1958 by Ord. No. 159. Amendments noted where applicable.]

GENERAL REFERENCES

Building construction — See Ch. 70.

Licenses and permits — See Ch. 125.

Gardeners — See Ch. 110.

§ 174-1. Permit required. [Amended 4-13-1988 by L.L. No. 5-1988]

No lawn sprinkler system shall be hereafter installed unless and until an application for a permit therefor shall have been filed with the Village Administrator and a permit shall have been issued as provided in this chapter.

§ 174-2. Other provisions to apply.

The provisions of Chapter 212, Zoning and Chapter 70, Building Construction and Fire Prevention, relating to the form and contents of the application, the issuance of a permit and appeals and applications for a variance and all administrative provisions shall apply, except that there shall be a permit fee of \$10.

§ 174-3. Conditions. [Amended 4-13-1988 by L.L. No. 5-1988]

In addition to any other requirements elsewhere provided, the following conditions shall be complied with:

- A. No sprinkler heads and no part of the system shall be constructed or maintained on property of the Village.
- B. Installations shall be so arranged that water shall not be projected on the streets or sidewalks.
- C. Installations shall be so arranged that there can be no contamination of the public water supply.

§ 174-4. Compliance of existing systems.

Existing systems which fail to comply with the requirements of this chapter shall be altered so as to comply therewith on or before the following dates:

- A. As to sprinkler heads: June 1, 1958.
- B. As to avoidance of contamination of the public water supply: June 1, 1958.
- C. In other respects: June 1, 1959.

§ 174-5. Failure to comply.

Any system, or part thereof, heretofore or hereafter constructed, altered or maintained, which fails to comply with the requirements of this chapter shall constitute a violation of this chapter and is hereby

declared a public nuisance and may be abated by the Building Inspector or any other officer, agent or employee of the Village as a public nuisance.

§ 174-6. Penalties for offenses. [Amended 4-13-1988 by L.L. No. 5-1988; 9-11-2002 by L.L. No. 5-2002]

Any person committing an offense against any provision of this chapter shall, upon conviction thereof, be guilty of a violation pursuant to the Penal Law of the State of New York, punishable by a fine up to a maximum of \$1,000 or by imprisonment for a term not exceeding 15 days, or by both such fine and imprisonment. The continuation of an offense against the provisions of this chapter shall constitute, for each day the offense is continued, a separate and distinct offense hereunder.

LAWRENCE CODE

Chapter 176

STORM SEWERS

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

GENERAL REFERENCES

Environmental quality review — See Ch. 81.

Flood damage prevention — See Ch. 94.

Freshwater wetlands — See Ch. 98.

Gardeners — See Ch. 110.

Sewers and cesspools — See Ch. 162.

Lawn sprinklers — See Ch. 174.

Subdivision of land — See Ch. 182.

Zoning — See Ch. 212.

ARTICLE I

Illicit Discharges, Activities and Connections
[Adopted 12-13-2007 by L.L. No. 5-2007]**§ 176-1. Purpose and intent.**

- A. The purpose of this article is to provide for the health, safety, and general welfare of the citizens of the Village of Lawrence 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.
- B. The objectives of this article are:
- (1) To meet the requirements of the SPDES General Permit for Stormwater Discharges from MS4s, Permit No. GP-02-02 or as amended or revised;
 - (2) To regulate the contribution of pollutants to the MS4 since such systems are not designed to accept, process or discharge nonstormwater wastes;
 - (3) To prohibit illicit connections, activities and discharges to the MS4;
 - (4) To establish legal authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance with this article; and
 - (5) 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.

§ 176-2. 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.

DESIGN PROFESSIONAL — A New York State licensed professional engineer or licensed architect.

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 in § 176-6 of this article.

INDIVIDUAL SEWAGE TREATMENT SYSTEM — A facility serving one or more parcels of land or residential households, or a private, commercial or institutional facility, that treats sewage or other liquid wastes for discharge into the groundwaters of New York State, except where a permit for such a facility is required under the applicable provisions of Article 17 of the Environmental Conservation Law.

INDUSTRIAL ACTIVITY — Activities requiring the SPDES permit for discharges from industrial activities except construction, GP-98-03, as amended or revised.

MS4 — The municipal separate storm sewer system.

MUNICIPALITY — The Village of Lawrence.

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 Lawrence;
- 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 its 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 the 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 the 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 Lawrence 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.

§ 176-3. 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.

§ 176-4. 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.

§ 176-5. 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.

§ 176-6. Discharge prohibitions.

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

- (1) The following discharges are exempt from discharge prohibitions established by this article, unless the Department or the municipality has determined them to be substantial contributors of pollutants: water line flushing or other potable water sources, landscape irrigation or lawn watering, existing diverted stream flows, rising groundwater, uncontaminated groundwater infiltration to storm drains, uncontaminated pumped groundwater, foundation or footing drains, crawl space or basement sump pumps, air-conditioning condensate, irrigation water, springs, water from individual residential car washing, natural riparian habitat or wetland flows, dechlorinated swimming pool discharges, residential street wash water, water from fire-fighting activities, and any other water source not containing pollutants. Such exempt discharges shall be made in accordance with an appropriate plan for reducing pollutants.
- (2) 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.

§ 176-7. Failing individual sewage treatment systems prohibited.

No persons shall operate a failing individual sewage treatment system in areas tributary to the municipality's MS4. A failing individual sewage treatment system is one which has one or more of the following conditions:

- A. The backup of sewage into a structure.
- B. Discharges of treated or untreated sewage onto the ground surface.
- C. A connection or connections to a separate stormwater sewer system.
- D. Liquid level in the septic tank above the outlet invert.
- E. Structural failure of any component of the individual sewage treatment system that could lead to any of the other failure conditions as noted in this section.
- F. Contamination of off-site groundwater.

§ 176-8. 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 § 176-2, Definitions, of this article.
- B. Such activities include failing individual sewage treatment systems as defined in § 176-7, improper management of pet waste or any other activity that causes or contributes to violations of the municipality's MS4 SPDES permit authorization.
- C. 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.

§ 176-9. Use of best management practices to prevent, control, and reduce stormwater pollutants.

- A. Best management practices. Where the SMO has identified illicit discharges as defined in § 176-2 or activities contaminating stormwater as defined in § 176-8, the municipality may require implementation of best management practices (BMPs) to control those illicit discharges and activities.

- (1) The owner or operator of a commercial or industrial establishment shall provide, at 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 § 176-2 or an activity contaminating stormwater as defined in § 176-8, may be required to implement, at said person's expense, additional structural and nonstructural BMPs to reduce or eliminate the source of pollutant(s) to the MS4.
 - (3) Compliance with all terms and conditions of a valid SPDES permit authorizing the discharge of stormwater associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this section.
- B. Individual sewage treatment systems; response to special conditions requiring no increase of pollutants or requiring a reduction of pollutants. Where individual sewage treatment systems are contributing to the municipality's being subject to the special conditions as defined in § 176-2 of this article, the owner or operator of such individual sewage treatment systems shall be required to:
- (1) Maintain and operate individual sewage treatment systems as follows:
 - (a) Inspect the septic tank annually to determine scum and sludge accumulation. Septic tanks must be pumped out whenever the bottom of the scum layer is within three inches of the bottom of the outlet baffle or sanitary tee or the top of the sludge is within 10 inches of the bottom of the outlet baffle or sanitary tee;
 - (b) Avoid the use of septic tank additives;
 - (c) Avoid the disposal of excessive quantities of detergents, kitchen wastes, laundry wastes, and household chemicals; and
 - (d) Avoid the disposal of cigarette butts, disposable diapers, sanitary napkins, trash and other such items.
 - (2) Repair or replace individual sewage treatment systems as follows:
 - (a) In accordance with 10 NYCRR Appendix 75A to the maximum extent practicable.
 - (b) A design professional licensed to practice in New York State shall prepare design plans for any type of absorption field that involves:
 - [1] Relocating or extending an absorption area to a location not previously approved for such.
 - [2] Installation of a new subsurface treatment system at the same location.
 - [3] Use of alternate system or innovative system design or technology.
 - (c) A written certificate of compliance shall be submitted by the design professional to the municipality at the completion of construction of the repair or replacement system.

§ 176-10. Suspension of access to MS4; 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, including 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.

§ 176-11. Industrial or construction activity discharges.

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

§ 176-12. Access to facilities and monitoring of discharges.

- A. Applicability. This section applies to all facilities that the SMO must inspect to enforce any provision of this article, or whenever the authorized enforcement agency has cause to believe that there exists, or potentially exists, in or upon any premises any condition which constitutes a violation of this article.
- B. Access to facilities.
- (1) The SMO shall be permitted to enter and inspect facilities subject to regulation under this article as often as may be necessary to determine compliance with this article. If a discharger has security measures in force which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to the SMO.
 - (2) Facility operators shall allow the SMO ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records as may be required to implement this article.
 - (3) The municipality shall have the right to set up on any facility subject to this article such devices as are necessary in the opinion of the SMO to conduct monitoring and/or sampling of the facility's stormwater discharge.
 - (4) The municipality has the right to require the facilities subject to this article to install monitoring equipment as is reasonably necessary to determine compliance with this article. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure their accuracy.
 - (5) Unreasonable delays in allowing the municipality access to a facility subject to this article are a violation of this article. A person who is the operator of a facility subject to this article commits

an offense if the person denies the municipality reasonable access to the facility for the purpose of conducting any activity authorized or required by this article.

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

§ 176-13. Notification of spills.

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

§ 176-14. 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.

§ 176-15. Corrective measures.

- A. If the violation has not been corrected pursuant to the requirements set forth in the notice of violation, 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.

§ 176-16. 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.

§ 176-17. 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 Municipal Attorney and concurrence of the 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.

§ 176-18. Violations deemed public nuisance.

In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this 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.

§ 176-19. 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.

LAWRENCE CODE

Chapter 177

STORMWATER MANAGEMENT AND EROSION AND SEDIMENT CONTROL

[HISTORY: Adopted by the Board of Trustees of the Village of Lawrence 5-8-2014 by L.L. No. 2-2014. Amendments noted where applicable.]

GENERAL REFERENCES

Flood damage prevention — See Ch. 94.

Subdivision of land — See Ch. 182.

Illicit discharges, activities and connections — See Ch. 176, Art. I.

Zoning — See Ch. 212.

ARTICLE I
General Provisions

§ 177-1. Findings of fact.

It is hereby determined that:

- A. Land development activities and associated increases in site impervious cover often alter the hydrologic response of local watersheds and increase stormwater runoff rates and volumes, flooding, stream channel erosion, or sediment transport and deposition.
- B. This stormwater runoff contributes to increased quantities of water-borne 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 stream bank erosion and sedimentation.
- E. Impervious surfaces allow less water to percolate into the soil, thereby decreasing groundwater recharge and stream base flow.
- 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.

§ 177-2. Purpose.

The purpose of L.L. No. 2-2014⁷⁸ 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 § 177-1 hereof. Local Law No. 2-2014 seeks to meet those purposes by achieving the following objectives:

- A. Meet the requirements of minimum measures 4 and 5 of the SPDES general permit for stormwater discharges from municipal separate stormwater sewer systems (MS4s), Permit No. GP-02-02 or as amended or revised;
- B. Require land development activities to conform to the substantive requirements of the New York State Department of Environmental Conservation State Pollutant Discharge Elimination System

78. Editor's Note: See also § 182-7A(4), concerning the requirement of a stormwater pollution prevention plan for plat approval, and Chapter 212, Zoning, Article VI, Stormwater Control.

(SPDES) general permit for construction activities GP-02-01 or as amended or revised;

- C. Minimize increases in stormwater runoff from land development activities in order to reduce flooding, siltation, increases in stream temperature, and stream bank erosion and maintain the integrity of stream channels;
- D. Minimize increases in pollution caused by stormwater runoff from land development activities which would otherwise degrade local water quality;
- E. Minimize the total annual volume of stormwater runoff which flows from any specific site during and following development to the maximum extent practicable; and
- F. Reduce stormwater runoff rates and volumes, soil erosion and nonpoint source pollution, wherever possible, through stormwater management practices and to ensure that these management practices are properly maintained and eliminate threats to public safety.

§ 177-3. Statutory authority.

In accordance with § 10 of the Municipal Home Rule Law of the State of New York, the Board of Trustees of the Incorporated Village of Lawrence 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 Lawrence and for the protection and enhancement of its physical environment. The Board of Trustees of the Incorporated Village of Lawrence 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.

§ 177-4. Applicability.

- A. Local Law No. 2-2014⁷⁹ shall be applicable to all land development activities as defined in § 212-41.
- B. The municipality shall designate a Stormwater Management Officer, who shall accept and review all stormwater pollution prevention plans and forward such plans to the applicable municipal board. The Stormwater Management Officer may:
 - (1) Review the plans;
 - (2) Upon approval by the Board of Trustees of the Incorporated Village of Lawrence, engage the services of a registered professional engineer to review the plans, specifications and related documents at a cost not to exceed a fee schedule established by said governing board; or
 - (3) Accept the certification of a licensed professional that the plans conform to the requirements of L.L. No. 2-2014.
- C. All land development activities subject to review and approval by the Board of Trustees of the Incorporated Village of Lawrence under the Village Code and applicable regulations shall be reviewed subject to the standards contained in L.L. No. 2-2014.
- D. All land development activities not subject to review as stated in Subsection C 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 L.L. No. 2-2014.

79. Editor's Note: See also § 182-7A(4), concerning the requirement of a stormwater pollution prevention plan for plat approval, and Chapter 212, Zoning, Article VI, Stormwater Control.

§ 177-5. Exemptions.

The following activities may be exempt from review under L.L. No. 2-2014⁸⁰:

- A. Agricultural activity as defined in L.L. No. 2-2014⁸¹.
- B. (Reserved)
- 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 Lawrence on or before the effective date of L.L. No. 2-1014.
- F. Land development activities for which a building permit has been approved on or before the effective date of L.L. No. 2-2014.
- G. Cemetery graves.
- H. Installation of fence, sign, telephone, and electric poles and other kinds of posts or poles.
- I. Emergency activity immediately necessary to protect life, property or natural resources.
- J. Activities of an individual engaging in home gardening by growing flowers, vegetables and other plants primarily for use by that person and his or her family.
- K. Landscaping and horticultural activities in connection with an existing structure.
- L. Land development activity undertaken by a federal, state or local governmental unit, when the Village makes a finding that the public interest would not be served by application of the law.

80. Editor's Note: See also § 182-7A(4), concerning the requirement of a stormwater pollution prevention plan for plat approval, and Chapter 212, Zoning, Article VI, Stormwater Control.

81. Editor's Note: See Ch. 212, Zoning, Art. VI, Stormwater Control, § 212-41, Definitions.

ARTICLE II
Administration and Enforcement

§ 177-6. Construction inspection.

A. Erosion and sediment control inspection.

(1) The Incorporated Village of Lawrence Stormwater Management Officer may require such inspections as necessary to determine compliance with L.L. No. 2-2014⁸² and may either approve that portion of the work completed or notify the applicant wherein the work fails to comply with the requirements of L.L. No. 2-2014 and the stormwater pollution prevention plan (SWPPP) as approved. To obtain inspections, the applicant shall notify the Incorporated Village of Lawrence 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 Incorporated Village of Lawrence 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

82. Editor's Note: See also § 182-7A(4), concerning the requirement of a stormwater pollution prevention plan for plat approval, and Chapter 212, Zoning, Article VI, Stormwater Control.

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 Incorporated Village of Lawrence Stormwater Management Officer may require monitoring and reporting from entities subject to L.L. No. 2-2014 as are necessary to determine compliance with L.L. No. 2-2014.
- 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 Incorporated Village of Lawrence the right to enter the property at reasonable times and in a reasonable manner for the purpose of inspection as specified in Subsection C.

§ 177-7. Performance guarantee.

- A. Construction completion guarantee. In order to ensure the full and faithful completion of all land development activities related to compliance with all conditions set forth by the Incorporated Village of Lawrence in its approval of the stormwater pollution prevention plan, the Incorporated Village of Lawrence 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 Incorporated Village of Lawrence as the beneficiary. The security shall be in an amount to be determined by the Incorporated Village of Lawrence 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 Incorporated Village of Lawrence, 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 Incorporated Village of Lawrence. 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 Incorporated Village of Lawrence 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 Incorporated Village of Lawrence may draw upon the account to cover the costs of proper operation and maintenance, including engineering and inspection costs.
- C. Recordkeeping. The Incorporated Village of Lawrence may require entities subject to L.L. No. 2-2014 to maintain records demonstrating compliance with L.L. No. 2-2014.

§ 177-8. Enforcement; penalties for offenses.

- A. Notice of violation. When the Incorporated Village of Lawrence determines that a land development activity is not being carried out in accordance with the requirements of L.L. No. 2-2014⁸³, 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 L.L. No. 2-2014 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 Incorporated Village of Lawrence may issue a stop-work order for violations of L.L. No. 2-2014. 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 Incorporated Village of Lawrence 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 L.L. No. 2-2014.
- C. Violations. Any land development activity that is commenced or is conducted contrary to L.L. No. 2-2014 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 L.L. No. 2-2014 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 L.L. No. 2-2014 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 L.L. No. 2-2014, 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 Incorporated Village of Lawrence may take necessary corrective action, the cost of which shall become a lien upon the

83. Editor's Note: See also § 182-7A(4), concerning the requirement of a stormwater pollution prevention plan for plat approval, and Chapter 212, Zoning, Article VI, Stormwater Control.

property until paid.

§ 177-9. Fees for services.

The Incorporated Village of Lawrence may require any person undertaking land development activities regulated by L.L. No. 2-2014 to pay reasonable costs at prevailing rates for review of SWPPPs, inspections, or SMP maintenance performed by the Incorporated Village of Lawrence or performed by a third party for the Incorporated Village of Lawrence.

STREETS AND SIDEWALKS

Chapter 178

STREETS AND SIDEWALKS

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

ARTICLE I

Obstructions and Openings⁸⁴

[Adopted 5-25-1942 as part of Ord. No. 106; amended in its entirety 4-13-1988 by L.L. No. 5-1988; 9-20-2007 by L.L. No. 3-2007]

§ 178-1. Permit to place materials on streets.

A permit to place stone, timber, etc., in the Village streets shall not be issued unless the applicant shall file with the Village Administrator a surety bond for the payment of all damages to person or property, including the property of the Village, by reason of such obstruction of a Village street.

§ 178-2. Permit to open streets and sidewalks.

No permit for the opening or cutting of any street, sidewalk or curb, for access to underground utilities, which may require any work in, upon or under any Village property, shall be issued unless the applicant shall deposit with the Village Administrator, the prescribed fee as required in Chapter A219, Fees, of the Code of the Village of Lawrence, which in the event that such refilling and repaving is not replaced properly and exactly as prescribed in the Village's specifications, the full deposit shall be utilized by the Village to complete such work. All deposits shall be retained for a period of two years as a guaranty of maintenance and performance.

§ 178-3. Restoration of streets and sidewalks.

The Village of Lawrence requires that when any street or sidewalk, under the jurisdiction of the Village of Lawrence, must be opened for access to underground utilities, for the installation of new or the repair of existing underground service, it is necessary for the applicant to file for a street or sidewalk opening permit with the Village of Lawrence.

A. The applicant must submit a letter of application with the following information:

- (1) Name, address and phone number of applicant.
- (2) Purpose for the requested street or sidewalk opening.
- (3) The specific property address, if any, which the street or sidewalk opening is requested.
- (4) The applicant must submit a drawing indicating the location of the requested street or sidewalk opening, with measurements from the nearest intersection, which side of the street, the distance of the opening from the curb and the size of the requested cut.

B. Any street or sidewalk which has been opened with an approved permit from the Village of Lawrence must be restored to its original condition.

C. When restoring a concrete road, rebar must be doweled into the perimeter of the road cut and rebar installed before the concrete patch is installed.

D. When restoring an asphalt road cut, a subbase must be installed first. Liquid tar cannot be applied to the surface of the road, to seal the patch, after the final top coat of paving has been installed to seal the patch. Liquid tar must be applied to the perimeter of the road cut before the final asphalt top coat is installed. When possible, a heated metal plate must be used to seal the new asphalt top coat to the

84. Editor's Note: The provisions of this article are derived from § 313.2(g) and (h) of the Code of Ordinances of 1942.

existing asphalt paving.

§ 178-3.1. Penalties for offenses.

Any person committing an offense against any provision of this article shall, upon conviction thereof, be guilty of a violation pursuant to the Penal Law of the State of New York, punishable by a fine up to a maximum of \$1,000 or by imprisonment for a term not exceeding 15 days, or by both such fine and imprisonment. The continuation of an offense against the provisions of this article shall constitute, for each day the offense is continued, a separate and distinct offense hereunder.

ARTICLE II

Leaving Vehicles and Carts**[Adopted 7-27-1955 as part of Ord. No. 152; amended in its entirety 6-11-1968 by Ord. No. 210]****§ 178-4. Impounding and redemption.**

It shall be unlawful for any person, firm or corporation to abandon or to leave unattended, on any street, sidewalk or parking place in the Village of Lawrence, any handcart, pushcart or vehicle for the transportation of goods, wares or merchandise. In case any such handcart, pushcart or vehicle shall be so abandoned or left unattended, in addition to the penalties otherwise provided, any policeman or other peace officer or any employee of the Village may remove and impound the same until redeemed. The owner thereof may obtain said handcart, pushcart or vehicle within six months of the date of such impounding, upon establishing his ownership and upon paying to the Village of Lawrence the sum of \$25 as a redemption fee. After the expiration of six months from the date of such impounding, said handcart, pushcart or vehicle shall be deemed permanently abandoned, and the Village may sell or otherwise dispose of the same, paying the net proceeds, if any, into the general funds of the Village. This section shall not apply to any motor vehicle or motorcycle as defined in the Vehicle and Traffic Law of the State of New York.

§ 178-5. Penalties for offenses. [Added 4-13-1988 by L.L. No. 5-1988; amended 9-11-2002 by L.L. No. 5-2002]

Any person committing an offense against any provision of this article shall, upon conviction thereof, be guilty of a violation pursuant to the Penal Law of the State of New York, punishable by a fine up to a maximum of \$1,000 or by imprisonment for a term not exceeding 15 days, or by both such fine and imprisonment. The continuation of an offense against the provisions of this article shall constitute, for each day the offense is continued, a separate and distinct offense hereunder.

ARTICLE III

Sidewalk Maintenance**[Adopted 1-9-1978 by L.L. No. 1-1978]****§ 178-6. Maintenance and repair required; removal of snow and ice. [Amended 6-9-2004 by L.L. No. 5-2004; 6-9-2005 by L.L. No. 4-2005; 5-13-2010 by L.L. No. 3-2010]**

- A. Every owner or occupant of any premises, whether improved or unimproved, and every owner or person entitled to possession of any vacant lot in the Village shall keep the sidewalks and curbs in front of or adjacent to such premises free from obstruction by snow or ice and shall, at all times, keep and maintain such sidewalks and curbs safe for public travel, clean and in good and safe condition and repair and free from dirt, filth and garbage and from any obstruction or encumbrance.
- (1) Other than in the Business K District, the Residence E District and the Residence FF District, snow and/or ice must be cleared from the sidewalk within five hours after the snow has stopped falling or by 2:00 p.m. if the snow has stopped falling after 7:00 p.m. the previous evening.
 - (2) In the Business K District the Residence E District and the Residence FF District, snow and/or ice must be cleared from the sidewalk within two hours after the snow has stopped falling or by 11:00 a.m. if the snow has stopped falling after 7:00 p.m. the previous evening.
 - (3) Snow may not be thrown into the street or public roadway.
- B. All work necessary to comply with the requirements of Subsection A of this section shall be performed to the satisfaction of the Superintendent of the Building Department, or the designee of such Superintendent, who is hereby empowered to give such notices, orders and directions as may be necessary or appropriate to keep such sidewalks clear and in a condition safe for public travel or for the repair and remedying of any defect therein.
- C. In the event that personal injury or property damage shall result from the failure of any owner or occupant to comply with the provisions of Subsection A of this section, the owner and the occupant shall be liable to all persons injured or whose property is damaged directly or indirectly thereby and shall be liable to the Village of Lawrence to the extent that said Village is required by law or by any court to respond in damages to any injured party.

§ 178-7. Failure to maintain. [Amended 4-13-1988 by L.L. No. 5-1988; 5-13-2010 by L.L. No. 3-2010]

- A. Any person who has been notified by the Village Clerk or the Superintendent of the Building Department, or the designee of such Superintendent, that sidewalks or curbs are not being maintained as required by § 178-6 of this Code, except with regard to snow and ice, and who fails to correct the condition within five days of the sending of such notice by certified mail, return receipt requested, to such person's last known address shall be guilty of a violation. In addition to the penalties otherwise enforceable, the Village may thereafter perform such work as may reasonably be required to remediate the said default or failure and assess the cost thereof against the adjacent property, and such costs, if not paid within 30 days after written notice of such assessment and the amount thereof, shall be assessable against the property as a tax thereon.
- B. In the case of a violation of § 178-6, pertaining to the failure to remove snow and ice, no such five-day notice is required, and if, within 24 hours after the cessation of the fall of snow or the formation of any ice, the owner or occupant of any premises or lot shall fail to clear such sidewalk of snow and ice as required, such person shall be guilty of a violation. In addition to any fine levied hereunder, the

Village may clear such sidewalks of snow and ice if they are not cleared by said persons within said period of 24 hours and assess the cost thereof against the adjacent property. Such cost, if not paid within 30 days' written notice of such assessment, shall be assessable against the property as a tax thereon.

§ 178-8. Obstruction of sidewalks.

No person shall place or deposit or allow, permit, aid or abet the placing or depositing of any ashes, paper or rubbish of any kind therein or have, place, drive, draw or back any vehicle on any sidewalk of the Village, or consent thereto, except for the purpose of ingress or egress to and from the premises adjoining such sidewalk, or place upon or allow, permit, aid or abet the placing upon the sidewalk of any boxes, goods, wares or merchandise, except for the purpose of loading and unloading the same which must be done without unreasonable delay.

§ 178-9. Penalties for offenses. [Added 4-13-1988 by L.L. No. 5-1988; amended 9-11-2002 by L.L. No. 5-2002]

Any person committing an offense against any provisions of this article shall, upon conviction thereof, be guilty of a violation pursuant to the Penal Law of the State of New York, punishable by a fine up to a maximum of \$1,000 or by imprisonment for a term not exceeding 15 days, or by both such fine and imprisonment. The continuation of an offense against the provisions of this article shall constitute, for each day the offense is continued, a separate and distinct offense hereunder.

ARTICLE IV

Obstruction of View**[Adopted 4-13-1988 by L.L. No. 4-1988]****§ 178-10. Interference with traffic signs and signals.**

It shall be unlawful for any person willfully to deface, injure, move, obstruct or interfere with any official traffic sign or signal or pavement marking.

§ 178-11. Removal of obstructions.

Every tree, vine, shrub, hedge or obstruction of any character whatsoever which shall obscure or obstruct or hide from view any traffic sign or signal or the view of any operator of any motor vehicle or motorcycle or any other person using a public highway or which shall tend to endanger the safety of persons using a public highway is hereby declared to be a public nuisance, and any policeman or peace officer or Village employee is hereby authorized and empowered, after 10 days' notice, in writing, sent by registered mail to the owner, tenant or occupant of the affected property appearing on the current Village assessment roll, to trim, cut or remove the same without notice, whether the same be situated in, upon or over a public highway or in, upon or over any private property adjacent to such public highway. It shall be the duty of every owner, tenant or occupant of land upon which any tree, vine, shrub, hedge or obstruction hereby prohibited is situated to remove the same forthwith upon demand. Any such owner, tenant or occupant who shall, after such notice or demand, fail to comply therewith shall be liable for the penalties provided for a violation of this article.

§ 178-12. Unauthorized signs.

It shall be unlawful for any person, without the prior written consent of the Chief of Police or of the Mayor or Board of Trustees of the Village of Lawrence, to place or maintain or to display upon or in view of any street any sign, signal or device which purports to be or is in imitation of or resembles an official traffic sign or signal or which purports to direct the movement of traffic or which, on account of its color, shape, size, location, illumination or appearance or for any other reason, might tend to be taken or mistaken for or which hides from view any official traffic sign or signal. Every such sign, signal or device hereby prohibited is hereby declared to be a public nuisance, and any policeman or peace officer or any employee of the Village is hereby empowered to remove the same or to cause the same to be removed, without notice.

§ 178-13. Penalties for offenses. [Amended 9-11-2002 by L.L. No. 5-2002]

Any person committing an offense against any provisions of this article shall, upon conviction thereof, be guilty of a violation pursuant to the Penal Law of the State of New York, punishable by a fine up to a maximum of \$1,000 or by imprisonment for a term not exceeding 15 days, or by both such fine and imprisonment. The continuation of an offense against the provisions of this article shall constitute, for each day the offense is continued, a separate and distinct offense hereunder.

ARTICLE V

Awnings, Canopies and Marquees
[Adopted 1-9-2002 by L.L. No. 2-2002⁸⁵]**§ 178-14. Definitions.**

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

AWNINGS — A roof-like retractable covering of fabric cloth or other material with or without a frame and attached to or supported from a building.

CANOPY — A structure made of cloth, metal or other material with a frame attached to a building, projecting over a thoroughfare, or carried by a frame supported by the ground or sidewalk.

CANOPY AWNING — An awning attached to a fixed, nonmovable framework.

MARQUEE — Any hood of permanent construction projecting from the wall of a building above an entrance and extending over a thoroughfare.

§ 178-15. Regulations within Business District.

The following regulations shall apply to all awnings, canopies, and marquees erected within the Business District.

A. All awnings:

- (1) Shall be no higher than the first story of any building used or occupied by a business.
- (2) Shall be constructed of canvas or reinforced vinyl. Supporting frames, arms, brackets and other devices shall be constructed of incombustible and corrosion- and mildew-resistant materials.
- (3) Shall only be of those solid colors of opaque material and matte finish from samples located in Village Hall. Sample colors shall be set by resolution of the Board of Trustees.
- (4) Shall only be of those shapes from samples located in Village Hall. Sample shapes shall be set by resolution of the Board of Trustees.
- (5) Shall have no illumination under the awning, other than incidental lighting.
- (6) Shall be a maximum of 36 inches in height by 36 inches in depth. The length shall not exceed the length of the store frontage. The bottom of the awning shall be at least seven feet above the sidewalk. If a valance is provided it shall not exceed eight inches.
- (7) Lettering shall be limited to the front valance or, in the absence of a valance, the front lower edge of the awning. Said lettering may only contain the name of the occupant of the premises and the nature of the service or business.
- (8) Letter size is limited to six inches in height, in white, beige or gold letters; the width of the text area not to exceed 60% of the width of the awning. Only one line of text shall be permitted.
- (9) Cut-out letters are not permitted.
- (10) In determining whether to issue a permit, the Building Inspector shall take into account factors,

85. Editor's Note: This local law also repealed former Art. V, Awnings, Canopies and Marquees, adopted 4-14-1993 by L.L. No. 2-1993.

such as excessive similarity, dissimilarity or inappropriateness of design, color, size or placement of the sign, which would adversely affect or be detrimental to the appearance, character, property values, or development of the properties in the vicinity.

B. Canopies and marquees.

- (1) All canopies and marquees shall be of a shape, size, design, location and material approved by the Building Inspector.
- (2) A permit issued by the Building Inspector is required for every canopy and marquee erected within the Business District. In determining whether to issue a permit, the Building Inspector shall take into account factors, such as excessive similarity, dissimilarity or inappropriateness of design, color, size or placement of the sign, which would adversely affect or be detrimental to the appearance, character, property values, or development of the properties in the vicinity.

ARTICLE VI

Trees

[Adopted 12-7-2022 by L.L. No. 5-2022]

§ 178-16. Title.

This article shall be known and may be cited as the "Tree Laws of the Incorporated Village of Lawrence."

§ 178-17. Purpose.

To enhance the quality of life and the present and future health, safety and welfare of all residents, to enhance property values, and to ensure proper planting and care of trees on public property, the Board of Trustees herein delegates the authority and responsibility for managing public trees, creates a Tree Committee, establishes practices governing the planting and care of trees on public property, and makes provision for the emergency removal of trees on private property under certain conditions.

§ 178-18. Definitions.

As used in this article, the following words and phrases shall have the meanings indicated:

DAMAGE — Any injury to or destruction of a tree, including but not limited to uprooting or severance of all or part of the root system or main trunk. Storage of material on or compaction of surrounding soil; a substantial change in the natural grade above a root system or around a trunk; surrounding the tree with impervious paving materials; or any trauma caused by accident or collision.

NUISANCE — Any tree, or limb thereof, that has an infectious disease or insect; is dead or dying; obstructs the view of traffic signs or the free passage of pedestrians or vehicles; or threatens public health, safety, and welfare.

PARKWAY — The area along a public street between the curb and the sidewalk; or if there is no curb or sidewalk, the unpaved portion of the area between the street right-of-way line and the paved portion of the street or alley.

PUBLIC PROPERTY — All grounds and rights-of-way (ROWS) owned or maintained by the Village.

PUBLIC TREE — Any tree or woody vegetation on Village-owned or Village-maintained property or rights-of-way.

TOP or TOPPING — The nonstandard practice of cutting back of limbs to stubs within a tree's crown to such a degree so as to remove the normal canopy and disfigure the tree.

§ 178-19. Authority and responsibility; coordination among departments; interference.

- A. Delegation of authority and responsibility. The Village Administrator, and/or his designee, shall have full authority and responsibility to plant, prune, maintain and remove trees and woody plants growing in or upon all Village streets, rights-of-way, Village parks, and other public property. This shall include the removal of trees that may threaten electrical, telephone, gas, or any municipal water or sewer line, or any tree that is affected by fungus, insect, or other pest disease.
- B. Coordination among village departments. All Village departments will coordinate as necessary with the Village Administrator and/or his designee and will provide services as required to ensure compliance with this article as it relates to streets, alleys, rights-of-way, drainage, easements, and all other public properties.

- C. Interference. No person shall hinder, prevent, delay, or interfere with the Village Administrator or his agents while engaged in carrying out the execution or enforcement of this article.

§ 178-20. Tree Committee.

- A. Tree Committee established. The Board of Trustees shall create an advisory committee entitled "Village of Lawrence Tree Committee" to work with the Village Administrator and/or his designee to ensure compliance with this article.
- B. Membership and terms of office.
- (1) The Tree Committee shall consist of three members appointed by the Mayor who will serve without compensation and be Village residents or employees, in addition to the Village Administrator and/or his designee who shall serve as an ex officio member of the Committee.
 - (2) Tree Committee members shall be appointed for a term of three years. The members shall be appointed initially as follows: one member shall be appointed for a term of one year; one member shall be appointed for a term of two years; and one member shall be appointed for a term of three years. Thereafter, all appointments shall be for three years. The Committee Chair shall be appointed by the Mayor.
 - (3) If a Committee member does not serve the full term for reasons other than expiration of the term, the Mayor shall appoint a successor to serve for the unexpired term.
 - (4) The Committee shall meet a minimum of four times each year.
- C. Tree Committee duties. The Tree Committee, in conjunction with the Village Administrator and/or his designee, shall have the following duties that include, but are not limited to:
- (1) Studying, investigating, developing and/or updating the Village's plan for caring, preserving, pruning, topping, replanting, removing or disposing of trees and shrubs in parks, along Village streets, and in other public areas.
 - (2) Maintaining reference materials relating to trees and shrubs, and supporting public awareness and education programs relating to trees.
 - (3) Providing an inventory of the location of street trees and determining areas where such trees could exist but are absent.
 - (4) Establishing a suggested species list for the Village and recommending to the Village the type and kind of trees to be planted upon Village property.
 - (5) Identifying trees for immediate removal.
 - (6) Providing a long-range plan every five years for the Village relating to street trees and shrubs.
 - (7) Providing the Board of Trustees with a yearly estimate of the cost of nursery stock to be used.
 - (8) Coordinating and promoting Arbor Day activities.
 - (9) Assisting with the annual application to renew the Tree City USA designation.

§ 178-21. Prohibition against harming public trees.

- A. It shall be unlawful for any person, firm, or corporation to damage, remove, or cause the damage or removal of a tree on public property without written permission from the Village Administrator and/or his designated agent.
- B. It shall be unlawful for any person, firm, or corporation to attach any cable, wire, sign, or any other object to any street, park, or public tree.
- C. It shall be unlawful for any person, firm, or corporation to "top" any public tree. Trees severely damaged by storms or other causes, where best pruning practices are impractical, may be exempted from this provision at the determination of the Village Administrator and/or his designated agent.
- D. Any person, firm, corporation, or Village department performing construction near any public tree(s) shall consult with the Village Administrator and/or his designated agent and shall employ appropriate measures to protect the tree(s), according to procedures contained in the Best Management Practices (BMPs) for Managing Trees During Construction, published by the International Society of Arboriculture.
- E. Each violation of this section as determined and notified by the Village Administrator and/or his designated agent shall constitute a separate violation, punishable by fines and penalties under § 178-23, in addition to mitigation values placed on the tree(s) removed or damaged in violation of this section.

§ 178-22. Certain trees declared nuisance.

- A. Any tree, or limb thereof, on private property determined by the Village Administrator and/or his designated agent to have contracted a lethal, communicable disease or insect; to be dead or dying; to obstruct the view of traffic signs or the free passage of pedestrians or vehicles; or that threatens public health, safety, and welfare is declared a nuisance and the Village may require its treatment or removal.
- B. Private property owners have the duty, at their own expense, to remove or treat nuisance trees on their property. The Village may remove such trees at the owner's expense if the owner does not comply with treatment and/or removal as specified by the Village Administrator and/or his designated agent within the written notification period.

§ 178-23. Penalties for offenses.

Any person committing an offense against any provision of this article shall, upon conviction thereof, be guilty of a violation pursuant to the Penal Law of the State of New York, punishable by a fine up to a maximum of \$1,000 or by imprisonment for a term not exceeding 15 days, or by both such fine and imprisonment. The continuation of an offense against the provisions of this article shall constitute, for each day the offense is continued, a separate and distinct offense hereunder.

§ 178-24. Severability.

If any section, paragraph, sentence, clause, or phrase of this article is found to be invalid by a court of competent jurisdiction, such judgment shall not affect, impair, or invalidate the remaining portions of this article.

§ 178-25. When effective.

This article shall become effective immediately upon filing with the New York State Secretary of State.

Chapter 182**SUBDIVISION OF LAND**

[HISTORY: Adopted by the Board of Trustees of the Village of Lawrence 1-9-1939 by Ord. No. 92; amended in its entirety 5-25-1942 by Ord. No. 106. Amendments noted where applicable.]

GENERAL REFERENCES

Building construction and fire prevention — See Ch. 70.

Sewers and cesspools — See Ch. 162.

Environmental quality review — See Ch. 81.

Zoning — See Ch. 212.

Filled-in land — See Ch. 86.

§ 182-1. Planning Board continued. [Amended 4-13-1988 by L.L. No. 5-1988]

The Planning Board heretofore established shall be continued and shall have all of the powers and duties provided by the Village Law, the General Municipal Law and the Nassau County Charter (Chapter 879 of the Laws of 1936, as amended) and any other general or special statutes, ordinances, local laws, rules and regulations, now or hereafter in force.

§ 182-2. Master Plan.

The Master Plan or Map, by whatsoever name known, heretofore adopted by the Planning Commission of the Village of Lawrence, and all maps, plans and subdivision plats heretofore adopted by the Planning Commission or the Planning Board of the Village of Lawrence, amending, modifying or supplementing the Master Plan or Map so adopted, shall constitute the Master Plan of the Village of Lawrence.

§ 182-3. Actions requiring Planning Board approval.

No subdivision shall be made of land within the Village or within 300 feet of the boundaries of the Village and no map, plat or plan of any proposed subdivision thereof shall be approved by the Planning Board, except in conformity with all of the regulations and provisions of this chapter.

§ 182-4. Approval of plat showing new street before filing.

No plat of a subdivision of land showing a new street or highway shall be filed or recorded in the office of the County Clerk of Nassau County until it has been approved by the Planning Board and such approval endorsed, in writing, on the plat.

§ 182-5. Utilities and access street required on Official Map.

- A. No public sewer or other municipal street utility or improvement shall be constructed in any street or highway until it has been duly placed on the Official Map or Plan of the Village of Lawrence.
- B. No permit for the erection of any building or structure shall be issued unless a street or highway giving access to such proposed building or structure has been duly placed on the Official Map or Plan of the Village of Lawrence.

§ 182-6. Plat approval required before selling lots.

No owner and no agent of the owner of any land located within a subdivision shall transfer or sell or agree to sell or negotiate to sell any land, by reference to or exhibition of or by other use of a plat of a subdivision, before such plat has been approved by the Planning Board, as provided in this chapter, and recorded or filed in the office of the County Clerk of Nassau County; and the description of such lot or parcel by metes or bounds in the instrument of transfer or other documents used in the process of selling or transferring shall not exempt the transaction from such penalties or from the remedies provided by this chapter.

§ 182-7. Applications for approvals.

A. All applications for approval by the Planning Board must be in writing and must be submitted to the Village Administrator in triplicate and must consist of the following papers, which will in no case be returned to the applicant: **[Amended 4-13-1988 by L.L. No. 5-1988]**

- (1) A request for the approval of the Planning Board, stating precisely what action by the Board is desired.
- (2) The map, plat or plan in respect to which approval is requested.
- (3) An affidavit or certificate of ownership of the land affected, stating the name of the owner of record thereof.
- (4) Stormwater pollution prevention plan: A stormwater pollution prevention plan (SWPPP) consistent with the requirements of Chapter 177, Article I, and Chapter 212, Article VI, shall be required for preliminary subdivision plat approval. The SWPPP shall meet the performance and design criteria and standards in Chapter 212, Article VI. The approved preliminary subdivision plat shall be consistent with the provisions of this L.L. No. 2-2014.⁸⁶ **[Added 5-8-2014 by L.L. No. 2-2014]**

B. If the applicant is not the owner of record, proof must be presented showing the authority of the applicant to make the application and to make the affidavits or certificates hereinbefore required.

§ 182-8. Effect of denial by Board of large subdivision. [Added 2-14-1977 by L.L. No. 1-1977]

An application for a subdivision under Chapter 212, Zoning, § 212-11, shall be reviewed by the Planning Board, which shall approve or deny such application. No permit for the erection, renovation or repair of any building or structure shall be issued for any building lot created as the result of a subdivision pursuant to § 212-11 where the application for such subdivision has been denied by the Planning Board.

§ 182-9. Maps, plats and plans in county filing form.

All maps, plats or plans must be in a form to be recorded in the office of the Clerk of Nassau County.

§ 182-10. Factors for considering large subdivisions. [Added 2-14-77 by L.L. No. 1-1977]

An application for subdivision under Chapter 212, Zoning, § 212-11, shall be reviewed by the Planning Board, which shall give consideration to the following factors:

A. Whether the lots created by the proposed subdivision conform to the district regulations of the

86. Editor's Note: See also Ch. 177, Stormwater Management and Erosion and Sediment Control, and Ch. 212, Zoning, Art. VI, Stormwater Control.

residence district in which the property is located as to lot area and front, side and rear yards.

- B. The geometrical regularity of the proposed building lots.
- C. Whether the proposed subdivision is in keeping with the general character of the neighborhood in which the property is located.
- D. Availability of public sewers and other utilities to the property.
- E. The effect of the proposed subdivision on adjacent properties.
- F. Whether the proposed subdivision will be in harmony with the provisions and purposes of Chapter 212, Zoning, and will preserve the spirit of said Chapter 212, Zoning, and secure public safety and welfare and do substantial justice.

§ 182-11. Information on maps, plats and plans.

Maps, plats or plans shall be drawn to scale and shall show the boundaries of the property affected and the courses and distances of such boundaries. They shall show the location of all proposed streets and shall give the courses and distances of the lines thereof. They shall show the location of existing streets and shall indicate with reasonable certainty the location of connecting streets on other property. They shall show the location of existing buildings and other structures, ponds, watercourses and other natural or physical features. They shall show the proposed lot development and shall indicate with reasonable certainty the location of the front, side and rear lines of the lots and the approximate area of each lot. They shall show existing streets laid out on the Master Plan of the Village, as amended. They shall show any other features which the Board may require in individual cases.

§ 182-12. Street widths.

No proposed street shall be less than 50 feet in width, except in cases of hardship, in which case, for special cause shown, the Planning Board may, by unanimous vote, authorize a street of a width of less than 50 feet.

§ 182-13. Proposed streets to continue existing streets.

Insofar as practicable, all proposed streets shall be located in direct continuation of existing streets or in direct continuation of proposed streets shown on the Master Plan of the Village.

§ 182-14. Terminus of dead-end streets.

In case of dead-end streets, provision shall be made at the terminus thereof for the convenient turning of vehicles by way of a circle of not less than 70 feet in diameter or a Y or other adequate means.

§ 182-15. Angle of street intersections.

Insofar as practicable, all streets shall intersect at right angles. Where streets intersect at other than right angles, provision shall be made for rounding off the acute angles of such intersections. The radius on the property line shall be not less than 10 feet.

§ 182-16. Utility easements.

The Planning Board may require easements, not exceeding six feet in width, on each side of all rear lot

lines and on side lot lines where necessary or, in the opinion of the Planning Board, advisable for storm and sanitary sewers and other utility lines. Easements of the same or greater width may be required along the lines of or across lots where necessary for the extension of the existing or planned storm and sanitary sewers and other utility lines.

§ 182-17. Plans to show proposed utilities.

Every plan shall show the location of proposed electric lighting and telephone poles or conduits, the location and size of proposed water mains, gas mains and incidental structures and shall indicate whether it is proposed to connect with public sewers or to construct cesspools and septic tanks or other means for the disposal of sewage.

§ 182-18. Street grades.

The grades of all streets shall be shown, and the location of proposed drains, culverts, catch basins or other means for the disposition of surface water. Street grades shall not be less than 1/2 of one percent at the gutter.

§ 182-19. Maps, plats and plans to show sewage system.

All maps, plate or plans shall show the location of any proposed sanitary sewers, together with the size of pipe and incidental structures, all of which shall conform to the existing comprehensive sewage disposal plan of the Village of Lawrence.

§ 182-20. Applications to show types of pavement.

All applications shall show the type of pavement proposed on each street and the sidewalks, when such improvements are proposed to be constructed.

§ 182-21. Access to public thoroughfare for each lot.

The subdividing of the land shall be such as to provide each lot, by means of either a public street or way or permanent easement or proposed street, with satisfactory access to an existing public highway or to a thoroughfare, as shown on an Official Map or Master Plan. There shall be no reserve strips controlling access to streets, unless the control of such strips is definitely placed in the Village under conditions approved by the Planning Board.

§ 182-22. Bonding.

In lieu of the completion of any improvements and utilities prior to the final approval of the map, plat or plan, the Planning Board may require a bond, with a surety company satisfactory to the Board, as surety thereon to secure to the Village the actual construction and installation of such improvements or utilities at a time and according to specifications approved by the Board.

§ 182-23. Schedule for response to application.

Approval or disapproval of a map, plat or plan, as provided by the Nassau County Charter, shall be expressed by the Planning Board within 30 days after the submission thereof to the Planning Board; otherwise such plat shall be deemed to have been approved; provided, however, that the applicant for approval may waive this requirement and consent to an extension of such period.

§ 182-24. Schedule for response to application with new streets.

Approval or disapproval of a map, plat or plan showing new streets, as provided by § 7-728 of the Village Law, shall be expressed within 45 days from and after the time of the submission of the plat for approval; otherwise such plat shall be deemed to have been approved; provided, however, that the applicant for approval may waive this requirement and consent to an extension of such period.

§ 182-25. Maximum time for response to apply. [Amended 4-13-1988 by L.L. No. 5-1988]

Any map, plat or plan which might lawfully be submitted under statutes providing different periods of time for approval or disapproval by the Planning Board shall be deemed to have been submitted under the statute providing the longest time for such approval or disapproval. The approval by the Planning Board of a plat showing one or more new streets or highways, or the certificate of the Village Administrator as to the date of the submission of such plat and the failure of the Planning Board to take action thereon within 45 days, shall expire 90 days from the date of such approval or of such certificate, unless, within such ninety-day period, such plat shall have been duly filed or recorded by the owner in the office of the County Clerk of Nassau County.

§ 182-26. Recording of approval or disapproval.

The approval or disapproval of a map, plat or plan and any other action taken by the Planning Board, and any terms or conditions imposed upon such approval or disapproval or action, shall be entered in the minutes of the Board. The approval or disapproval shall be endorsed upon the face of each copy of the map, plat or plan submitted, and, where conditions are imposed, such conditions shall either be endorsed upon the face of such map, plat or plan or other reference placed upon the face thereof indicating the existence of such conditions and the place where such conditions may be found.

§ 182-27. Building in bed of proposed streets.

No permit shall hereafter be issued for any building in the bed of any street or highway shown or laid out on the Master Plan of the Village of Lawrence; provided, however, that, if the land within such mapped street or highway is not yielding a fair return on its value to the owner, the Board of Appeals shall have the power, by a vote of a majority of its members, to grant a permit for a building or structure or part thereof located in any such mapped street or highway which will, as little as practicable, increase the cost of opening such street or highway or tend to cause the least change of such Official Map or Plan, and the Planning Board may impose reasonable requirements which shall inure to the benefit of the Village. Before taking any action authorized by this section, the Board of Appeals shall hold a public hearing at which parties in interest and others shall have an opportunity to be heard.

§ 182-28. Public hearings. [Amended 4-13-1988 by L.L. No. 5-1988; 2-14-2008 by L.L. No. 2-2008]

- A. Upon the filing of any application, the Village Administrator shall arrange for a time and place at which the Planning Board will meet to consider the application and shall cause notice of such public hearing to be published and posted in accordance with law. He shall also cause notice of such application to be served, either personally or by mail, upon the owners or occupants of all property shown upon any such map, plat or plan and any other property lying within 500 feet thereof or which the Administrator shall deem affected by the application. The Planning Board may, in its discretion, require the giving of additional notice and, for such purpose, may adjourn the public hearing.
- B. Such Planning Board shall appoint a Secretary who need not be a member of the Board and may be compensated.

§ 182-29. Opportunity to speak at public hearings.

At the public hearing, citizens and parties in interest will have an opportunity to be heard, and the names and addresses of all persons recorded in connection with such application, together with the substance of their views, shall be entered in the minutes of the Board.

§ 182-30. Exceptions from rules and regulations.

In all cases where the proposed map, plat or plan fails to follow the rules and regulations hereinbefore stated, proof shall be presented of the reasons for such deviations, and exception shall be granted by the Board only in case of unnecessary hardship and in conformity with the general purposes of the Master Plan of the Village.

LAWRENCE CODE

Chapter 187

TAXATION

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

GENERAL REFERENCES

Fees — See Ch. A219.

ARTICLE I

Utility Tax

[Adopted 3-27-1967 by L.L. No. 1-1967]

§ 187-1. Tax imposed.

Pursuant to the authority granted by § 5-530 of the Village Law of the State of New York, a tax equal to 1% of its gross income from and after the first day of January 1967 is hereby imposed upon every utility doing business in the Village of Lawrence which is subject to the supervision of the State Department of Public Service, which has a gross income for the 12 months ending December 31 in excess of \$500, except motor carriers or brokers subject to such supervision under Article 3-B of the Public Service Law,⁸⁷ and a tax equal to 1% of its gross operating income from and after the first day of January 1967 is hereby imposed upon every other utility doing business in the Village of Lawrence which has a gross operating income for the 12 months ending December 31 in excess of \$500, which taxes shall have application only within the territorial limits of the Village of Lawrence and shall be in addition to any and all other taxes and fees imposed by any other provisions of law. Such taxes shall not be imposed on any transaction originating or consummated outside of the territorial limits of the Village of Lawrence, notwithstanding that some act is necessarily performed with respect to such transaction within such limits.

§ 187-2. Definitions.

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

GROSS INCOME — Includes receipts received in or by reason of any sale, conditional or otherwise, except sales hereinafter referred to with respect to which it is provided that profits from the sale shall be included in gross income, made or service rendered for ultimate consumption or use by the purchaser in the Village of Lawrence, including cash, credits and property of any kind or nature, whether or not such sale is made or such service is rendered for profit, without any deduction therefrom on account of the cost of the property sold, the cost of the materials used, labor or services or other costs, interest or discount paid or any other expense whatsoever; also profits from the sale of securities; also profits from the sale of real property growing out of the ownership or use of or interest in such property; also profit from the sale of personal property, other than property of a kind which would properly be included in the inventory of the taxpayer if on hand at the close of the period for which a return is made; also receipts from interest, dividends and royalties derived from sources within the Village of Lawrence other than such as are received from a corporation, a majority of whose voting stock is owned by the taxpaying utility, without any deduction therefrom for any expenses whatsoever incurred in connection with the receipt thereof; and also profits from any transaction, except sales for resale and rentals, within the Village of Lawrence whatsoever; provided, however, that the words "gross income" shall include, in the case of a utility engaged in selling telephony or telephone service, only receipts from local exchange service wholly consummated within the Village of Lawrence and, in the case of a utility engaged in selling telegraphy or telegraph service, only receipts from transactions wholly consummated within the Village of Lawrence.

GROSS OPERATING INCOME — Includes receipts received in or by reason of any sale, conditional or otherwise, made for ultimate consumption or use by the purchaser of gas, electricity, steam, water, refrigeration, telephony or telegraphy or in or by reason of the furnishing for such consumption or use of gas, electric, steam, water, refrigerator, telephone or telegraph service in the Village of Lawrence, including cash, credits and property of any kind or nature, without any deduction therefrom on account of the cost of the property sold, the cost of materials used, labor or services or other costs, interest or discount paid or any other expenses whatsoever.

87. Editor's Note: Said article was repealed by L. 1970, c.267, § 5, effective March 1, 1971.

PERSON — Persons, corporations, companies, associations, joint-stock associations, copartnerships, estates, assignees of rent, any persons acting in a fiduciary capacity or any other entity and persons, their assignees, lessees, trustees or receivers, appointed by any court whatsoever or by any other means, except the state, municipalities, political and civil subdivisions of the state or municipality and public districts.

UTILITY — Includes every person subject to the supervision of the State Department of Public Service, except persons engaged in the business of operating or leasing sleeping and parlor railroad cars or of operating railroads other than street surface, rapid transit, subway and elevated railroads, and also includes every person (whether or not such person is subject to such supervision) who sells gas, electricity, steam, water, refrigeration, telephony or telegraphy, delivered through mains, pipes or wires, or furnishes gas, electric, steam, water, refrigerator, telephone or telegraph service by means of mains, pipes or wires, regardless of whether such activities are the main business of such person or are only incidental thereto or of whether use is made of the public streets.

§ 187-3. Records to be kept by utilities.

Every utility subject to tax under this article shall keep such records of its business and in such form as the Village Treasurer may require, and such records shall be preserved for a period of three years, except that the Village Treasurer may consent to their destruction within the period or may require that they be kept longer.

§ 187-4. Returns.

Every utility subject to tax hereunder shall file annually, on or before the 25th day of January, a return for the 12 calendar months preceding such return date or any portion thereof for which the tax imposed hereby is effective; provided, however, that, in lieu of the annual return required by the foregoing provisions, any utility may file quarterly, on or before April 25, July 25, October 25 and January 25, a return for the three calendar months preceding each such return date and, in the case of the first such return, for all preceding calendar months during which the tax imposed hereby was effective.

- A. Every return shall state the gross income or gross operating income for the period covered thereby.
- B. Returns shall be filed with the Village Treasurer, on a form to be furnished by him for such purpose, and shall contain such other data, information or matter as he may require to be included therein.
- C. The Village Treasurer, in order to ensure payment of the tax imposed, may require, at any time, a further or supplemental return, which shall contain any data that may be specified by him, and he may require any utility doing business in the Village of Lawrence to file an annual return, which shall contain any data specified by him, regardless of whether the utility is subject to tax under this article.
- D. Every return shall have annexed thereto an affidavit of the head of the utility making the same or of the owner or of a copartner thereof or of a principal officer of the corporation, if such business is conducted by a corporation, to the effect that the statements contained therein are true.

§ 187-5. Payment due with return.

At the time of filing a return as required by this article, each utility shall pay to the Village Treasurer the tax imposed by this article for the period covered by such return. Such tax shall be due and payable at the time of filing the return or, if a return is not filed when due, on the last day on which the return is required to be filed.

§ 187-6. Unsatisfactory returns.

- A. In case any return filed pursuant to this article shall be insufficient or unsatisfactory to the Village Treasurer, 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 of tax due from such information as he is able to obtain and, if necessary, may estimate the tax on the basis of external indices or otherwise. He shall give notice of such determination to the person liable for such tax.
- B. Such determination shall finally and irrevocably fix such tax, unless the person against whom it is assessed shall, within 30 days after the giving of notice of such determination, apply to the Village Treasurer for a hearing or unless the Village Treasurer, of his own motion, shall reduce the same.
- C. After such hearing, the Village Treasurer shall give notice of his decision to the person liable for the tax. Such decision may be reviewed by a proceeding under Article 78 of the Civil Practice Law and Rules of the State of New York if application therefor is made within 90 days after the giving of notice of such decision. An order to review such decision shall not be granted unless the amount of any tax sought to be reviewed, with interest and penalties thereon, if any, shall be first deposited with the Village Treasurer and an undertaking filed with him, in such amount and with such sureties as a Justice of the Supreme Court shall approve, to the effect that, if such proceeding is dismissed or the tax confirmed, the applicant will pay all costs and charges which may accrue in the prosecution of such proceeding, or, at the option of the applicant, such undertaking may be in a sum sufficient to cover the tax, interest, penalties, costs and charges aforesaid, in which event the applicant shall not be required to pay such tax, interest and penalties as a condition precedent to the granting of such order.
- D. Except in the case of a willfully false or fraudulent return with intent to evade the tax, no assessment of additional tax shall be made after the expiration of more than three years from the date of the filing of a return; provided, however, that, where no return has been filed as required by this article, the tax may be assessed at any time.

§ 187-7. Manner of giving required notice.

Any notice authorized or required under the provisions of this article may be given by mailing the same to the person for whom it is intended in a postpaid envelope addressed to such person at the address given by him in the last return filed by him under this article or, if no return has been filed, then to such address as may be obtainable. The mailing of such notice shall be presumptive evidence of the receipt of the same by the person to whom addressed. Any period of time, which is determined, according to the provisions of this article, by the giving of notice, shall commence to run from the date of mailing of such notice.

§ 187-8. Penalty for failure to file.

Any person failing to file a return or corrected return or to pay any tax or any portion thereof within the time required by this article shall be subject to a penalty of 5% of the amount of tax due, plus 1% of such tax for each month of delay or fraction thereof, excepting the first month, after such return was required to be filed or such tax became due; but the Village Treasurer, for cause shown, may extend the time for filing any return and, if satisfied that the delay was excusable, may remit all or any portion of the penalty fixed by the foregoing provisions of this section.

§ 187-9. Refunds.

If, within one year from the payment of any tax or penalty, the payer thereof shall make application for a refund thereof and the 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 under Article 78 of the Civil Practice Law and Rules of the State of New York, that such determination was erroneous or illegal. All refunds shall be made out of moneys collected under this article. An application for a refund, made as hereinbefore provided, shall be deemed an application for the revision of any tax or penalty complained of, and the 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 an order to review such determination under said Article 78, subject to the provisions herein before contained relating to the granting of such an order.

§ 187-10. Tax on operating cost.

The tax imposed by this article shall be charged against and be paid by the utility and shall not be added as a separate item to bills rendered by the utility to customers or others but shall constitute a part of the operating costs of such utility.

§ 187-11. Proceedings to enforce payment.

Whenever any person shall fail to pay any tax or penalty imposed by this article, the Village Attorney shall, upon the request of the 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.

§ 187-12. Powers of Treasurer.

In the administration of this article, the Village Treasurer shall have the power to make such reasonable rules and regulations, not inconsistent with law, as may be necessary for the exercise of his powers and the performance of his duties, to prescribe the form of blanks, reports and other records relating to the administration and enforcement of the tax, to take testimony and proofs, under oath, with reference to any matter within the line of his official duty under this article and to subpoena and require the attendance of witnesses and the production of books, papers and documents.

§ 187-13. Secrecy of records.⁸⁸

- A. Except in accordance with proper judicial order or as otherwise provided by law, it shall be unlawful for the Village Treasurer or any agent, clerk or employee of the Village of Lawrence to divulge or make known, in any manner, the amount of gross income or gross operating income or any particulars set forth or disclosed in any return under this article. The officer charged with the custody of such returns shall not be required to produce any of them or evidence of anything contained in them in any action or proceeding in any court, except on behalf of the Village of Lawrence, in an action or proceeding under the provisions of this article, or on behalf of the State Tax Commission, in an action or proceeding under the provisions of the Tax Law of the State of New York, or on behalf of any party to any action or proceeding under the provisions of this article when the returns or facts shown thereby are directly involved in such action or proceeding, in either of which events the court may

88. Editor's Note: For related provisions, see Ch. 149, Records, Public Access to.

require the production of and may admit in evidence so much of said returns or of the facts shown thereby as are pertinent to the action or proceeding and no more. Nothing herein shall be construed to prohibit the delivery to a person or his duly authorized representative of a copy of any return filed by him; nor prohibit the publication of statistics so classified as to prevent the identification of particular returns and the items thereof or the publication of delinquent lists showing the names of persons who have failed to pay their taxes at the time and in the manner provided for by this article, together with any relevant information which, in the opinion of the Village Treasurer, may assist in the collection of such delinquent taxes; nor prohibit the inspection, by the Village Attorney or other legal representatives of the Village of Lawrence, of the return of any person who shall bring action to set aside or review the tax based thereon or against whom an action has been instituted in accordance with the provisions of this article.

- B. Any offense against the foregoing secrecy provisions shall be punishable by a fine not exceeding \$1,000 or by imprisonment not exceeding one year, or both, and, if the offender is an officer, agent, clerk or employee of the Village of Lawrence, he shall be dismissed from office and shall be incapable of holding any office or employment in the Village of Lawrence for a period of five years thereafter.
- C. Notwithstanding any provisions of this article, the Village Treasurer may exchange, with the chief fiscal officer of any city or any other Village in the State of New York, information contained in returns filed under this article, provided that such city or other Village grants similar privileges to the Village of Lawrence, and provided that such information is to be used for tax purposes only, and the Village Treasurer shall, upon request, furnish the State Tax Commission with any information contained in such returns.

§ 187-14. Payment of receipts into treasury.

All taxes and penalties received by the Village Treasurer under this article shall be paid into the treasury of the Village and shall be credited to and deposited in the general fund of the Village.

ARTICLE II
Alternative Veterans Exemption
[Adopted 9-26-1984 by L.L. No. 2-1984]

§ 187-15. Purpose.

The purpose of this article is to provide that no exemption from real property taxes shall be granted pursuant to § 458-a of the Real Property Tax Law of the State of New York.

§ 187-16. Exemption denied.

Pursuant to the provisions of Subdivision 4 of § 458-a of the Real Property Tax Law of the State of New York, no exemption from real property taxes shall be granted pursuant to § 458-a of the Real Property Tax Law for purposes of real property taxes levied for the Village of Lawrence.

ARTICLE III

Collection of Property Taxes**[Adopted 8-31-1994 by L.L. No. 4-1994]****§ 187-17. Continuation of enforcement.**

Pursuant to Section 6 of Chapter 602 of the Laws of 1993, as amended by a chapter of the laws of 1994, as proposed in legislative bill number S. 8560-A,⁸⁹ the Village of Lawrence 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.

§ 187-18. When effective.

This local law 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 local law, this local law shall take effect immediately.

89. Editor's Note: This proposed bill was enacted as L. 1994, c. 532, effective July 26, 1994.

ARTICLE IV
Veterans Exemption for Cooperative Owners
[Adopted 10-13-1999 by L.L. No. 8-1999]

§ 187-19. Purpose. [Amended 5-14-2009 by L.L. No. 5-2009]

The purpose of this article is to provide that:

- A. Veterans exemptions from real property taxes shall be granted pursuant to § 458, Subdivision 8, of the Real Property Tax Law of the State of New York.
- B. Cold War veterans, persons who served under active duty in the United States Armed Forces during the time period from September 2, 1945, to December 26, 1991, and were discharged or released therefrom under honorable conditions, shall be exempt from taxation for qualifying residential real property, to the extent of 10% of the assessed value of such property.
- C. If a Cold War veteran receives the exemption under § 458 or § 458-9 of the Real Property Tax Law, the Cold War veteran shall not be eligible to receive the exemption under Subsection B of this section.
- D. The exemption provided by Subsection B of this section shall be granted for a period of 10 years.

§ 187-20. Exemption granted.

Pursuant to the provisions of Subdivision 8(d) of § 458 of the Real Property Tax Law of the State of New York, qualified owners of cooperative apartments shall be granted veterans exemptions from real property taxes pursuant to § 458, Subdivision 8, of the Real Property Tax Law for purposes of real property taxes levied for the Village of Lawrence.

ARTICLE V

Eligible Funds Veterans Exemptions Adjustment
[Adopted 2-27-2003 by L.L. No. 1-2003]

§ 187-21. Statutory authority.

This article is enacted pursuant to Real Property Tax Law § 458 (5), as the same may be amended from time to time.

§ 187-22. Increase or decrease in amount of exemption.

The Assessor for the Village of Lawrence is hereby directed to increase or decrease the amount of eligible funds veterans exemptions, as a result of a revaluation or update of assessments, by multiplying the amount of the exemption by the change in the level of assessment for the Village of Lawrence, as determined by and certified by the New York State Office of Real Property Services, pursuant to the rules of said office.

TOW TRUCKS

Chapter 194

TOW TRUCKS

[HISTORY: Adopted by the Board of Trustees of the Village of Lawrence 2-13-1985 by L.L. No. 1-1985. Amendments noted where applicable.]

GENERAL REFERENCES

Licenses and permits — See Ch. 125.

Vehicles and traffic — See Ch. 200.

Municipal off-street parking fields — See Ch. 135.

Junked vehicles — See Ch. 204.

§ 194-1. Parking of trucks and towed vehicles restricted.

Tow truck operators, auto mechanics or garagemen, whether maintaining a place of business within or without the Village, must store and park all tow trucks and vehicles in connection with the use of tow trucks, including but not limited to disabled vehicles, upon the premises of such operator, whether such premises are enclosed or not, and no truck or disabled vehicles shall be permitted to be stored or parked on Village streets or parking lots.

§ 194-1.1. Solicitation prohibited. [Added 6-12-1991 by L.L. No. 1-1991]

It shall be unlawful for any person to drive along any street or bridge in the Village of Lawrence and solicit towing work. Solicitation of towing work by the operator or other occupant of a tow car while parked on any street or bridge is prohibited. A tow car operator shall not proceed to the scene of a disabled motor vehicle without having been requested or notified to do so by the owner or his authorized representative or the police. Responding to a call merely upon notification from unauthorized persons shall be considered in violation of this section.

§ 194-2. Penalties for offenses. [Added 4-13-1988 by L.L. No. 5-1988; amended 9-11-2002 by L.L. No. 5-2002]

Any person committing an offense against any provision of this chapter shall, upon conviction thereof, be guilty of a violation pursuant to the Penal Law of the State of New York, punishable by a fine up to a maximum of \$1,000 or by imprisonment for a term not exceeding 15 days, or by both such fine and imprisonment. The continuation of an offense against the provisions of this chapter shall constitute, for each day the offense is continued, a separate and distinct offense hereunder.

LAWRENCE CODE

Chapter 200

VEHICLES AND TRAFFIC

[HISTORY: Adopted by the Board of Trustees of the Village of Lawrence 4-13-1988 by L.L. No. 7-1988. Amendments noted where applicable.]

ARTICLE I
General Provisions

§ 200-1. Definitions.

- A. The words and phrases used in this chapter shall, for the purposes of this chapter, have the meanings respectively ascribed to them by Article 1 of the Vehicle and Traffic Law of the State of New York.
- B. The following words and phrases, which are not defined by Article 1 of the Vehicle and Traffic Law of the State of New York, shall have the meanings respectively ascribed to them in this section for the purposes of this chapter:

COMMERCIAL VEHICLE — For purposes of parking, standing and stopping, a commercial vehicle is defined as a vehicle that:**[Added 7-13-2023 by L.L. No. 3-2023]**

- (1) Bears commercial plates; or
- (2) Is permanently altered by having all seats and seat fittings, except the front seats, removed to facilitate the transportation of property (for vehicles designed with a passenger cab and a cargo area separated by a partition, the seating capacity within the cab shall not be considered in determining whether the vehicle is properly altered); or
- (3) Is a bus, ambulette, delivery van, taxi, and/or limousine; or
- (4) Includes, but is not limited to, any vehicle other than a personal passenger vehicle, or motorcycle which is primarily designed, constructed, used, or maintained for the transportation of goods, merchandise, or property, or for the provision of commercial services or for the livery or transport of passengers for hire or compensation, whether on a profit or nonprofit basis, or for the livery or transport of children to or from school or camp, or as the power unit for the hauling of freight or cargo by trailer or semitrailer or any combination of trailers and semitrailers or any type of nonmotorized trailer unit.

CURBLINE — The prolongation of the lateral line of a curb or, in the absence of a curb, the lateral boundary line of the roadway.

HOLIDAYS — New Year's Day, Lincoln's Birthday, Washington's Birthday, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans Day, Thanksgiving Day and Christmas Day.

METERED PARKING FIELDS — Any place owned, leased or operated by the Village for the parking of vehicles by the public wherein the field or space in the field is so designated. Such designation shall be by means of signs to that effect in the fields or adjacent thereto or by parking meters adjacent to parking stalls marked or indicated by lines appearing on the pavement, within which a single vehicle is to be parked.**[Added 8-15-2024 by L.L. No. 3-2024]**

OFFICIAL TIME STANDARD — Whenever certain hours are named herein or on traffic control devices, they shall mean the time standard which is in current use in this state.

OFFICIAL TIME STANDARD — Whenever certain hours are named herein or on traffic control devices, they shall mean the time standard which is in current use in this state.

§ 200-2. Authority to install traffic control devices.

The Village Administrator shall install and maintain traffic control devices when and as required under the provisions of this chapter, to make effective the provisions of this chapter, and may install and maintain such additional traffic control devices as he may deem necessary to regulate, warn or guide traffic under

the Vehicle and Traffic Law of the State of New York, subject to the provisions of §§ 1682 and 1684 of that law.

§ 200-3. Schedules; adoption of regulations.

- A. There is hereby continued a system of schedules, appearing as Article VI of this chapter, in which are entered all regulations in effect as of the effective date of this chapter. On and after the effective date of this chapter, the regulations appearing in such schedules may be amended by the resolution of the Board of Trustees. All regulations shall be adopted by resolution with reference to the appropriate schedule as indicated in the various sections of this chapter. **[Amended 3-14-2019 by L.L. No. 3-2019]**
- B. Regulations shall be adopted by the Board of Trustees in accordance with provisions of the Village Law and the Vehicle and Traffic Law, or by an officer or agent authorized by the Board of Trustees to adopt regulations pursuant to § 1603 of the Vehicle and Traffic law.

§ 200-4. Authority to establish regulations.

The Chief of Police is hereby authorized to designate safety zones, parking spaces and bus, cab or taxicab stands in the public streets of the Village, in addition to those now or hereafter provided by this chapter.

§ 200-5. Temporary and emergency regulations.

The Chief of Police is hereby authorized and empowered to make and enforce temporary regulations to cover temporary or special conditions.

§ 200-5.1. Compliance required. [Added 7-13-1988 by L.L. No. 8-1988]

It shall be unlawful for any person to refuse or fail to obey or comply with any lawful order or signal of a policeman or other police officer. It shall be unlawful for any person, including the owner, operator or person in charge of any vehicle, to violate or to fail to comply with any of the provisions of this chapter or of any sign, signal or direction erected, displayed or operated pursuant to the provisions of this chapter.

ARTICLE II Traffic Regulations

§ 200-6. Traffic control signals.

Traffic control signals shall be installed and operated at the intersection of those streets described in Schedule I (§ 200-40), attached to and made a part of this chapter.

§ 200-7. Speed limits.

The maximum speed at which vehicles may proceed on or along any streets or highways within the Village is hereby established at 30 miles per hour, except that the speed limit for vehicles proceeding on or along those streets or parts of streets described in Schedule II (§ 200-41) shall be as indicated in said schedule.

§ 200-8. School speed limits.

No person shall drive a vehicle at a speed in excess of that indicated in Schedule III (§ 200-42), in the areas described in said Schedule III, during school days between the hours of 7:00 a.m. and 6:00 p.m.

§ 200-9. One-way streets.

The streets or parts of streets described in Schedule IV (§ 200-43), attached to and made a part of this chapter, are hereby designated as one-way streets in the direction indicated.

§ 200-10. U-turns.

U-turns are hereby prohibited on all streets, except on the streets or parts of streets described in Schedule V (§ 200-44), attached to and made a part of this chapter.

§ 200-11. Prohibited turns at intersections.

No person shall make a turn of the kind designated (left, right, all) at any of the locations described in Schedule VI (§ 200-45), attached to and made a part of this chapter.

§ 200-12. Prohibited right turns on red signal.

No person shall make a right turn when facing a steady red signal (stop indication) at any of the locations described in Schedule VII (§ 200-46), attached to and made a part of this chapter.

§ 200-13. Stop intersections.

The intersections described in Schedule VIII (§ 200-47), attached to and made a part of this chapter, are hereby designated as stop intersections. Stop signs shall be installed as provided therein.

§ 200-14. Yield intersections.

The intersections described in Schedule IX (§ 200-48), attached to and made a part of this chapter, are hereby designated as yield intersections. Yield signs shall be installed as provided therein.

§ 200-15. Vehicle weight limits.

It shall be unlawful for any person to operate any commercial vehicle or other tractor, trailer or tractor-

trailer combination, having a gross weight in excess of that herein respectively prescribed, upon any of the streets or portions thereof described in Schedule X (§ 200-49), except for the purpose of making local deliveries on that street.

§ 200-16. Large passenger vehicles on dead-end streets.

No bus or other vehicle used for the transportation of people, having a length in excess of 20 feet and a capacity of more than 20 passengers, shall enter into any dead-end street or any street ending in a cul-de-sac.

ARTICLE III
Parking, Standing and Stopping

§ 200-17. Application of article.

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

§ 200-18. Double parking.

Except where necessary to avoid conflict with other traffic, or when in compliance with law or the directions of a police officer, or official traffic control device, no person shall stop, stand or park a vehicle on the roadway side of any vehicle stopped, standing or parked at the edge or curb of a street.

§ 200-18.1. Wrong way parking. [Added 10-8-2003 by L.L. No. 9-2003]

Except where angle parking is authorized, every vehicle stopped, standing or parked partly upon a roadway shall be so stopped, standing or parked parallel to the curb or edge of the roadway. On a one-way roadway, such vehicle shall be facing in the direction of authorized traffic movement; on a two-way roadway, such vehicle shall be facing in the direction of authorized traffic movement on that portion of the roadway on which the vehicle rests.

§ 200-18.2. Fire hydrants. [Added 10-6-2005 by L.L. No. 7-2005]

No person shall stop, stand or park any vehicle within 15 feet of a fire hydrant, except when such vehicle is attended by a licensed operator or chauffeur who is seated in the front seat and who can immediately move such vehicle in case of emergency, unless a different distance is indicated by official signs, markings or parking meters.

§ 200-19. Parking prohibited at all times.

No person shall park a vehicle at any time upon any of the streets or parts thereof described in Schedule XI (§ 200-50), attached to and made a part of this chapter.

§ 200-19.1. Parking waiver. [Added 7-12-2012 by L.L. No. 1-2012]

Upon being notified of any gathering of persons for an event at or on any property under circumstances which may make such action appropriate, the Village Administrator is authorized to modify or suspend temporarily any or all of the parking regulations in Chapter 200, Article III, of this Code in order to prohibit or limit on-street parking in the vicinity of the property during the periods immediately preceding, during and following the event. The Village Administrator also is authorized to post appropriate temporary signage with respect to applicable parking prohibition or limitation, and any person parking in violation of any such parking restriction shall be guilty of a violation of this chapter.

§ 200-20. No stopping.

No person shall stop a vehicle upon any of the streets or parts of streets described in Schedule XII (§ 200-51), attached to and made a part of this chapter.

§ 200-21. No standing.

No person shall stand a vehicle upon any of the streets or parts of streets described in Schedule XIII (§ 200-52), attached to and made a part of this chapter.

§ 200-21.1. Idling of vehicles other than buses. [Added 9-12-2019 by L.L. No. 7-2019]

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

A. Definitions.

IDLING — The continuous operation of a gasoline-powered engine of a motor vehicle while "parking," "standing" or "stopping" (within the meaning of the New York State Vehicle and Traffic Law §§ 129,¹ 145² and/or portions of 147³).

MOTOR VEHICLE — Any nongovernmental vehicle operated or driven upon a public highway which is propelled by a gasoline-powered engine, but which is not performing an emergency service.

B. Prohibition. No person shall cause or permit the engine of any vehicle other than a bus, as defined in § 104 of the Vehicle and Traffic Law and governed by § 200-29.1 herein, to idle for more than 10 minutes while parking, standing or stopping.

¹Note: Defined there as "the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers."

²Note: Defined there as "the stopping of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in receiving or discharging passengers."

³Note: Defined here to incorporate that part of the definition which states "any halting even momentarily of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic-control sign or signal."

§ 200-22. Parking prohibited certain hours.

No person shall park a vehicle between the hours specified in Schedule XIV (§ 200-53) of any day, unless otherwise indicated, upon any of the streets or parts of streets described in said Schedule XIV, attached to and made a part of this chapter.

§ 200-23. No stopping certain hours. [Amended 9-14-2017 by L.L. No. 8-2017]

No person shall stand, park or stop a vehicle during the times specified in Schedule XV (§ 200-54) of any day, unless otherwise indicated, upon any of the streets or parts of streets described in said Schedule XV, attached to and made a part of this chapter.

§ 200-24. No standing certain hours.

No person shall stand a vehicle during the times specified in Schedule XVI (§ 200-55) of any day, unless otherwise indicated, upon any of the streets or parts of streets described in said Schedule XVI, attached to and made a part of this chapter.

§ 200-25. Time limit parking.

- A. No person shall park a vehicle for longer than the time limit shown in Schedule XVII (§ 200-56) at any time between the hours listed in said Schedule XVII of any day, unless otherwise indicated, upon any of the streets or parts of streets described in said Schedule XVII, attached to and made a part of this chapter.
- B. No person shall park a vehicle for a period in excess of two hours on any street in the Village between 8:00 a.m. and 7:00 p.m., except where parking meters have been erected by the Village, allowing a longer period for metered parking.

§ 200-26. Angle parking.

No person shall park a vehicle upon any of the streets or parts thereof described in Schedule XVIII (§ 200-57), except at the angle designated and only within the painted stall lines. On all streets or portions thereof where angle parking is now or shall hereafter be authorized, all vehicles parked thereon shall be parked with the front thereof nearest the curb.

§ 200-27. Loading zones.

- A. The locations described in Schedule XIX (§ 200-58), attached to and made a part of this chapter, are hereby designated as loading zones.
- B. Each of such loading zones shall be marked at the ends thereof by signs bearing the words "loading zone," an arrow indicating the location of such zone, the length of time when such zone may be occupied and such other descriptive legend as the Board of Trustees or the Chief of Police may require.
- C. Within such loading zones, parking shall be permitted only by commercial vehicles actually engaged in the receipt or delivery of merchandise or supplies to or from one or more of the business establishments in said district, for a period of time not exceeding 30 minutes, between the hours of 6:00 a.m. and 6:00 p.m., except Sundays and holidays.
- D. At other hours and on other days, the parking regulations provided in other sections of this chapter shall apply.

§ 200-28. Taxi stands.

- A. The locations described in Schedule XX (§ 200-59), attached to and made a part of this chapter, are hereby designated as taxi stands.
- B. It shall be unlawful for the operator of any vehicle other than a cab or taxicab or other vehicle for hire to stand or park in any officially designated hack stand, except that the operator of any passenger vehicle may temporarily stop in any such hack stand for the purpose of and while actually engaged in the loading or unloading of passengers.
- C. It shall be unlawful for the operator of any cab, taxicab or vehicle for hire to stand or park upon any street in any business district at any place other than at a hack stand, except that this provision shall not prevent the operator of any such vehicle from temporarily stopping, in accordance with other parking regulations, for the purpose of and while actually engaged in loading or unloading of passengers.

§ 200-29. Bus stops.

- A. The locations described in Schedule XXI (§ 200-60), attached to and made a part of this chapter, are hereby designated as bus stops.
- B. It shall be unlawful for the operator of any vehicle other than a bus to stand or park in an officially designated bus stop, except that the operator of any passenger vehicle may temporarily stop in any such bus stop for the purpose of and while actually engaged in the loading or unloading of passengers.
- C. It shall be unlawful for the operator of any bus to stand or park upon any street in any business district at any place other than at a bus stop, except that this provision shall not prevent the operator of any such vehicle from temporarily stopping in accordance with other parking regulations, for the purpose of and while actually engaged in the loading or unloading of passengers.

§ 200-29.1. Bus idling. [Added 6-12-1991 by No. 2-1991]

No person shall cause or permit the engine of a bus, as defined in § 104 of the Vehicle and Traffic Law, to idle for more than three minutes while parking, standing or stopping when the ambient temperature is in excess of 40° F. except while passengers are on board or while boarding or discharging passengers.

§ 200-30. Passenger loading zone.

The area bounded on the north by the sidewalk along the southerly side of the waiting room of the Long Island Rail Road and a line in easterly and westerly extension thereof and bounded on the east, south and west by land of the Village of Lawrence is hereby designated as a passenger loading zone, in which the following regulations shall apply:

- A. A passageway along the southerly side of said sidewalk 15 feet in width and leading to a public street must be left open at all times for the free movement of vehicles and may be used only for loading and discharging passengers.
 - (1) Parking therein is prohibited.
 - (2) Standing or stopping therein is prohibited for a period of time longer than is necessary for the expeditious loading or unloading or discharge of passengers and their personal baggage.
 - (3) Waiting therein for passengers is prohibited.
- B. The pedestrian crosswalk from the station to the Lawrence Village Park must at all times be left open for the free and safe use of pedestrians.
 - (1) Pedestrians shall have the right-of-way therein over vehicles and vehicles shall yield such right-of-way to pedestrians.
 - (2) Parking, standing or stopping on such crosswalk or in any way obstructing the same is prohibited.
- C. Elsewhere in said zone, parking is prohibited for a period of time longer than five minutes, and standing or stopping therein is prohibited for a longer period of time than necessary to wait for a train arrival or for the loading or unloading of passengers and their baggage or for the transaction of business at the station or at the store therein.
- D. Any police officer present may direct traffic in said zone, contrary to the foregoing provisions, and his directions shall be complied with.
- E. The location of said passageway and said crosswalk shall be designated by painting on the pavement

or by other pavement marking. and a sign shall be posted on the side of the station adjacent to said sidewalk or at some other conspicuous place, bearing the words "passenger loading zone" and a reference to this section.

§ 200-31. All-night parking.

No person shall park a vehicle between 3:00 a.m. and 5:00 a.m. on any streets or parts of streets in the Village, except on those streets and parts of streets indicated in Schedule XXII (§ 200-61), attached to and made a part of this chapter.

§ 200-31.1. Handicapped parking. [Added 9-13-2004 by L.L. No. 6-2004]

No person shall stop, park or leave standing any motor vehicle in any area designated as a place for handicapped parking unless the vehicle displays a special vehicle identification permit or bears a disabled person's or disabled veterans' registration entitling such motor vehicle to park in any public or private area of the Village designated as a place for parking for persons with disabilities. Such permit and/or registration shall be for use exclusively in a vehicle in which the person to whom it has been issued is being transported.

§ 200-32. Parking meters.

- A. The installation of parking meters is hereby authorized adjacent to each parking space in each of the parking areas described in Schedule XXIII (§ 200-62), attached to and made a part of this chapter.
- B. A parking meter shall be deemed to control the parking space adjacent to which it is installed.
- C. Each parking meter shall indicate by proper legend the parking time limit for the parking space which it controls, the hours of operation of such meter and the fees applicable to parking where such meter is in operation and shall be so arranged that, upon the expiration of the lawful time limit for which it was placed in operation, it will indicate by visual signal that such lawful parking period has expired.
- D. Each parking space for which a parking meter is installed shall be indicated by pavement markings, and such parking meter shall be located not more than four feet away from such parking space.
- E. A parking meter may control two adjacent parking spaces but shall not control more than two such parking spaces.
- F. During the hours of operation of each parking meter, the provisions of this section shall govern the parking of vehicles in the parking space controlled by such meter. Nothing in this section shall be deemed to regulate parking in such space during the hours when such meter is not in operation or to regulate parking in portions of a parking meter area where parking spaces have not been indicated by pavement markings or in parking spaces that are not controlled by a parking meter. During such hours and in such spaces and portions of a parking meter area, parking shall be regulated by other sections of this chapter.
- G. Except when otherwise directed by a police officer or by a member of the Fire Department acting in the course of his duty, when any vehicle shall be parked in a parking space controlled by a parking meter during the hours of operation of such meter, the operator of such vehicle shall forthwith deposit or cause to be deposited in said meter such coin or coins of the United States as the meter is arranged to receive and as are designated by the legend on the meter. When required by the direction on the meter, the said operator shall, immediately after the deposit of such coin or coins, set in operation the timing mechanism on such meter in accordance with the directions thereon.

- H. Upon deposit of such coin or coins and, when required, the setting in operation of the timing mechanism, the parking space may be lawfully occupied by such vehicle during the period of time designated for the parking meter area in which such parking space is located. If a parking space is unoccupied and the parking meter controlling the same shows an unexpired parking time, a vehicle may be parked therein without additional fee until such unexpired time has elapsed.
- I. A vehicle must be parked entirely within the area designated for the parking space in which such vehicle or any part thereof is parked. No vehicle shall be parked in such a way as to occupy, in whole or in part, more than one parking space or in such a way as to prevent access to another parking space or to the parking meter controlling such space.
- J. ⁹⁰Persons designated by the Board of Trustees as collectors shall make regular collections of the money deposited in such parking meters. They shall remove from the parking meters the sealed containers containing the coins deposited in such meters and shall deliver such containers with the seals unbroken to the persons or banks designated by the Board of Trustees, who shall count and record the amounts of money contained therein and deposit the same to the credit of the Village in one of the depositories of Village funds.
- K. It shall be unlawful and a violation of the provisions of this section for any person:
- (1) To cause, allow, permit or suffer any vehicle owned by or registered in the name of or operated by such person to be parked in parking space in any parking meter area for longer than the parking time limit established for such area.
 - (2) To deposit in any parking meter a coin for the purpose of parking for longer than the parking time limit established for the area in which such meter is situated.
 - (3) To permit any vehicle to remain in a parking space controlled by a parking meter displaying a signal indicating that the parking time limit or the period for which a fee was paid has expired.
 - (4) To park a vehicle or to cause or permit a vehicle to be parked in any parking meter area in a manner prohibited by this section.
 - (5) To deface, discolor, injure, tamper with, open, break, destroy or impair the usefulness of any parking meter installed pursuant to the provisions of this section.
 - (6) To deposit or cause or permit to be deposited in a parking meter any slugs, liquids, materials, foreign coins, tokens or any articles or substances other than lawful coins of the United States.

§ 200-32.1. Metered parking fields. [Added 8-15-2024 by L.L. No. 3-2024⁹¹]

- A. The installation, maintenance and operation of metered parking fields is hereby authorized in each of the parking areas described in Schedule XXIII (§ 200-62), attached to and made a part of this chapter..
- B. A parking meter shall be deemed to control the parking spaces within the parking field.
- C. Each parking meter shall indicate by proper legend the parking time limit for the parking spaces which it controls, the hours of operation of such meter and the fees applicable to parking where such meter is in operation and shall be so arranged that, upon the expiration of the lawful time limit for

90. Editor's Note: Former Subsection J, which provided the hours of operation for parking meters, was repealed 8-15-2024 by L.L. No. 3-2024, which local law redesignated former Subsections K and L as Subsections J and K, respectively.

91. Editor's Note: This local law also redesignated former § 200-32.1, Commercial parking prohibited at all times, as § 200-32.2.

which it was placed in operation, it will indicate by visual signal that such lawful parking period has expired.

- D. Each parking space controlled by a parking meter located in the parking field shall be indicated and enumerated by pavement markings.
- E. A parking meter may control multiple parking spaces within a parking field.
- F. During the hours of operation of each parking meter, the provisions of this section shall govern the parking of vehicles in the parking spaces controlled by such meter. Nothing in this section shall be deemed to regulate parking in such spaces during the hours when such meter is not in operation or to regulate parking in portions of a parking meter area where parking spaces have not been indicated by pavement markings or in parking spaces that are not controlled by a parking meter. During such hours and in such spaces and portions of a parking meter area, parking shall be regulated by other sections of this chapter.
- G. Except when otherwise directed by a police officer or by a member of the Fire Department acting in the course of his duty, when any vehicle shall be parked in a parking space controlled by a parking meter during the hours of operation of such meter, the operator of such vehicle shall forthwith deposit or cause to be deposited in said meter such coin or coins of the United States as the meter is arranged to receive and as are designated by the legend on the meter. When required by the direction on the meter, the said operator shall, immediately after the deposit of such coin or coins, proceed with the prompts on the screen to print a paper receipt.
- H. Upon deposit of such coin or coins and, when required, the setting in operation of the timing mechanism, the parking space may be lawfully occupied by such vehicle during the period of time designated for the parking meter area in which such parking space is located. If a parking space is unoccupied and the parking meter controlling the specific enumerated space indicates an unexpired parking time, a vehicle may be parked therein without additional fee until such unexpired time has elapsed.
- I. A vehicle must be parked entirely within the area designated for the parking space in which such vehicle or any part thereof is parked. No vehicle shall be parked in such a way as to occupy, in whole or in part, more than one parking space or in such a way as to prevent access to another parking space or to the parking meter controlling such space.
- J. Persons designated by the Board of Trustees as collectors shall make regular collections of the money deposited in such parking meters. They shall remove from the parking meters the locked containers containing the coins and bank notes deposited in such meters and shall deliver such locked containers to the persons or banks designated by the Board of Trustees, who shall count and record the amounts of money contained therein and deposit the same to the credit of the Village in one of the depositories of Village funds.
- K. It shall be unlawful and a violation of the provisions of this section for any person:
 - (1) To cause, allow, permit or suffer any vehicle owned by or registered in the name of or operated by such person to be parked in a parking space in any parking meter area for longer than the parking time limit established for such area.
 - (2) To permit any vehicle to remain in a parking space controlled by a parking meter indicating that the parking time limit or the period for which a fee was paid has expired.
 - (3) To park a vehicle or to cause or permit a vehicle to be parked in any parking meter area in a

manner prohibited by this section.

- (4) To deface, discolor, injure, tamper with, open, break, destroy or impair the usefulness of any parking meter installed pursuant to the provisions of this section.
- (5) To deposit or cause or permit to be deposited in a parking meter any slugs, liquids, materials, foreign coins, tokens, paper or any articles or substances other than lawful coins or bank notes of the United States.

§ 200-32.2. Commercial parking prohibited at all times. [Added 7-13-2023 by L.L. No. 3-2023]

No person shall park a commercial vehicle at any time upon any of the streets or parts thereof described in Schedule XXIV (§ 200-63), attached to and made a part of this chapter.

ARTICLE IV
Removal and Storage of Vehicles

§ 200-33. Authority to impound vehicles.

- A. When any vehicle is parked or abandoned on any highway or public parking lot within this Village during a snowstorm, flood, fire or other public emergency which affects that portion of the public highway or parking lot upon which said vehicle is parked or abandoned, said vehicle may be removed by or under the direction of the Village Administrator.
- B. When any vehicle is found unattended on any highway or public parking lot within the Village where said vehicle constitutes an obstruction to traffic, said vehicle may be removed by or under the direction of the Village Administrator.

§ 200-34. Storage and charges.

After removal of any vehicle as provided in this article, the Village Administrator may store or cause such vehicle to be stored 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 person with whom stored of the amount of all expenses actually and necessarily incurred in effecting such removal and storage, such storage charges not to exceed \$100 per day or fraction thereof.

§ 200-35. Notice of removal.

It shall be the duty of the Police Department to ascertain, to the extent possible, the owner of the vehicle or the person having the same in charge and to notify him of the removal and disposition of such vehicle and of the amount which will be required to redeem same. Said Police Department shall also, without delay, report the removal and disposition of any vehicle removed as provided in this article to the Village Administrator.

ARTICLE IVA
Impoundment of Vehicles
[Added 12-9-1992 by L.L. No. 4-1992]

§ 200-35.1. Authority to impound vehicles for delinquent parking tickets.

- A. In addition to any other penalties or fines imposed for the violation of this chapter, the provisions of this section shall apply to the following categories of vehicles:
- (1) Vehicles operated or parked on any public street, public highway, any portion of the entire width between the boundary lines of any way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel or on any property leased by or in the possession and control of the Village of Lawrence in violation of any provision of any local law, state law, rule or relation.
 - (2) Vehicles which have three or more outstanding and unpaid parking violations issued against them and which, after mailing to the registered owner a final notice, are found operated or parked on any public street, public highway, any portion of the entire width between the boundary lines of any way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel or on any property leased by or in the possession and control of the Village of Lawrence.
- B. Any such vehicle may be removed or caused to be removed by or under the direction of the Village Administrator by towing or otherwise. In addition to or in lieu of towing, any such vehicle may be immobilized in such manner as to prevent its operation, except that no such vehicle shall be immobilized by any means other than by the use of a device or other mechanism which will cause no damage to such vehicle unless it is moved while such device or mechanism is in place. In any case involving immobilization of a vehicle pursuant to this subsection, such Village employee shall cause to be placed on such vehicle, in a conspicuous manner, notice sufficient to warn any individual to the effect that any attempt to move such vehicle might result in damage to such vehicle.
- C. Within 24 hours after towing or immobilization, the Village Administrator shall notify the owner of such vehicle of the fact of its towing or immobilization, the place where it may be recovered and the conditions under which it will be released.
- D. Release of vehicle.
- (1) Before the owner or person in charge of any vehicle taken into custody or immobilized as above provided shall be allowed to repossess or to secure the release of said vehicle, the owner or his/her agent shall pay the following:
 - (a) All sums legally due for any Village of Lawrence parking violations issued and outstanding against such vehicle.
 - (b) To the Village of Lawrence, the cost of towing.
 - (c) To the towing service, the cost of storage for each day or portion of a day that such vehicle is so stored in excess of the first 24 hours.
 - (2) No such vehicle shall be released until the owner or his agent has established his identity and right to possession and signed a proper receipt therefor.
- E. Any person who, after having had his vehicle towed or immobilized, shall remove such vehicle

without complying with Subsection D(1) and (2), shall, in addition to the charges provided for in said subsection, be liable for any damage done to the immobilization device or mechanism and shall be subject to a fine of up to a maximum of \$1,000. **[Amended 9-11-2002 by L.L. No. 5-2002]**

F. If an impounded vehicle has not been properly and lawfully released within 10 days after the Village Administrator notifies the owner of such vehicle of the impounding pursuant to Subsection C above, then such vehicle shall be deemed to be an abandoned motor vehicle. **[Amended 3-10-1993 by L.L. No. 1-1993]**

(1) The Village Administrator shall make an inquiry concerning the last owner of such abandoned vehicle as follows:

(a) If the abandoned vehicle had number plates affixed to it, the inquiry shall be directed to the jurisdiction which issued such number plates.

(b) If the abandoned vehicle did not have number plates affixed to it, inquiry shall be directed to the Department of Motor Vehicles.

(2) The Village Administrator shall notify the last owner, if known, that the vehicle has been recovered as an abandoned vehicle and that, if it is not claimed, it will be sold at public auction, by bid, or the ownership of such vehicle may be transferred to the tow company in lieu of towing and storage charges after 10 days from the date of notice. If the agency notified as per Subsection F(1) above notifies the Village Administrator that a lien or other security interest exists, a notice will be promptly sent to the lienholder or party in interest. This notice shall be given in the manner presented by the Commissioner of Motor Vehicles. Any party claiming the abandoned vehicle shall be required to pay the amounts described in Subsection D(1) above.

(3) If the Village Administrator determines that an abandoned vehicle is not suitable for operation on the public highways, it shall sell the vehicle or cause the vehicle to be delivered to a vehicle dismantler or scrap processor who is registered or certified pursuant to the Vehicle and Traffic Law § 415-a.

(4) If the abandoned vehicle is not released by the owner or lienholder in accordance with Subsection D above, the Village may:

(a) Sell the vehicle at auction and apply the proceeds as follows:

[1] To the towing service, the cost of storage for each day; then

[2] The costs of towing incurred by the Village of Lawrence; then

[3] All sums legally due the Village of Lawrence for parking violations issued and outstanding against such vehicle and the impound administrative fee; then

[4] The remainder to the owner and any known lienholder.

(b) Convert unclaimed vehicles to Village use.

[1] The Village may convert in any calendar year up to 1% of its unclaimed abandoned vehicles not affected by Subdivision 2 of § 1224 of the Vehicle and Traffic Law or two such vehicles, whichever is greater, to its own use.

[2] Any proceeds from the sale of an abandoned vehicle less expenses incurred by the Village shall be held by the Village without interest for the benefit of the owner of

such vehicle for a period of one year. If not claimed within such one-year period, such proceeds shall be paid into the general fund of the Village.

- G. The last owner of an abandoned vehicle shall be liable to the Village for the costs of removal and storage of such vehicle. **[Added 3-10-1993 by L.L. No. 1-1993]**

ARTICLE V
Miscellaneous Provisions

§ 200-36. Penalties for offenses. [Amended 9-11-2002 by L.L. No. 5-2002; 6-10-2010 by L.L. No. 4-2010]

- A. Every person convicted of a traffic infraction (other than a parking violation) for a violation of any provision of this chapter shall, for a first conviction thereof, be punished by a fine of not more than \$500 or by imprisonment for not more than 15 days, or by both such fine and imprisonment. For a second such conviction within 18 months thereafter, such person shall be punished by a fine of not more than \$750 or by imprisonment for not more than 45 days, or by both such fine and imprisonment. Upon a third or subsequent conviction within 18 months after the first conviction, such person shall be punished by a fine of up to a maximum of \$1,000 or by imprisonment for not more than 90 days, or by both such fine and imprisonment.
- B. Every person convicted of a parking infraction which is a violation of this chapter shall be punished by a fine of not more than \$400; provided, however, that a violation of any law or regulation pertaining to handicapped parking shall be punishable by a fine not less than \$150 nor more than \$250.
- C. The provisions of this section shall not be applicable to persons convicted of traffic or parking violations for which a plea of guilty by mail is permitted and submitted, and a fine paid, pursuant to Chapter 45 of this Code; provided, however, that the fine so paid for violation of any law or regulation pertaining to handicapped parking shall not be less than \$150.

§ 200-37. When effective.

- A. Except those parts, if any, which are subject to approval under § 1684 of the Vehicle and Traffic Law of the State of New York, this chapter and any regulations adopted hereunder shall take effect as provided by law.
- B. Any part or parts of this chapter and any regulations adopted hereunder which are subject to approval under § 1684 of the Vehicle and Traffic Law of the State of New York shall take effect from and after the day on which approval in writing is received from the New York State Department of Transportation.

§ 200-38. Severability.

If any article, section, subsection, paragraph, sentence, clause or provision of this chapter shall be adjudged by any court of competent jurisdiction to be invalid, such adjudication shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation to the article, section, subsection, paragraph, sentence, clause or provision thereof directly involved in the controversy in which such judgment shall have been rendered.

§ 200-39. Repealer.

All prior ordinances, regulations and rules, or parts thereof, of this Village regulating traffic and parking are hereby repealed, except that this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance, regulation or rule hereby repealed prior to the taking effect of this chapter.

ARTICLE VI
Schedules

§ 200-40. Schedule I: Traffic Control Signals.

In accordance with the provisions of § 200-6, traffic control signals shall be installed at the following described intersections:

Intersection
(Reserved)

§ 200-41. Schedule II: Speed Limits.

In accordance with the provisions of § 200-7, speed limits other than 30 miles per hour are established as indicated upon the following streets or parts of streets:

Name of Street	Speed Limit (mph)	Location
Inwood Station Plaza [Added 1-12-2006 by L.L. No. 1-2006]	15	Entire parking field
Lawrence Station Plaza [Added 1-12-2006 by L.L. No. 1-2006]	15	Entire parking field
Parking Field No. 3 [Added 1-12-2006 by L.L. No. 1-2006]	15	Entire parking field
Parking Field No. 4 [Added 1-12-2006 by L.L. No. 1-2006]	15	Entire parking field

§ 200-42. Schedule III: School Speed Limits.

In accordance with § 200-8, no person shall drive a vehicle in excess of the speeds indicated below, in the areas designated below, during school days between the hours of 7:00 a.m. and 6:00 p.m.:

Name of Street	Speed Limit (mph)	Location
Central Avenue [Repealed 5-17-2017 by L.L. No. 3-2018]		
Frost Lane [Added 11-11-1998 by L.L. No. 2-1998]	20	From Central Avenue to Broadway
Washington Avenue [Added 11-11-1998 by L.L. No. 2-1998]	20	From Central Avenue to Broadway
Winchester Place	15	From Central Avenue to Cumberland Place

§ 200-43. Schedule IV: One-Way Streets.

In accordance with the provisions of § 200-9, the following described streets or parts of streets are hereby designated as one-way streets in the direction indicated:

Name of Street	Direction of Travel	Limits
Foote Avenue	East	Entire length
Lawrence Plaza East	North	Entire length
Lawrence Plaza (Herrick Drive Extension)	North	Entire length
Lawrence Plaza West	South	Entire length
Mulry Lane	East	Entire length
North Street	East	From Monroe Street to Causeway
Rockhall Road (south fork)	East	From Doughty Boulevard to north fork of Rockhall Road
William Street	North	Entire length
Winchester Place	North	Entire length

§ 200-44. Schedule V: U-Turns.

In accordance with the provisions of § 200-10, U-turns are prohibited on all streets within the Village, except on the streets or parts of streets indicated below:

Name of Street	Location
	(Reserved)

§ 200-45. Schedule VI: Prohibited Turns at Intersections.

In accordance with the provisions of § 200-11, no person shall make a turn of the kind designated below at any of the following locations:

Name of Street	Direction of Travel	Prohibited Turn	Hours	At Intersection of
Atlantic Avenue	North	Left	All	Rutherford Lane
Moss Place [Added 4-26-2007]	East	Left	7:00 a.m. - 10:00 a.m. Monday through Friday	Doughty Boulevard

§ 200-46. Schedule VII: Prohibited Right Turns on Red Signal.

In accordance with the provisions of § 200-12, no person shall make a right turn when facing a steady red signal (stop indication) at any of the following locations:

Name of Street	Direction of Travel	Prohibited Right Turn on Red Signal onto
Broadway	East	Lawrence Avenue
Causeway	South	Rockhall Road
Central Avenue	East	Rockaway Turnpike
Central Avenue	East	Washington Avenue
Lawrence Avenue	North/ South	Broadway
Meadow Lane	North	Broadway
Meadow Lane	North	Monroe Street
Monroe Street	North	Kenridge Road
Rockaway Turnpike	South	Central Avenue
Washington Avenue	South	Broadway
Washington Avenue	South	Central Avenue

§ 200-47. Schedule VIII: Stop Intersections. [Amended 5-10-2000 by L.L. No. 2-2000]

In accordance with the provisions of § 200-13, the following described intersections are hereby designated as stop intersections, and stop signs shall be installed as follows:

Stop Sign on	Direction of Travel	At Intersection of
Albert Place	North	Berkshire Place
Albro Lane	North	Meadow Drive
Albro Lane	North/ South	Chauncey Lane
Albro Lane	North/ South	Ocean Avenue
Andover Lane	North	Central Avenue
Arrowhead Lane	South	Broadway
Atlantic Avenue	East/ West	Albro Lane
Atlantic Avenue*	West	Chauncey Lane
Auerbach Lane	North	Broadway
Auerbach Lane	North	Copperbeach Lane
Auerbach Lane*	North	Hawthorne Lane
Auerbach Lane	North	Main Street

Stop Sign on	Direction of Travel	At Intersection of
Auerbach Lane*	South	Chauncey Lane
Barrett Road	North	Briarwood Crossing
Barrett Road	North	Hollywood Crossing
Barrett Road*	North/ South	Causeway
Barrett Road	North/ South	Longwood Crossing
Barrett Road	North/ South	Pond Crossing
Barrett Road	North/ South	Tanglewood Crossing
Barrett Road	South	Sage Avenue
Barrett Road	South	Yacht Basin Road
Bayberry Road East	South	Bayberry Road West
Bayberry Road North	North	Washington Avenue
Bayberry Road North	South	Bayberry Road East and Bayberry Road West
Bayberry Road South	South	Barrett Road
Bayberry Road West	South	Bayberry Road South
Beechwood Drive [Added 9-10-2009]	East	Lakeside Drive East
Beechwood Drive	East	Sutton Place South
Berkley Place	North	Broadway
Berkshire Place*	East	Albert Place
Berkshire Place	West	Sage Avenue
Boxwood Lane	North	Central Avenue
Breezy Way	West	Causeway
Briarwood Crossing*	North	Chauncey Lane
Briarwood Crossing	North/ South	Ocean Avenue
Brunswick Avenue	East	Doughty Boulevard
Causeway*	North/ South	Barrett Road
Causeway*	North/ South	Ocean Avenue
Causeway*	South	Sage Avenue
Cedarhurst Avenue	South	Barrett Road
Cedarhurst Avenue	North/ South	Chestney Road
Chauncey Lane*	East	Atlantic Avenue
Chauncey Lane*	East/ West	Albro Lane

Stop Sign on	Direction of Travel	At Intersection of
Chauncey Lane [Added 9-10-2009]	West	Atlantic Avenue
Chauncey Lane*	West	Auerbach Lane and Briarwood Crossing
Copperbeach Lane	North	Broadway
Dillon Drive	South	Broadway
Doughty Boulevard	North	Seagirt Boulevard
Doughty Boulevard	South	Broadway
Edward Bentley Road*	East	Oxford Place
Edward Bentley Road	East/ West	Albert Place
Edward Bentley Road*	West	Sage Avenue
Forest Lane*	South	Lakeside Drive West
Frost Lane	North	Central Avenue
Fulton Street	South	Central Avenue
Harborview East	North	Rock Hall Road
Harborview East	South	Harborview South
Harborview North	East	Harborview East
Harborview North	East/ West	Lawrence Avenue
Harborview South	East/ West	Harborview West
Harborview South [Added 8-20-2012]	North	Harborview East
Harborview South	West	Lawrence Avenue
Harborview West	North	Rock Hall Road
Harborview West	South	Harborview West
Hards Lane	West	Lord Avenue
Harris Street	South	Broadway
Harrison Street	North	Kenridge Road
Harrison Street*	South	North Street
Hawthorne Lane*	West	Auerbach Lane
Heather Lane	South	Broadway
Herrick Drive	North	Central Avenue
Herrick Drive	North/South	Broadway
Herrick Drive [Added 5-12-2004]	North/South	Regent Drive
Holly Lane	North	Central Avenue

Stop Sign on	Direction of Travel	At Intersection of
Hollywood Crossing [Added 8-20-2012]	North	Barrett Road
Hollywood Crossing	North/ South	Ocean Avenue
Jorgen Street*	East	Auerbach Lane
Juniper Circle East	South	Juniper Circle South
Kenridge Road*	East	Washington Avenue
Kenridge Road	East/ West	Margaret Avenue
Kenridge Road	East/ West	Muriel Avenue
Lakeside Drive East	North	Beechwood Drive
Lakeside Drive East	South	Lakeside Drive South
Lakeside Drive West*	West	Forest Lane
Laurel Lane	South	Central Avenue
Lawrence Avenue	South	Harborview South
Lawrence Station Plaza	South	Central Avenue
Lawrence Station Plaza Exit	West	Lawrence Avenue
Lawrence Station Plaza Exit	West	Station Plaza
Lismore Road*	East	Lord Avenue
Longwood Crossing	East/ West	Ocean Avenue
Longwood Crossing	South	Meadow Drive
Longwood Crossing	West	Barrett Road
Lord Avenue	North	Rand Place
Lord Avenue	North/ South	Central Avenue
Lord Avenue	South	Broadway
Lord Avenue*	South	Lismore Road
Manor lane	North	Broadway
Margaret Avenue	North	Broadway
Margaret Avenue	South	Kenridge Road
Martin Lane	North	Broadway
Martin Lane	South	Juniper Circle North
Meadow Drive*	South	Albro Lane
Merrall Drive	North	Broadway
Monroe Street*	South	North Street
Mulry Lane	East	Washington Avenue

Stop Sign on	Direction of Travel	At Intersection of
Mulry Lane*	East	William Street
Muriel Avenue	North/ South	Donmoor Road
Muriel Avenue*	South	Kenridge Road
Narragansett Avenue	North	Ocean Avenue
Narragansett Avenue	South	Causeway
New McNeil Avenue	North	Broadway
New McNeil Avenue	South	Cedarlawn Avenue
North Street*	East	Harrison Street
North Street*	West	Monroe Street
Ocean Avenue*	East	Albro Lane
Ocean Avenue [Added 10-23-2014]	East/ West	Briarwood Crossing
Ocean Avenue*	East/ South	Causeway
Ocean Avenue*	East/ South	Tanglewood Crossing
Ocean Avenue	East/ West	200 feet east of Polo Lane
Ocean Avenue	South	Sage Avenue
Ocean Avenue	West	550 feet west of Albro Lane
Oxford Place*	North	Edward Bentley Road
Parking Lot #3	East	Frost Lane
Pond Crossing	North/ South	Ocean Avenue
Rand Place*	West	Lord Avenue
Regent Drive*	East/ West	Wedgewood Lane
Richmond Place	South	Central Avenue
Rosalind Place	North	Central Avenue
Sage Avenue*	North/ South	Causeway
Sage Avenue*	North/ South	Edward Bentley Road
Sage Avenue	West	Barrett Road
Sealy Court*	South	Sealy Drive
Sealy Drive	North	Broadway
Sealy Drive*	North/ South	Sealy Court
Sealy Drive	South	Barrett Road
Sealy Drive*	South	Sterling Place
Sterling Place*	East	Sealy Drive

Stop Sign on	Direction of Travel	At Intersection of
Sunset Road	North	Central Avenue
Sutton Place	North	Central Avenue
Sutton Place	South	Broadway
Sutton Place South [Added 9-10-2009]	East	Lakeside Drive East
Sutton Place South	South	Beechwood Drive
Tanglewood Crossing*	East/ West	Ocean Avenue
Victoria Place	North/ South	Edward Bentley Road
Village Way	North	Chauncey Lane
Village Way	South	Ocean Avenue
Washington Avenue*	North/ South	Kenridge Road
Washington Avenue West Fork	South	Barrett Road
Waverly Place	North	Broadway
Wedgewood Lane	North	Central Avenue
Wedgewood Lane*	North/ South	Regent Drive
Wentworth Place	North	Lismore Road
Wentworth Place	South	Broadway
Weston Place	North	Broadway
Westover Place	North	Broadway
William Street*	North	Mulry Lane
Yacht Basin Road	East	Barrett Road
Yacht Basin Road	East/ West	Golf Cart Road
*Indicates stop signs controlling traffic on more than one street in an intersection.		

§ 200-48. Schedule IX: Yield Intersections.

In accordance with the provisions of § 200-14, the following described intersections are hereby designated as "yield intersections," and yield signs shall be installed as follows:

Yield Sign on	Direction of Travel	At Intersection of
Broadway*	West	Doughty Boulevard
Doughty Boulevard*	South	Broadway
Hollywood Crossing	North	Barrett Road
Rockhall Road (north fork)	East	Rockhall Road South Fork
*Indicates yield signs controlling traffic on more than one street in an intersection.		

§ 200-49. Schedule X: Vehicle Weight Limits.

In accordance with the provisions of § 200-15, gross weight limits are established as indicated for commercial vehicles or other tractor, trailer or tractor-trailer combinations, upon the streets or portions thereof described below, except as provided in § 200-15.

Name of Street	Max. Gross Weight (pounds)	Location
Causeway Road	4,000	Entire length
Central Avenue	4,000	From Rockaway Turnpike to Doughty Boulevard
Lawrence Avenue	4,000	Entire length in Village
Ocean Avenue	4,000	Entire length

§ 200-50. Schedule XI: Parking Prohibited at All Times.

In accordance with the provisions of § 200-19, no person shall park a vehicle at any time upon any of the following described streets or parts of streets:

Name of Street	Side	Location
Auerbach Lane	West	From Amberley Road to Cedarhurst Avenue
Barrett Road	East	From Sage Avenue to Clinton Road
Barrett Road	West	From Sage Avenue to Bayberry Road South
Beach Second Street	East/ West	South from Seagirt Avenue to end
Beach Second Street	South	South end of street, entire width
Beach Second Street [Added 3-14-2019 by L.L. No. 5-2019]	West	North from Seagirt Avenue for 40 feet
Beechwood Drive [Added 8-10-2006]	North	West from Sutton Place to Forest Lane
Beechwood Drive [Added 8-10-2006]	South	West from a point 150 feet west of Lakeside Drive East for 92 feet
Broadway	North	From a point 30 feet west of Heather Lane to a point 85 feet east of Heather Lane
Broadway	North	From Lawrence Avenue for 125 feet
Broadway	South	West for 400 feet from a point 150 feet west of Lawrence Avenue
Broadway [Added 10-6-2005; 8-10-2006; amended 2-8-2007]	South	West from Meadow Lane for 170 feet

Name of Street	Side	Location
Broadway	South	From Waverly Place to Auerbach Lane
Broadway [Added 4-19-2004; amended 9-16-2018 by L.L. No. 5-2018]	South	From a point 150 feet west of Washington Avenue, west for 100 feet
Broadway [Added 4-12-2018 by L.L. No. 2-2018]	South	From a point formed by the intersection of the east side of Washington Avenue and Broadway, east for 50 feet
Broadway [Added 4-12-2018 by L.L. No. 2-2018; amended 9-16-2018 by L.L. No. 5-2018]	South	From a point formed by the intersection of the west side of Washington Avenue and Broadway, west for 50 feet
Brunswick Avenue	North/ South	West from Doughty Boulevard to Village line
Causeway [Amended 3-14-2019 by L.L. No. 4-2019]	East	South from Broadway for 150 feet
Causeway	East	From North Street to Barrett Road
Causeway	West	South from Broadway for 30 feet
Causeway	West	From a point 30 feet north of Keewaydin Road to a point 30 feet south of Keewaydin Road
Causeway	West	South from Rockhall Road for 40 feet
Causeway	West	From a point 450 feet south of Rockhall Road to Barrett Road
Cedarhurst Avenue	East	South from Broadway for 70 feet
Central Avenue	North	East from a point 120 feet east of Herrick Drive Extension for 70 feet
Central Avenue	North	East from Lawrence Avenue for 190 feet
Central Avenue	North	East from a point 200 feet east of Rockaway Turnpike for 50 feet
Central Avenue	North	West from Rockaway Turnpike for 25 feet
Central Avenue	North	West from a point 80 feet west of Rockaway Turnpike for 75 feet
Central Avenue	North	West from a point 300 feet west of Rockaway Turnpike for 80 feet
Central Avenue	North	West from Washington Avenue for 295 feet
Central Avenue	North	West from a point 100 feet west of William Street for 40 feet
Central Avenue	South	West from Frost Lane for 20 feet

Name of Street	Side	Location
Central Avenue	South	From a point 30 feet east of Herrick Drive to a point 20 feet west of Herrick Drive
Central Avenue	South	From a point 108 feet west of Rockaway Turnpike to a point 67 feet east of Rockaway Turnpike
Central Avenue	South	East from a point 40 feet east of Rosalind Drive for 30 feet
Central Avenue	South	East from a point 216 feet east of Rosalind Place for 60 feet
Club Drive	East	South from Meadow Drive for 50 feet
Cumberland Place	South	From Winchester Place to Richmond Place
Doughty Boulevard	East	From Village line to Atlantic Beach Bridge
Doughty Boulevard	West	North from Broadway to Atlantic Beach Bridge
Forest Lane [Added 8-10-2006]	West	South from Beechwood Drive for 100 feet
Frost Lane	East	North from a point 150 feet north of Broadway for 30 feet
Frost Lane	East	South from Central Avenue for 48 feet
Frost Lane	East	South from a point 123 feet south of Central Avenue for 100 feet
Frost Lane	West	From a point 120 feet south of Central Avenue to Broadway
Herrick Drive	West	From Central Avenue to Broadway
Lakeside Drive East	East	South from Beechwood Drive for 208 feet
Lakeside Drive East	West	From a point 100 feet south of Beechwood Drive to a point 150 feet north of Sutton Place South
Lawrence Avenue	East	North from a point 25 feet south of Central Avenue to Long Island Rail Road tracks
Lawrence Avenue	West	From a point 100 feet south of Long Island Rail Road tracks to Central Avenue
Lawrence Station Plaza North	South	East from a point 130 feet east of Herrick Drive Extension for 30 feet
Mann Place	East	From Broadway to Wildacre Avenue
Meadow Drive	North	West from Club Drive for 50 feet
Meadow Lane	East/ West	Entire length
Monroe Street	East	North from North Street for 150 feet
Mulry Lane	North	Entire length

Name of Street	Side	Location
Mulry Lane [Added 4-19-2004]	South	East from Rockaway Turnpike for 160 feet
Mulry Lane [Added 4-19-2004]	South	West from Washington Avenue for 150 feet
Mulry Lane	South	From a point 30 feet west of William Street to a point 44 feet east of William Street
Park House Entrance Circle	West	South for 50 feet from a point 300 feet southwest of Causeway
Park House Parking Field (south lot)	South	Entire length
Park House Parking Field (south lot)	West	North from a point 50 feet north of south side of lot for 15 feet
Park House Parking Field (south lot)	West	South from a point 40 feet south of north side of lot for 60 feet
Parking Field No. 4	North	East from a point 141 feet east of Rockaway Turnpike for 30 feet
Parking Field No. 4	South	East from Rockaway Turnpike for 300 feet
Parking Field No. 4	West	Entire length
Regent Drive [Added 2-8-2007]	South	From Wedgewood Lane to Herrick Drive
Rockaway Turnpike	East/ West	Entire length in Village
Rockhall Road	North/ South	Entire length in Village
Rockhall Road (north fork)	North/ South	Entire length in Village
Rockhall Road (south fork)	North/ South	Entire length in Village
Rosalind Place	East	South from Central Avenue for 30 feet
Rosalind Place	East	South from a point 80 feet south of Central Avenue for 20 feet
Rosalind Place	West	South from Central Avenue for 20 feet
Sage Avenue	East	From Barrett Road to Ocean Avenue
Sage Avenue	West	South from Bannister Lane for 380 feet
Sealy Court	North/ South	East from Sealy Drive for 30 feet
Sealy Drive	East/ West	South from Broadway for 40 feet
Sutton Place	East/ West	South from Central Avenue for 30 feet
Washington Avenue [Added 7-11-2001 by L.L. No. 3-2001]	West	South from Broadway for 330 feet

Name of Street	Side	Location
Washington Avenue	West	South from Long Island Rail Road tracks to a point 65 feet south of Broadway
William Street	East/ West	Entire length
Winchester Place	East	North from Central Avenue for 48 feet
Winchester Place	East	South from Cumberland Place for 90 feet
Winchester Place	West	Entire length
Yacht Basin Parking Field (north lot)	North	East from Yacht Basin Road for 360 feet
Yacht Basin Parking Field (north lot)	South	East from west side of lot for 100 feet
Yacht Basin Road	North/ East	Entire length
Yacht Basin Road	South/ West	North approximately 200 feet from point where Yacht Basin Road changes from east/west to north/ south travel

§ 200-51. Schedule XII: No Stopping.

In accordance with the provisions of § 200-20, no person shall stop a vehicle upon any of the following described streets or parts of streets:

Name of Street	Side	Location
Broadway	South	From a point 40 feet west of Sealy Drive to a point 30 feet east of Sealy Drive
Broadway	South	West from Waverly Place for 100 feet
Central Avenue [Added 2-10-2005]	North	West from Washington Avenue for 132 feet (except for fire and emergency vehicles)
Central Avenue [Added 4-19-2004]	North	From a point 210 feet east of William Street east for 60 feet
Central Avenue	South	West from Boxwood Lane for 25 feet
Central Avenue	South	East from Rosalind Place for 25 feet
Central Avenue	South	From a point 40 feet west of Sutton Place to a point 25 feet east of Sutton Place
Central Avenue	South	From a point 20 feet west of Wedgewood Lane to a point 20 feet east of Wedgewood Lane
Central Avenue	South	East from William Street for 35 feet
Mann Place	West	North from Broadway for 20 feet
Mulry Lane	North	East from Rockaway Turnpike for 35 feet

Name of Street	Side	Location
Parking Field No. 4	North	West from a point 300 feet west of William Street for 20 feet
Washington Avenue	West	North from Central Avenue for 10 feet

§ 200-52. Schedule XIII: No Standing.

In accordance with the provisions of § 200-21, no person shall stand a vehicle upon any of the following described streets or parts of streets:

Name of Street	Side	Location
Beach Second Street	South	South dead end
Causeway	East	South from Broadway for 100 feet
Causeway	West	South from Broadway for 30 feet
Central Avenue	North	West from Washington Avenue for 99 feet
Central Avenue [Added 4-19-2004]	North	From a point 210 feet east of William Street east for 60 feet
Lawrence Avenue	East	North from Central Avenue for 195 feet
Meadow Lane	East	South from Broadway for 847 feet

§ 200-53. Schedule XIV: Parking Prohibited Certain Hours.

In accordance with the provisions of § 200-22, no person shall park a vehicle between the hours listed upon any of the following described streets or parts of streets:

Name of Street	Side	Hours/Days	Location
Broadway	North	8:00 a.m. to 4:00 p.m./ school days	From Lawrence Avenue to Mann Place
Broadway	North	4:00 p.m. Friday to 9:00 p.m. Saturday	From Washington Avenue to Frost Lane
Broadway [Added 4-19-2004]	South	8:00 a.m. to 6:00 p.m./Monday through Friday	From Margaret Avenue to Muriel Avenue
Causeway [Added 8-5-2014]	East	Tuesdays, Thursdays, Saturdays and Sundays	North of Rock Hall Road to Broadway
Causeway [Added 8-5-2014]	West	Mondays, Wednesdays, Fridays	South of Broadway to Rock Hall Road
Central Avenue [Repealed 9-13-2004]			

Name of Street	Side	Hours/Days	Location
Harborview East [Added 2-9-2017 by L.L. No. 2-2017]	East	7:00 a.m. to 10:00 a.m./All; and 5:00 p.m. to 10:00 p.m./All	From Harborview South to Harborview North
Harborview South [Added 2-9-2017 by L.L. No. 2-2017]	South	7:00 a.m. to 10:00 a.m./All; and 5:00 p.m. to 10:00 p.m./All	From Lawrence Avenue to Harborview East
Inwood Plaza	All	3:00 a.m. to 5:00 a.m./All	Entire parking field
Lawrence Place	All	3:00 a.m. to 5:00 a.m./All	Entire parking field
Lord Avenue [Added 3-12-2009; amended 2-9-2017 by L.L. No. 4-2017; 9-14-2017 by L.L. No. 7-2017]	West	7:00 a.m. to 10:30 a.m./All	From Central Avenue to Lismore Road
Rosalind Place	East	Sundays, Mondays, Wednesdays, Fridays	Entire length
Rosalind Place	West	Tuesdays, Thursdays, Saturdays	Entire length
Sealy Drive	East	Tuesdays, Thursdays, Saturdays	Entire length
Sealy Drive	West	Sundays, Mondays, Wednesdays, Fridays	Entire length

§ 200-54. Schedule XV: No Stopping Certain Hours. [Amended 9-14-2017 by L.L. No. 8-2017]

In accordance with the provisions of § 200-23, no person shall stand, park or stop a vehicle between the times specified upon any of the following described streets or parts of streets:

Name of Street	Side	Hours/Days	Location
Central Avenue	North	7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 7:00 p.m./Monday through Friday	The four parking spaces nearest to Rockaway Turnpike

§ 200-55. Schedule XVI: No Standing Certain Hours.

In accordance with the provisions of § 200-24, no person shall stand a vehicle between the times specified upon any of the following described streets or parts of streets:

Name of Street	Side	Hours/Days	Location
Broadway	North	8:00 a.m. to 4:00 p.m./school days	From Lawrence Avenue to Mann Place

§ 200-56. Schedule XVII: Time Limit Parking.

In accordance with the provisions of § 200-25, no person shall park a vehicle for longer than the time limit shown upon any of the following described streets or parts of streets:

Name of Street	Side	Time Limit; Hours/Days	Location
Central Avenue [Added 9-13-2004]	North	30 minutes/All	West from a point 472 feet west of Rockaway Turnpike for 275 feet
Central Avenue [Added 9-13-2004]	North	30 minutes/All	West from a point 787 feet west of Rockaway Turnpike for 62 feet

§ 200-57. Schedule XVIII: Angle Parking.

In accordance with the provisions of § 200-26, no person shall park vehicle upon any of the streets or parts thereof described below, except at the angle designated:

Name of Street	Side	Angle (degrees)	Location
Inwood Plaza	--	--	--
Lawrence Station Plaza	--	--	--
Parking Field No. 1	--	--	--
Parking Field No. 2	--	--	--
Parking Field No. 3	--	--	--
Parking Field No. 4	--	--	--

§ 200-58. Schedule XIX: Loading Zones.

In accordance with the provisions of § 200-27A, the following described locations are hereby designated as loading zones:

Name of Street	Side	Location
Central Avenue	North	East from a point 200 feet east of Rockaway Turnpike for 60 feet
Central Avenue	North	West from a point 300 feet west of Rockaway Turnpike for 40 feet
Central Avenue [Amended 4-19-2004]	North	West from a point 180 feet west of William Street for 40 feet
Parking Field No. 4 [Repealed 4-19-2004]		

§ 200-59. Schedule XX: Taxi Stands.

In accordance with the provisions of § 200-28A, the following described locations are hereby designated as taxi stands:

Name of Street	Side	Location
(Reserved)		

§ 200-60. Schedule XXI: Bus Stops.

In accordance with the provisions of § 200-29A, the following described locations are hereby designated as bus stops:

Name of Street	Side	Location
Central Avenue	North	East from Doughty Boulevard for 40 feet
Central Avenue	North	East from Lawrence Avenue for 40 feet
Central Avenue	North	East from Rockaway Turnpike for 40 feet
Central Avenue	North	West from a point 20 feet west of Lord Avenue for 40 feet
Central Avenue [Amended 9-13-2004]	North	West from a point 747 feet west of Rockaway Turnpike for 40 feet
Central Avenue	South	East from a point 30 feet east of Doughty Boulevard for 40 feet
Central Avenue	South	West from Lawrence Avenue for 40 feet
Central Avenue	South	West from Lord Avenue for 40 feet
Central Avenue	South	West from a point 13 feet west of Rockaway Turnpike for 40 feet
Central Avenue	South	East from a point 164 feet east of Rosalind Place for 40 feet
Central Avenue	South	West from Washington Avenue for 40 feet

§ 200-61. Schedule XXII: All-Night Parking.

In accordance with the provisions of § 200-31, it shall be lawful to park a vehicle on the following streets and parts of streets between 3:00 a.m. and 5:00 a.m.:

Name of Street	Side	Location
Doughty Boulevard [Added 7-12-2012]	East/West	Between Broadway and Central Avenue
Doughty Boulevard	East/West	From Seagirt Boulevard to Siegert Avenue
New McNeil Avenue	East/West	From Cedar Lawn to Broadway

§ 200-62. Schedule XXIII: Parking Meters. [Amended 11-18-2013 by L.L. No. 1-2013]

Establishment of parking meter areas; general regulations. The following parking meter areas are hereby established, in which the parking fees and hours of operation applicable to parking therein shall be as herein set forth, notwithstanding any contrary provision in Village Code § 220-32(J):

- A. Parking meters for which the fee shall be \$0.25 for each half hour or part thereof, and shall be in operation from 9:00 a.m. to 6:00 p.m. daily, except for federal holidays:
 - (1) The north and south sides of Central Avenue between Washington Avenue and Rockaway Turnpike.
 - (2) The east and west sides of Frost Lane, north of Parking Lot No. 3.
- B. Parking meters which shall be in operation between 9:01 a.m. and 5:59 p.m. daily, except for federal holidays:
 - (1) Parking meters designated as \$0.25 for each half hour or part thereof located in Parking Lot Nos. 3 and 4.
- C. Parking meters which shall be in operation between 9:01 a.m. and 5:59 p.m. daily, except for federal holidays:
 - (1) Parking meters for which the fee shall be \$0.25 for each hour or part thereof, located in Parking Lot Nos. 3 and 4.
 - (2) Parking meters for which the fee shall be \$0.25 for each hour or part thereof, located on the east side of Frost Lane, south of Parking Lot No. 3.
- D. Parking meters for which the fee shall be \$0.25 for each hour or part thereof, and shall be in operation between 9:01 a.m. and 5:59 p.m. daily, except Sundays and federal holidays:
 - (1) The north and south sides of Central Avenue between Rockaway Turnpike and Lawrence Avenue.
 - (2) The east and west sides of Herrick Drive between Central Avenue and the Long Island Railroad tracks.
- E. Overnight parking.
 - (1) Parking permits may be issued for the purpose of allowing overnight parking without the use of

the meters between the hours of 6:00 p.m. and 9:00 a.m. the following day, and all day Saturday, at:

- (a) Any meter in Parking Lots No. 3 and No. 4;
 - (b) At the twelve-hour meters located on Central Avenue between Rockaway Turnpike and Lawrence Avenue; and
 - (c) The twelve-hour meters on Herrick Drive between Central Avenue and the Long Island Railroad tracks.
- (2) The fee for each such parking permit shall be \$300 for the calendar year. If secured on or after July 1 of the permit year, the fee for such permit is \$150.
- (3) The permit will be issued in accordance with Chapter 125, Licenses and Permits, of the Code of the Village of Lawrence.
- (4) Every permit shall show the year in which it is issued. The permit shall be affixed to the rear window of the vehicle for which it is issued.

§ 200-63. Schedule XXIV: Commercial Parking Prohibited at All Times. [Added 7-13-2023 by L.L. No. 3-2023]

In accordance with the provisions of § 200-32.1, no person shall park a commercial vehicle at any time upon any of the following described streets or parts of streets:

Name of Street	Side	Location
Beach Second Street	East/West	From Seagirt Avenue to Seagirt Boulevard

LAWRENCE CODE

Chapter 204

VEHICLES, JUNK, UNREGISTERED AND UNINSPECTED

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

GENERAL REFERENCES

Garbage, rubbish and litter — See Ch. 106.

Tow trucks — See Ch. 194.

Municipal off-street parking fields — See Ch. 135.

Vehicles and traffic — See Ch. 200.

ARTICLE I

Junk Vehicles

[Adopted 9-11-1978 by L.L. No. 6-1978]

§ 204-1. Definitions.

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

JUNK VEHICLE — Any inoperable motor vehicle which is no longer intended or in condition for legal use on the public highways.

§ 204-2. Placement on premises in Village.

No person owning, occupying or having control over any building or premises within the Village of Lawrence shall cause, suffer or allow the placement of any junk vehicle upon such premises.

§ 204-3. Notice of violation.

Upon receipt of information that any person is in violation of this chapter, the appropriate Village official shall make or cause to be made an inspection; and, if he is satisfied that a violation of this chapter exists, he shall serve or cause to be served, upon the owner or such other person occupying or having control over the building or premises upon which the violation exists, a written notice containing a description of the building or premises, the particulars which constitute a violation of this chapter and an order to remove the violation from the premises within 10 days from the date of service of such notice.

§ 204-4. Removal upon failure to comply.

If the person served with notice shall fail to comply with the requirements thereof, the Village shall remove, or cause to be removed, the junk vehicles from the premises upon which they are found.

§ 204-5. Assessment of costs of removal.

The cost of removal and disposal of junk vehicles shall be assessed against the property upon which the violation is found and shall be collected in the same manner as the Village tax.

§ 204-6. Penalties for offenses. [Added 4-13-1988 by L.L. No. 5-1988; amended 9-11-2002 by L.L. No. 5-2002]

Any person committing an offense against any provision of this chapter shall, upon conviction thereof, be guilty of a violation pursuant to the Penal Law of the State of New York, punishable by a fine up to a maximum of \$1,000 or by imprisonment for a term not exceeding 15 days, or by both such fine and imprisonment. The continuation of an offense against the provisions of this chapter shall constitute, for each day the offense is continued, a separate and distinct offense hereunder.

ARTICLE II
Unregistered Vehicles
[Adopted 1-13-2005 by L.L. No. 2-2005]

§ 204-7. Registration certificate required.

No motor vehicle shall be operated or parked on the public highways, streets or parking fields of the Incorporated Village of Lawrence unless a valid registration certificate is displayed upon the vehicle.

ARTICLE III

Uninspected Vehicles

[Adopted 1-13-2005 by L.L. No. 2-2005]

§ 204-8. Inspection certificate required.

No motor vehicle shall be operated or parked on the public highways, streets or parking fields of the Incorporated Village of Lawrence unless a valid certificate of inspection is displayed upon the vehicle.

Chapter 207**WIRELESS TELECOMMUNICATIONS FACILITIES**

[HISTORY: Adopted by the Board of Trustees of the Village of Lawrence 3-13-2002 by L.L. No. 4-2002. Amendments noted where applicable.]

GENERAL REFERENCES

Zoning — See Ch. 212.

§ 207-1. Purpose and legislative intent.

The telecommunications Act of 1996 affirmed the Village of Lawrence's authority concerning the placement, construction and modification of wireless telecommunications facilities. The Village finds that wireless telecommunications facilities may pose significant concerns to the health, safety, public welfare, character and environment of the Village and its inhabitants. The Village also recognizes that facilitating the development of wireless service technology can be an economic development asset to the Village and of significant benefit to the Village and its residents. In order to insure that the placement, construction or modification of wireless telecommunications facilities is consistent with the Village's land use policies, the Village is adopting a single, comprehensive, wireless telecommunications facilities application and permit process. The intent of this chapter is to minimize the negative impact of wireless telecommunications facilities, establish a fair and efficient process for review and approval of applications, assure an integrated, comprehensive review of environmental impacts of such facilities, and protect the health, safety and welfare of the Village of Lawrence.

§ 207-2. Title.

This chapter shall be known and cited as the "Wireless Telecommunications Facilities Siting Local Law for the Village of Lawrence."

§ 207-3. Severability.

- A. If any word, phrase, sentence, part, section, subsection, or other portion of this chapter or any application thereof to any person or circumstance is declared void, unconstitutional, or invalid for any reason, then such word, phrase, sentence, part, section, subsection, or other portion, or the proscribed application thereof, shall be severable, and the remaining provisions of this chapter, and all applications thereof, not having been declared void, unconstitutional, or invalid, shall remain in full force and effect.
- B. Any special use permit issued under this chapter shall be comprehensive and not severable. If part of a permit is deemed or ruled to be invalid or unenforceable in any material respect, by a competent authority, or is overturned by a competent authority, the permit shall be void in total, upon determination by the Village.

§ 207-4. Word usage; definitions.

- A. For purposes of this chapter, and where not inconsistent with the context of a particular section, the defined terms, phrases, words, abbreviations, and their derivations shall have the meaning given in

this section. When not inconsistent with the context, words in the present tense include the future tense, words used in the plural number include words in the singular number and words in the singular number include the plural number. The word "shall" is always mandatory, and not merely directory.

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

ACCESSORY FACILITY OR STRUCTURE — An accessory facility or structure serving or being used in conjunction with wireless telecommunications facilities, and located on the same property or lot as the wireless telecommunications facilities, including, but not limited to, utility or transmission equipment storage sheds or cabinets.

APPLICANT — Any wireless service provider submitting an application for a special use permit for wireless telecommunications facilities.

APPLICATION — All necessary and appropriate documentation that an applicant submits in order to receive a special use permit for wireless telecommunications facilities.

ANTENNA — A system of electrical conductors that transmit or receive electromagnetic waves or radio frequency or other wireless signals. Such shall include, but not be limited to, radio, television, cellular, paging, personal telecommunications services (PCS), microwave telecommunications and services not licensed by the FCC, but not expressly exempt from the Village's siting, building and permitting authority.

COLLOCATION — The use of a tower or structure to support antennas for the provision of wireless services without increasing the height of the tower or structure.

COMMERCIAL IMPRACTICABILITY or COMMERCIALLY IMPRACTICABLE — The inability to perform an act on terms that are reasonable in commerce; the cause or occurrence of which could not have been reasonably anticipated or foreseen and that jeopardizes the financial efficacy of the project. The inability to achieve a satisfactory financial return on investment or profit, standing alone, shall not deem a situation to be commercially impracticable and shall not render an act or the terms of an agreement commercially impracticable.

COMPLETED APPLICATION — An application that contains all information and/or data necessary to enable an informed decision to be made with respect to an application.

FAA — The Federal Aviation Administration, or its duly designated and authorized successor agency.

FCC — The Federal Communications Commission or its duly designated and authorized successor agency.

HEIGHT — When referring to a tower or structure, the distance measured from the preexisting grade level to the highest point on the tower or structure, even if said highest point is an antenna or lightening protection device.

NIER — Nonionizing electromagnetic radiation.

PERSON — Any individual, corporation, estate, trust, partnership, joint-stock company, association of two or more persons having a joint common interest, or any other entity.

PERSONAL WIRELESS FACILITY — See definition for "wireless telecommunications facilities."

PERSONAL WIRELESS SERVICES or PWS or PERSONAL TELECOMMUNICATIONS SERVICE or PCS — Shall have the same meaning as defined and used in the 1996 Telecommunications Act.

TELECOMMUNICATION SITE — See definition for "wireless telecommunications facilities."

SPECIAL USE PERMIT — The official document or permit by which an applicant is allowed to construct and use wireless telecommunications facilities as granted or issued by the Village.

STATE — The State of New York.

STEALTH or STEALTH TECHNOLOGY — Minimizing adverse aesthetic and visual impacts on the land, property, buildings, and other facilities adjacent to, surrounding, and in generally the same area as the requested location of such wireless telecommunications facilities, which shall mean using the least visually and physically intrusive facility that is not technologically or commercially impracticable under the facts and circumstances.

TELECOMMUNICATIONS — The transmission and/or reception of audio, video, data, and other information by wire, radio frequency, light, and other electronic or electromagnetic systems.

TELECOMMUNICATIONS STRUCTURE — A structure used in the provision of services described in the definition of "wireless telecommunications facilities."

TEMPORARY — Temporary in relation to all aspects and components of this chapter, something intended to, or that does, exist for fewer than 90 days.

VILLAGE — The Village of Lawrence.

WIRELESS TELECOMMUNICATIONS FACILITIES — Includes a telecommunications tower and tower and telecommunications site and personal wireless facility means a structure, facility or location designed, or intended to be used as, or used to support, antennas or other transmitting or receiving devices. This includes, without limit, towers of all types and kinds and structures that employ camouflage technology, including, but not limited to, structures such as a multistory building, church steeple, silo, water tower, sign or other structures that can be used to mitigate the visual impact of an antenna or the functional equivalent of such, including all related facilities such as cabling, equipment shelters and other structures associated with the site. It is a structure and facility intended for transmitting and/or receiving radio, television, cellular, paging, 911, personal telecommunications services, commercial satellite services, microwave services and services not licensed by the FCC, but not expressly exempt from the Village's siting, building and permitting authority, excluding those used exclusively for the Village's fire, police or exclusively for private, noncommercial radio and television reception and private citizen's bands, amateur radio and other similar noncommercial telecommunications where the height of the facility is below the height limits set forth in this chapter.

§ 207-5. Policy and goals for special use permits.

In order to ensure that the placement, construction, and modification of wireless telecommunications facilities protect the Village's health, safety, public welfare, environmental features, the nature and character of the community and neighborhood and other aspects of the quality of life specifically listed elsewhere in this chapter, the Village hereby adopts an overall policy with respect to a special use permit for wireless telecommunications facilities for the express purpose of achieving the following goals:

- A. Implementing an application process for person(s) seeking a special use permit for wireless telecommunications facilities;
- B. Establishing a policy for examining an application for and issuing a special use permit for wireless telecommunications facilities that is both fair and consistent;
- C. Promoting and encouraging, wherever possible, the sharing and/or collocation of wireless telecommunications facilities among service providers;
- D. Promoting and encouraging, wherever possible, the placement, height and quantity of wireless

telecommunications facilities in such a manner, including but not limited to the use of stealth technology, to minimize adverse aesthetic and visual impacts on the land, property, buildings, and other facilities adjacent to, surrounding, and in generally the same area as the requested location of such wireless telecommunications facilities, which shall mean using the least visually and physically intrusive facility that is not technologically or not commercially impracticable under the facts and circumstances.

§ 207-6. Special use permit application and other requirements.

- A. All applicants for a special use permit for wireless telecommunications facilities or any modification of such facility shall comply with the requirements set forth in this section. The Board of Trustees is the officially designated agency or body of the community to whom applications for a special use permit for wireless telecommunications facilities must be made, and that is authorized to review, analyze, evaluate and make decisions with respect to granting or not granting, recertifying or not recertifying, or revoking special use permits for wireless telecommunications facilities. The Village may at its discretion delegate or designate other official agencies of the Village to accept, review, analyze, evaluate and make recommendations to the Village with respect to the granting or not granting, recertifying or not recertifying or revoking special use permits for wireless telecommunications facilities.
- B. An application for a special use permit for wireless telecommunications facilities shall be signed on behalf of the applicant by the person preparing the same and with knowledge of the contents and representations made therein and attesting to the truth and completeness of the information. The landowner, if different than the applicant, shall also sign the application. At the discretion of the Village, any false or misleading statement in the application may subject the applicant to denial of the application without further consideration or opportunity for correction.
- C. Applications not meeting the requirements stated herein or which are otherwise incomplete may be rejected by the Building Inspector.
- D. The applicant shall include a statement in writing:
 - (1) That the applicant's proposed wireless telecommunications facilities shall be maintained in a safe manner, and in compliance with all conditions of the special use permit, without exception, unless specifically granted relief by the Village in writing, as well as all applicable and permissible local codes, Local Laws, and regulations, including any and all applicable Village, state and federal laws, rules, and regulations.
 - (2) That the construction of the wireless telecommunications facilities is legally permissible, including, but not limited to, the fact that the applicant is authorized to do business in the state.
- E. No wireless telecommunications facilities shall be installed or constructed until the application is reviewed and approved by the Village, and the special use permit has been issued.
- F. Information contained in application.
 - (1) All applications for the construction or installation of new wireless telecommunications facilities shall contain the information hereinafter set forth. The application shall be signed by an authorized individual on behalf of the applicant. Where a certification is called for, such certification shall bear the signature and seal of a professional engineer licensed in the State of New York.

- (2) The application shall include the following information:
- (a) Documentation that demonstrates the need for the wireless telecommunications facility to provide service primarily and essentially within the Village. Such documentation shall include propagation studies of the proposed site and all adjoining planned, proposed, in-service or existing sites;
 - (b) The name, address and phone number of the person preparing the report;
 - (c) The name, address, and phone number of the property owner, operator, and applicant, and to include the legal form of the applicant;
 - (d) The postal address and Tax Map parcel number of the property;
 - (e) The zoning district or designation in which the property is situated;
 - (f) Size of the property stated both in square feet and lot line dimensions, and a diagram showing the location of all lot lines;
 - (g) The location of the nearest residential structure;
 - (h) The location, size and height of all structures on the property which is the subject of the application;
 - (i) The location, size and height of all proposed and existing antennas and all appurtenant structures;
 - (j) The type, locations and dimensions of all proposed and existing landscaping, and fencing;
 - (k) The number, type and design of the tower(s) and antenna(s) proposed and the basis for the calculations of the tower's capacity to accommodate multiple users;
 - (l) The make, model and manufacturer of the tower and antenna(s);
 - (m) A description of the proposed tower and antenna(s) and all related fixtures, structures, appurtenances and apparatus, including height above preexisting grade, materials, color and lighting;
 - (n) The frequency, modulation and class of service of radio or other transmitting equipment;
 - (o) The actual intended transmission and the maximum effective radiated power of the antenna(s);
 - (p) Direction of maximum lobes and associated radiation of the antenna(s);
 - (q) Certification that the NIER levels at the proposed site are within the threshold levels adopted by the FCC;
 - (r) Certification that the proposed antenna(s) will not cause interference with other telecommunications devices;
 - (s) A copy of the FCC license applicable for the intended use of the wireless telecommunications facilities;
 - (t) Certification that a topographic and geomorphologic study and analysis has been conducted, and that, taking into account the subsurface and substrata, and the proposed

drainage plan, the site is adequate to assure the stability of the proposed wireless telecommunications facilities on the proposed site.

- G. In the case of a new tower, the applicant shall be required to submit a written report demonstrating its meaningful efforts to secure shared use of existing tower(s) or the use of alternative buildings or other structures within the Village. Copies of written requests and responses for shared use shall be provided to the Village in the application, along with any letters of rejection stating the reason for rejection.
- H. The applicant shall certify that the telecommunications facility, foundation and attachments are designed and will be constructed to meet all local, Village, state and federal structural requirements for loads, including wind and ice loads.
- I. The applicant shall certify that the wireless telecommunications facilities will be effectively grounded and bonded so as to protect persons and property and installed with appropriate surge protectors.
- J. An applicant may be required to submit an environmental assessment analysis and a visual addendum. Based on the results of the Analysis, including the visual addendum, the Village may require submission of a more detailed visual analysis. The scope of the required environmental and visual assessment will be reviewed at the pre-application meeting.
- K. The applicant shall furnish a visual impact assessment, which shall include:
 - (1) A "Zone of Visibility Map," which shall be provided in order to determine locations from which the tower may be seen.
 - (2) Pictorial representations of "before" and "after" views from key viewpoints both inside and outside of the Village as may be appropriate, including but not limited to state highways and other major roads; state and local parks; other public lands; historic districts; preserves and historic sites normally open to the public; and from any other location where the site is visible to a large number of visitors, travelers or residents. Guidance will be provided concerning the appropriate key sites at a pre-application meeting.
 - (3) An assessment of the visual impact of the tower base, guy wires and accessory buildings from abutting and adjacent properties and streets as relates to the need or appropriateness of screening.
- L. The applicant shall demonstrate and provide in writing and/or by drawing how it shall effectively screen from view the base and all related facilities and structures of the proposed wireless telecommunications facilities.
- M. Any and all representations made by the applicant to the Village on the record during the application process, whether written or verbal, shall be deemed a part of the application and may be relied upon in good faith by the Village.
- N. All utilities at a wireless telecommunications facilities site shall be installed underground and in compliance with all Laws, Local Laws, rules and regulations of the Village, including specifically, but not limited to, the National Electrical Safety Code and the National Electrical Code, where appropriate.
- O. All wireless telecommunications facilities shall contain a demonstration that the facility be sited so as to be the least visually and physically intrusive means that is not commercially or technologically impracticable, and thereby have the least adverse visual effect on the environment of the

neighborhood and the Village and its character, on existing vegetation, and on the residences in the general area of the Wireless telecommunications Facility.

- P. Both the wireless telecommunications facility and any and all accessory or associated facilities shall maximize the use of building materials, colors and textures designed to blend with the structure to which it may be affixed and/or to harmonize with the natural surroundings. This shall include the utilization of stealth or concealment technology as may be required by the Village.
- Q. At a telecommunications site, an access road, turnaround space and parking shall be provided to assure adequate emergency and service access. Maximum use of existing roads, whether public or private, shall be made to the extent practicable. Road construction shall at all times minimize ground disturbance and the cutting of vegetation. Road grades shall closely follow natural contours to assure minimal visual disturbance and reduce soil erosion.
- R. A person who holds a special use permit for wireless telecommunications facilities shall construct, operate, maintain, repair, provide for removal of, modify or restore the permitted wireless telecommunications facilities in strict compliance with all current applicable technical, safety and safety-related codes adopted by the Village, state, or United States, including but not limited to the most recent editions of the National Electrical Safety Code and the National Electrical Code, as well as accepted and responsible workmanlike industry practices and recommended practices of the National Association of tower Erectors. The codes referred to are codes that include, but are not limited to, construction, building, electrical, fire, safety, health, and land use codes. In the event of a conflict between or among any of the preceding, the more stringent shall apply.
- S. A holder of a special use permit granted under this chapter shall obtain, at its own expense, all permits and licenses required by applicable law, rule, regulation or code, and must maintain the same, in full force and effect, for as long as required by the Village or other governmental entity or agency having jurisdiction over the applicant.
- T. With respect to this application process, the Board will normally seek to have lead agency status, pursuant to SEQRA. The Board shall conduct an environmental review of the proposed project in combination with its review of the application under this law.
- U. An applicant shall submit to the Village the number of completed applications determined to be needed at the pre-application meeting. Written notification of the application shall be provided to the legislative body of all adjacent municipalities.
- V. The applicant shall examine the feasibility of designing a proposed tower to accommodate future demand for at least five additional commercial applications, for example, future collocations. The tower shall be structurally designed to accommodate at least five additional antenna arrays equal to those of the applicant, and located as close to the applicant's antenna as possible without causing interference. This requirement may be waived, provided that the applicant, in writing, demonstrates that the provisions of future shared usage of the tower is not technologically feasible, is commercially impracticable or creates an unnecessary and unreasonable burden, based upon:
 - (1) The foreseeable number of FCC licenses available for the area;
 - (2) The kind of wireless telecommunications facilities site and structure proposed;
 - (3) The number of existing and potential licenses without wireless telecommunications facilities spaces/sites;
 - (4) Available space on existing and approved towers.

W. Shared use.

- (1) The owner of the proposed new tower, and his/her successors in interest, shall negotiate in good faith for the shared use of the proposed tower by other wireless service providers in the future, and shall:
 - (a) Respond within 60 days to a request for information from a potential shared-use applicant;
 - (b) Negotiate in good faith concerning future requests for shared use of the new tower by other telecommunications providers;
 - (c) Allow shared use of the new tower if another telecommunications provider agrees in writing to pay reasonable charges. The charges may include, but are not limited to, a pro rata share of the cost of site selection, planning, project administration, land costs, site design, construction and maintenance financing, return on equity, less depreciation, and all of the costs of adapting the tower or equipment to accommodate a shared user without causing electromagnetic interference.
- (2) Failure to abide by the conditions outlined above may be grounds for revocation of the special use permit for the tower.

- X. There shall be a pre-application meeting. The purpose of the pre-application meeting will be to address issues, which will help to expedite the review and permitting process. A pre-application meeting shall also include a site visit if there has not been a prior site visit for the requested site. Costs of the Village's consultants to prepare for and attend the pre-application meeting will be borne by the applicant.
- Y. The holder of a special use permit shall notify the Village of any intended modification of a wireless telecommunications facility and shall apply to the Village to modify, relocate or rebuild a wireless telecommunications facility.
- Z. In order to better inform the public, in the case of a new telecommunications tower, the applicant shall, prior to the public hearing on the application, hold a "balloon test." The applicant shall arrange to fly, or raise upon a temporary mast, a minimum of a three foot in diameter brightly colored balloon at the maximum height of the proposed tower. The dates (including a second date, in case of poor visibility on the initial date), times and location of this balloon test shall be advertised by the applicant seven and 14 days in advance of the first test date in a newspaper with a general circulation in the Village. The applicant shall inform the Village Administrator, in writing, of the dates and times of the test, at least 14 days in advance. The balloon shall be flown for at least four consecutive hours sometime between 7:00 a.m. and 4:00 p.m. on the dates chosen. The primary date shall be on a weekend, but in case of poor weather on the initial date, the secondary date may be on a weekday.
- AA. The applicant will provide a written copy of an analysis, completed by a qualified individual or organization, to determine if the tower or existing structure intended to support wireless facilities requires lighting under Federal Aviation Administration Regulation Part 77. This requirement shall be for any new tower or for an existing structure or building where the application increases the height of the structure or building. If this analysis determines that the FAA must be contacted, then all filings with the FAA, all responses from the F AA and any related correspondence shall be provided in a timely manner.

§ 207-7. Location.

- A. Applicants for wireless telecommunications facilities shall locate, site and erect said wireless telecommunications facilities in accordance with the following priorities, one being the highest priority and four being the lowest priority:
- (1) On existing structures without increasing the height of the tower or structure;
 - (2) On Village-owned properties or facilities;
 - (3) On nonresidential properties
 - (4) On other properties in the Village.
- B. If the proposed site is not the highest priority listed above, then a detailed explanation must be provided as to why a site of a higher priority was not selected. The person seeking such an exception must satisfactorily demonstrate the reason or reasons why such a permit should be granted for the proposed site, and the hardship that would be incurred by the applicant if the permit were not granted for the proposed site.
- C. An applicant may not bypass sites of higher priority by stating the site proposed is the only site leased or selected. An application shall address collocation as the preference of the Village. If such option is not proposed, the applicant must explain to the reasonable satisfaction of the Village why collocation is commercially or otherwise impracticable. Agreements between providers limiting or prohibiting collocation shall not be a valid basis for any claim of commercial impracticability or hardship.
- D. Notwithstanding the above, the Village may approve any site located within an area in the above list of priorities, provided that the Village finds that the proposed site is in the best interest of the health, safety and welfare of the Village and its inhabitants and will not have a deleterious effect on the nature and character of the community and neighborhood.
- E. The applicant shall submit a written report demonstrating the applicant's review of the above locations in order of priority, demonstrating the technological reason for the site selection. If appropriate, based on selecting a site of lower priority, a detailed written explanation as to why sites of a higher priority were not selected shall be included with the application.
- F. Notwithstanding that a potential site may be situated in an area of highest priority or highest available priority, the Village may disapprove an application for any of the following reasons:
- (1) Conflict with safety and safety-related codes and requirements;
 - (2) Conflict with the historic nature or character of a neighborhood or historical district;
 - (3) The use or construction of wireless telecommunications facilities, which is contrary to an already stated purpose of a specific zoning or land use designation;
 - (4) The placement and location of wireless telecommunications facilities which would create an unacceptable risk, or the reasonable probability of such, to residents, the public, employees and agents of the Village, or employees of the service provider or other service providers;
 - (5) Conflicts with the provisions of this chapter.

§ 207-8. Shared use of wireless telecommunications facilities and other structures.

- A. Locating on existing towers or others structures without increasing the height, as opposed to the construction of a new tower, shall always be preferred by the Village. The applicant shall submit a

comprehensive report inventorying existing towers and other suitable structures within four miles of the location of any proposed new tower, unless the applicant can show that some other distance is more reasonable and demonstrate conclusively why an existing tower or other suitable structure cannot be used.

- B. An applicant intending to locate on an existing tower or other suitable structure shall be required to document the intent of the existing owner to permit its use by the applicant.
- C. Such shared use shall consist only of the minimum antenna array technologically required to provide service primarily and essentially within the Village, to the extent practicable, unless good cause is shown.

§ 207-9. Height of telecommunications tower(s).

- A. The applicant shall submit documentation justifying the total height of any tower, Facility and/or antenna and the basis therefor. Such documentation will be analyzed in the context of the justification of the height needed to provide service primarily and essentially within the Village, to the extent practicable, unless good cause is shown.
- B. If the need for a new tower can be proven, the maximum permitted height of a new tower shall be no more than 20 feet above the neighboring tree height or the height of any nearby obstruction that would effectively block the signal in that direction, unless a greater height can be proven.
- C. No wireless facility constructed after the effective date of this chapter, including allowing for all attachments, shall exceed that height which shall permit operation without required artificial lighting of any kind in accordance with municipal, Village, state, and/or any federal statute, law, local law, Village local law, code, rule or regulation.

§ 207-10. Appearance and visibility facilities.

- A. Wireless telecommunications facilities shall not be artificially lighted or marked, except as required by law.
- B. Towers shall be galvanized and painted with a rust-preventive paint of an appropriate color to harmonize with the surroundings and shall be maintained in accordance with the requirements of this chapter.
- C. If lighting is required, applicant shall provide a detailed plan for sufficient lighting of as unobtrusive and inoffensive an effect as is permissible under state and federal regulations.

§ 207-11. Security.

All wireless telecommunications facilities and antennas shall be located, fenced or otherwise secured in a manner that prevents unauthorized access. Specifically:

- A. All antennas, towers and other supporting structures, including guy wires, shall be made inaccessible to individuals and constructed or shielded in such a manner that they cannot be climbed or collided with; and
- B. Transmitters and telecommunications control points shall be installed in such a manner that they are readily accessible only to persons authorized to operate or service them.

§ 207-12. Signage.

Wireless telecommunications facilities shall contain a sign no larger than four square feet in order to provide adequate notification to persons in the immediate area of the presence of an antenna that has transmission capabilities and shall contain the name(s) of the owner(s) and operator(s) of the antenna(s) as well as emergency phone number(s). The sign shall be on the equipment shelter or cabinet of the applicant and be visible from the access point of the site and must identify the equipment owner of the shelter or cabinet. The sign shall not be lighted, unless lighting is required by applicable law, rule or regulation. No other signage, including advertising, shall be permitted.

§ 207-13. Lot size and setbacks.

All proposed towers and any other proposed wireless telecommunications facility structures shall be set back from abutting parcels, recorded rights-of-way and road and street lines by the greater of the following distances: a distance equal to the height of the proposed wireless telecommunications facility structure plus 10% of the height of the facility or structure, or the existing setback requirement of the underlying zoning district, whichever is greater. Any accessory structure shall be located so as to comply with the applicable minimum setback requirements for the property on which it is situated.

§ 207-14. Retention of expert assistance and reimbursement by applicant.

- A. The Village may hire any consultant and/or expert necessary to assist the Village in reviewing and evaluating the application, including the construction and modification of the site, once permitted, and any requests for recertification.
- B. An applicant shall deposit with the Village funds sufficient to reimburse the Village for all reasonable costs of consultant and expert evaluation and consultation to the Village in connection with the review of any application, including the construction and modification of the site, once permitted. The initial deposit shall be \$8,500.00. The placement of the \$8,500 with the Village shall precede the pre-application meeting. The Village will maintain a separate escrow account for all such funds. The Village's consultants/experts shall invoice the Village for their services in reviewing the application, including the construction and modification of the site, once permitted. If at any time during the process this escrow account has a balance less than \$2,500, the applicant shall immediately, upon notification by the Village, replenish said escrow account so that it has a balance of at least \$5,000. Such additional escrow funds shall be deposited with the Village before any further action or consideration is taken on the application. In the event that the amount held in escrow by the Village is more than the amount of the actual invoicing at the conclusion of the project, the remaining balance shall be promptly refunded to the applicant.
- C. The total amount of the funds needed as set forth in Subsection B of this section may vary with the scope and complexity of the project, the completeness of the application and other information as may be needed to complete the necessary review, analysis and inspection of any construction or modification.

§ 207-15. Exceptions from special use permit.

- A. No person shall be permitted to site, place, build, construct, modify or prepare any site for the placement or use of wireless telecommunications facilities as of the effective date of this chapter without having first obtained a special use permit for wireless telecommunications facilities. Notwithstanding anything to the contrary in this section, no special use permit shall be required for those noncommercial exceptions noted in the definition of "wireless telecommunications facilities."

- B. All wireless telecommunications facilities existing on or before the effective date of this chapter shall be allowed to continue as they presently exist; provided, however, that any visible modification of an existing Wireless telecommunications Facility must comply with this chapter.

§ 207-16. Public hearing and notification requirements.

- A. Prior to the approval of any application for a special use permit for wireless telecommunications facilities, a public hearing shall be held by the Village, notice of which shall be published in the official newspaper of the Village no less than 10 calendar days prior to the scheduled date of the public hearing in order that the Village may notify nearby landowners. The application shall contain the names and address of all landowners whose property is located within 1,500 feet of any property line of the lot or parcel on which the new wireless telecommunications facilities are proposed to be located.
- B. There shall be no public hearing required for an application to collocate on an existing tower or other structure, as long as there is no proposed increase in the height of the tower or structure, including attachments thereto.
- C. The Village shall schedule the public hearing referred to in Subsection A of this section once it finds the application is complete. The Village, at any stage prior to issuing a special use permit, may require such additional information as it deems necessary.

§ 207-17. Action on application for special use permit.

- A. The Village will undertake a review of an application pursuant to this chapter in a timely fashion, consistent with its responsibilities with SEQRA, and shall act within a reasonable period of time given the relative complexity of the application and the circumstances, with due regard for the public's interest and need to be involved, and the applicant's desire for a timely resolution.
- B. The Village may refer any application or part thereof to any advisory or other committee for a nonbinding recommendation.
- C. After the public hearing and after formally considering the application, the Village may approve, approve with conditions, or deny a special use permit. Its decision shall be in writing and shall be supported by substantial evidence contained in a written record. The burden of proof for the grant of the permit shall always be upon the applicant.
- D. If the Village approves the special use permit for a wireless telecommunications facility, then the applicant shall be notified of such approval in writing within 10 calendar days of the Village's action, and the special use permit shall be issued within 30 days after such approval. Except for necessary building permits, and subsequent certificates of compliance, once a special use permit has been granted hereunder, no additional permits or approvals from the Village, such as site plan or zoning approvals, shall be required by the Village for the wireless telecommunications facilities covered by the special use permit.
- E. If the Village denies the special use permit for wireless telecommunications facilities, then the applicant shall be notified of such denial in writing within 10 calendar days of the Village's action.

§ 207-18. Recertification of special use permit.

- A. Between 12 months and six months prior to the five-year anniversary date after the effective date of the special use permit and all subsequent five-year anniversaries of the effective date of the original

special use permit for wireless telecommunications facilities, the holder of a special use permit for such wireless telecommunications facilities shall submit a signed written request to the Village for recertification. In the written request for recertification, the holder of such special use permit shall note the following:

- (1) The name of the holder of the special use permit for the wireless telecommunications facilities;
 - (2) If applicable, the number or title of the special use permit;
 - (3) The date of the original granting of the special use permit;
 - (4) Whether the wireless telecommunications facilities have been moved, relocated, rebuilt, or otherwise visibly modified since the issuance of the special use permit and, if so, in what manner;
 - (5) If the wireless telecommunications facilities have been moved, relocated, rebuilt, or otherwise visibly modified, then whether the Village approved such action, and under what terms and conditions, and whether those terms and conditions were complied with;
 - (6) That the wireless telecommunications facilities are in compliance with the special use permit and in compliance with all applicable codes, laws, rules and regulations;
 - (7) Recertification that the tower and attachments both are designed and constructed and continue to meet all local, Village, state and federal structural requirements for loads, including wind and ice loads. Such recertification shall be by a professional engineer licensed in the state, the cost of which shall be borne by the applicant.
- B. If, after such review, the Village determines that the permitted wireless telecommunications facilities are in compliance with the special use permit and all applicable statutes, laws, local laws, codes, rules and regulations, then the Village shall issue a recertification of the special use permit for the wireless telecommunications facilities, which may include any new provisions or conditions that are mutually agreed upon, or that are required by applicable statutes, laws, local laws, codes, rules or regulations. If, after such review, it is determined that the permitted wireless telecommunications facilities are not in compliance with the special use permit and all applicable statutes, laws, local laws, codes, rules and regulations, then the Village may refuse to issue a recertification special use permit for the wireless telecommunications facilities, and in such event, such wireless telecommunications facilities shall not be used after the date that the applicant receives written notice of the decision by the Village until such time as the facility is brought into compliance. Any decision requiring the cessation of use of the facility or imposing a penalty shall be in writing and supported by substantial evidence contained in a written record and shall be promptly provided to the owner of the facility.
- C. If the applicant has submitted all of the information requested and required by this chapter, and if the review is not completed, as noted in Subsection B of this section, prior to the five-year anniversary date of the special use permit, or subsequent five-year anniversaries, then the applicant for the permitted wireless telecommunications facilities shall receive an extension of the special use permit for up to six months, in order for the completion of the review.
- D. If the holder of a special use permit for wireless telecommunications facilities does not submit a request for recertification of such special use permit within the time frame noted in Subsection A of this section, then such special use permit and any authorizations granted thereunder shall cease to exist on the date of the fifth anniversary of the original granting of the special use permit, or subsequent five year anniversaries, unless the holder of the special use permit adequately

demonstrates that extenuating circumstances prevented a timely recertification request. If the Village agrees that there were legitimately extenuating circumstances, then the holder of the special use permit may submit a late recertification request or application for a new special use permit.

§ 207-19. Extent and parameters of special use permit.

The extent and parameters of a special use permit for wireless telecommunications facilities shall be as follows:

- A. Such special use permit shall be nonexclusive;
- B. Such special use permit shall not be assigned, transferred or conveyed without the express prior written notification to the Board of Trustees.
- C. Such special use permit may, following a hearing upon due prior notice to the applicant, be revoked, canceled, or terminated for a violation of the conditions and provisions of the special use permit, or for a material violation of this chapter after prior written notice to the holder of the special use permit.

§ 207-20. Application fee.

- A. At the time that a person submits an application for a special use permit for a new tower, such person shall pay a nonrefundable application fee of \$5,000 to the Village. If the application is for a special use permit for collocating on an existing tower or other suitable structure, where no increase in height of the tower or structure is required, the nonrefundable fee shall be \$2,000.
- B. No application fee is required in order to recertify a special use permit for wireless telecommunications facilities, unless there has been a visible modification of the wireless telecommunications facility since the date of the issuance of the existing special use permit for which the conditions of the special use permit have not previously been modified. In the case of any modification, the fees provided in Subsection A shall apply.

§ 207-21. Performance security.

The applicant and the owner of record of any proposed wireless telecommunications facilities property site shall, at their cost and expense, be jointly required to execute and file with the Village a bond, or other form of security acceptable to the Village as to type of security and the form and manner of execution, in an amount of at least \$75,000.00 and with such sureties as are deemed sufficient by the Board of Trustees to assure the faithful performance of the terms and conditions of this chapter and conditions of any special use permit issued pursuant to this chapter. The full amount of the bond or security shall remain in full force and effect throughout the term of the special use permit and/or until any necessary site restoration is completed to restore the site to a condition comparable to that which existed prior to the issuance of the original special use permit.

§ 207-22. Reservation of authority to inspect.

In order to verify that the holder of a special use permit for wireless telecommunications facilities and any and all lessees, renters, and/or licensees of wireless telecommunications facilities, place and construct such facilities, including towers and antennas, in accordance with all applicable technical, safety, fire, building, and zoning codes, laws, local laws and regulations and other applicable requirements, the Village may inspect all facets of said permit holder's, renter's, lessee's or licensee's placement, construction, modification and maintenance of such facilities, including, but not limited to, towers, antennas and buildings or other structures constructed or located on the permitted site.

§ 207-23. Annual NIER certification.

The holder of the special use permit shall, annually, certify to the Village that NIER levels at the site are within the threshold levels adopted by the FCC.

§ 207-24. Liability insurance.

- A. A holder of a special use permit for wireless telecommunications facilities shall secure and at all times maintain public liability insurance for personal injuries, death and property damage, and umbrella insurance coverage, for the duration of the special use permit in amounts as set forth below:
- (1) Commercial general liability covering personal injuries, death and property damage: \$1,000,000 per occurrence/\$2,000,000 aggregate;
 - (2) Automobile Coverage: \$1,000,000 per occurrence/\$2,000,000 aggregate;
 - (3) Workers compensation and disability: statutory amounts.
- B. The commercial general liability insurance policy shall specifically include the Village and its officers, boards, employees, committee members, attorneys, agents and consultants as additional named insureds.
- C. The insurance policies shall be issued by an agent or representative of an insurance company licensed to do business in the state and with a Best's rating of at least A.
- D. The insurance policies shall contain an endorsement obligating the insurance company to furnish the Village with at least 30 days' prior written notice in advance of the cancellation of the insurance.
- E. Renewal or replacement policies or certificates shall be delivered to the Village at least 15 days before the expiration of the insurance that such policies are to renew or replace.
- F. Before construction of a permitted wireless telecommunications facilities is initiated, but in no case later than 15 days after the grant of the special use permit, the holder of the special use permit shall deliver to the Village a copy of each of the policies or certificates representing the insurance in the required amounts.

§ 207-25. Indemnification.

- A. Any application for Wireless Telecommunication Facilities that is proposed for Village property, pursuant to this chapter, shall contain a provision with respect to indemnification. Such provision shall require the applicant, to the extent permitted by the law, to at all times defend, indemnify, protect, save, hold harmless, and exempt the Village, and its officers, boards, employees, committee members, attorneys, agents, and consultants, from any and all penalties, damages, costs, or charges arising out of any and all claims, suits, demands, causes of action, or award of damages, whether compensatory or punitive, or expenses arising therefrom, either at law or in equity, which might arise out of, or are caused by, the placement, construction, erection, modification, location, products performance, use, operation, maintenance, repair, installation, replacement, removal, or restoration of said facility, excepting, however, any portion of such claims, suits, demands, causes of action, award of damages as may be attributable to the negligent or intentional acts or omissions of the Village, or its servants or agents. With respect to the penalties, damages or charges referenced herein, reasonable attorneys' fees, consultants' fees, and expert witness fees are included in those costs that are recoverable by the Village.

- B. Notwithstanding the requirements noted in Subsection A of this section, an indemnification provision will not be required in those instances where the Village itself applies for and secures a special use permit for wireless telecommunications facilities.

§ 207-26. Penalties for offenses.

- A. In the event of a violation of this chapter or any special use permit issued pursuant to this chapter, the Village may impose and collect, and the holder of the special use permit for wireless telecommunications facilities shall pay to the Village, fines or penalties as set forth below.
- B. A violation of this chapter is hereby declared to be an offense, punishable by a fine up to a maximum of \$1,000 per day per occurrence or imprisonment for a period not to exceed 15 days, or both, for conviction of an offense. **[Amended 9-11-2002 by L.L. No. 5-2002]**
- C. Notwithstanding anything in this chapter, the holder of the special use permit for wireless telecommunications facilities may not use the payment of fines, liquidated damages or other penalties to evade or avoid compliance with this chapter or any section of this chapter. An attempt to do so shall subject the holder of the special use permit to termination and revocation of the special use permit. The Village may also seek injunctive relief to prevent the continued violation of this chapter, without limiting other remedies available to the Village.

§ 207-27. Default and/or revocation.

- A. If wireless telecommunications facilities are repaired, rebuilt, placed, moved, relocated, modified or maintained in a way that is inconsistent or not in compliance with the provisions of this chapter or of the special use permit, then the Village shall notify the holder of the special use permit in writing of such violation. Such notice shall specify the nature of the violation or noncompliance and that the violations must be corrected within seven days of the date of the postmark of the notice, or of the date of personal service of the notice, whichever is earlier. Notwithstanding anything to the contrary in this subsection or any other section of this chapter, if the violation causes, creates or presents an imminent danger or threat to the health or safety of lives or property, the Village may, at its sole discretion, order the violation remedied within 24 hours.
- B. If within the period set forth in Subsection A above the wireless telecommunications facilities are not brought into compliance with the provisions of this chapter, or of the special use permit, or substantial steps are not taken in order to bring the affected wireless telecommunications facilities into compliance, then the Village may revoke such special use permit for wireless telecommunications facilities, and shall notify the holder of the special use permit within 48 hours of such action.

§ 207-28. Removal.

- A. Under the following circumstances, the Village may determine that the health, safety, and welfare interests of the Village warrant and require the removal of wireless telecommunications facilities:
- (1) Wireless telecommunications facilities with a permit have been abandoned (i.e., not used as wireless telecommunications facilities) for a period exceeding 90 days or a total of 180 days in any three-hundred-sixty-five-day period, except for periods caused by force majeure or acts of God, in which case, repair or removal shall commence within 90 days;
 - (2) Permitted wireless telecommunications facilities fall into such a state of disrepair that they create a health or safety hazard;

- (3) Wireless telecommunications facilities have been located, constructed, or modified without first obtaining, or in a manner not authorized by, the required special use permit, or any other necessary authorization.
- B. If the Village makes such a determination as noted in Subsection A of this section, then the Village shall notify the holder of the special use permit for the wireless telecommunications facilities within 48 hours that said wireless telecommunications facilities are to be removed; the Village may approve an interim temporary use agreement/permit, such as to enable the sale of the wireless telecommunications facilities.
- C. The holder of the special use permit, or its successors or assigns, shall dismantle and remove such wireless telecommunications facilities, and all associated structures and facilities, from the site and restore the site to as close to its original condition as is possible, such restoration being limited only by physical or commercial impracticability, within 90 days of receipt of written notice from the Village. However, if the owner of the property upon which the wireless telecommunications facilities are located wishes to retain any access roadway to the wireless telecommunications facilities, the owner may do so with the approval of the Board of Trustees.
- D. If wireless telecommunications facilities are not removed or substantial progress has not been made to remove the wireless telecommunications facilities within 90 days after the permit holder has received notice, then the Village may order officials or representatives of the Village to remove the wireless telecommunications facilities at the sole expense of the owner or special use permit holder.
- E. If, the Village removes, or causes to be removed, wireless telecommunications facilities, and the owner of the wireless telecommunications facilities does not claim and remove it from the site to a lawful location within 10 days, then the Village may take steps to declare the wireless telecommunications facilities abandoned, and sell them and their components.
- F. Notwithstanding anything in this section to the contrary, the Village may approve a temporary use permit/agreement for the wireless telecommunications facilities, for no more than 90 days, during which time a suitable plan for removal, conversion, or relocation of the affected wireless telecommunications facilities shall be developed by the holder of the special use permit, subject to the approval of the Village, and an agreement to such plan shall be executed by the holder of the special use permit and the Village. If such a plan is not developed, approved and executed within the ninety-day time period, then the Village may take possession of and dispose of the affected wireless telecommunications facilities in the manner provided in this section.

§ 207-29. Relief, waiver or exemption.

Any applicant or permittee desiring relief, waiver or exemption from any aspect or requirement of this chapter may request such at the pre-application meeting, provided that the relief or exemption is contained in the original application for either a special use permit or, in the case of an existing or previously granted special use permit, a request for modification of its tower and/or facilities. Such relief may be temporary or permanent, partial or complete. However, the burden of proving the need for the requested relief, waiver or exemption is solely on the applicant. No such relief or exemption shall be approved unless the applicant demonstrates by clear and convincing evidence that, if granted, the relief, waiver or exemption will have no significant effect on the health, safety and welfare of the Village, its residents and other service providers.

§ 207-30. Periodic regulatory review by Village.

- A. The Village may at any time conduct a review and examination of this entire chapter.

- B. If, after such a periodic review and examination of this chapter, the Village determines that one or more provisions of this chapter should be amended, repealed, revised, clarified, or deleted, then the Village may take whatever measures are necessary in accordance with applicable local law in order to accomplish the same. It is noted that where warranted, and in the best interests of the Village, the Village may repeal this entire chapter at any time.
- C. Notwithstanding the provisions of Subsections A and B of this section, the Village may at any time, and in any manner (to the extent permitted by federal, state, or local law), amend, add, repeal, and/or delete one or more provisions of this chapter.

§ 207-31. Adherence to state and/or federal rules and regulations.

- A. To the extent that the holder of a special use permit for wireless telecommunications facilities has not received relief, or is otherwise exempt, from appropriate state and/or federal agency rules or regulations, then the holder of such a special use permit shall adhere to, and comply with, all applicable rules, regulations, standards, and provisions of any state or federal agency, including, but not limited to, the FAA and the FCC. Specifically included in this requirement are any rules and regulations regarding height, lighting, security, electrical and RF emission standards.
- B. To the extent that applicable rules, regulations, standards, and provisions of any state or federal agency, including, but not limited to, the FAA and the FCC, and specifically including any rules and regulations regarding height, lighting, and security, are changed and/or are modified during the duration of a special use permit for wireless telecommunications facilities, then the holder of such a special use permit shall conform the permitted wireless telecommunications facilities to the applicable changed and/or modified rule, regulation, standard, or provision within a maximum of 24 months of the effective date of the applicable changed and/or modified rule, regulation, standard, or provision, or sooner as may be required by the issuing entity.

§ 207-32. Conflict with other laws.

Where this chapter differs or conflicts with other laws, rules and regulations, unless the right to do so is preempted or prohibited by the Village, state or federal government, this chapter shall apply.

ZONING

Chapter 212

ZONING

[HISTORY: Adopted by the Board of Trustees of the Village of Lawrence 4-13-1988 by L.L. No. 6-1988.⁹² Amendments noted where applicable.]

GENERAL REFERENCES

Board of Appeals — See Ch. 6.

Licenses and permits — See Ch. 125.

Building construction and fire prevention — See Ch. 70.

Subdivision of land — See Ch. 182.

Environmental quality review — See Ch. 81.

Annexations — See Ch. A218.

Filled-in land — See Ch. 86.

Fees — See Ch. A219.

Flood damage prevention — See Ch. 94.

92. Editor's Note: The Building Zone Ordinance was originally adopted 10-23-1931 and amended in its entirety 6-29-1966 by Ord. No. 200.

ARTICLE I
General Provisions

§ 212-1. Title.

This chapter shall be known and may be cited as the "Building Zone Ordinance of the Village of Lawrence."

§ 212-2. Word usage and definitions.

- A. Words used in the present tense include the future, the singular number includes the plural, and the plural number includes the singular.
- B. Certain words in this chapter are defined for the purpose thereof as follows:

ACCESSORY BUILDING — Includes every building devoted solely to an accessory use. It does not include any portion of the main or principal building which is devoted to an accessory use. If such a building or use is not located on the same lot as that of the building or use to which it is accessory, it is not an "accessory building" or use and must comply with the regulations applicable to a principal building or use.

ACCESSORY USE — Includes every use customarily incident to the principal building or use, and includes all of the uses specified as accessory elsewhere in this chapter. If such a use is not located on the same lot as that of the building or use to which it is accessory, it is not an "accessory use" and must comply with the regulations applicable to a principal building or use.

ADULT BOOKSTORE — An establishment having as a substantial or significant portion of its stock-in-trade books, magazines, other periodicals, film, slides and videotapes and which establishment is customarily not open to the public generally but excludes any minor by reason of age.[Added 6-9-1993 by L.L. No. 3-1993]

ADULT DRIVE-IN THEATER — A drive-in theater that customarily presents motion pictures and that is not open to the public generally but excludes any minor by reason of age.[Added 6-9-1993 by L.L. No. 3-1993]

ADULT ENTERTAINMENT CABARET — A public or private establishment which presents topless dancers, strippers, male or female impersonators or exotic dancers or other similar entertainments and which establishment is customarily not open to the public generally but excludes any minor by reason of age.[Added 6-9-1993 by L.L. No. 3-1993]

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 in their rooms films, slideshows or videotapes 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.[Added 6-9-1993 by L.L. No. 3-1993]

ADULT THEATER — A theater that customarily presents motion pictures, films, videotapes or slideshows and that is not open to the public generally but excludes any minor by reason of age.[Added 6-9-1993 by L.L. No. 3-1993]

ALTERATION — As applied to any building or structure, means any change or rearrangement in the structural parts or exterior wall or framework of existing facilities. It includes any enlargement, whether by extending any side, front or rear building line or by increasing any height or by moving from one location or position to another. It also includes the enclosure of a space previously open, such as the enclosure of an open porch or patio or the construction of a roof over it.

ATTIC — Space between the top of uppermost floor construction and underside of roof.**[Added 9-13-1995 by L.L. No. 8-1995]**

BASE PLANE — The mean elevation of the crown of the street along the front yard of a property on which a building is situated.**[Added 11-10-2016 by L.L. No. 2-2016]**

BUILDING — Any structure, including those prefabricated, having a roof supported by columns or walls, constructed of materials, including, but not limited to, wood, metal or plastic, and intended for the shelter, housing or enclosure of persons, animals, chattels or any use, including accessory uses. For purposes of setback regulations, with the exception of §§ 212-35C and 212-35D, uncovered porches and decks will be defined as buildings.**[Amended 1-8-1997 by L.L. No. 1-1997; 3-10-1999 by L.L. No. 3-1999; 6-9-2022 by L.L. No. 4-2022]**

BUILDING AREA — The maximum horizontal cross-sectional area of all buildings on a lot, excluding uncovered porches and decks; trellises; bay windows and other similar architectural features which are not more than six feet in height and do not project more than 18 inches; and eaves, gutters and chimneys projecting not more than 30 inches.**[Amended 1-8-1997 by L.L. No. 1-1997; 3-9-2023 by L.L. No. 2-2023]**

CLUB — A nonprofit organization or corporation or one owned and operated by a membership corporation or an unincorporated association for social, musical, dramatic, literary, artistic, gardening, yachting, boating, hunting, shooting, fishing, bathing, golf, tennis, squash, racquets or other lawful sporting purposes, excepting and not including an athletic organization, a political organization, a day camp, a youth house, a club for boys or girls, an organization for the improvement of the social, mental, moral or physical condition of children or of young men and women or an organization the chief activity of which is a service customarily carried on as a business.

CORNER LOT — A parcel of land at the junction of two or more intersecting streets.

CURB — Established elevation of the curb directly in front of or surrounding subject premises. Where no curb exists, the lowest established elevation of the edge of the street is used.**[Added 6-8-1994 by L.L. No. 1-1994]**

DWELLING — A place of abode of one or more families. It does not include a housecoach or a trailer used or designed to be used in connection with a motor vehicle.

EXTERIOR WALL HEIGHT — The vertical height of an exterior wall of a building or structure measured from the base plane to the underside of the eaves.**[Added 11-10-2016 by L.L. No. 2-2016]**

FAMILY — A group of persons, including servants or employees, forming a single housekeeping unit. It does not include a boarder or lodger, each of whom shall be regarded as a separate "family" and who are permitted only in districts that allow more than one family. Where there is more than one kitchen, there is presumptively more than one family.

FLEA MARKET — A sale or exchange of tangible personal property of every kind and description or of services or repairs to such personal property conducted at a location where there are multiple vendors who have paid a fee or charge or who have been allowed to occupy indoor or outdoor space without charge, for the privilege and purpose of displaying or selling items of tangible personal property or furnishing services or repairs thereto, all for a price or consideration, where such conduct is available to the general public.⁹³**[Added 2-13-1992 by L.L. No. 1-1992]**

FRONT YARD — A yard extending across the full width of the lot and lying between the front lot line and the nearest point of the building. In the case of a lot where the front lot line is nearer than 10

93. Editor's Note: The definition of "front building line," which immediately followed this definition, was repealed 1-8-1997 by L.L. No. 1-1997.

feet to the front curbline, the front yard shall be measured from a line located 10 feet in from the front curbline.⁹⁴**[Amended 1-8-1997 by L.L. No. 1-1997; 1-13-2004 by L.L. No. 4-2004]**

HEIGHT OF BUILDING or BUILDING HEIGHT — The vertical distance from the base plane to the highest point of the roof. A pitched roof is a roof with a slope of three to 12 or greater.**[Amended 6-8-1994 by L.L. No. 1-1994; 1-8-1997 by L.L. No. 1-1997; 12-12-2001 by L.L. No. 4-2001; 11-10-2016 by L.L. No. 2-2016]**

HEIGHT/SETBACK RATIO — A calculation designed to regulate the height of a building in relation to its setback from a lot line. It is in the form of an inclined plane beginning at the lot line from which the setback is being measured and rising toward the building at the ratio specified in this chapter. The mean grade along the foundation of that wall of the building nearest the lot line shall be the base elevation for measurement purposes. No part of any building, other than minor architectural features such as chimneys, skylights and dormer windows not covering more than 10% of the roof area shall be permitted to extend above said inclined plane. The graphic sketches located at the end of this chapter illustrate the application of the height/setback ratio to hypothetical lots in the 20,000 to 29,999 and 9,000 to 11,999 square foot lot size ranges.**[Added 1-8-1997 by L.L. No. 1-1997]**

LOT — A parcel of land occupied or designed to be occupied by one main building or use and the accessory building or uses customarily incident to it, including such open spaces as are arranged or designed to be used in connection with such building or use. It includes the word "plot." A "lot" may or may not be the land shown as a separate parcel on a duly filed map, Tax Map or developer's diagram. All adjoining parcels of property now or hereafter held in common ownership, regardless of the nature of the constituent parcels or the date, source or manner of acquisition, shall be deemed merged into a single lot and shall be subject to the provisions of this chapter to the same effect as if they had constituted a single lot at the date this chapter was adopted.

MASSAGE ESTABLISHMENT — Any establishment having a fixed place of business where massages are administered for pay, including but not limited to massage parlors, sauna baths and steam baths. 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. The definition also shall exclude health clubs which have facilities for physical exercise, such as tennis courts, racquetball courts or exercise rooms and which do not receive their primary source of revenue through the administration of massages.⁹⁵**[Added 6-9-1993 by L.L. No. 3-1993]**

MEAN GRADE LEVEL — The mean final grade or mean existing grade as of the date of the adoption of this definition, whichever is lower, measured around the entire foundation of the building.**[Added 1-8-1997 by L.L. No. 1-1997]**

MULTIPLE DWELLING — A dwelling which is occupied as the abode, residence or home of three or more families living independently of each other.

PEEP SHOWS — A theater which presents material in the form of live shows, films or videotapes viewed from an individual enclosure, for which a fee is charged and which is not open to the public generally but excludes any minor by reason of age.**[Added 6-9-1993 by L.L. No. 3-1993]**

PRIVATE GARAGE — A building used for the storage of one or more automobiles owned and used by the owner or tenant of the lot on which it is erected, for a purpose accessory to the use of the lot.

94. Editor's Note: The former definition of "Ground Level," which immediately followed this definition, was repealed 6-8-1994 by L.L. No. 1-1994.

95. Editor's Note: The definition of "minimum street frontage," which immediately followed this definition, was repealed 6-12-1996 by L.L. No. 2-1996.

PUBLIC GARAGE — A building, other than a private garage, one or more stories in height, used for the storage, servicing or repair of automobiles.⁹⁶

REAR YARD — A yard extending across the full width of the lot and lying between the rear lot line and the nearest point of the principal building. **[Amended 1-8-1997 by L.L. No. 1-1997]**

RECREATIONAL STRUCTURES — Tennis courts, paddle tennis courts, handball courts, basketball courts and facilities of similar character, including all adjacent man-made surfaces and the required fencing accessory to the use of such facility. **[Added 1-8-1997 by L.L. No. 1-1997]**

REQUIRED YARD — The portion of the yard lying within the minimum limits provided by this chapter for the district in which the lot is situated.

SCHOOL — An institution of learning chartered by the State Board of Regents. It does not include a day camp, a summer camp or a recreational or athletic institution, organization, conservatory, group or center. It does not include an institution, organization, group or center, whether operated or managed by one or more persons, of which the principal object or one of the principal objects is physical education, teaching of dancing, singing, dramatics, music, playing of musical instruments, calisthenics, typewriting, stenography, dressmaking, designing or millinery or the giving of instruction in beauty parlor operation, business courses or instruction of a similar nature.⁹⁷

SIDE YARD — A yard between a side lot line and the nearest point of the principal building on that lot and extending from the front yard to the rear yard. In the case of a corner lot where the side lot line is nearer than eight feet to the side curblin, the side yard shall be measured from a line located eight feet in from the side curblin. **[Amended 1-8-1997 by L.L. No. 1-1997; 1-13-2004 by L.L. No. 4-2004]**

SIGN — Any message attached to any structure or part thereof or painted or represented thereon, which shall display or include any letter, word, model, banner, flag, pennant, insignia, device or representation used as or which is in the nature of an announcement, direction or advertisement or intended to attract the attention of the public when the same is placed or located within its view. The word "sign" includes the words "billboard," "freestanding sign," and "interior sign," as well as any message, neon or illuminated tube or string, group or arrangement of lights, or other device, material hung, outlining, painted upon or attached to part of a building or lot, including lettering and other information on canopies and awnings, and graphic displays and murals on walls and window surfaces. **[Added 1-9-2002 by L.L. No. 1-2002]**

STORY — That part of a building between any floor and the floor or roof above. In computing the number of stories, any story, the ceiling of which is more than seven feet above the mean ground level along the foundation of the building, shall be deemed the first story.

STREET — An existing state, county or Village road or a road shown upon a subdivision plat duly filed and recorded in the office of the Nassau County Clerk. **[Amended 6-12-1996 by L.L. No. 2-1996]**

STREET FRONTAGE — The extent of a lot along a street or, in the case of a lot fronting on the outside of a curvilinear section of street or on a turnaround, the length of a line parallel to the street line drawn at the minimum front yard setback depth and extended in each direction to the side lot lines. For each additional principal building or use on the same lot, an additional street frontage of the same length shall be required. In the case of a lot, other than a corner lot, adjoining more than one

96. Editor's Note: The former definition of "Rear Building Line," which immediately followed this definition, was repealed 1-8-1997 by L.L. No. 1-1997.

97. Editor's Note: The former definition of "Side Building Line," which immediately followed this definition, was repealed 1-8-1997 by L.L. No. 1-1997.

street, the lot owner may elect which street shall be used for computing "street frontage."**[Amended 6-12-1996 by L.L. No. 2-1996]**

STREET LINE — The dividing line between the lot and the side line of a street. Where the lot adjoins a public street, it is ordinarily the property line. It is not the curblin, unless the curb runs along the property line.

STRUCTURE — Any combination of materials forming any construction, including, without limitation, buildings, swimming pools and other recreational structures as defined herein, walls, fences, signs, antennas, gazebos, trellises, gate posts, platforms and towers. The word "structure" shall be construed as though followed by the words "or part thereof."**[Added 1-8-1997 by L.L. No. 1-1997; 3-9-2023 by L.L. No. 2-2023]**

SURFACE COVERAGE — The horizontal area of a lot covered by all buildings, structures and other man-made surfaces, including but not limited to driveways, parking areas, swimming pools, patios, terraces and other similar features not less than four feet in width. If a detached garage is located in the rear yard of a dwelling, an area equal to 10 feet times the perpendicular distance from the frontmost wall of such garage to the front building line shall be excluded from surface coverage.**[Added 1-8-1997 by L.L. No. 1-1997; amended 5-14-1997 by L.L. No. 3-1997; 3-10-1999 by L.L. No. 3-1999; 6-9-2022 by L.L. No. 4-2022]**

TRELLIS — A framework of post and beam construction whose beam width shall be no wider than four inches and shall be placed not closer than five inches apart. Trellis beams may be mechanically operated. Trellises must conform with yard regulations and may not exceed 12 feet above the mean grade along the foundation of the wall on which a building is situated.**[Added 3-9-2023 by L.L. No. 2-2023]**

TWO-FAMILY DWELLING — A building designed or occupied exclusively as the home or residence of two families living independently of each other.

USE — Includes both the purposes for which a building or lot is or may be devoted and the building or lot itself.⁹⁸

WINDOW SIGN — A sign which is either temporarily or permanently attached or affixed to the interior or exterior surface of a display window and is used for advertisement, announcement, or notice, directional matter, company name or trade name which is relative to the business products or services provided.**[Added 1-9-2002 by L.L. No. 1-2002]**

YARD — An open, unoccupied space on the same lot as the principal building or use, which is and must be open and unobstructed from the ground to the sky, except by trees, shrubbery, telephone or electric light wires and poles, hedges, retaining walls and fences six feet or less in height.**[Amended 6-8-1994 by L.L. No. 1-1994]**

§ 212-3. Districts established.

A. The Village of Lawrence is hereby divided into districts, which are hereby designated as follows:

Residence AA District

Residence A District

Residence BB District

98. Editor's Note: The former definition of "Wall," which immediately followed this definition, was repealed 1-8-1997 by L.L. No. 1-1997.

Residence B District
Residence C-1 District
Residence C-2 District
Residence D District
Residence E District
Residence FF District
Residence F District
Business K District

- B. Such districts shall be as shown on the Building Zone Map which accompanies this chapter and which is hereby declared to be a part hereof.⁹⁹ The districts designated on said map are hereby established. The district designations which accompany said Building Zone Map are hereby declared to be a part thereof.

§ 212-4. Effect of changes in districts.

In case of any amendment to this chapter which creates new districts or which changes district boundaries or which transfers property from one district to another, the Building Zone Map shall be deemed amended accordingly. It shall not be necessary to prepare or adopt a new or amended Building Zone Map showing such new districts, such changes in district boundaries or such transfer of property from one district to another, but such new districts, changes and transfers of property may be identified by words of description.

§ 212-5. Interpretation of district boundaries.

- A. Boundaries of districts fronting on Central Avenue extend from the street line to the rear property lines existing at the date of the adoption of this chapter, provided that in no case shall the Residence FF District extend more than 300 feet south of Central Avenue. In the case of any lot in the Residence FF District fronting on Central Avenue and extending more than 300 feet south thereof, that portion of such lot situated more than 300 feet from Central Avenue may be considered in computing the building area, the size of the lot and the depth of the rear yard.
- B. Building zone districts include all public or private streets, ponds, streams and waterways adjacent thereto, whether or not so designated upon the Building Zone Map, including lands under water and lands hereafter formed by filling, accretion, emergence, avulsion or otherwise. In case a public or private street, pond, stream or waterway shown on said map forms the boundary between two or more districts of the same class, the district shall be considered as continuous. In case a public or private street, pond, stream or waterway shown on said map forms the boundary between two or more districts of different classes, each district shall be deemed to extend to the center of the street, the center of the pond or the thread of the stream or waterway, as the case may be. Building zone boundaries shown upon the Building Zone Map, except where they follow streets or watercourses and except as provided in Subsection A of this section, are intended to follow existing property lines.
- C. Property of the Long Island Rail Road Company is intended to be included in the building zone districts to which it is adjacent, and, in case any part of such property should cease to be used for railway purposes, the regulations of the building zone district in which it is situated or to which it is

99. Editor's Note: The Building Zone Map may be found at the end of this chapter.

adjacent shall apply.

§ 212-6. Applicability.

This chapter is intended to include and apply to all of the territory within the corporate limits of the Village of Lawrence.

§ 212-7. Lots in more than one district.

Except as otherwise specifically provided, where a lot is situated partly in two or more districts within the Village, no building, use or establishment shall be constructed, altered or maintained except in conformity with the regulations applying to the most highly restricted district in which such building, use or establishment; or any part thereof is situated and, except as otherwise specifically provided, no accessory building, use or establishment shall be constructed, altered or maintained unless the principal building, use or establishment to which it is accessory is one permitted in the district in which such accessory building, use or establishment is situated.

§ 212-8. Lots partially outside Village.

In the case of a lot situated partly within the Village and partly outside of the Village, the part of the lot within the Village must comply with all of the regulations prescribed for the district within the Village in which it is situated, to the same extent as if it had been a separate lot, unless the Board of Appeals should grant a special exception as hereafter provided in this chapter.

§ 212-9. Conformity required.

No lot shall be used and no building shall be erected, altered or used except in conformity with the regulations prescribed for the district in which such lot or building is situated. No lot shall be used and no building shall be erected, altered or used for any purpose other than a purpose permitted in the district in which such lot or building is situated.

§ 212-10. Subdivision creating a violation.

Unless the portion which fails to comply with the following requirements is added to and becomes part of an adjoining lot in such a way that the adjoining lot, as so enlarged, complies with all of such requirements, no lot shall be sold, divided or set off in such a manner that either the portion sold, divided or set off or the portion remaining:

- A. Shall be less than the minimum size prescribed by the regulations relating to the district in which it is situated.
- B. Shall fail to provide the yards or other open spaces required by the regulations relating to the district in which it is situated in respect to any building or use then existing.
- C. Shall fail to provide the minimum building area required by the regulations relating to the district in which it is situated in respect to any building or use then existing.
- D. Shall contain any building or use not permitted by the provisions of this chapter.
- E. Shall, directly or indirectly, violate any of the terms or conditions heretofore or hereafter imposed by the Board of Appeals in granting a variance or special exception under the provisions of the Village Law.

- F. Notwithstanding the preceding, a lot which complied with all of the requirements of the ordinances of the Village of Lawrence at the time of its creation may be added to, in such a way as to not increase any nonconformity. **[Added 1-13-2004 by L.L. No. 2-2004]**

§ 212-11. Approval of subdivisions and resubdivisions. ¹⁰⁰ **[Amended 5-8-1996 by L.L. No. 1-1996]**

Any proposed subdivision of land in the Village of Lawrence, either designed to create an additional building lot or lots or to resubdivide existing lots by changing lot lines, shall be subject to the prior approval of the Village Planning Board.

§ 212-12. (Reserved)¹⁰¹

100.Editor's Note: For related provisions, see Ch. 182, Subdivision of Land.

101.Editor's Note: Former § 212-12, Lots existing prior to change in regulations, was repealed 7-14-1999 by L.L. No. 4-1999.

ARTICLE II
District Regulations

§ 212-12.1. Schedules of Dimensional Regulations. [Added 1-8-1997 by L.L. No. 1-1997; amended 5-14-1997 by L.L. No. 3-1997; 11-10-2016 by L.L. No. 2-2016]

- A. In addition to the district regulations contained in this article, the maximum permitted height/setback ratios and minimum required front, side and rear yard setbacks in the Residence AA, A, BB, B, C-1, C-2 and D Districts are presented on the Table 212-12.1 located at the end of this chapter.
- B. In addition to the district regulations contained in this article, the maximum permitted building area and surface coverage for the Residence AA, A, BB, B, C-1, C-2 and D Districts are presented on the Table 212-12.2 located at the end of this chapter. Subsurface improvement areas in excess of surface coverage areas and greater than 500 square feet and utilized for habitable, storage, or garage space shall count toward building area and surface coverage calculations. **[Amended 5-17-2017 by L.L. No. 4-2018; 3-9-2023 by L.L. No. 2-2023]**
- (1) Subsurface areas shall maintain the following minimum yard setbacks:
- (a) Front yard: 20 feet.
- (b) Side yard: 15 feet.
- (c) Rear yard: 20 feet.
- (2) However, subsurface area side yard requirements in C-1, C-2 and D Districts shall be equal to the side yard regulations listed in §§ 212-17, 212-18 and 212-19.
- C. The permitted surface coverage in a front yard, expressed in a percentage, shall not exceed the total percentage of lot area that is occupied by the primary building, all accessory buildings and all rear and side surface coverage on the same lot.

§ 212-13. Residence AA District.

In the Residence AA District, the following regulations shall apply:

- A. No building shall be erected, altered or used, and no lot or premises shall be used, except for one or more of the following purposes:
- (1) A dwelling for not more than one family.
- (2) Clubs existing at the date of adoption of this chapter.
- (3) Social clubs, when authorized as special exceptions by the Board of Appeals.
- (4) Private docks, private boathouses and private bathhouses for the use of the owner of the premises on which they are located and his immediate family and guests; provided, however, that no charge shall be made for the use thereof and that the same shall not be used for profit.
- (5) Public parks and recreational areas; municipal golf courses, docks and landings of the Village of Lawrence; private catering facilities operated in and upon such public areas; parking facilities for the users of such public areas and related facilities, whether on the same lot or otherwise.
- (6) Governmental and municipal purposes of the Village of Lawrence.

- (7) Accessory uses incident to the principal use to which the lot is devoted.
- B. No single-family dwelling shall be erected or altered to have more than 2 1/2 stories, or a building height of more than 40 feet, whichever is greater. All other buildings shall be limited to two stories, or 29 feet. Notwithstanding anything in this subsection to the contrary, buildings with entirely flat roofs shall not exceed 26 feet in height.¹⁰² **[Amended 6-8-1994 by L.L. No. 1-1994; 11-10-2016 by L.L. No. 2-2016]**
- C. No principal building or use, together with its accessory buildings or uses, shall be erected upon or shall occupy a lot or piece of ground having an area of less than 40,000 square feet and having a street frontage of less than 150 feet. No portion of such lot which is less in any dimension than 1/2 of the minimum required street frontage in this district shall be counted toward meeting the minimum lot area requirement. **[Amended 5-8-1996 by L.L. No. 1-1996; 1-8-1997 by L.L. No. 1-1997¹⁰³]**
- D. Yard regulations. **[Amended 1-8-1997 by L.L. No. 1-1997; 3-10-1999 by L.L. No. 3-1999]**
- (1) Every building hereafter erected or altered shall have a front yard of not less than 50 feet, a rear yard of not less than 60 feet and an aggregate of not less than 70 feet for both side yards, neither one of which shall be less than 30 feet.
- (2) No building shall be erected or altered which shall have a height/setback ratio of more than the following: **[Amended 12-12-2001 by L.L. No. 4-2001; 11-10-2016 by L.L. No. 2-2016]**
- (a) Front yard: 0.44.
- (b) Rear yard: 0.37.
- (c) Side yard: 0.74.
- (3) Notwithstanding the preceding, no such yard shall be less than required in § 212-12.1, Schedule of Dimensional Regulations.
- E. (Reserved)
- F. (Reserved)
- G. (Reserved)
- H. Every new building lot created subsequent to April 1, 1996, shall be adequate in shape to totally contain within its boundaries a horizontal circle of not less than 150 feet in diameter, which circle shall be located no farther than the minimum required front yard setback distance from the lot's street frontage and within which circle the principal building shall be located. **[Added 5-8-1996 by L.L. No. 1-1996]**

§ 212-13.1. Coastal Conservation District - Woodmere Club (CC-WC) [Added 7-1-2020 by L.L. No. 3-2020]

- A. Title. This section shall be known and cited as the "Coastal Conservation District - Woodmere Club (CC-WC)."

¹⁰²Editor's Note: Former Subsection C, which immediately followed this subsection and dealt with building coverage, was repealed 5-14-1997 by L.L. No. 3-1997. This local law also redesignated former Subsections D through I as Subsections C through H, respectively.

¹⁰³Editor's Note: This local law combined the subject matter of former Subsections D, E, F, G and H into current Subsections D and E.

B. Purpose.

- (1) The purpose of this section, in coordination with the contiguous neighboring Town of Hempstead ("Town") and Village of Woodsburgh, is to regulate development in the environmentally sensitive coastal areas that span the municipal boundaries of the Village and the contiguous Town and Village of Woodsburgh, including the area occupied by the Woodmere Club, allowing for the enhanced preservation and protection of the Village's and neighboring Town and Village of Woodsburgh's environmental, coastal, open space, natural and cultural resources and the preservation of the residential neighborhoods, both within the Village, the Village of Woodsburgh and the unincorporated areas of the Town, in and about the former Woodmere Club.
- (2) In the low-lying southern coastal areas of the Village and the adjacent contiguous Town and Village there are located golf courses that have been in place for more than a century, which open spaces provide not only recreation but a natural mitigation against adverse impacts on the environment and, therefore, the well-being and safety of the entire region.
- (3) Climate change is becoming the defining environmental issue of our time, particularly for vulnerable, low-lying coastal areas. This change has taken shape already, in the form of more frequent and intense storms, sea level rise and extreme flooding. It is no longer a future endeavor, but rather a sound planning imperative that the Village, the Town and the Village of Woodsburgh, immediately address ongoing and future conditions, including greater risks of flooding presented by sea level rise and enhanced storm surge, inland flooding expected to result from increasingly frequent extreme precipitation events and the increased risk of compound flooding, resulting from simultaneous storm surge and heavy precipitation. Through proper and coordinated regulation, the Village intends to do its part in preserving the health, safety, and well-being of residents in the area of the Woodmere Club and the surrounding community.
- (4) Along the coast, and particularly in low-lying coastal areas, it is imperative that the Village, Town and the Village of Woodsburgh, as stewards of the environment and protectors of their community safety, health and welfare, assure that flood risk mitigation measures effectively preserve the floodplain and surrounding areas. As the Department of Environmental Conservation has expressed, the goal of managing the floodplain is not only to ensure that new development is reasonably safe from flooding, but to address existing risks, to avoid increasing risk to others and to sustain natural capacities to slow and diffuse flood flows. Reducing development in flood-prone areas allows the natural landscape to absorb more floodwaters, reduce flooding to adjacent areas, recharge groundwater and sustain a healthy ecosystem.
- (5) As a result of declining golf participation and membership at eighteen-hole golf clubs, golf courses are closing, including the Woodmere Club. The land of the Woodmere Club ("the Woodmere Club property") is approximately 118.4 acres in size and is located partially in the Village (approximately 22.9 acres), the Town (approximately 55 acres) and Village of Woodsburgh (approximately 40.5 acres).
- (6) As a result, this large and mostly open coastal area, spanning the boundaries of these three contiguous municipalities, is vulnerable to residential and commercial development, seriously threatening both this environmentally sensitive coastal area, and the well-being of the Village, the Town, the Village of Woodsburgh and the region as a whole, and which potential adverse impacts and loss of existing open space will not be adequately mitigated by existing and inconsistent zoning regulations in both the contiguous Town and Villages with respect to permissible development, lot size, lot coverage, density, building height and site-specific

development regulations.

- (7) It is the belief of the Village, in coordination with the contiguous Town and Village of Woodsburgh, that, unless addressed, the loss of this existing open space to over-development in the environmentally sensitive coastal area of the Village presents an immediate threat to the public health and safety of the Village, the adjacent Town and Village of Woodsburgh, and the region as a whole, and can best be mitigated, and the additional benefits accomplished, with the coordinated creation of matching complementary Coastal Conservation District[s] in each municipality in conjunction with the adjacent contiguous Town and Village of Woodsburgh.
- (8) The Woodmere Club property is located in a relatively vulnerable, low-lying coastal area, well within a special flood hazard area (100-year floodplain) and the New York State Coastal Boundary Area. The Woodmere Club property is also impacted by shallow groundwater conditions. The New York State Department of Environmental Conservation (NYS DEC) has identified the presence of significant natural communities and rare plants and animals at the Woodmere Club property. The Woodmere Club property has also been identified by the New York State Office of Parks, Recreation, and Historic Preservation (OPRHP) as a potentially archeologically sensitive area. Given the presence of these environmental and cultural resources, the Village intends to provide for a cluster development, in accordance with Village Law § 7-738, with reduced lot size requirements, in this area to properly conserve and protect the low-lying, vulnerable coastal area and natural area and resources.
- (9) A traditional subdivision layout with a minimum lot size of 40,000 square feet within the approximately twenty-two-and-nine-tenths-acre Village portion of the course would have a gross yield of approximately 21 lots, but the net yield would be reduced significantly when accounting for area regulations, open space and/or parkland preservation, roadway and infrastructure elements and reserved drainage areas. Cluster-style development provided herein and in the contiguous Town and Village of Woodsburgh portions of the Woodmere Club property provides for the preservation of some of the most sensitive environmental portions of the property, while permitting sustainable residential development utilizing a cluster subdivision technique within all three municipalities. Sustainable design elements will be required in all residential development applications, incorporating a sustainable approach and low-impact development principles.
- (10) While the Village recognizes its responsibility to provide for a properly balanced and well-ordered plan of development and land uses within its community, it also recognizes that, in enacting local zoning, consideration must be given to regional needs and requirements, and that there must be a balancing of the local desire to maintain the status quo within the community and the greater public interest that regional needs be met.
- (11) The New York State General Municipal Law, § 239-NN, indicates the intent and purpose of the State of New York to encourage the coordination of land use development and regulation among adjacent municipalities in order that each adjacent municipality may recognize the goals and objectives of neighboring municipalities, and as a result development occurs in a manner which is supportive of the goals and objectives of the general area and neighboring municipalities.
- (12) Pursuant to Article 8, §§ 1 and 2-a of the New York State Constitution, as effectuated by General Municipal Law Article 5-J, § 119-u, Village Law § 7-741, and Town Law § 284, the Village, Town, and the Village of Woodsburgh agreed to coordinate regulation and entered into an intermunicipal cooperation planning and land use regulation agreement (the "intermunicipal cooperation agreement") with the purpose of undertaking mutually beneficial, shared and

coordinated comprehensive planning and land use regulation for the Woodmere Club property in order to promote intergovernmental cooperation, increase coordination and effectiveness of comprehensive planning and land use regulation, make more efficient use of infrastructure and municipal revenues and resources, as to enhance the protection of community resources which span municipal boundaries.

- (13) It is in that spirit, and pursuant to agreement of all three municipalities to work together and the intermunicipal cooperation agreement, that the Village, in conjunction and coordination with the adjacent contiguous Town and Village of Woodsburgh, adopts and creates the Coastal Conservation District - Woodmere Club (CC-WC), for the Village of Lawrence.
 - (14) The Coastal Conservation District- Woodmere Club (CC-WC) district represents an intermunicipal plan that addresses current and future physical climate risk changes due to sea level rise, storm surge and flooding. The district recognizes these impacts in relation to the unique geographical setting of the property at the Woodmere Channel terminus, its historical and environmentally and ecologically sensitive setting, and the anticipated flood impacts associated with this location. The risks to both private and public, and existing and future, development from flooding in this location under current and anticipated future conditions, necessitates multijurisdictional regulation guided by preservation and protection. The CC-WC District incorporates climate change considerations, while preserving both existing development and infrastructure, as well as protecting future development, including development on the Club property, from the virtual certainty of increasing flood risks as time progresses.
 - (15) The Coastal Conservation District - Woodmere Club establishes three subdistricts to ensure the preservation of existing open space and regulate development in a manner that is compatible with area zoning and development patterns. The Open Space/Recreation Subdistrict and the Single-Family Residential Subdistrict both include portions of the Village and the contiguous Town of Hempstead and Village of Woodsburgh, while the Clubhouse/Hospitality Subdistrict is located wholly within the Village of Woodsburgh. The three subdistricts are described in Subsection J of this section.
 - (16) The Village of Lawrence Board of Trustees (hereinafter "Village Board") finds that the creation of this zoning district, with its three subdistricts, is in harmony with the coordinated creation of a similar zoning district in the contiguous Town of Hempstead and Village of Woodsburgh, is in the public interest and that the provisions of these coordinated contiguous complementary zoning districts in each municipality are in the interest of the protection and promotion of the public health, general welfare and safety of both the residents of the Village and contiguous Town of Hempstead and Village of Woodsburgh.
 - (17) The creation of this district, in coordination with the contiguous municipalities, is intended to preserve the Village's natural resources and environmental features, while also preserving community character and the economic value of other properties in the neighborhood in and about the Woodmere Club property. Special consideration is provided for sustainable design elements, which will help to mitigate flood impacts, preserve open space, decrease stormwater runoff, improve local water quality, and reduce traffic impacts. The regulations contained within this section have been designed to be compatible and complementary with other permitted land uses in the area and contiguous municipalities and protect the character of their existing and developed residential communities.
- C. Applicability. The intermunicipal Coastal Conservation District - Woodmere Club (CC-WC) shall apply to the land that comprises the privately owned golf course commonly known as "the Woodmere

Club," and referred to herein as the Woodmere Club property [Nassau County Land and Tax Map Section 41, Block F, Lots 37, 40, 48, 310, 123/3024 (Lot Grouping), 3028, 3030A/3030B (Lot Grouping), and 3032; Section 41, Block D, Lots 53 and 55; and Section 41, Block 72, Lot 1/3/4/5A/5B/6-9/11-12 (Lot Grouping)] (the "property"). Acreages identified within this section are based upon the Nassau County Geographic Information Systems (GIS) 2018 Tax Parcel database.

- D. District Defined; Zoning Map Amended. The area of the Village that constitutes the CC-WC District is identified as Section 41, Block F, Lots 37, 40, 48, 3028, 3030A/3030B (Lot Grouping) and Section 41, Block 72, Lot 1/3/4/5a/5b/6-9/11-12 (Lot Grouping) on the Nassau County Land and Tax Map. The Zoning Map of the Village of Lawrence is hereby amended accordingly, to reclassify the district property as constituting the CC-WC District.

- E. Definitions.

COMPENSATORY STORAGE — A standard which preserves the ability of the floodplain to store water. Compensatory storage means that loss of flood storage due to buildings or fill in the floodplain is compensated for by providing an equal volume of storage to replace what is lost.

LOT COVERAGE — The horizontal area of a lot covered by the roof areas of all buildings and/or structures, in addition to all other impervious surfaces, including but not limited to driveways, parking areas, patios, terraces, permeable pavement and paver systems and other similar features.

PERMEABLE PAVEMENT SURFACES — Pervious hardscape surfaces that allow for the infiltration of water into soils, helping to remove pollutants and recharge the water table. Examples of permeable pavement surfaces include pervious concrete, porous asphalt and permeable paving stones. Recycled concrete aggregate (RCA) shall not be permitted as the base course material. Open graded natural stone shall be used to facilitate stormwater permeability.

SMART CONTROLLER TECHNOLOGY — An irrigation control system that reduces outdoor water use by monitoring and using information about site conditions (including, but not limited to, soil moisture, rain, wind, slope, soil, plant type), and applying the correct amount of water based on those factors.

- F. Master Plan submission.

- (1) A conceptual development plan for the proposed development of the property shall be filed simultaneously with the Town of Hempstead and the Villages of Woodburgh and Lawrence for review purposes prior to the filing of a map or subdivision application with the Nassau County Planning Commission. The purpose of this procedure is to facilitate a coordinated review with the Town and Villages, including a conceptual subdivision layout for the three subdistricts. The conceptual subdivision layout shall include existing and conceptual proposed grading, proposed drainage for the lots and infrastructure, lot configuration, hospitality development proposal, and plans for maintenance of open space/common areas.
- (2) Upon receipt of the conceptual development plan, the Town and Villages shall review the plan for compliance with applicable zoning, subdivision and site-specific (including any performance standards and sustainable design) regulations in effect in the respective jurisdictions. Each municipality shall inform the applicant as to compliance with such regulations, within 45 days of receipt of the conceptual development plan, and may also provide comments regarding any relevant matter, including plans for maintenance of open space and common area.

- G. Subdivision map. No permit shall be issued for any building requiring a building permit unless the

site is shown on a subdivision map approved by the Nassau County Planning Commission and any other jurisdiction with primary or concurrent subdivision jurisdiction, and filed in the Nassau County Clerk's office.

H. Interpretation; conflicts with other provisions.

- (1) In interpreting and applying the provisions of this section, the rules of interpretation applicable to remedial legislation shall be used so that the spirit and intent of this section shall be observed.
- (2) In the event of a conflict between the provisions of this section and other provisions of this Building Zone Ordinance, the provisions of this section shall control.

I. Severability. If Subsection J or K of this section shall be adjudged by a court of competent jurisdiction to be invalid, such judgment shall invalidate the remainder of this section. If any other provision shall be so adjudged, it shall not invalidate the remainder of this section. If there is found to be any imprecision, including but not limited to lot descriptions or acreage of total property, such will not invalidate this ordinance.

J. Subdistricts established. The Coastal Conservation District - Woodmere Club establishes three subdistricts to ensure the preservation of existing open space and regulate development in a manner that's compatible with area zoning and development patterns. The Open Space/Recreation Subdistrict and the Single-Family Residential Subdistrict both include portions of the Town of Hempstead and the contiguous Villages of Woodsburgh and Lawrence, while the Clubhouse/Hospitality Subdistrict is located wholly within the Village of Woodsburgh. The three subdistricts of the Coastal Conservation District - Woodmere Club are provided in Figures 1 and 2¹⁰⁴ below and are described as follows:

- (1) Open space/recreation subdistrict. Accounting for approximately 21.1 acres of the approximately twenty-two-and-nine-tenths-acre Village of Lawrence portion of the property (92% of the land area within the Village of Lawrence) and approximately 83.3 acres of the approximately one-hundred-eighteen-and-four-tenths-acre Woodmere Club (70% of total land area), the intent of the Open Space/Recreation Subdistrict is to preserve critical coastal open space areas to the maximum practicable extent. These open space areas provide flood mitigation from storm surge, stormwater, and sea level rise, provide critical habitats for wildlife and contribute significantly to the unique community character of the area. In recognition of the flood mitigation provided by these open space areas, and the protection of existing development and infrastructure in the Town and the surrounding area, the use of fill shall be regulated by the restrictions specified herein. Within the Open Space/Recreational Subdistrict, grading for the purposes of floodwater storage, including compensatory storage requirements of the Village of Lawrence (Lawrence Village Code: Chapter 94, Flood Damage Prevention, Article V Construction Standards, § 94-13, General standards) and the Village of Woodsburgh (Woodsburgh Village Code: Chapter 77, Flood Damage Prevention, Article V Construction Standards, § 77-15, General standards), shall be permitted. In addition, within the Open Space/Recreational Subdistrict, with the exception of areas associated for access, as defined in § 212-13.1T(3) of this section, any removal of trees greater than six-inch caliper, or raising of grade by more than 12 inches, requires an administrative approval by the Town Board pursuant to Town Code and the Building Zone Ordinance.
- (2) Single-family residential subdistrict. The Single-Family Residential Subdistrict (approximately 29.4 acres of the approximately one-hundred-eighteen-and-four-tenths-acre Woodmere Club

104. Editor's Note: Said figures are included as attachments to this chapter.

property, or 25% of total land area) comprises two distinct development clusters, one in the Town of Hempstead portion of the Woodmere Club property (approximately 19.3 acres in size) and one straddling the boundaries of the Village of Woodsburgh and the Village of Lawrence portions of the Woodmere Club property (approximately 10.1 acres in size). These clusters, zoned for residential housing (religious and educational uses permitted by special exception), will allow development that is compatible with the existing one-acre minimum lot zoning in the Village of Woodsburgh and the forty-thousand-square-foot minimum lot zoning in the Village of Lawrence, while retaining significantly more open space than provided for in previous zoning and land use regulations.

- (3) Clubhouse/Hospitality Subdistrict. The Clubhouse/Hospitality Subdistrict is limited to approximately 5.7 acres within the Village of Woodsburgh portion of the Woodmere Club property. The intent of this subdistrict is to preserve and enhance the existing clubhouse of the Woodmere Club and its associated hospitality services, including the parking areas, athletic courts and outdoor swimming pool. This subdistrict is regulated entirely by the Village of Woodsburgh and is not subject to the regulations set forth in this section.

K. Permitted uses.

- (1) Within the Open Space/Recreation Subdistrict, a building may be erected, altered or used and a lot or premises may be used for any of the following purposes, and for no other:
 - (a) Golf course, private or semi-private, including practice golf areas such as putting greens and practice pitching/sand bunker areas.
 - (b) Passive recreation, including walking trails, nature observation areas and passive recreation features.
 - (c) Accessory structures and uses, which are customarily incidental to any of the above-permitted uses, including maintenance buildings not greater than 500 square feet with a maximum height of 16 feet and pavilion/shelter areas not greater than 400 square feet with a maximum height of 16 feet, are permitted. Setbacks for accessory structures within the Open Space/Recreation Subdistrict shall be 100 feet from both perimeter property lines and residential homes. Not more than one such accessory structure per seven acres is permitted in this subdistrict.
- (2) Within the Single-Family Residential Subdistrict, a building may be erected, altered or used and a lot or premises may be used for any of the following purposes, and for no other:
 - (a) Single-family detached dwelling.
 - (b) Accessory uses on the same lot with and customarily incidental to the above-permitted use, including a private garage, are permitted.

L. Single-Family Residential Subdistrict Regulations Established. Given the sensitive environmental resources present at the property, special consideration for residential development standards, including bulk regulations, spatial distances and sustainable design features are provided for the Single-Family Residential Subdistrict within Subsections M through AA below.

M. Minimum lot area, width and frontage. No dwelling or other building shall be constructed on a lot unless it contains an area of not less than 15,000 square feet and has a minimum street frontage of 100 feet and maintains a minimum seventy-five-foot lot width for a minimum depth of 125 feet. Building lots located on a cul-de-sac shall have a minimum street frontage of 50 feet and a minimum

lot width of 75 feet at a lot depth of 40 feet offset from the street line, and shall maintain a minimum lot width of 75 feet for a depth of 125 feet. Each building lot shall maintain a minimum fifty-foot property line frontage on the adjacent Open Space/Recreation Subdistrict.

- N. Height. No building shall be greater in height than 2 1/2 stories, with a maximum height of 34 feet. Building height within a designated special flood hazard area shall be regulated by § 352H of the Town of Hempstead Building Zone Ordinance as of the date of adoption of this section, except that the maximum height restriction of § 352(H)(3) as of the date of the adoption of this section shall be superseded by the maximum heights set forth in this § 212-13.1N.
- O. Building area and lot coverage. For a minimum lot size of 15,000 square feet, the building area shall not exceed 37% of the lot area. In no case shall a building area exceed 5,000 square feet, regardless of lot size. Overall, lot coverage shall not exceed 60% of the lot area. Sustainable design is required through the utilization of Village-approved permeable pavement surfaces, which shall account for a minimum of 50% of any additional lot coverage beyond the building area.
- P. Front yards.
- (1) There shall be a front yard, the depth of which shall be set back at least 30 feet from the street line.
 - (2) In case of a corner lot, a front yard shall be required on each street, and notwithstanding the foregoing, each front yard shall be not less than 30 feet.
- Q. Side yards. There shall be two side yards, one on each side of the main building, the aggregate width of which shall be at least 30 feet. Neither side yard shall be less than 15 feet wide.
- R. Rear yards. There shall be a rear yard, the depth of which shall be at least 40 feet.
- S. Sustainable design.
- (1) For all lots, impervious cover shall be reduced to the maximum extent practicable and follow the regulations set forth in § 212-13.1O (Building area and lot coverage) above.
 - (2) Each building lot shall provide for the collection, storage and recharge of stormwater on-site, with no surface or roof runoff being directed off of each individual lot and, accounting for both roof and surface runoff, shall be sized, at a minimum, for the volumetric design of a three-inch rainfall event, based on the one-year, twenty-four-hour storm event in New York State. Roof runoff will be piped underground, directly to stormwater drywells, leaching galleys, and/or other accepted infiltration practice. The use of green infrastructure is encouraged. Green infrastructure such as rain gardens and bioswales or other green techniques approved by the Town Engineer will receive an additional credit of two- times the volume capacity provided up to a total reduction of 1 1/2 inches. The three-inch volumetric design is separate and in addition to any stormwater capacity provided for as part of a real property subdivision map associated with the property.
 - (3) Automatic irrigation systems utilizing smart controller technology shall be required in all new residential construction. All automatic irrigation systems shall also have rain and soil moisture sensors.
- T. Subdivision regulations
- (1) The requirements for subdivision development within the CC-WC Coastal Conservation

District — Woodmere Club shall comply with all state and local regulations, including compliance with Nassau County Ordinance No. 46-2009 and Town Code § 181-19, and obtain all necessary approvals as required by law. Proposed public streets shall have a fifty-foot right-of-way width and a paved roadway width of 30 feet, with sidewalk and curb design to be provided in accordance with County and Town requirements. Private streets shall have a fifty-foot right-of-way width and, subject to approval of the Village Engineer, shall provide a paved roadway width of a minimum of 26 feet, with sidewalk and curb design, if any, commensurate with those indicative of low-density communities. Maintenance of private roads, including snow removal and garbage pickup, shall not be the responsibility of the Village.

- (2) There shall be perimeter open space view corridors, extending from an interior roadway to the perimeter of the residential lots, not less than 80 feet in width and provided at a minimum for each 500 feet of contiguous residential property.
- (3) Dedicated rights-of-way providing access to the property shall be provided at the following locations:
 - (a) Single-Family Residential Subdistrict. Access right-of-way shall be provided off Meadow Drive (to be located 250 feet to the center line of the new right-of-way south of Broadway) and off Keene Lane (to be located 280 feet to the center line of the new right-of-way northwest of Rutherford Lane). Emergency access rights-of-way shall be provided at the southern terminus of Lotus Street and the northwestern terminus of Tulip Street.
 - (b) Clubhouse/Hospitality Subdistrict. An access right-of-way shall be provided at the intersection of Meadow Drive and Keene Lane. The requirements for subdivision development within the CC-WC Coastal Conservation District Woodmere Club property shall comply with all state and local regulations, including compliance with Nassau County Ordinance No. 46-2009 and obtain all necessary approvals as required by law.
- (4) Infrastructure costs associated with access and right-of-way improvements shall be addressed by the respective applicant(s), at the cost of the applicant(s) as determined at the time of an application made to the Nassau County Planning Commission.

U. Permitted encroachments. The following encroachments are hereby permitted:

- (1) Cornices, eaves, gutters, chimneys, or bay windows projecting not more than 24 inches.
- (2) Air-conditioning condenser units, emergency generators, basement stairs and basement areaways, projecting not more than 36 inches into one of the required side yards.
- (3) Driveway piers not exceeding four feet in height.
- (4) Exclusive of encroachments permitted under this section and structures approved by Board of Appeals grant, second-story additions above existing permitted one-story structures may project into any required yard, provided that they do not extend beyond the wall of the existing structure.

V. Swimming pools. Swimming pools are regulated by all of the requirements of Article VII of Chapter 212 of the Village of Lawrence Village Code. Within the Coastal Conservation District - Woodmere Club, all provisions of Article VII shall apply except for the regulations provided hereinafter:

- (1) There shall be ten-foot side yard and twenty-foot rear yard setbacks.

- (2) Swimming pool terraces shall have 10-foot side yard and 20-foot rear yard setbacks.
- (3) Cabanas shall comply with all requirements set forth in § 212-13.1W of this section.

W. Accessory buildings and structures.

- (1) Accessory buildings may occupy not more than 18% of the required area of the rear yard up to an average height of 12 feet. The yard area occupied by such accessory building shall, however, be included in computing the maximum percentage of the lot area which may be built upon.
- (2) Exclusive of an accessory private garage and a cabana permitted as an accessory to a swimming pool pursuant to § 212-13.1V, only one structure can be erected and thereafter maintained, and such structure shall be erected on the ground and in the rear yard only and shall not exceed 144 square feet of floor area, nine feet in height maximum and 12 feet horizontally maximum, unless authorized as a special exception by the Board of Appeals.

X. Fences. No fence shall exceed six feet in height and shall be permitted on the rear lot line and those linear portions of the side lot lines enclosing a rear yard; provided, however, that four-foot fencing does not extend beyond the front line of the house. Fencing shall not substantially obstruct line of sight with respect to clear sight triangles.

Y. Signs. Such signs which are authorized for single-family residences under the provisions of the Village of Lawrence Village Code § 212-94 are permitted.

Z. Excavations. No excavations for purposes other than the construction of a driveway, walk, a permitted wall or building or part thereof or accessory thereto, or to remove topsoil from one part of the lands of an owner to another part of the same premises, when such removal is necessary as an accessory use or improving said property, shall be made unless approved by the Board of Appeals.

AA. Transition. Within 45 days of the effective date of this section, unless a greater period is determined necessary, specific amendments to the Building Zone Map of the Village of Lawrence shall be prepared by the Building Department or its designate, precisely identifying the area included in the CC-WC Coastal Conservation District - Woodmere Club.

BB. Notwithstanding the foregoing, this section shall be fully applicable to all properties falling within the definition of CC-WC Coastal Conservation District - Woodmere Club immediately upon adoption of this section and in accordance with law, and any prior zoning district regulation or classifications are thereby immediately superseded.

§ 212-14. Residence A District.

In the Residence A District, the following regulations shall apply:

A. No building shall be erected, altered or used, and no lot or premises shall be used, except for one or more of the following purposes: **[Amended 1-14-2010 by L.L. No. 1-2010]**

- (1) Uses permitted in the Residence AA District.
- (2) The office of a person practicing one of the professions enumerated in § 212-24.1A, provided that the premises on which such office is situated is owned by the professional or the spouse of such professional, and is used as the primary residence of such professional and such professional's immediate family.
 - (a) In determining whether a premises is the primary residence of a professional or a member

of the immediate family of such professional for the purposes of this section or § 212-24.1, the following factors may be considered, in addition to any other relevant factor:

- [1] The voting residence of such person;
 - [2] The address from which such person files income tax returns;
 - [3] Whether such person maintains a professional office or residence at another location, and the extent to which such person uses such other professional office or residence;
 - [4] The public school, if any, attended by children of such person;
 - [5] The address of such person used for any public filing or licensing, including, without limitation, professional licenses, driver's licenses, and vehicle registrations; and/or
 - [6] The residence addresses of other members of the professional's immediate family.
- (b) The determination of the Code Official charged with interpreting or enforcing the Village zoning regulations that a professional does not reside at a particular location such as to permit use of such location as a professional office shall be presumed correct, and it shall be the burden of such professional to overcome such presumption in any proceeding to review that determination.
- B. No single-family dwelling shall be erected or altered to have more than 2 1/2 stories, or a building height of more than 38 feet, whichever is greater. All other buildings shall be limited to two stories, or 29 feet. Notwithstanding anything in this subsection to the contrary, buildings with entirely flat roofs shall not exceed 26 feet in height.¹⁰⁵ **[Amended 6-8-1994 by L.L. No. 1-1994; 11-10-2016 by L.L. No. 2-2016]**
- C. No principal building or use, together with its accessory buildings or uses, shall be erected upon or shall occupy a lot or piece of ground having an area of less than 20,000 square feet and having a street frontage of less than 100 feet. No portion of such lot which is less in any dimension than 1/2 of the minimum required street frontage in this district shall be counted toward meeting the minimum lot area requirement. **[Amended 5-8-1996 by L.L. No. 1-1996; 1-8-1997 by L.L. No. 1-1997¹⁰⁶]**
- D. Yard regulations. **[Amended 1-8-1997 by L.L. No. 1-1997; 3-10-1999 by L.L. No. 3-1999]**
- (1) Every building hereafter erected or altered shall have a front yard of not less than 35 feet, a rear yard of not less than 50 feet and an aggregate of not less than 40 feet for both sides, neither one of which shall be less than 20 feet.
 - (2) No building shall be erected or altered which shall have a height/setback ratio of more than the following: **[Amended 12-12-2001 by L.L. No. 4-2001; 11-10-2016 by L.L. No. 2-2016]**
 - (a) Front yard: 0.63.
 - (b) Rear yard: 0.44.
 - (c) Side yard: 1.1.

105.Editor's Note: Former Subsection C, which immediately followed this subsection and dealt with building coverage, was repealed 5-14-1997 by L.L. No. 3-1997. This local law also redesignated former Subsections D through I as Subsections C through H, respectively.

106.Editor's Note: This local law combined the subject matter of former Subsections D, E, F, G and H into current Subsections D and E.

- (3) Notwithstanding the preceding, no such yard shall be less than required in § 212-12.1, Schedule of Dimensional Regulations.

E. (Reserved)

F. (Reserved)

G. (Reserved)

- H. Every new building lot created subsequent to April 1, 1996, shall be adequate in shape to totally contain within its boundaries a horizontal circle of not less than 100 feet in diameter, which circle shall be located no farther than the minimum required front yard setback distance from the lot's street frontage and within which circle the principal building shall be located. **[Added 5-8-1996 by L.L. No. 1-1996]**

§ 212-15. Residence BB District.

In the Residence BB District, the following regulations shall apply:

- A. No building shall be erected, altered or used, and no lot or premises shall be used, except for one or more of the following purposes:
- (1) Uses permitted in the Residence A District.
 - (2) Public schools, public museums and public libraries.
 - (3) Private schools, when authorized as special exceptions by the Board of Appeals.
 - (4) Churches, parish houses and places of religious worship or teaching.
- B. No single-family dwelling shall be erected or altered to have more than 2 1/2 stories, or a building height of more than 36 feet, whichever is greater. All other buildings shall be limited to two stories, or 29 feet. Notwithstanding anything in this subsection to the contrary, buildings with entirely flat roofs shall not exceed 26 feet in height.¹⁰⁷ **[Amended 6-8-1994 by L.L. No. 1-1994; 11-10-2016 by L.L. No. 2-2016]**
- C. No principal building or use, together with its accessory buildings or uses, shall be erected upon or shall occupy a lot or piece of ground having an area of less than 12,000 square feet and having a street frontage of less than 90 feet. No portion of such lot which is less in any dimension than 1/2 of the minimum required street frontage in this district shall be counted toward meeting the minimum lot area requirement. **[Amended 5-8-1996 by L.L. No. 1-1996; 1-8-1997 by L.L. No. 1-1997¹⁰⁸]**
- D. Yard regulations. **[Amended 1-8-1997 by L.L. No. 1-1997; 3-10-1999 by L.L. No. 3-1999]**
- (1) Every building hereafter erected or altered shall have a front yard of not less than 30 feet, a rear yard of not less than 40 feet and an aggregate of not less than 35 feet for both side yards, neither one of which shall be less than 15 feet.
 - (2) No building shall be erected or altered which shall have a height/setback ratio of more than the following: **[Amended 12-12-2001 by L.L. No. 4-2001; 11-10-2016 by L.L. No. 2-2016]**

¹⁰⁷Editor's Note: Former Subsection C, which immediately followed this subsection and dealt with building coverage, was repealed 5-14-1997 by L.L. No. 3-1997. This local law also redesignated former Subsections D through I as Subsections C through H, respectively.

¹⁰⁸Editor's Note: This local law combined the subject matter of former Subsections D, E, F, G and H into current Subsections D and E.

- (a) Front yard: 0.74.
 - (b) Rear yard: 0.55.
 - (c) Side yard: 1.5.
- (3) Notwithstanding the preceding, no such yard shall be less than required in § 212-12.1, Schedule of Dimensional Regulations.
- E. (Reserved)
- F. (Reserved)
- G. (Reserved)
- H. Every new building lot created subsequent to April 1, 1996, shall be adequate in shape to totally contain within its boundaries a horizontal circle of not less than 90 feet in diameter, which circle shall be located no farther than the minimum required front yard setback distance from the lot's street frontage and within which circle the principal building shall be located. **[Added 5-8-1996 by L.L. No. 1-1996]**

§ 212-16. Residence B District.

In the Residence B District, the following regulations shall apply:

- A. No building shall be erected, altered or used, and no lot or premises shall be used, except for one or more of the following purposes:
- (1) Uses permitted in the Residence BB District.
 - (2) Village disposal plant and pumping stations and other facilities in connection with the construction, maintenance and operation of the Village sewerage system.
- B. No single-family dwelling shall be erected or altered to have more than 2 1/2 stories, or a building height of more than 36 feet, whichever is greater. All other buildings shall be limited to two stories, or 29 feet. Notwithstanding anything in this subsection to the contrary, buildings with entirely flat roofs shall not exceed 26 feet in height.¹⁰⁹ **[Amended 6-8-1994 by L.L. No. 1-1994; 11-10-2016 by L.L. No. 2-2016]**
- C. No principal building or use, together with its accessory buildings or uses, shall be erected upon or shall occupy a lot or piece of ground having an area of less than 9,000 square feet and having a street frontage of less than 75 feet. No portion of such lot which is less in any dimension than 1/2 of the minimum required street frontage in this district shall be counted toward meeting the minimum lot area requirement. **[Amended 5-8-1996 by L.L. No. 1-1996; 1-8-1997 by L.L. No. 1-1997¹¹⁰]**
- D. Yard regulations. **[Amended 1-8-1997 by L.L. No. 1-1997; 3-10-1999 by L.L. No. 3-1999]**
- (1) Every building hereafter erected or altered shall have a front yard of not less than 30 feet, a rear yard of not less than 30 feet and an aggregate of not less than 30 feet for both side yards, neither one of which shall be less than 15 feet.

109. Editor's Note: Former Subsection C, which immediately followed this subsection and dealt with building coverage, was repealed 5-14-1997 by L.L. No. 3-1997. This local law also redesignated former Subsections D through I as Subsections C through H, respectively.

110. Editor's Note: This local law combined the subject matter of former Subsections D, E, F, G and H into current Subsections D and E.

- (2) No building shall be erected or altered which shall have a height/setback ratio of more than the following: **[Amended 12-12-2001 by L.L. No. 4-2001; 11-10-2016 by L.L. No. 2-2016]**
 - (a) Front yard: 0.74.
 - (b) Rear yard: 0.74.
 - (c) Side yard: 1.5.
- (3) Notwithstanding the preceding, no such yard shall be less than required in § 212-12.1, Schedule of Dimensional Regulations.
- E. (Reserved)
- F. (Reserved)
- G. (Reserved)
- H. Every new building lot created subsequent to April 1, 1996, shall be adequate in shape to totally contain within its boundaries a horizontal circle of not less than 75 feet in diameter, which circle shall be located no farther than the minimum required front yard setback distance from the lot's street frontage and within which circle the principal building shall be located. **[Added 5-8-1996 by L.L. No. 1-1996]**

§ 212-17. Residence C-1 District.

In the Residence C-1 District, the following regulations shall apply:

- A. No building shall be erected, altered or used, and no lot or premises shall be used, except for one or more of the following purposes:
 - (1) Uses permitted in the Residence B District.
 - (2) Municipal parking areas of the Village of Lawrence.
- B. No single-family dwelling shall be erected or altered to have more than 2 1/2 stories, or a building height of more than 36 feet, whichever is greater. All other buildings shall be limited to two stories, or 29 feet. Notwithstanding anything in this subsection to the contrary, buildings with entirely flat roofs shall not exceed 26 feet in height.¹¹¹ **[Amended 6-8-1994 by L.L. No. 1-1994; 11-10-2016 by L.L. No. 2-2016]**
- C. No principal building or use, together with its accessory buildings or uses, shall be erected upon or shall occupy a lot or piece of ground having an area of less than 9,000 square feet and having a street frontage of less than 70 feet. No portion of such lot which is less in any dimension than 1/2 of the minimum required street frontage in this district shall be counted toward meeting the minimum lot area requirement. **[Amended 5-8-1996 by L.L. No. 1-1996; 1-8-1997 by L.L. No. 1-1997¹¹²]**
- D. Yard regulations. **[Amended 1-8-1997 by L.L. No. 1-1997; 3-10-1999 by L.L. No. 3-1999]**
 - (1) Every building hereafter erected or altered shall have a front yard of not less than 25 feet, a rear

¹¹¹Editor's Note: Former Subsection C, which immediately followed this subsection and dealt with building coverage, was repealed 5-14-1997 by L.L. No. 3-1997. This local law also redesignated former Subsections D through I as Subsections C through H, respectively.

¹¹²Editor's Note: This local law combined the subject matter of former Subsections D, E, F, G and H into current Subsections D and E.

yard of not less than 30 feet and an aggregate of not less than 25 feet for both side yards, neither one of which shall be less than 10 feet.

- (2) No building shall be erected or altered which shall have a height/setback ratio of more than the following: **[Amended 12-12-2001 by L.L. No. 4-2001; 11-10-2016 by L.L. No. 2-2016]**

(a) Front yard: 0.88.

(b) Rear yard: 0.74.

(c) Side yard: 2.2.

- (3) Notwithstanding the preceding, no such yard shall be less than required in § 212-12.1, Schedule of Dimensional Regulations.

E. (Reserved)

F. (Reserved)

G. (Reserved)

- H. Every new building lot created subsequent to April 1, 1996, shall be adequate in shape to totally contain within its boundaries a horizontal circle of not less than 70 feet in diameter, which circle shall be located no farther than the minimum required front yard setback distance from the lot's street frontage and within which circle the principal building shall be located. **[Added 5-8-1996 by L.L. No. 1-1996]**

§ 212-18. Residence C-2 District.

In the Residence C-2 District, the following regulations shall apply:

- A. No building shall be erected, altered or used, and no lot or premises shall be used, except for one or more of the following purposes:

(1) Uses permitted in the Residence C-1 District.

- B. No single-family dwelling shall be erected or altered to have more than 2 1/2 stories, or a building height of more than 36 feet, whichever is greater. All other buildings shall be limited to two stories, or 29 feet. Notwithstanding anything in this subsection to the contrary, buildings with entirely flat roofs shall not exceed 26 feet in height.¹¹³ **[Amended 6-8-1994 by L.L. No. 1-1994; 11-10-2016 by L.L. No. 2-2016]**

- C. No principal building or use, together with its accessory buildings or uses, shall be erected upon or shall occupy a lot or piece of ground having an area of less than 6,500 square feet and having a street frontage of less than 50 feet. No portion of such lot which is less in any dimension than 1/2 of the minimum required street frontage in this district shall be counted toward meeting the minimum lot area requirement. **[Amended 5-8-1996 by L.L. No. 1-1996; 1-8-1997 by L.L. No. 1-1997¹¹⁴]**

- D. Yard regulations. **[Amended 1-8-1997 by L.L. No. 1-1997; 3-10-199 by L.L. No. 3-1999]**

¹¹³Editor's Note: Former Subsection C, which immediately followed this subsection and dealt with building coverage, was repealed 5-14-1997 by L.L. No. 3-1997. This local law also redesignated former Subsections D through I as Subsections C through H, respectively.

¹¹⁴Editor's Note: This local law combined the subject matter of former Subsections D, E, F, G and H into current Subsections D and E.

- (1) Every building hereafter erected or altered shall have a front yard of not less than 20 feet, a rear yard of not less than 20 feet and an aggregate of not less than 16 feet for both side yards, neither one of which shall be less than seven feet.
 - (2) No building shall be erected or altered which shall have a height/setback ratio of more than the following: **[Amended 12-12-2001 by L.L. No. 4-2001; 11-10-2016 by L.L. No. 2-2016]**
 - (a) Front yard: 1.1.
 - (b) Rear yard: 1.1.
 - (c) Side yard: 3.2.
 - (3) Notwithstanding the preceding, no such yard shall be less than required in § 212-12.1, Schedule of Dimensional Regulations.
- E. (Reserved)
- F. (Reserved)
- G. (Reserved)
- H. Every new building lot created subsequent to April 1, 1996, shall be adequate in shape to totally contain within its boundaries a horizontal circle of not less than 50 feet in diameter, which circle shall be located no farther than the minimum required front yard setback distance from the lot's street frontage and within which circle the principal building shall be located. **[Added 5-8-1996 by L.L. No. 1-1996]**

§ 212-19. Residence D District.

In the Residence D District, the following regulations shall apply:

- A. No building shall be erected, altered or used, and no lot or premises shall be used, except for one or more of the following purposes:
 - (1) Uses permitted in the Residence C-1 District.
 - (2) A dwelling for not over two families.
- B. No single-family or two-family dwelling shall be erected or altered to have more than 2 1/2 stories, or a building height of more than 36 feet, whichever is greater. All other buildings shall be limited to two stories, or 29 feet. Notwithstanding anything in this subsection to the contrary, buildings with entirely flat roofs shall not exceed 26 feet in height.¹¹⁵ **[Amended 6-8-1994 by L.L. No. 1-1994; 11-10-2016 by L.L. No. 2-2016]**
- C. No principal building or use, together with its accessory buildings or uses, shall be erected upon or shall occupy a lot or piece of ground having an area of less than 6,000 square feet and having a street frontage of less than 50 feet. No portion of such lot which is less in any dimension than 1/2 of the minimum required street frontage in this district shall be counted toward meeting the minimum lot area requirement. **[Amended 5-8-1996 by L.L. No. 1-1996; 1-8-1997 by L.L. No. 1-1997¹¹⁶]**

¹¹⁵Editor's Note: Former Subsection C, which immediately followed this subsection and dealt with building coverage, was repealed 5-14-1997 by L.L. No. 3-1997. This local law also redesignated former Subsections D through I as Subsections C through H, respectively.

¹¹⁶Editor's Note: This local law combined the subject matter of former Subsections D, E, F, G and H into current Subsections D and E.

D. Yard regulations. **[Amended 1-8-1997 by L.L. No. 1-1997; 3-10-1999 by L.L. No. 3-1999]**

- (1) Every building hereafter erected or altered shall have a front yard of not less than 20 feet, a rear yard of not less than 20 feet and an aggregate of not less than 13 feet for both side yards, neither one of which shall be less than five feet.
- (2) No building shall be erected or altered which shall have a height/setback ratio of more than the following: **[Amended 12-12-2001 by L.L. No. 4-2001; 11-10-2016 by L.L. No. 2-2016]**
 - (a) Front yard: 1.1.
 - (b) Rear yard: 1.1.
 - (c) Side yard: 4.4.
- (3) Notwithstanding the preceding, no such yard shall be less than required in § 212-12.1, Schedule of Dimensional Regulations.

E. (Reserved)

F. (Reserved)

G. (Reserved)

H. Every new building lot created subsequent to April 1, 1996, shall be adequate in shape to totally contain within its boundaries a horizontal circle of not less than 50 feet in diameter, which circle shall be located no farther than the minimum required front yard setback distance from the lot's street frontage and within which circle the principal building shall be located. **[Added 5-8-1996 by L.L. No. 1-1996]**

§ 212-20. Residence E District.

In the Residence E District, the following regulations shall apply:

- A. No building shall be erected, altered or used, and no lot or premises shall be used, except for one or more of the following purposes:
 - (1) Uses permitted in the Residence C-1 District.
 - (2) Multiple dwellings.
- B. No single-family dwelling shall be erected or altered to have more than 2 1/2 stories, or a building height of 36 feet, except multiple dwellings, which shall have no more than three stories or exceed 43 feet in height. All other buildings shall be limited to two stories, or 29 feet. Notwithstanding anything in this subsection to the contrary, buildings with entirely flat roofs, excluding multiple-dwelling buildings, shall not exceed 26 feet in height. **[Amended 6-8-1994 by L.L. No. 1-1994; 2-13-2002 by L.L. No. 3-2002; 11-10-2016 by L.L. No. 2-2016]**
- C. No building, together with its accessory buildings, shall occupy, in the aggregate, more than 30% of the area of the lot.
- D. No building shall hereafter be erected or altered on a lot of less area than 1,500 square feet for each family for which the building was designed, or which is actually housed in said building, and in no event on a lot of less area than 9,000 square feet.

- E. Every building hereafter erected or altered shall have a front yard of a minimum depth of 50 feet.
- F. Every building hereafter erected or altered shall have a rear yard of a minimum depth of 25 feet.
- G. In the case of a dwelling for one family, two side yards shall be provided, the aggregate width of which shall be not less than 16 feet. No side yard shall be less than seven feet in width. For other buildings, no side yard shall be less than 20 feet in width.
- H. No building shall be erected on any lot having a street frontage of less than 150 feet.

§ 212-21. Residence FF District.

In the Residence FF District, the following regulations shall apply:

- A. No building shall be erected, altered or used, and no lot or premises shall be used, except for one or more of the following purposes:
 - (1) Uses permitted in the Residence E District.
- B. No single-family dwelling shall be erected or altered to have more than 2 1/2 stories, or a building height of 36 feet, except multiple dwellings, which shall have no more than three stories or exceed 43 feet in height. All other buildings shall be limited to two stories, or 29 feet. Notwithstanding anything in this subsection to the contrary, buildings with entirely flat roofs, excluding multiple-dwelling buildings, shall not exceed 26 feet in height. [Amended 6-8-1994 by L.L. No. 1-1994; 2-8-1995 by L.L. No. 1-1995; 2-13-2002 by L.L. No. 3-2002; 11-10-2016 by L.L. No. 2-2016]
- C. No building, together with its accessory buildings, shall occupy, in the aggregate, more than 30% of the area of the lot.
- D. No building shall hereafter be erected or altered on a lot of less area than 2,000 square feet for each family for which the building was designed, or which is actually housed in said building, and in no event on a lot of less area than 12,000 square feet.
- E. Every building hereafter erected or altered shall have a front yard of a minimum depth of 50 feet.
- F. Every building hereafter erected or altered shall have a rear yard of a minimum depth of 25 feet.
- G. In the case of a dwelling for one family, two side yards shall be provided, the aggregate width of which shall be not less than 16 feet. No side yards shall be less than seven feet in width. For other buildings, no side yard shall be less than 20 feet in width.
- H. No building shall be erected on any lot having a street frontage of less than 150 feet.

§ 212-22. Residence F District.

In the Residence F District, the following regulations shall apply:

- A. No building shall be erected, altered or used, and no lot or premises shall be used, except for one or more of the following purposes:
 - (1) Uses permitted in the Residence D District.
 - (2) Uses accessory to an apartment house or multiple dwelling situated on an adjoining lot where such apartment house or multiple dwelling is a permitted use, provided that no access shall be

provided or permitted to the lot containing such accessory use, except from and over the lot on which the apartment house of multiple dwelling is situated.

- B. No single-family or two-family dwelling shall be erected or altered to have more than 2 1/2 stories, or a building height of more than 36 feet, whichever is greater. All other buildings shall be limited to two stories, or 29 feet. Notwithstanding anything in this subsection to the contrary, buildings with entirely flat roofs shall not exceed 26 feet in height.¹¹⁷ **[Amended 6-8-1994 by L.L. No. 1-1994; 11-10-2016 by L.L. No. 2-2016]**
- C. No principal building or use, together with its accessory buildings or uses, shall be erected upon or shall occupy a lot or piece of ground having an area of less than 6,000 square feet.
- D. Every building hereafter erected or altered shall have a front yard of a minimum depth of 10 feet.
- E. Every building hereafter erected or altered shall have a rear yard of a minimum depth of 10 feet.
- F. Two side yards shall be provided on every lot. No side yard shall be less than five feet in width.
- G. No building shall be erected on any lot having a street frontage of less than 60 feet.

§ 212-23. Business K District.

In the Business K District, the following regulations shall apply:

- A. No building or any part thereof shall be erected, altered or used, and no lot or premises shall be used, except for one or more of the following purposes, it being the intent of this chapter to exclude all uses not specifically permitted:
 - (1) Retail store where goods are sold or services rendered only to the retail trade, except that the same shall not include:
 - (a) The sale of fresh fish, seafood, poultry and meat, except as a department of a general food store.
 - (b) Outdoor sale or display of food or merchandise. **[Amended 6-11-2003 by L.L. No. 5-2003; 9-13-2004 by L.L. No. 10-2004]**
 - (c) Open-front store.
 - (d) Auction rooms.
 - (e) Pet shops.
 - (f) Bars or similar establishments operated principally for the sale of alcoholic beverages for on-premises consumption.
 - (g) Business establishments whose principal purpose is the operation of games of chance, including off-track betting operations.
 - (h) Business establishments operated primarily for recreational purposes.

117.Editor's Note: Former Subsection C, which immediately followed this subsection and dealt with lot occupancy, was repealed 1-8-1997 by L.L. No. 1-1997. This local law also redesignated former Subsections D through H as Subsections C through G, respectively.

- (i) Sale of materials, goods, paraphernalia and merchandise used in association with the smoking, consumption or ingestion of drugs, narcotics and similar items.
- (j) Flea markets. **[Added 2-13-1992 by L.L. No. 2-1992]**
- (k) Adult bookstores, adult drive-in theaters, adult entertainment cabarets, adult motels, adult theaters, massage establishments and peep shows. **[Added 6-9-1993 by L.L. No. 3-1993]**
- (l) Car washes. **[Added 6-9-2005 by L.L. No. 5-2005]**
- (m) Laundromats. **[Added 6-9-2005 by L.L. No. 5-2005]**
- (n) Business establishments whose principal activity is that of check cashing. **[Added 6-9-2005 by L.L. No. 5-2005]**
- (o) Business establishments whose activities include body piercing or application of tattoos. **[Added 6-9-2005 by L.L. No. 5-2005]**
- (2) Offices, including professional offices and professional buildings, except that the foregoing shall not include employment offices.
- (3) Multiple dwellings, provided that they comply with all of the terms and provisions of Subsection I.
- (4) Banks and financial institutions.
- (5) Restaurants other than diners, lunch wagons, drive-in restaurants and fast-food operations.
- (6) Bakeries.
- (7) Art galleries.
- (8) Newspaper printing, including incidental job printing.
- (9) Governmental and municipal purposes of the Village of Lawrence.
- (10) Public schools, public museums and public libraries.
- (11) Municipal parking areas of the Village of Lawrence.
- B. Except in the case of a multiple dwelling, no building shall exceed two stories in height or a maximum of 25 feet. Such height shall be measured from the grade of the public street in front of the building.
- C. No principal building or use, together with its accessory buildings or uses, shall occupy, in the aggregate, more than 66 2/3% of the area of the lot.
- D. Every building hereafter erected or altered shall have a front yard of not less than 10 feet. **[Amended 12-12-2001 by L.L. No. 4-2001]**
- E. Every building hereafter erected or altered shall have a rear yard of not less than 15 feet. **[Amended 12-12-2001 by L.L. No. 4-2001]**
- F. Except in the case of a multiple dwelling, every building hereafter erected or altered shall have a side yard of not less than five feet. **[Amended 12-12-2001 by L.L. No. 4-2001]**
- G. Except in the case of a multiple dwelling, every building hereafter erected shall have a street frontage

of not less than 18 feet. **[Amended 12-12-2001 by L.L. No. 4-2001]**

H. Every building hereinafter erected or altered shall provide on-site off-street parking.

- (1) One parking space shall be provided for each 200 square feet of gross floor area contained in the building.
- (2) Each parking space must be at least nine feet in width and 20 feet in depth and must be readily accessible without interfering with the use of other parking spaces. Accordingly, at least 300 square feet of parking area shall be provided for each required parking space. Parking spaces provided in access lanes shall not be counted.
- (3) Off-street parking spaces may be provided off the site within 100 feet from the use to which it is accessory, provided that the parking area is wholly contained within this zoning district.
- (4) All off-street parking spaces shall be finished with asphalt or portland cement or other hard-surface dustless material at least four inches in thickness.
- (5) The parking area shall be fenced to a height of six feet.
- (6) There shall be no signs or other advertising matter other than that stating the use of the parking spaces.
- (7) On-site drainage shall be provided.
- (8) Off-street parking shall not be permitted on the front yard of any building or in any side yard abutting a public street.

I. A multiple dwelling shall be a permitted use in the Business K District, subject to compliance with the following regulations:

- (1) The multiple dwelling shall have a minimum of 50 apartment units.
- (2) No building shall exceed four stories in height or a maximum of 40 feet. Such height shall be measured from the grade of the public street in front of the building.
- (3) No principal building or use, together with its accessory buildings or uses, shall occupy, in the aggregate, more than 66 2/3% of the area of the lot.
- (4) Every building hereinafter erected shall have a front yard of a minimum of 10 feet.
- (5) Every building hereinafter erected shall have a rear yard of a minimum of 15 feet.
- (6) Every building hereinafter erected shall have a side yard of a minimum of 10 feet.
- (7) A multiple dwelling lot shall have a street frontage of a minimum of 150 feet.
- (8) A landscaping plan shall be required prior to the issuance of a building permit for a multiple dwelling. Such landscaping plan shall be subject to the approval of the Board of Building Design.
- (9) A traffic plan for ingress and egress to a public street shall be required prior to the issuance of a building permit for a multiple dwelling. Such traffic plan shall be subject to the approval of the Planning Board. Such traffic plan shall require strict adherence to the standards set forth in §§ 212-27E and 212-28B with reference to ramps and level platforms and shall, in addition,

provide that such ramps and platforms be entirely inside the lot line and that the platform elevation be that of the public sidewalk at the point where the driveway intersects such public sidewalk and shall further provide that no wall, fence, other structure or any plant material, vehicle, object or any other obstruction shall exceed a height of two feet above the established platform elevation within a triangular area at either side of the driveway, extending from a point on the driveway edge 10 feet inside the lot line to a point on the front lot line 10 feet on either side of the driveway.

- (10) Professional offices. No nonresidential use shall be permitted in a multiple dwelling other than professional offices, limited to those professions enumerated in § 212-24.1A, and then subject to the following requirements:
- (a) Such professional offices shall be located solely on the first floor of the multiple dwelling.
 - (b) Such professional offices shall have separate entrances for ingress from and egress to the street, it being the intention of this provision to prohibit access into the common areas of a multiple dwelling.
 - (c) The total gross floor area designated for or used as professional offices, plus ingress and egress in common areas related thereto, shall not exceed 1/2 of the total gross floor area of the first floor of the multiple dwelling.
 - (d) No display of advertising and no sign shall be permitted except the name of the professional person or persons and letters or abbreviations indicating the nature of his profession. No such sign shall be illuminated except by reflector buttons. No such signs shall exceed two feet in length or six inches in height.
- (11) Every multiple dwelling building hereinafter erected or altered shall provide on-site off-street parking as follows:
- (a) At least 1 1/4 parking spaces must be provided for each dwelling unit.
 - (b) At least one parking space must be provided for each 200 square feet, or any fraction thereof, of the entire gross floor area and designated for or used as a professional office.
 - (c) Each parking space must be at least nine feet in width and 20 feet in depth and must be readily accessible without interfering with the use of other parking spaces. Accordingly, at least 300 square feet of parking area shall be provided for each required parking space. Parking spaces provided in access lanes shall not be counted.
 - (d) No tenant shall be denied the right to rent, or apartment owner denied the right to own, at least one parking space.

ARTICLE III
Accessory Buildings, Uses and Garages

§ 212-24. Regulations for accessory buildings and uses.

The following additional provisions shall apply to accessory buildings and uses:

- A. The accessory building or use must be located on the same lot as the principal building or use to which it is accessory or on a lot immediately adjoining it. If it is located on a lot immediately adjoining the lot on which the principal building or use is located and the lots are severed, the accessory use shall cease.
- B. The accessory use shall not be carried on by any person other than the occupant of the principal building or, in case of vacant property, by the owner or lessee of the lot.
- C. The area occupied by accessory buildings shall be included in computing the maximum portion of the lot area which may be built upon in any given district. The area occupied by accessory buildings shall not exceed 8.5% of the area of the lot. **[Amended 11-10-2016 by L.L. No. 2-2016]**
- D. Except as otherwise indicated in this chapter, the following shall be the minimum distances, by district, between any accessory structure or garage and the side and rear property lines of the lot on which the accessory structure or garage is situated: **[Amended 9-13-2004 by L.L. No. 7-2004]**

District	Minimum Distance (feet)
Residence AA	15
Residence A	10
Residence BB	8
Residence B	8
Residence C-1	4
Residence C-2	4
Residence D	4
Residence E	4
Residence FF	4
Residence F	4

- E. No accessory building shall be permitted in the Business K District. **[Added 9-13-2004 by L.L. No. 7-2004]**
- F. Accessory buildings located within a required setback shall not contain habitable space. **[Added 11-10-2016 by L.L. No. 2-2016]**

§ 212-24.1. Professional offices. [Amended 6-8-1994 by L.L. No. 1-1994; 1-14-2010 by L.L. No. 1-2010]

Where a lot or premises in a residence district is permitted to be used in part as the office of a professional

person, the following additional regulations and conditions shall apply:

- A. Such use is limited to the office of not more than one practitioner of medicine, osteopathy, physiotherapy, dentistry, podiatry, optometry, psychology or chiropractic duly licensed under the Education Law of the State of New York, and the building in which such office is located shall be the primary residence of such practitioner and the immediate family of such practitioner.
- B. Not more than one assistant or associate licensed practitioner and not more than one nurse or assistant or associate worker may be employed in such office.
- C. No display of advertising and no sign shall be permitted except the name of the professional person or persons and letters or abbreviations indicating the nature of his profession. No such sign shall be illuminated except by reflector buttons. No such signs shall exceed two feet in length or six inches in height.
- D. Such office must be located in and as part of the principal dwelling of the practitioner and the immediate family of such practitioner and may not be housed in a separate building.
- E. In no case may the practice of a profession be permitted as a principal use.

§ 212-25. Private garages.

A private garage is permitted only as an accessory use and is subject to the following conditions:

- A. No private garage shall be permitted within a side yard or within a rear yard, except under the following conditions:
 - (1) When used as accessory to a dwelling for one family only or for not more than two families, a private garage may be constructed in a side yard or a rear yard, provided that no part thereof is nearer than 15 feet, in a Residence AA District; 10 feet, in a Residence A District; eight feet, in a Residence BB or B District; or four feet, in any other residence district, to the nearest property line. **[Amended 6-14-2000 by L.L. No. 4-2000]**
 - (2) In a business district, such garage shall accommodate not more than five motor vehicles, and no part of the building shall be nearer than four feet to the side or rear property line; provided, however, that, in the case of a corner lot, a garage may not be nearer to the street line of the street on which the lot has the greater frontage than the front building line established for that street.
 - (3) When used as accessory to a building other than a dwelling for not over one family or for not over two families, such garage shall be permitted if authorized as a special exception by the Board of Appeals under such conditions as it may impose.
 - (4) In the case of a corner lot, a garage may not be nearer to the street line of the street on which the lot has the greater frontage than the front building line established for that street.

ARTICLE IV
Parking¹¹⁸

§ 212-26. Commercial vehicles in residential districts.¹¹⁹

- A. No commercial vehicles exceeding one ton's capacity shall be parked or stored overnight in any residence district.
- B. No vehicle bearing transporter or commercial plates or bearing plates of any similar nature of any jurisdiction shall be parked or stored overnight in any residence district.

§ 212-27. Required off-street spaces.

The following parking spaces shall be provided and maintained on private premises for each building or lot which, after the date when this chapter becomes effective, is erected or altered for use for any of the purposes mentioned below, or the use of which is changed after that date so that such building or premises is thereafter used for any such purpose:

- A. In the case of a multiple dwelling, at least 1 1/4 parking spaces must be provided on site for each dwelling unit.
- B. In the case of an auditorium or place of assembly and in the case of a church or other place of worship, club, community center or school, other than a public school, there shall be at least one parking space for each five persons for which the building has occupancy or capacity. Such occupancy or capacity shall be determined in the same manner as is provided in the State Uniform Fire Prevention and Building Code for determining the number of persons for which exits are to be provided; that is, using the following table, divide the gross floor area within the inside perimeter of the space by the applicable floor space.

Floor Area per Person		
Occupancy	First or Grade Story (square feet)	Above- or Below- Grade Stories (square feet)
Space containing seats	6*	6*
Designated waiting and standee space	3	3
Dance halls, restaurants, lodge rooms	15	15
Coatrooms, classrooms, locker rooms, waiting rooms, reading rooms, laboratories	40	40
Billiard rooms, bowling alleys, golf schools, archery ranges	50	50
Other space	40	40

118.Editor's Note: For related provisions, see Ch. 135, Off-Street Parking Fields, Municipal.

119.Editor's Note: For related provisions, see Ch. 200, Vehicles and Traffic.

Floor Area per Person		
Occupancy	First or Grade Story (square feet)	Above- or Below- Grade Stories (square feet)
* NOTE: For floor area actually occupied by seats. If the entire floor 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.		

- C. In the case of a one-family or two-family dwelling on a lot of 20,000 square feet or less, an enclosed garage (attached, semi-attached or detached) shall be provided containing at least one parking space for each family housed or intended to be housed in said dwelling. In the case of a one-family or two-family dwelling on a lot larger than 20,000 square feet, an enclosed garage (attached, semi-attached or detached) shall be provided containing at least two parking spaces. [Amended 2-8-1995 by L.L. No. 3-1995; 1-8-1997 by L.L. No. 1-1997; 5-14-1997 by L.L. No. 3-1997; 3-10-1999 by L.L. No. 3-1999; 4-9-2003 by L.L. No. 4-2003; 11-10-2016 by L.L. No. 2-2016]
- (1) For the purposes of this subsection, an attached garage must share a common wall with the dwelling, and a semi-attached garage is any garage connected to the dwelling via a breezeway or any other similar structure.
 - (2) In the case of a semiattached or detached garage, said building cannot exceed one story nor a vertical distance of 12 feet measured from the grade plane to the average height of the roof surface.
 - (3) Each one-car garage shall have a clear inside dimension of not less than 10 feet in width and 20 feet in depth, and each two-car garage shall have clear inside dimensions of not less than 20 feet in width and 20 feet in depth.
 - (4) Each front-facing garage located within 35 feet of the street line shall be served by a driveway of not less than 10 feet in width for a one-car garage and 20 feet in width for a two-car garage. For all other garages, a driveway area shall be provided of sufficient dimension to allow a vehicle to enter each garage space in a single driving maneuver and to exit each garage space with a single backing maneuver that will then allow the vehicle to enter upon the street in a forward direction. The driveway dimension normally required for such a maneuver shall be 30 feet perpendicular to the garage door, unless site-specific conditions require a different distance, as determined by the Village Building Department.
 - (5) Residential garages may be reduced in size or relocated in compliance with § 212-27C. Notwithstanding the foregoing, all existing nonconforming residential garages in the Village must be maintained at not less than their current size as legally existing.
- D. If a building is increased in the number of dwelling units or in its occupancy or capacity, as defined in subsection B of this section, there shall be additional parking spaces to the same extent as if such building were then first erected or first used for the purposes mentioned.
- E. In the case of a multiple dwelling situated in a residence district or adjoining a residence district, such parking space must be provided underneath the building or in one or more private garages located and constructed in accordance with this chapter and in accordance with the provisions of Chapter 70, Building Construction and Fire Prevention.

§ 212-28. Parking spaces in front yards. [Amended 11-10-2016 by L.L. No. 2-2016]

- A. Parking courts in front yards shall be permitted with adequate vegetative screening, approved by the Building Department Superintendent, and in accordance with the following chart:

Lot Size (square feet)	Parking Allowance
6,000	2 parking spaces
6,000 to 12,000	3 parking spaces
12,000 to 20,000	4 parking spaces
20,000 to 40,000	5 parking spaces
40,000 or more	6 parking spaces

- B. Except as provided in § 212-27E, of this section, the parking spaces may be either in the open or underneath the building or in one or more private garages provided for that purpose. If provided underneath the building or underneath the ground, the following general requirements for garages provided in the New York State Uniform Fire Prevention and Building Code shall apply, that is:
- (1) Motor vehicles may be parked or stored in the open upon the premises, but no vehicle may be parked or stored nearer than 10 feet to any combustible wall of a building or any unprotected opening in a noncombustible wall.
 - (2) Garages shall be arranged and constructed so that flammable or toxic gases or vapors cannot spread to fixed sources of ignition. Floors or decks shall be constructed of noncombustible materials that will not absorb flammable liquids. Each floor or roof deck upon which vehicles are stored shall be pitched for drainage.
 - (3) If ramps are used for vehicle travel from street to garage floor or from floor to floor, the slope shall not exceed 15%. Ramps leading to a street shall terminate not less than 20 feet from such street.

§ 212-29. Size of spaces.

Each parking space must be at least nine feet in width and 20 feet in depth and must be readily accessible without interfering with the use of other parking spaces. Accordingly, at least 300 square feet of parking area shall be provided for each required parking space. Parking spaces provided in access lanes shall not be counted.

§ 212-30. Surfacing of spaces; adequate access to spaces.

All parking spaces shall be paved, oiled or covered with gravel, shall be suitably drained, shall be maintained in good condition and shall have adequate means of ingress and egress.

§ 212-31. Spaces to be on same lot in zone.

All parking spaces shall be situated on the same lot and in the same building zone in which the building or premises requiring such parking spaces is located.

§ 212-32. Maintenance of spaces.

Parking spaces required by §§ 212-27 through 212-34 shall be maintained in accordance with the provisions of §§ 212-27 through 212-34, as long as such buildings or premises are used for the purposes requiring such parking spaces to be furnished.

§ 212-33. Dedication of lots to Village.

- A. In case the owner of any lot should dedicate part of such lot to the Village of Lawrence for the purpose of a parking area and the Village of Lawrence should accept such dedication, the number of parking spaces upon the land so dedicated shall be credited against the number of parking spaces which the owner would be required to provide under §§ 212-27 through 212-34, in respect to any building or structure erected on the remaining part of the lot within five years after the date of such dedication.
- B. Particulars of such parking spaces shall be shown in the application for a building permit, and proof shall be submitted that the owner or occupant of the building owns or controls the land on which such parking spaces are provided.

§ 212-34. Certificate of occupancy contingent upon spaces.

The certificate of occupancy shall be contingent upon the continuance of such parking spaces, and, if they should, for any reason, cease to be used and maintained for such purposes, or if the owner for the time being of the building for which such certificate of occupancy was issued should cease to own or control such parking area, the Board of Trustees may, upon notice to the applicant or the owner or occupant for the time being of such building, and after giving him an opportunity to be heard, cancel and revoke such certificate of occupancy.

ARTICLE V
Area Requirements

§ 212-35. Encroachments. [Amended 12-9-1998 by L.L. No. 3-1998; 4-9-2003 by L.L. No. 3-2003; 11-10-2016 by L.L. No. 2-2016]

No building or part of a building shall be erected in, upon or over, nor shall they project into a required yard, with the following exceptions:

- A. Cornices, eaves, gutters or flues projecting not more than 30 inches, or windowsills, belt courses or other ornamental features projecting not more than four inches. **[Amended 3-9-2023 by L.L. No. 2-2023]**
- B. Chimneys projecting not more than 24 inches.
- C. One-story uncovered landings may project into the required rear yard not more than six feet.
- D. One-story uncovered landings may project into the required side yard not more than three feet.
- E. A one- or two-story extension or enlargement of a one- or two-family dwelling may encroach into a required side yard no further than any legally existing building nor nearer than 10 feet to a side lot line. Said extension or enlargement may have a maximum exterior dimension of twenty feet, measured from the existing building toward a rear or front property line, and may encroach above a required height/setback ratio, provided that such extension or enlargement complies with all of the requirements of this chapter other than the regulations as to side yard. Any extension or enlargement toward a front property line may not extend past the nearest front building line. Such extension or enlargement shall be permitted only once on existing structures.
- F. A second-story extension or enlargement of a one- or two-family dwelling may encroach into a required side yard no further than any legally existing one story upon which the second story is extended or enlarged nor nearer than 10 feet to a side lot line and may encroach above a required side yard height/setback ratio, provided that such extension or enlargement complies with all of the requirements of this chapter other than regulations as to side yard. Such extension or enlargement shall be permitted only once.
- G. Covered porches shall be allowed to encroach up to five feet into the required front yard, provided they shall not be more than 12 feet in width. Covered porches are only permitted on the condition that they never be closed off by walls, screens or any other form of enclosure.
- H. Decks and patios in rear yards and side yards may not encroach into any required setback, except that a deck or patio may encroach up to 10 feet into a required setback if it is elevated less than three feet above the mean grade.
- I. Reverse gables and dormers may encroach above a required height/setback ratio for up to 50% of the length of the side of a building, provided such extension or enlargement complies with all other requirements of this chapter.
- J. The hip or hipped edge of a sloped roof, not exceeding a pitch of 1:1.8, may encroach above a required height/setback ratio. **[Added 3-9-2023 by L.L. No. 2-2023]**

§ 212-36. (Reserved)¹²⁰

120. Editor's Note: Former § 212-36, Location of swimming pools, was repealed 9-13-1995 by L.L. No. 9-1995.

§ 212-37. Finished face of fences and walls.

All stockade, picket, cyclone, chain link and similar types of fences and walls, wherein fencing, screening and wall materials are affixed to supporting structures, shall be placed with the finished fencing or wall facing the street or adjoining property owner.

§ 212-38. Corner lots.

- A. In the case of a corner lot in a Residence AA District, a building shall be required to comply with the front yard restrictions on both streets, and each of such yards shall be deemed a front yard for the purposes of this chapter.
- B. In the case of a corner lot in a residence district other than the Residence AA District, a building shall be required to comply with the front yard restrictions on the narrower street front only. The depth of the yard from the other street line shall be:
 - (1) In a Residence A District: 25% of the width of the lot, but need not be more than 30 feet.
 - (2) In a Residence BB District: 25% of the width of the lot, but need not be more than 30 feet.
 - (3) In a Residence B District: 20% of the width of the lot, but need not be more than 25 feet.
 - (4) In Residence C-1 and C-2 Districts: 20% of the width of the lot, but need not be more than 25 feet.
 - (5) In a Residence D District: 15% of the width of the lot, but need not be more than 20 feet.
 - (6) In a Residence F District: not less than six feet.
- C. In the case of a corner lot in a Residence E or Residence FF District, a building shall be required to comply with the front yard restrictions on Central Avenue, Herrick Drive and Lawrence Station Plaza only. The depth of yard from the other street lines shall be not less than 25 feet.
- D. The yard in the rear of the narrower street front shall comply with the restrictions provided for a rear yard. The yard in the rear of the wider street front shall comply with the requirements provided for a side yard.
- E. In case of a lot, other than a corner lot, adjoining two or more streets, a front yard is required on each street.
- F. In that portion of the Isle of Wight hereinafter described, no front yard need be more than 15 feet in depth, and no rear yard need be more than 15 feet in depth. The area to which this subsection applies is bounded on the north by a line 100 feet north of Berkshire Place; on the west by Sage Avenue; on the south by the waterfront; and on the east by an irregular line commencing at the intersection of the waterfront and the center line of Oxford Place continued southerly, running thence northerly along the center line of Oxford Place to Seaview Avenue, thence westerly along Seaview Avenue to a line 90 feet east of Albert Place and thence northerly along a line 90 feet east of Albert Place to the northerly boundary line first above mentioned.

§ 212-39. Building and wall heights; roofs. [Amended 6-8-1994 by L.L. No. 1-1994; 2-8-1995 by L.L. No. 2-1995; 1-8-1997 by L.L. No. 1-1997; 12-12-2001 by L.L. No. 4-2001; 11-10-2016 by L.L. No. 2-2016]

- A. Chimneys, spires, turrets, cupolas, parapets and similar architectural features shall not count toward

building height, provided such features shall not extend more than three feet above the roof.

- B. Flat roofs on one- and two-family dwellings may be used in conjunction with pitched roofs on the same building. All pitched roofs on residential buildings also utilizing a flat roof shall have a maximum slope of 1:1.8 (horizontal units: vertical units). **[Amended 3-9-2023 by L.L. No. 2-2023]**
- C. Notwithstanding anything in this chapter to the contrary, no single exterior wall on a building or structure in the A, AA, BB, C-1, C-2, D, E, F or FF District shall have an exterior wall height greater than 23.0 feet.

§ 212-39.1. Attics. [Added 9-13-1995 by L.L. No. 8-1995; amended 11-10-2016 by L.L. No. 2-2016]

Attics in residential dwellings may be used for or converted to habitable space, provided the attic and dwelling meet all requirements under the NYS Uniform Fire Prevention and Building Code, as amended from time to time, including, but not limited to, sprinkler and emergency egress requirements. Attics in commercial buildings shall be used exclusively for storage and mechanicals and shall not contain any habitable, recreational or bathroom space.

§ 212-40. Computation of measurements.

- A. In the case of an irregular lot, the Board of Trustees shall have power to determine and designate what portion of such lot shall be deemed to be used in connection with the proposed building or use and what, if any, portion thereof is not properly to be deemed used in connection therewith. For the purpose of computing the size of the lot and the building area and the location of the yards and their required dimensions, only that portion of the parcel which the Board of Trustees deems to be used in connection with the proposed building or use shall be taken into consideration.
- B. In the case of a parcel of land connected with a public street by a driveway and having no other street frontage, the portion of the parcel of land occupied by such driveway shall be excluded for the purpose of computing the size of the lot, the building area and the location and size of the front, rear and side yards. In such a case, the size of the lot and the building area shall be computed, and the yards shall be located and their required size shall be determined, in the same manner as if the driveway did not exist and the line of the lot nearest the public street with which the driveway connected had been the front line of the lot.
- C. For the purpose of computing the building area, the size of the lot, the rear yards, front yards and side yards and any proposed street or streets shown on any Official Map or plan of the Village, or any amendment or modification thereof now or hereafter duly adopted by the Planning Board or Planning Commission or Board of Trustees of the Village of Lawrence, shall be considered a public street with the same force and effect as if the same had been duly opened and improved and made available for public use.
- D. For the purpose of computing the size of a building lot, there shall not be included any marshland or land subject to tidal action or land under water.

ARTICLE VI
Stormwater Control¹²¹
[Added 5-8-2014 by L.L. No. 2-2014]

§ 212-41. Definitions.

The terms used in L.L. No. 2-2014¹²² or in documents prepared or reviewed under L.L. No. 2-2014 shall have the meaning as set forth in this section.

AGRICULTURAL ACTIVITY — The activity of an active farm, including grazing and watering livestock, irrigating crops, harvesting crops, using land for growing agricultural products, and cutting timber for sale, but shall not include the operation of a dude ranch or similar operation, or the construction of new structures associated with agricultural activities.

APPLICANT — A property owner or agent of a property owner who has filed an application for a land development activity.

BUILDING — Any structure, either temporary or permanent, having walls and a roof, designed for the shelter of any person, animal, or property, and occupying more than 100 square feet of area.

CHANNEL — A natural or artificial watercourse with a definite bed and banks that conducts continuously or periodically flowing water.

CLEARING — Any activity that removes the vegetative surface cover.

DEDICATION — The deliberate appropriation of property by its owner for general public use.

DEPARTMENT — The New York State Department of Environmental Conservation.

DESIGN MANUAL — The New York State Stormwater Management Design Manual (most recent version, including applicable updates) that serves as the official guide for stormwater management principles, methods and practices.

DEVELOPER — A person who undertakes land development activities.

EROSION CONTROL MANUAL — The most recent version of the "New York Standards and Specifications for Erosion and Sediment Control" manual, commonly known as the "Blue Book."

GRADING — Excavation or fill of material, including the resulting conditions thereof.

IMPERVIOUS COVER — Those surfaces, improvements and structures that cannot effectively infiltrate rainfall, snowmelt and water (e.g., building rooftops, pavement, sidewalks, driveways, etc.).

INDUSTRIAL STORMWATER PERMIT — A State Pollutant Discharge Elimination System permit issued to a commercial industry or group of industries which regulates the pollutant levels associated with industrial stormwater discharges or specifies on-site pollution control strategies.

INFILTRATION — The process of percolating stormwater into the subsoil.

JURISDICTIONAL WETLAND — An area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as "hydrophytic vegetation."

LAND DEVELOPMENT ACTIVITY — Construction activity, including clearing, grading, excavating,

121.Editor's Note: Former Art. VI, Signs, was repealed 1-9-2002 by L.L. No. 1-2002.

122.Editor's Note: See also Ch. 177, Stormwater Management and Erosion and Sediment Control, and § 182-7A(4), concerning the requirement of a stormwater pollution prevention plan for plat approval.

soil disturbance or placement of fill, that results in land disturbance of equal to or greater than one acre, or activities disturbing less than one acre of total land area that is part of a larger common plan of development or sale, even though multiple separate and distinct land development activities may take place at different times on different schedules.

LANDOWNER — The legal or beneficial owner of land, including those holding the right to purchase or lease the land, or any other person holding proprietary rights in the land.

MAINTENANCE AGREEMENT — A legally recorded document that acts as a property deed restriction and which provides for long-term maintenance of stormwater management practices.

NONPOINT SOURCE POLLUTION — Pollution from any source other than from any discernible, confined, and discrete conveyances and shall include, but not be limited to, pollutants from agricultural, silvicultural, mining, construction, subsurface disposal and urban runoff sources.

PHASING — Clearing a parcel of land in distinct pieces or parts, with the stabilization of each piece completed before the clearing of the next.

POLLUTANT OF CONCERN — Sediment or a water quality measurement that addresses sediment (such as total suspended solids, turbidity or siltation) and any other pollutant that has been identified as a cause of impairment of any water body that will receive a discharge from the land development activity.

PROJECT — Land development activity.

RECHARGE — The replenishment of underground water reserves.

SEDIMENT CONTROL — Measures that prevent eroded sediment from leaving the site.

SENSITIVE AREAS — Cold-water fisheries, shellfish beds, swimming beaches, groundwater recharge areas, water supply reservoirs, habitats for threatened, endangered or special concern species.

SPDES GENERAL PERMIT FOR CONSTRUCTION ACTIVITIES GP-02-01 — A permit under the New York State Pollutant Discharge Elimination System (SPDES) issued to developers of construction activities to regulate disturbance of one or more acres of land.

SPDES GENERAL PERMIT FOR STORMWATER DISCHARGES FROM MUNICIPAL SEPARATE STORMWATER SEWER SYSTEMS GP-02-02 — A permit under the New York State Pollutant Discharge Elimination System (SPDES) issued to municipalities to regulate discharges from municipal separate storm sewers for compliance with EPA-established water quality standards and/or to specify stormwater control standards.

STABILIZATION — The use of practices that prevent exposed soil from eroding.

STOP-WORK ORDER — An order issued which requires that all construction activity on a site be stopped.

STORMWATER — Rainwater, surface runoff, snowmelt and drainage.

STORMWATER HOTSPOT — A land use or activity that generates higher concentrations of hydrocarbons, trace metals or toxicants than are found in typical stormwater runoff, based on monitoring studies.

STORMWATER MANAGEMENT — The use of structural or nonstructural practices that are designed to reduce stormwater runoff and mitigate its adverse impacts on property, natural resources and the environment.

STORMWATER MANAGEMENT FACILITY — One or a series of stormwater management practices installed, stabilized and operating for the purpose of controlling stormwater runoff.

STORMWATER MANAGEMENT OFFICER — An employee or officer designated by the municipality to accept and review stormwater pollution prevention plans, forward the plans to the applicable municipal board and inspect stormwater management practices. Unless separately appointed, the Village's Building Inspector shall act as the Village's Stormwater Management Officer.

STORMWATER MANAGEMENT PRACTICES (SMPs) — Measures, either structural or nonstructural, that are determined to be the most effective, practical means of preventing flood damage and preventing or reducing point source or nonpoint source pollution inputs to stormwater runoff and water bodies.

STORMWATER POLLUTION PREVENTION PLAN (SWPPP) — A plan for controlling stormwater runoff and pollutants from a site during and after construction activities.

STORMWATER RUNOFF — Flow on the surface of the ground, resulting from precipitation.

SURFACE WATERS OF THE STATE OF NEW YORK — Lakes, bays, sounds, ponds, impounding reservoirs, springs, wells, rivers, streams, creeks, estuaries, marshes, inlets, canals, the Atlantic Ocean within the territorial seas of the State of New York and all other bodies of surface water, natural or artificial, inland or coastal, fresh or salt, public or private (except those private waters that do not combine or effect a junction with natural surface or underground waters), which are wholly or partially within or bordering the state or within its jurisdiction. Storm sewers and waste treatment systems, including treatment ponds or lagoons, which also meet the criteria of this definition are not waters of the state. This exclusion applies only to man-made bodies of water which neither were originally created in waters of the state (such as a disposal area in wetlands) nor resulted from impoundment of waters of the state.

WATERCOURSE — A permanent or intermittent stream or other body of water, either natural or man-made, which gathers or carries surface water.

WATERWAY — A channel that directs surface runoff to a watercourse or to the public storm drain.

§ 212-42. Stormwater pollution prevention plans.

- A. Stormwater pollution prevention plan required. 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.
 - (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 maps should be at a scale no smaller than one inch to 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.
- (2) Land development activities as defined in § 212-41 of this article and meeting Condition A, B or C below shall also include water quantity and water quality controls (post-construction stormwater runoff controls) as set forth in Subsection B(3) below as applicable:
- (a) Condition A: stormwater runoff from land development activities discharging a pollutant of concern to either an impaired water identified on the Department's 303(d) list of impaired waters or a total maximum daily load (TMDL) designated watershed for which pollutants in stormwater have been identified as a source of the impairment.
 - (b) Condition B: stormwater runoff from land development activities disturbing five or more acres.

- (c) Condition C: stormwater runoff from land development activity disturbing between one and five acres of land during the course of the project, exclusive of the construction of single-family residences and construction activities at agricultural properties.
- (3) SWPPP Requirements for Conditions A, B and C:
 - (a) All information in § 212-42B(1) of this article.
 - (b) Description of each post-construction stormwater management practice.
 - (c) Site map/construction drawing(s) showing the specific location(s) and size(s) of each post-construction stormwater management practice.
 - (d) Hydrologic and hydraulic analysis for all structural components of the stormwater management system for the applicable design storms.
 - (e) Comparison of post-development stormwater runoff conditions with pre-development conditions.
 - (f) Dimensions, material specifications and installation details for each post-construction stormwater management practice.
 - (g) Maintenance schedule to ensure continuous and effective operation of each post-construction stormwater management practice.
 - (h) Maintenance easements to ensure access to all stormwater management practices at the site for the purpose of inspection and repair. Easements shall be recorded on the plan and shall remain in effect with transfer of title to the property.
 - (i) Inspection and maintenance agreement binding on all subsequent landowners served by the on-site stormwater management measures in accordance with § 212-44 of this article.
 - (j) For Condition A, the SWPPP shall be prepared by a landscape architect, certified professional or professional engineer and must be signed by the professional preparing the plan, who shall certify that the design of all stormwater management practices meet the requirements in this article.
- C. Other environmental permits. The applicant shall assure that all other applicable environmental permits have been or will be acquired for the land development activity prior to approval of the final stormwater design plan.
- D. Contractor certification.
 - (1) Each contractor and subcontractor identified in the SWPPP who will be involved in soil disturbance and/or stormwater management practice installation shall sign and date a copy of the following certification statement before undertaking any land development activity: "I certify under penalty of law that I understand and agree to comply with the terms and conditions of the Stormwater Pollution Prevention Plan. I also understand that it is unlawful for any person to cause or contribute to a violation of water quality standards."
 - (2) The certification must include the name and title of the person providing the signature; address and telephone number of the contracting firm; the address (or other identifying description) of the site; and the date the certification is made.

- (3) The certification statement(s) shall become part of the SWPPP for the land development activity.
- E. A copy of the SWPPP shall be retained at the site of the land development activity during construction from the date of initiation of construction activities to the date of final stabilization.

§ 212-43. Performance and design criteria for stormwater management and erosion and sediment control.

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

- A. Technical standards. For the purpose of L.L. No. 2-2014,¹²³ 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 L.L. No. 2-2014:
- (1) The New York State Stormwater Management Design Manual (New York State Department of Environmental Conservation, most current version or its successor, hereafter referred to as the "Design Manual").
 - (2) New York Standards and Specifications for Erosion and Sediment Control (Empire State Chapter of the Soil and Water Conservation Society, 2004, most current version or its successor, hereafter referred to as the "Erosion Control Manual").
- B. Equivalence to technical standards. Where stormwater management practices are not in accordance with technical standards, the applicant or developer must demonstrate equivalence to the technical standards set forth in Subsection A, and the SWPPP shall be prepared by a licensed professional.
- C. Water quality standards. 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.

§ 212-44. Maintenance, inspection and repair of stormwater facilities.

- A. Maintenance and inspection during construction.
- (1) The applicant or developer of the land development activity or their representative shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the applicant or developer to achieve compliance with the conditions of this article. Sediment shall be removed from sediment traps or sediment ponds whenever their design capacity has been reduced by 50%.
 - (2) For land development activities as defined in § 212-41 of this article and meeting Condition A, B or C in § 212-42B(2), the applicant shall have a qualified professional conduct site inspections and document the effectiveness of all erosion and sediment control practices every seven days and within 24 hours of any storm event producing 0.5 inch of precipitation or more. Inspection reports shall be maintained in a site log book.
 - (3) The applicant or developer or their representative shall be on site at all times when construction or grading activity takes place and shall inspect and document the effectiveness of all erosion

123.Editor's Note: See also Ch. 177, Stormwater Management and Erosion and Sediment Control, and § 182-7A(4), concerning the requirement of a stormwater pollution prevention plan for plat approval.

and sediment control practices.

- B. Maintenance easement(s). Prior to the issuance of any approval that has a stormwater management facility as one of the requirements, the applicant or developer must execute a maintenance easement agreement that shall be binding on all subsequent landowners served by the stormwater management facility. The easement shall provide for access to the facility at reasonable times for periodic inspection by the Incorporated Village of Lawrence to ensure that the facility is maintained in proper working condition to meet design standards and any other provisions established by this L.L. No. 2-1014.¹²⁴ The easement shall be recorded by the grantor in the office of the County Clerk after approval by the counsel for the Incorporated Village of Lawrence.
- C. Maintenance after construction. The owner or operator of permanent stormwater management practices installed in accordance with L.L. No. 2-2014 shall ensure they are operated and maintained to achieve the goals of L.L. No. 2-2014. Proper operation and maintenance also includes, as a minimum, the following:
- (1) A preventive/corrective maintenance program for all critical facilities and systems of treatment and control (or related appurtenances) which are installed or used by the owner or operator to achieve the goals of L.L. No. 2-2014.
 - (2) Written procedures for operation and maintenance and training new maintenance personnel.
 - (3) Discharges from the SMPs shall not exceed design criteria or cause or contribute to water quality standard violations in accordance with Article VI, § 212-43C.
- D. Maintenance agreements. The Incorporated Village of Lawrence 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."¹²⁵ The Incorporated Village of Lawrence, in lieu of a maintenance agreement, at its sole discretion, may accept dedication of any existing or future stormwater management facility, provided that such facility meets all the requirements of L.L. No. 2-2014 and includes adequate and perpetual access and sufficient area, by easement or otherwise, for inspection and regular maintenance.

§ 212-45. through § 212-46. (Reserved)

124. Editor's Note: See also Ch. 177, Stormwater Management and Erosion and Sediment Control, and § 182-7A(4), concerning the requirement of a stormwater pollution prevention plan for plat approval.

125. Editor's Note: See also Ch. 177, Stormwater Management and Erosion and Sediment Control, and § 182-7A(4), concerning the requirement of a stormwater pollution prevention plan for plat approval.

ARTICLE VII
Swimming Pools

§ 212-47. Computation of measurements. [Amended 1-8-1997 by L.L. No. 1-1997; 6-9-2022 by L.L. No. 4-2022]

For the purpose of computing the required yards and the distance from the lines of the lot, a pool enclosure, the pool apron or platform along the side or end of a swimming pool, the base for the springboard or diving platform and foundation for the purifying apparatus, if any, shall be included.

§ 212-48. Location. [Amended 9-13-1995 by L.L. No. 7-1995]

- A. No swimming pool or part thereof shall be constructed in the front yard.
- B. A swimming pool may be constructed in the rear yard, provided that it is located at least 20 feet from the rear lot line.
- C. No swimming pool shall be constructed less than the following minimum distances, by district, from any side property line.

District	Minimum Distance (feet)
Residence AA	30
Residence A	20
Residence BB	15
Residence B	15
Residence C-1	10
Residence C-2	7
Residence D	5
Residence E	20
Residence FF	20
Residence F	5
Business K	5

- D. In the case of a corner lot, a swimming pool may not be nearer to the street line of the street on which the lot has the greater frontage than the front building line established for that street.

§ 212-49. Swimming pool alarms. [Amended 10-11-2007 by L.L. No. 4-2007]

- A. Each residential swimming pool and each commercial swimming pool located in the Village shall have swimming pool alarms in compliance with the requirements set forth in New York State Uniform Fire Prevention and Building Code 19 NYCRR 1228.2(c)(1 - 5), (d) and (e).
- B. All swimming pools installed under permits issued prior to December 15, 2006, must be in full compliance with this section by May 15, 2008.

§ 212-50. Drainage.

Each pool shall be provided with permanently installed facilities for the complete draining thereof. Such facilities shall be entirely separate from the house drains and house sewer. In no case may the contents of the pool be permitted to discharge, directly or indirectly, into a street or public sewer or public drain or catch basin or in, upon or under the land of another person without his written consent or in such a way as to adversely affect the functioning of the house drains or house sewer of another property.

§ 212-51. Connection with water supply.

All connections with the public water supply shall be made by a duly licensed plumber in conformity with the Plumbing Code and the rules and regulations of the Long Island Water Corporation. Such connections shall be made in such a way as to prevent any water from the swimming pool from entering the public water supply system. In times of drought or water shortage, the Board of Trustees may direct that the use of the swimming pool be discontinued and that all connections with the public water supply system be broken until further order.

§ 212-52. Fencing.¹²⁶ [Amended 9-11-2008 by L.L. No. 4-2008; 1-7-2019 by L.L. No. 1-2019]

Every swimming pool shall be enclosed by a fence or wall approved by the Building Inspector in compliance with Residential Code of New York State, Appendix G, or Building Code of New York State, Section 3109, but the height of such fence shall not exceed six feet and shall remain subject to the provisions of Chapter 12 of this Code.

126.Editor's Note: See also §§ 212-37 and 212-56.

ARTICLE VIII
Recreational Structures

§ 212-53. (Reserved)¹²⁷

§ 212-54. Effect on area requirements. [Amended 1-8-1997 by L.L. No. 1-1997]

For the purpose of computing the required yards and the distance from the lines of the lot, the recreational structures referred to in this article shall not be included, except as hereinafter set forth.

§ 212-55. Location. [Amended 9-13-1995 by L.L. No. 10-1995]

- A. No recreational structure shall be constructed in a front yard.
- B. No recreational structure shall be constructed less than 20 feet from any side or rear property line.
- C. In the case of a corner lot, a recreational structure may not be nearer to the street line of the street on which the lot has the greater frontage than the front building line established for that street.

§ 212-56. Fence height.¹²⁸

No fence accessory to a recreational structure shall exceed 10 feet in height.

§ 212-57. Illumination. [Amended 9-13-1995 by L.L. No. 10-1995; 9-13-2004 by L.L. No. 9-2004]

Installation of exterior floodlights and other means of illumination shall not be permitted as accessory to a recreational structure, unless that lighting is placed no fewer than 150 feet from the nearest neighboring dwelling, is no higher than 25 feet and is directed toward the recreational structure only and away from neighboring dwellings. No such lighting shall be illuminated later than 10:00 p.m.

§ 212-58. Hours of operation.

No recreational structure shall be used after 10:00 p.m.

127.Editor's Note: Former § 212-53, Definitions, as amended, was repealed 1-8-1997 by L.L. No. 1-1997. See now § 212-2, Word usage and definitions.

128.Editor's Note: See also §§ 212-37 and 212-52.

ARTICLE IX
Multiple Dwellings

§ 212-59. Fire escapes.¹²⁹

No multiple dwelling shall be constructed which shall have or be designed to have an exterior fire escape. All means of ingress and egress above the ground floor shall be by way of interior ramps or stairways. Balconies shall not be used as fire escapes or as means of ingress and egress.

§ 212-60. Use restricted.

No multiple dwelling shall be constructed, altered or used, any part of which is designed or used for any of the purposes specified in § 212-23.

§ 212-61. Outside features restricted.

No multiple dwelling shall have or be designed to have:

- A. An exterior clothesline or clothespole or other device for drying or airing clothes, laundry, bedding or draperies.
- B. Any side or rear wall or facade of a design or appearance or color substantially differing from that of the front wall or facade.
- C. An exposed water tank or an exposed shed or structure for the housing of elevators or other machinery. All of such construction or equipment, if permitted elsewhere in this chapter, shall be concealed from view by latticework or a wall or other means.

§ 212-62. Exterior walls for dwelling units.

At least two sides of each dwelling unit shall be exterior walls. No dwelling plan shall be over two rooms deep. Each apartment must have at least two exterior exposures.

§ 212-63. General Requirements.

No multiple dwelling shall be constructed, altered or used:

- A. Unless the exterior design and appearance thereof shall be in harmony with the multiple dwellings, if any, previously constructed or authorized to be constructed upon the lot or lots adjacent thereto or across the street therefrom.
- B. Unless adequate provision is made, upon the same lot and in the same building zone, for parking as required by §§ 212-27 through 212-34.
- C. Unless the plans and specifications thereof shall have been examined and approved as to type, structure, design, safety and exterior appearance and unless the plans and provisions for the parking, storage or garaging of the occupants' automobiles shall have been examined and approved as to adequacy, safety and freedom from fire hazard and unless the plans and specifications, generally, shall have been examined and approved as to compliance with the provisions of this chapter and of Chapter 70. Building Construction and Fire Prevention, and standard practice, by an architect or engineer appointed for the purpose by the Board of Trustees.

129.Editor's Note: For related provisions, see Ch. 70, Building Construction and Fire Prevention.

ARTICLE X
Nonconforming Buildings and Uses

§ 212-64. Designation and determination of nonconformance.

A nonconforming building or use is:

- A. A building or use which existed when the Building Zone Ordinance of the Village of Lawrence was adopted on October 22, 1931, and complied with all of the requirements of the ordinances of the Village immediately prior to the adoption of such ordinance but which failed to conform to the requirements of the ordinance so adopted.
- B. A building or use which existed when an amendment of such Building Zone Ordinance was adopted and which complied with all of the requirements of the Building Zone Ordinance immediately prior to the adoption of such amendment but failed to comply with the requirements of the Building Zone Ordinance as so amended.
- C. A building or use which may hereafter exist when an amendment of this chapter is adopted and which complies with the requirements of this chapter immediately prior to the adoption of such amendment but which fails to comply with the requirements of this chapter as so amended.

§ 212-65. Restrictions on continuation, reconstruction or alteration.

Except as provided in § 212-66 of this article, any nonconforming use may be continued, and any building designed, arranged or intended for or devoted to a nonconforming use may be reconstructed or structurally altered and the nonconforming use therein changed, subject to the following regulations:

- A. The structural alterations made in such building shall in no case exceed its assessed value. nor shall the building be enlarged, unless the use therein is changed to a conforming use.
- B. No nonconforming use shall be extended at the expense of a conforming use.
- C. No building or premises devoted to a use permitted in the district in which it is situated shall be changed to a use excluded from or not permitted in such district.
- D. A nonconforming lot having an area less than the minimum provided for the district in which it is situated, whose ownership at the time such nonconformity arose and at all times thereafter differed from the ownership of all adjoining property, may be improved, and a building may be constructed, altered or enlarged thereon, provided that such building and lot comply with all of the requirements of the district in which such lot is situated, other than regulations as to minimum area.
- E. A nonconforming lot improved with a building which has either or both side yards less in width than the minimum provided for the district in which it is situated may be altered, extended or enlarged, provided that no side yard is reduced in width and, further, provided that any extension or enlargement of the building shall conform to the minimum yard requirements herein provided for such district.

§ 212-66. (Reserved)¹³⁰

130. Editor's Note: Former § 212-66, Signs, was repealed 1-9-2002 by L.L. No. 1-2002. See now Art. VII, Signs.

§ 212-67. Reconstruction of destroyed buildings.

Nothing in this chapter shall prevent the restoration of a building destroyed by fire, explosion, act of God or act of a public enemy to the extent of not more than 50% of its value or prevent the continuance of the use of such building or part thereof as such use existed at the time of such destruction of such building or part thereof or prevent a change of such existing use under the limitations provided by § 212-65 of this article. Any building destroyed in the manner aforesaid, to an extent exceeding 50% of its value at the time of such destruction, may be reconstructed and thereafter used only in such a manner as to conform to all the provisions of this chapter. Nothing in this chapter shall prevent the restoration of a wall or other part of a building declared unsafe.

§ 212-68. Real property acquired by Village.

Where any real property is acquired by the Village of Lawrence for a public use, whether by dedication, purchase, condemnation or otherwise, and, as a result of such acquisition, other real property not so acquired fails to conform to the regulations of this chapter or Chapter 70, Building Construction and Fire Prevention, in force at the time of such acquisition, the Board of Trustees may, by general resolution authorizing the improvement or by special resolution authorizing the acquisition of a specific parcel of real property, adopt other regulations applying to such real property which fails to conform as aforesaid, which shall take the place of the regulations with which it fails to conform; provided, however, that such resolution or regulation shall be adopted in the same manner as a local law amending this chapter or Chapter 70, Building Construction and Fire Prevention and generally.

ARTICLE XI
Administrative Provisions

§ 212-69. Interpretation; greater restriction to govern.

In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements and as not interfering with, abrogating or annulling any easements, covenants or other agreements between parties; provided, however, that where this chapter imposes a greater restriction or limitation upon the use of buildings, premises or lots or upon the height and size of buildings or requires larger yards or other open spaces than are imposed or required by existing provisions of law or ordinances or by easements, covenants or agreements, the provisions of this chapter shall control.

§ 212-70. Application for building permit required.¹³¹

Before the construction or alteration of any building or any part of a building is commenced, the person causing such construction or alteration to be done or his agent or the architect or builder employed in connection with the proposed construction or alteration shall file, in the office of the Village Administrator, addressed to the Board of Trustees of the Village, an application for a permit to construct or alter. Such application shall contain a statement of the full name and residence of each of the persons having an interest as owner, tenant or otherwise and of the use to which the building is to be put and such other information as the Board of Trustees may require. Said application shall be in duplicate and shall be sworn to before a notary public or commissioner of deeds and shall be accompanied by such plans and drawings and such a diagram of the lot, showing the exact location of the existing and proposed buildings, as will enable the Building Inspector to determine whether the proposed construction or alteration and use conform to the provisions of this chapter.

§ 212-71. Preliminary plans prior to building permit application.

Any person or his agent may file preliminary plans of a proposed building or structure prior to the filing of detailed plans therefor, and such plans may be tentatively approved subject to the submission and filing of the complete plans, drawings, diagrams and other data herein provided for.

§ 212-72. Records to be kept on file: application amendments.

- A. All applications, statements, plans and detailed drawings required by this chapter shall be presented to and kept on file in the office of the Village Administrator.
- B. Nothing in this chapter shall prohibit the filing of amendments to any application at any time before the completion of the work for which the permit was sought, and such amendments, after approval by the Building Inspector, shall be made part of the application and filed as such. Such amendments shall be made in the same form and manner as the original application and shall be accompanied by similar plans and drawings relative to the changes proposed. Nothing herein contained shall require the owner, lessee or occupant of any dwelling to make any application to the Board of Trustees for a permit to make ordinary repairs to buildings or structures.

§ 212-73. Statement to be filed before commencing work.

No person other than the owner in fee of the land shall make any such construction or alteration without having first filed with the Board of Trustees a statement, in writing, accompanying the application to build

¹³¹Editor's Note: For related provisions, see Ch. 70, Building Construction and Fire Prevention.

or alter, which statement shall give the full name and residence of the owner of the land, building or proposed building, structure or proposed structure and shall recite that he is duly authorized to perform said work.

§ 212-74. Payment of permit application fees.

Upon filing an application for a building permit, the applicant shall pay to the Village the fee provided in Chapter A219, Fees, of this Code of the Village of Lawrence, which shall cover the issuance of a building permit and the issuance of a certificate of occupancy and which shall in no event be returned, in whole or in part.

§ 212-75. Examination and approval of permit applications.

- A. All applications for a building permit shall be examined by the Building Inspector. He shall endorse thereon, or state in an accompanying memorandum, whether or not the application complies with the requirements of this chapter, Chapter 70, Building Construction and Fire Prevention, and other applicable ordinances or statutes.
- B. The Building Inspector may also require the submission of such additional plans, information, soil or foundation tests and data as he may deem necessary in enabling him to act upon the application. All of such material shall be filed with and deemed part of the application.
- C. In the case of an apartment house, a church or other place of worship, a school, a place of public assembly or other construction involving special problems or special consideration, the Board of Trustees may retain a special architect or engineer to examine the application and confer with the applicant's architect and submit his report thereon. The Building Inspector may act on the basis of such report and, meanwhile, may suspend action on the application.
- D. If the Building Inspector determines that the application does not comply with the applicable requirements, he shall enumerate his objections and send a copy to the applicant.
- E. When the Building Inspector has determined that the application complies with all of the applicable requirements, he shall approve the application and note his approval in the file. Such approval may cover the entire building or structure or may be limited to a portion thereof.
- F. Every such approval shall, before a building permit is issued, be subject to review by the Board of Trustees, if the Board so desires, and, if the Board's determination differs from that of the Building Inspector, the approval of the Building Inspector shall be vacated and the matter remitted to the Building Inspector for such action as the Board may direct.

§ 212-76. Building permit issuance and effect.¹³²

- A. When the application has been approved by the Building Inspector or, in case of a review by the Board of Trustees, when the application has been reviewed by the Board of Trustees, a building permit shall be issued for the construction or work so approved.
- B. Every building permit shall be issued by the Board of Trustees. The Board may, however, in particular cases or in particular classes of cases or generally, empower the Building Inspector or such other officer as the Board may designate to issue building permits in its name and on its behalf.

132.Editor's Note: For related provisions, see Ch. 70, Building Construction and Fire Prevention.

- C. Where the permit covers only part of a building or structure, the issuance of such permit and the approval upon which such permit was based shall not prevent the Board of Trustees from refusing to approve the remainder of the building or structure, or any part thereof, when the plans and other data covering such remainder have been submitted.

§ 212-77. Expiration of building permit.¹³³

Any building or other permit issued under the provisions of this chapter, under which no work is commenced within six months from the date of its issuance, shall expire by limitation. Any such permit may be revoked by the Board of Trustees if work thereunder is not completed within two years from the date thereof. Such times may be extended by the Village officer authorized to issue the permit, provided that no change has been made in this chapter or Chapter 70, Building Construction and Fire Prevention, or any other local law or other ordinance which would prevent the issuance of the permit if then applied for.

§ 212-78. Placement survey.

The Building Inspector may and ordinarily will require a placement survey after the foundation has been installed and, in such case, may require that the work be suspended until such placement survey has been furnished. The Building Inspector may also require such additional surveys or additional plans, information, soil or foundation tests and data during the progress of the work as he may deem necessary or helpful in order to determine compliance with the applicable requirements.

§ 212-79. Stopping noncomplying work.

If the Building Inspector shall, at any time during the progress of the work, find and determine that the work does not comply with the requirements of this chapter or any other applicable ordinances or of the building permit issued, the Building Inspector may require that the work be stopped and may also require the applicant to remove and replace and correct any work which does not so conform. If the work shall be stopped, no further work shall be performed unless and until the Building Inspector or the Board of Trustees shall so direct.

§ 212-80. (Reserved)¹³⁴

§ 212-81. Revocation of approval or permit.

The Board of Trustees may also revoke any permit or approval issued under the provisions of this chapter in case the permit or approval is based on any false statement or any misrepresentation as to a material fact in the application.

§ 212-82. Restoration of premises upon revocation.

In case of the expiration or revocation of a permit, the owner shall forthwith, on demand, restore the premises to their condition prior to the application for the permit, including the demolition of any construction and the filling in of the excavation to grade. In case of the failure of the owner so to do, the Village may do the work for the account of the owner, by contract or with Village workmen, and assess the cost thereof, including supervision, against the property.

§ 212-83. Certificate of occupancy.

133.Editor's Note: For related provisions, see Ch. 70, Building Construction and Fire Prevention.

134.Editor's Note: Former § 212-80, Review by Trustees of work stoppage, was repealed 6-14-2007 by L.L. No. 2-2007.

- A. It shall be the duty of the Administrator of the Village or such other person as may be designated by the Board of Trustees to issue a certificate of occupancy within 10 days after a request for the same shall be filed at his office by any owner of a building or premises, provided that the Building Inspector shall be satisfied that said building or premises or part thereof has been completed in accordance with, and the proposed use thereof conforms to, the approved plans and with all the requirements herein contained and provided that the architect, engineer or superintendent of construction in charge of the work shall certify that said building or premises or part thereof has been so completed and the proposed uses thereof are in conformity with the approved plans and with the provisions of this chapter and of Chapter 70, Building Construction and Fire Prevention. In the case of new construction and in any other case where the Building Inspector requires it, a placement survey shall be furnished before a certificate of occupancy is issued.
- B. Under such rules all regulations may be established by the Board of Trustees, a temporary certificate of occupancy for a part of a building may be issued by the Administrator of the Village or such other person as may be designated by the Board of Trustees.

§ 212-84. Permit required prior to commencing work.¹³⁵

It shall be unlawful to construct or alter any building or structure or part thereof until the application and plans required by this chapter shall have been submitted to and shall have been approved by the Board of Trustees or by the person designated for such purpose by the Board of Trustees and a written permit therefor shall have been issued.

§ 212-85. Certificate of occupancy required.

It shall be unlawful to use or permit the use of any building or premises or part thereof hereafter constructed or erected, changed or enlarged, wholly or partly, in its use or structure until a certificate of occupancy shall have been issued by the Administrator of the Village or by the person designated by the Board of Trustees for such purpose: provided, however, that, prior to the issuance of a permit authorizing a change or enlargement of an existing building, the owner of such building may occupy and use the same as formerly until the change or enlargement has been completed.

§ 212-86. Penalties for offenses. [Amended 9-11-2002 by L.L. No. 5-2002]

Any owner, lessee, tenant, general agent, architect, builder, contractor, subcontractor, workman, employee or any other person who knowingly commits, takes part in or assists in any offense against any provision of this chapter or who shall cause or permit any building or part thereof to be constructed, altered or used contrary to the plans and specifications filed under the provisions of this chapter and for which a building permit has been issued shall, upon conviction thereof, be guilty of a violation pursuant to the Penal Law of the State of New York, punishable by a fine up to a maximum of \$1,000 or by imprisonment for a term not exceeding 15 days, or by both such fine and imprisonment. The continuation of an offense against the provisions of this chapter shall constitute, for each day the offense is continued, a separate and distinct offense hereunder.

§ 212-87. Violations to be abated.

Any owner, lessee, tenant, general agent, architect, builder, contractor, workman, employee, or any other person, who constructs or maintains any building or premises, in or upon which any violation of this chapter shall exist, shall forthwith remove the building or terminate the use which violates the provisions

135.Editor's Note: For related provisions, see Ch. 70, Building Construction and Fire Prevention.

of this chapter and, in case of his failure to do so, shall be guilty of a violation of this chapter and shall be subject to the penalties provided in § 212-86 of this chapter.

§ 212-88. Effect on other provisions.

Nothing in this chapter shall be deemed to affect any provision of Chapter 70, Building Construction and Fire Prevention, but the provisions of this chapter shall be deemed in addition to and not in substitution for the provisions thereof.

§ 212-89. Permits existing prior to provisions.

Any building permit issued prior to the effective date of this section for work that does not comply with this chapter shall continue in effect, but, in case no work under such permit should be commenced before it expires (i.e., before its original expiration date or the date to which it may have been extended by the Board of Trustees) or within three months after the date of the adoption of this section, whichever date is the earlier, such building permit shall expire by limitation; provided, however, that such expiration date may be extended by the Board of Trustees. If work under such a building permit has commenced prior to its expiration date as herein provided, such work may be carried out and completed, and a certificate of occupancy or certificate of compliance, as the case may be, shall be issued in the same manner as if amendments to this chapter had not been adopted. This section shall not affect any building permit issued for work that complies with this chapter.

ARTICLE XII

Signs

[Added 1-9-2002 by L.L. No. 1-2002]**§ 212-90. Legislative intent.**

- A. The purpose of this chapter is to promote and protect the public health, welfare and safety by regulating existing and proposed advertising signs and signs of all types. It is intended to protect property values, create a more attractive economic and business climate, enhance and protect the physical appearance of the community. It is further intended hereby to reduce sign or advertising distractions and obstructions that may contribute to traffic accidents, reduce hazards that may be caused by signs overhanging or projecting over public rights-of-way, provide more visual open space, and curb the deterioration of the community's appearance and attractiveness.
- B. The provisions of this article shall govern the construction, erection, alteration, repair and maintenance of all signs together with their appurtenant and auxiliary devices.

§ 212-91. Business District.

Signs in the Business District shall comply with the following regulations:

- A. The only signs permitted are those which state the names or trademarks or addresses of the persons, firms or corporations doing business on the premises, the nature of the business carried on there, the products or classes of products sold or dealt with and real estate signs advertising the property on which they are located for sale or for rent.
- B. No sign shall project over the sidewalk or over any public property. Subject to the issuance of a permit by the Building Inspector, this prohibition shall not apply to signs installed flat against the building and projecting not more than six inches therefrom.
- C. Unless otherwise indicated, a permit issued by the Building Inspector is required for every sign in, upon or over private property, and for every illuminated sign, regardless of size, including, in all cases, signs located inside the building, which are visible from the adjacent street or from the sidewalks on either side of such street. In determining whether to issue a permit, the Building Inspector shall take into account factors, such as excessive similarity, dissimilarity or inappropriateness of design, color, size or placement of the sign, which would adversely affect or be detrimental to the appearance, character, property values, or development of the properties in the vicinity.
- D. Street level exterior signs.
 - (1) Number. One exterior wall sign shall be permitted per premises on the wall fronting on a public street. When authorized by the Building Inspector, a premises located on a corner lot, which has frontage on more than one street, may be granted one additional sign. The installation or painting of signs on walls not fronting on a street is prohibited.
 - (2) No sign shall be permitted on the side of a building fronting on a public or private parking lot unless that side has an entrance regularly used by the public.
 - (3) Size.
 - (a) The sign shall not exceed 75% of the length of the store frontage, to a maximum of 20 feet.

Height shall not exceed 30 inches.

- (b) Letter size may not exceed 18 inches for capital letters and 12 inches for lower case letters.
 - (c) No decorative displays are permitted.
 - (4) Color. Signs shall have a dark background and light-colored letters and shall only use those colors from samples located in Village Hall, as set by resolution of the Board of Trustees. Signs shall be limited to two colors, white and black being considered colors.
 - (5) Content. The content of a sign may display only the name of the occupant of the premises and, in no more than three words, may also identify the nature of the service or business.
 - (6) Signs consisting of individually placed letters shall be of matte finish.
 - (7) Internally illuminated signs shall be of stencil-cut type, such that, when illuminated, only the letters are displayed and not the background.
- E. Signs above street level.
- (1) Signs on floors above the first story of a building shall be mounted behind or shall be painted on the back face of a window facing the street and shall use letters with no background.
 - (2) Said sign shall not be illuminated; and
 - (3) Said sign shall not cover more than two square feet per premises.
- F. No freestanding or ground-level exterior sign shall be permitted.
- G. No sign shall be erected on the roof of any building or structure, nor shall any part of a sign project higher than the roofline.
- H. Window and interior signs for street-level premises.
- (1) No new or existing sign or window display, excluding the street address, the numbers of which shall not exceed five inches in height, shall be affixed to any door or window of any storefront.
 - (2) All interior signage and display of merchandise shall be placed and maintained a minimum of 12 inches from the storefront window or door. Such signage shall only be illuminated indirectly.
 - (3) A vacant premises shall be permitted to display one "For Rent," "For Sale," or "Opening Soon" type sign, which shall occupy no greater than four square feet of window area.
- I. The following signs or advertising materials are prohibited:
- (1) Signs of any nature painted directly on a wall.
 - (2) Signs attached to fences.
 - (3) Banners.
 - (4) Pennants.
 - (5) Balloons.
 - (6) Spinners and other similar moving, fluttering or revolving devices.

- J. Signs made of cardboard, paper, canvas or other impermanent materials are not permitted on the exterior of the building.
- K. Only indirect illumination of signs is permitted, with all light sources totally concealed from view from the street or from any adjoining properties. Flashing, moving, sound-producing or intermittently illuminated signs or other attention-seeking devices are prohibited.
- L. All wall signs shall be safely and securely attached to the building wall.
- M. All signs must be maintained as originally approved.
- N. Any sign now or hereafter existing which no longer advertises a bona fide business conducted, product sold or activity or service being conducted shall be taken down and removed by the owner, agent, or person having the beneficial use of the building, structure or lot upon which such sign may be found within 14 days of such cessation. Upon failure to comply within the time specified, the Building Inspector is hereby authorized to order removal of such sign, within 14 days of a written notification, and expenses incident thereto shall be paid by the owner of the building, structure or lot to which such sign is attached.

§ 212-92. Illumination in Business District.

- A. Electric lights, lamps, or illuminated tubes of any type shall not be used for design, background, or perimeter decoration or illumination purposes of any type.
- B. Signs permitted under § 212-91 of this article, other than real estate signs, may be illuminated by artificial means, subject to the following conditions and not otherwise:
 - (1) Electric lights, lamps or illuminated tubes of any type shall not be used for the letters, numerals or other symbols of the sign or for its design, background or decoration.
 - (2) The lights or other means of illumination shall be shielded and shall not be directly visible from adjacent streets and other properties.
 - (3) No flashing or intermittent lights or means of illumination are permitted.
 - (4) In the case of religious organizations, electric lights, lamps and other means of illumination may be used in accordance with their customs, practices and usages.

§ 212-93. Erection, alteration, use and maintenance of billboards.

The erection, alteration, use or maintenance of any billboard within the Village of Lawrence is hereby prohibited.

§ 212-94. Signs permitted in residence districts.

No signs shall be erected or maintained in a residence district of the Village, except:

- A. Signs stating the name of the premises or the name of the owner or occupant thereof and, in the case of a duly licensed professional person, the letters or symbol designating his profession.
- B. Signs stating the street and number of the building or premises where the sign is located.
- C. Subject to a permit issued by the Building Inspector, in the case of multiple dwellings, houses of worship, schools, libraries, public museums, clubs, public parks and playgrounds, municipal golf

courses, docks and landings, one sign stating the name of the building or of the organization, the nature of its activity and, in the case of religious organizations, such other symbols, displays, information and announcements as may be in accordance with their customs, practices and usage.

- D. Directional or warning signs for the convenience of persons desiring to enter the premises, such as "tradesmen," "deliveries," "entrance," "private," "children," "beware of dog," "no peddling allowed," and the like.
- E. Real estate signs advertising the real estate on which the sign is located for sale or for rent.

§ 212-95. Size in residence districts.

The size of signs in the residence districts shall conform to the following requirements:

- A. Except as set forth hereafter, signs permitted under § 212-94A, B and D of this article shall not exceed 12 inches in height, three feet in length and 1 1/2 square feet in area.
- B. Signs permitted under § 212-94C of this article shall not exceed 12 square feet in area.
- C. Signs permitted under § 212-94E shall conform to the provisions of § 212-97.

§ 212-96. Location in residence districts.

Signs in the residence districts shall be located as follows:

- A. Signs permitted under § 212-94A, B and D of this article may be erected and maintained within the required front yard, required side yard or required rear yard, provided that the highest point of the sign is not more than five feet above the level of the ground where it is located and the highest point of the post or standard on which it is mounted or to which it is attached shall not be more than six feet above the level of the ground where it is located.
- B. Signs permitted under § 212-94AC and E of this article are prohibited within a required front yard, required side yard or required rear yard.

§ 212-97. Real estate signs.

Real estate signs shall conform to the following conditions and requirements:

- A. Only one sign shall be permitted for a single building plot or premises, such sign not to exceed three square feet in area.
- B. Every such sign shall have a space of no less than three feet between the bottom of the sign and the ground.
- C. The highest point of the sign and of the post or standard on which it is mounted or to which it is attached shall not be more than six feet above the level of the ground where it is located.
- D. Every such sign shall be so placed as to conform to the front yard, side yard and rear yard restrictions applicable to the principal building or use in the district in which the same is situated.
- E. No illumination, attachments, or other attention-seeking devices shall be permitted.

§ 212-98. License required.

No advertising sign or advertising display of any character whatsoever, whether illuminated or otherwise, shall be constructed, altered or enlarged without a permit previously obtained from the Building Inspector of the Village of Lawrence, upon payment of the license and inspection fee specified in Chapter A219, Fees, of this Code of the Village of Lawrence.

§ 212-99. Removal of signs in violation.

Any billboard, sign, advertisement, display or structure erected or maintained in violation of this chapter is hereby declared a public nuisance, and the Building Inspector is hereby authorized and empowered to cause the same to be removed without notice, and the cost or expense thereof shall be charged against the owner or occupant of the premises upon which the same is situated.

§ 212-100. Penalties for offenses. [Amended 9-11-2002 by L.L. No. 5-2002]

Any person committing an offense against any provision of this chapter shall, upon conviction thereof, be guilty of a violation pursuant to the Penal Law of the State of New York, punishable by a fine up to a maximum of \$1,000 or by imprisonment for a term not exceeding 15 days, or by both such fine and imprisonment. The continuation of an offense against the provisions of this chapter shall constitute, for each day the offense is continued, a separate and distinct offense hereunder.

§ 212-101. Effect on previously erected, nonconforming signs; interior signage exception.

- A. Signs erected prior to the effective date of this article and for which no sign permits are in effect and which do not conform to the provisions or standards of this article shall be removed within 30 days after the effective date of this article.
- B. All interior signage erected prior to the effective date of this article which does not conform to the provisions or standards of this article, shall be permitted to remain subject to the restrictions of § 212-91H(2).

§ 212-102. Severability.

Each separate provision in this article shall be deemed independent of all other provisions herein, and if any provisions shall be deemed or declared invalid, all other provisions hereof shall remain valid and enforceable.

§ 212-103. Illumination of house numbers. [Added 12-8-2016 by L.L. No. 3-2016]

- A. Legislative intent. The Board of Trustees has found that the efforts of first responders responding to night-time emergencies can be slowed or impeded by their inability to identify house numbers on dark or dimly lit streets in the Village. Accordingly, the Board of Trustees finds that it shall be in the interests of the public health, safety and general welfare for addresses posted on residential properties in the Village to feature illumination that makes the address readily visible from the street at night.
- B. All residential buildings in the Village shall feature address numbers conforming to the requirements stated in this section. Any residential building not in compliance with this section on the date of enactment shall come into compliance with this section no later than six months after such date.
- C. Notwithstanding any provision of this Code to the contrary, address numbers posted on residences in the Village shall meet the following requirements:

- (1) They shall be visible from the street on which the property fronts;
 - (2) They shall be no less than four inches and no greater than eight inches in height; and
 - (3) They shall be illuminated from sundown to sunrise by internal or external means, provided that all light sources shall be constant and fixed, as opposed to flashing and moving, and shall be positioned and designed in such a way that they do not cast light off the subject premises or into a public right-of-way.
- D. Failure to comply with this section shall be a violation of the Village Code punishable by a fine not to exceed \$250. Each week a violation persists shall constitute a separate offense.

ARTICLE XIII
Rental Dwelling Units
[Added 5-6-2021 by L.L. No. 5-2021]

§ 212-104. Purpose.

The Village Board has determined that there exists in the Village of Lawrence serious conditions arising from non-owner-occupied dwelling units that are in violation of the Village Code and the New York State Uniform Fire Prevention and Building Code, are inadequate in size, overcrowded and dangerous, tend to create parking problems, in violation of peace and good order, and have negative effects on neighboring property values. The Village Board finds that that the public safety, health, and well-being of persons and property will be enhanced by enactment of the regulations set forth in this article.

§ 212-105. Definitions.

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

DWELLING UNIT — A structure or building or part thereof, which provides lawful living arrangements for one or more persons.

OWNER — Any person or entity, who has the right to possession of a dwelling unit.

RENT — A return in money, property, or other valuable consideration (including payment in kind or for services or other thing of value) for the use and occupancy or the right to the use and occupancy of a dwelling unit.

RENTAL OCCUPANCY — Occupancy or use of a dwelling unit by one or more persons as a home or residence under an arrangement whereby the occupant or occupants thereof pay rent for such occupancy and use.

TRANSIENT RENTAL PROPERTY —

- A. A 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 60 consecutive 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 60 consecutive nights, and shall not include any legally operating hotel/motel business operating exclusively for the purpose of, and catering to customers who customarily reside at these establishments for short durations for the purpose of vacationing, travel, business, recreational activities, conventions, emergencies, and other activities that are customary to a commercial hotel/motel business.
- B. Presumption that a dwelling unit is a transient rental property.
 - (1) The presence of the following shall create the presumption that a dwelling unit is being used as transient rental property:
 - (a) The dwelling unit is offered for rent on Airbnb, VRBO, HomeToGo, UberBNB, OneHome, or other short-term rental websites/apps; or
 - (b) The dwelling unit is offered for lease in any medium for a period of less than 60 consecutive nights.
 - (2) The foregoing presumption may be rebutted by evidence presented to the Building

Inspector that the dwelling unit is not a transient rental property.

§ 212-106. Permit required.

It shall be unlawful for any owner to engage in rental occupancy, without the owner first obtaining a rental permit. No rental permit shall be issued to a transient rental property.

§ 212-107. Application for permit.

To obtain a permit in accordance with this article, an owner must complete an application on forms prescribed by the Village Clerk-Treasurer. Such application shall include:

- A. The owner(s) name, address, and telephone number.
- B. The street address and Nassau Country Tax Map designation of the dwelling unit intended to be rented.
- C. Number of dwelling units, and the measurements for each dwelling unit intended to be rented.
- D. A deed or other proof of ownership to the dwelling unit.
- E. A copy of all certificates of occupancy.
- F. Each application shall be executed by and sworn to under oath by the owner.

§ 212-108. Permit fees.

Each applicant for a permit shall pay a nonrefundable filing fee with the application. A permit fee shall be paid upon issuance of the permit. The application filing fee and permit fee shall be determined by resolution of the Board of Trustees. The provisions of this section shall not apply to owners who engaged in rental occupancy before the effectiveness of this article.

§ 212-109. Permit transferability.

No permit pursuant to this article shall be transferred or loaned to, from or by one person to another or transferred from one dwelling unit to another.

§ 212-110. Expiration of permit; renewal.

- A. All permits issued pursuant to this article shall expire on the last day of December in the year of issuance. Permits may be renewed upon application made before March 1 of the following year, and payment of a renewal annual fee as determined by resolution of the Board of Trustees.
- B. If an owner fails to make proper timely application for renewal, the owner shall be required to reapply and pay any application and permit fee pursuant to § 212-108.
- C. Prior to issuance of a permit renewal, the owner must arrange for the Building Inspector to inspect the dwelling unit(s) intended to be rented, to ensure that it complies with health and safety rules and regulations.

§ 212-111. Smoke detector and carbon monoxide detector.

Each dwelling unit shall be equipped in compliance with the New York State Uniform Fire Prevention and

Building Code.

§ 212-112. Inspections.

The Building Inspector is authorized to make or cause inspections to determine the condition of the dwelling units. The Building Inspector is authorized to enter, upon consent of the owner of the dwelling unit. The Building Inspector may enter the dwelling unit without consent, in the event there is an emergency, for purposes of performing duties under this article.

§ 212-113. Application for search warrant.

The Building Inspector is authorized to make an application to any court of competent jurisdiction for the issuance of a search warrant in order to conduct an inspection of any dwelling unit covered by this article where the owner refuses or fails to allow an inspection of its dwelling unit and where there is a reasonable cause to believe that a violation of this article has occurred. The application for a search warrant shall in all respects comply with the applicable laws of the State of New York.

§ 212-114. Permit revocation.

In addition to the penalties otherwise provided by law, the Board of Trustees may revoke or suspend any permit issued pursuant to this article after notice to the owner and a reasonable opportunity for the owner to be heard. The Board of Trustees may take such action if, in its discretion, such action is warranted due to the owner's deliberate or willful disregard of the standards imposed by this article or by any other village, county, state or federal law, fraud, misrepresentation or false statement contained in the application for permit or in the course of carrying on the permitted business, or due to two or more violations of this article or any other law occurring within a period of 60 days.

§ 212-115. Penalties for offenses

Any person committing an offense against any provision of this article shall, upon conviction thereof, be guilty of a violation and shall be punished by:

- A. A fine not less than \$500 nor more than \$1,000, or by imprisonment for a term not exceeding 15 days;
- B. For conviction of a second offense, both of which were committed within a period of five years, a fine not less than \$1,000 nor more than \$2,000, or imprisonment for a term not exceeding 15 days, or both;
- C. Upon conviction for a third or subsequent offense, all of which were committed within a period of five years, punishable by a fine not less than \$2,000 nor more than \$4,000 for a term not exceeding 15 days, or both.
- D. Each week on which any violation of this article occurs shall constitute a separate and distinct offense hereunder.

Appendix

Chapter A218

ANNEXATIONS

[HISTORY: Adopted by the Board of Trustees of the Village of Lawrence 2-10-1982 by L.L. No. 1-1982. Amendments noted where applicable.]

§ A218-1. Description of land affected.

The Village of Lawrence, Nassau County, shall contain, on or after the effective date of this local law, in addition to the territory heretofore contained within the boundaries, the following described territory located within the Town of Hempstead, Nassau County, New York: certain real property, owned by the Village of Lawrence, located on Bayview Avenue at Inwood, Town of Hempstead, Nassau County, New York, being Section 40, Block 82, Lot 28, on the Nassau County Land and Tax Map, more particularly bounded and described as follows: all that certain tract, piece or parcel of land with the buildings and improvements thereon erected, situate, lying and being at Inwood in the Town of Hempstead, Nassau County and State of New York, bounded and described as follows: beginning at a point on the southerly side of Bayview Avenue as now widened and at the northwesterly corner of land now or formerly of George C. Rand; thence running along said last-mentioned land and the line of an old fence south 6° 10' east 160.80 feet to a rail monument on the northerly side of land formerly of the New York and Rockaway Railroad Company now the Long Island Rail Road Company; thence along said last-mentioned land south 72° 13' west 172.76 feet to a rail monument and land of Jane Hicks; thence along the last-mentioned land and an old fence north 5° 49' west 137 feet to land formerly of Susan A. Brower; thence along said last-mentioned land north 88° 12' 30" east 38 feet to a point: thence along said last-mentioned land and an old fence north 5° 42' west 92.57 feet to Bayview Avenue south 83° east 132.80 feet to the point or place of beginning; containing, according to a survey made by John B. Newman, Surveyor, Woodmere, L.I., 0.6811 of an acre.

§ A218-2. Annexation.

The territory described in § A218-1 of this local law is hereby annexed to the Village of Lawrence pursuant to the provisions of § 706 of the General Municipal Law and pursuant to a resolution adopted by the Town Board of the Town of Hempstead on January 12, 1982, upon a determination that the property described in this local law is owned by the Village of Lawrence and is uninhabited and is adjacent to the Village of Lawrence and that such annexation would be in the overall public interest.

(RESERVED)

Chapter A219

(RESERVED)

[Former Ch. A219, Fees, adopted 7-10-1985, as amended, was repealed 2-4-2016 by L.L. No. 1-2016, which local law also provided that the Board of Trustees is empowered to set license and permit fees by resolution.]

LAWRENCE CODE

Chapter A220

(RESERVED)

[Former Ch. A220, Parking Meters, adopted 9-10-2003, as amended, was repealed 11-18-2013 by L.L. No. 1-2013. See now § 200-62, Schedule XXIII: Parking Meters.]

Disposition List

Chapter DL**DISPOSITION LIST**

The following is a chronological listing of legislation of the Village of Lawrence 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 information regarding prior legislation.

§ DL-1. Disposition of legislation.

Local Law Number	Adoption Date	Subject	Disposition
1-2005	1-13-2005	Garbage, rubbish and refuse amendment	Ch. 106
2-2005	1-13-2005	Unregistered and uninspected vehicles	Ch. 204, Arts. II and III
	2-10-2005	Vehicles and traffic amendment	Ch. 200
3-2005	3-17-2005	Garbage, rubbish and refuse amendment	Ch. 106
4-2005	6-9-2005	Sidewalk maintenance amendment	Ch. 178, Art. III
5-2005	6-9-2005	Zoning amendment	Ch. 212
	7-14-2005	Fees amendment	Repealed by L.L. No. 1-2016
6-2005	9-8-2005	Moratorium on construction and expansion of buildings	NCM (terminated by res. 1-3-2007)
	9-8-2005	Fees amendment	Repealed by L.L. No. 1-2016
7-2005	10-6-2005	Vehicles and traffic amendment	Ch. 200
	10-6-2005	Vehicles and traffic amendment	Ch. 200
1-2006	1-12-2006	Vehicles and traffic amendment	Ch. 200
	4-24-2006	Sewers and cesspools amendment (sewer rents)	Ch. 162
2-2006	5-11-2006	Sewers and cesspools amendment	Ch. 162
		Fees amendment	Repealed by L.L. No. 1-2016
	8-10-2006	Vehicles and traffic amendment	Ch. 200
	8-10-2006	Parking meters amendment	Ch. A220
4-2006	9-28-2006	Extension of moratorium on construction and expansion of buildings	NCM (terminated by res. 1-3-2007)

Local Law Number	Adoption Date	Subject	Disposition
	12-14-2006	Sewers and cesspools amendment; fees amendment	Ch. 162
		Fees amendment	Repealed by L.L. No. 1-2016
	1-3-2007	Moratorium on construction and expansion of buildings lifted	NCM
	2-8-2007	Fees amendment	Repealed by L.L. No. 1-2016
	2-8-2007	Vehicles and traffic amendment	Ch. 200
	2-8-2007	Vehicles and traffic amendment	Ch. 200
1-2007	3-8-2007	Gardeners amendment	Ch. 110
	4-26-2007	Vehicles and traffic amendment	Ch. 200
2-2007	6-14-2007	Zoning amendment	Ch. 212
3-2007	9-20-2007	Street obstructions and openings	Ch. 178, Art. I
4-2007	10-11-2007	Zoning amendment	Ch. 212
	11-8-2007	Fees amendment	Repealed by L.L. No. 1-2016
5-2007	12-13-2007	Storm sewers: illicit discharges, activities and connections	Ch. 176, Art. I
1-2008	2-14-2008	Board of Appeals amendment	Ch. 6
2-2008	2-14-2008	Subdivision of land amendment	Ch. 182
3-2008	3-13-2008	Garbage, rubbish and refuse amendment	Ch. 106
4-2008	9-11-2008	Zoning amendment	Ch. 212
1-2009	1-8-2009	Building construction and fire prevention amendment	Ch. 70
2-2009	1-8-2009	Municipal off-street parking fields amendment	Ch. 135
	3-12-2009	Vehicles and traffic amendment	Ch. 200
3-2009	3-31-2009	Board of Appeals amendment	Ch. 6
4-2009	3-31-2009	Board of Building Design: Board established amendment	Ch. 12, Art. I
5-2009	5-14-2009	Veterans exemption for cooperative owners amendment	Ch. 187, Art. IV
6-2009	9-10-2009	Flood damage prevention	Ch. 94
	9-10-2009	Vehicles and traffic amendment	Ch. 200
	9-10-2009	Vehicles and traffic amendment	Ch. 200

Local Law Number	Adoption Date	Subject	Disposition
1-2010	1-14-2010	Zoning amendment	Ch. 212
2-2010	3-11-2010	Appearance tickets; Inspector amendment	Ch. 8; Ch. 30
3-2010	5-13-2010	Sidewalk maintenance amendment	Ch. 178, Art. III
4-2010	6-10-2010	Traffic Violations Bureau amendment; vehicles and traffic amendment	Ch. 45; Ch. 200
5-2010	7-13-2010	Board of Appeals amendment	Ch. 6
6-2010	7-13-2010	Gardeners, landscapers and tree services; licensing amendment	Ch. 110
7-2010	9-2-2010	Alternate members of Planning Board and Zoning Board of Appeals amendment	Ch. 4
1-2011	12-15-2011	Authorization to loan funds for improving firehouse	NCM
1-2012	7-12-2012	Vehicles and traffic amendment	Ch. 200
	7-12-2012	Vehicles and traffic amendment	Ch. 200
	8-20-2012	Vehicles and traffic amendment	Ch. 200
	8-20-2012	Vehicles and traffic amendment	Ch. 200
2-2012	11-15-2012	Authorization to provide financing to, and receive a mortgage as security from, Fire Department for improving firehouse	NCM
3-2012	11-15-2012	Peace and good order amendment	Ch. 144
4-2012	11-15-2012	Property maintenance	Ch. 146
1-2013	11-18-2013	Vehicles and traffic amendment; parking meters repealer	Ch. 200; Ch. A220 (reference only)
2-2013	11-18-2013	Fees amendment	Repealed by L.L. No. 1-2016
1-2014	2-6-2014	Terms of office: Trustees	Ch. 42, Art. II
2-2014	5-8-2014	Stormwater management and erosion and sediment control; subdivision of land amendment; zoning amendment	Ch. 177; Ch. 182; Ch. 212
	8-5-2014	Vehicles and traffic amendment	Ch. 200

Local Law Number	Adoption Date	Subject	Disposition
3-2014	9-11-2014	Removal of double utility poles	Ch. 152
	10-23-2014	Vehicles and traffic amendment	Ch. 200
1-2016	2-4-2016	Fees repealer	Ch. A219 (reference only)
2-2016	11-10-2016	Zoning amendment	Ch. 212
3-2016	12-8-2016	Zoning amendment	Ch. 212
1-2017	1-19-2017	Municipal off-street parking fields amendment	Ch. 135
2-2017	2-9-2017	Vehicles and traffic amendment	Ch. 200
3-2017	2-9-2017	Exceed tax levy limit for fiscal year 2017	NCM
4-2017	2-9-2017	Vehicles and traffic amendment	Ch. 200
5-2017	4-6-2017	Appearance tickets amendment	Ch. 8
6-2017	12-12-2017	Board of Building Design: Board established amendment	Ch. 12, Art. I
7-2017	9-14-2017	Vehicles and traffic amendment	Ch. 200
8-2017	9-14-2017	Vehicles and traffic amendment	Ch. 200
1-2018	2-8-2018	Exceed tax levy limit for fiscal year 2018	NCM
2-2018	4-12-2018	Vehicles and Traffic Amendment	Ch. 200
3-2018	5-17-2018	Vehicles and Traffic Amendment	Ch. 200
4-2018	5-17-2018	Zoning Amendment	Ch. 212
5-2018	9-16-2018	Vehicles and Traffic Amendment	Ch. 200
1-2019	1-7-2019	Zoning Amendment	Ch. 212
2-2019	3-14-2019	Exceed Tax Levy Limit for Fiscal Year 2019	NCM
3-2019	3-14-2019	Vehicles and Traffic Amendment	Ch. 200
4-2019	3-14-2019	Vehicles and Traffic Amendment	Ch. 200
5-2019	3-14-2019	Vehicles and Traffic Amendment	Ch. 200

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6-2019	9-12-2019	Gardeners, Landscapers and Tree Servicers Amendment; Peace and Good Order Amendment	Ch. 110; Ch. 144	95
7-2019	9-12-2019	Vehicles and Traffic Amendment	Ch. 200	95
1-2020	1-9-2020	Building Construction and Fire Prevention Amendment	Ch. 70	1
2-2020	1-9-2020	Exceed Tax Levy Limit for Fiscal Year 2020	NCM	1
3-2020	7-1-2020	Zoning Amendment	Ch. 212	2
4-2020	10-15-2020	Zoning Amendment	Ch. 212	3
1-2021	1-14-2021	Tax Levy Limit Override	NCM	4
2-2021	3-11-2021	Mobile Food Sales	Ch. 126	4
3-2021	3-11-2021	Property Maintenance Amendment	Ch. 146	4
4-2021	5-6-2021	Zoning Amendment	Ch. 212	4
5-2021	5-6-2021	Cannabis Prohibition	Ch. 73	4
6-2021	7-15-2021	Smoking, Personal	Ch. 166	5
7-2021	7-15-2021	Terms of Office Amendment	Ch. 42	5
8-2021	10-14-2021	Cannabis Prohibition Amendment	Ch. 73	5
9-2021	10-14-2021	Building Construction and Fire Prevention Amendment	Ch. 70	5
1-2022	1-13-2022	Tax Levy Limit Override	NCM	6
2-2022	1-13-2022	Terms of Office Amendment	Ch. 42	6
3-2022	5-12-2022	Peace and Good Order Amendment	Ch. 144	6
4-2022	6-9-2022	Zoning Amendment	Ch. 212	6
5-2022	12-7-2022	Streets and Sidewalks: Trees	Ch. 178, Art. VI	7
1-2023	1-12-2023	Tax Levy Limit Override	NCM	7

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2-2023	3-9-2023	Zoning Amendment	Ch. 212	7
3-2023	7-13-2023	Vehicles and Traffic Amendment	Ch. 200	7
1-2024	1-10-2024	Tax Levy Limit Override	NCM	8
2-2024	1-10-2024	Dogs and Other Animals: Keeping Animals Amendment	Ch. 76, Art. II	8
3-2024	8-15-2024	Vehicles and Traffic Amendment	Ch. 200	8