

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN THAT the Board of Trustees of the Village of East Hampton will hold a public hearing on October 15, 2021, at 11:00 a.m. at which time all persons interested will be heard with respect to a Local Law amending Village of East Hampton Code §278-3 (Zoning; Area, setback and height regulations) regarding cellars.

INTRODUCTORY NO. 24 - 2021

LOCAL LAW NO. ___, 2021

"A Local Law amending Village of East Hampton Code §278-3 Zoning; Area, setback and height regulations; regarding cellars.

BE IT ENACTED by the Board of Trustees of the Village of East Hampton as follows:

SECTION I. Legislative Intent. The Board of Trustees of the Village of East Hampton has received numerous requests from the public with respect to the dimensional limitations currently in effect with respect to the size of cellars of single family residences. The Board finds and determines that the present limitations on cellars may be relaxed if appropriate limitations are in place which would mitigate any potential adverse impacts, and that the Code should be amended to reflect same.

SECTION II. AMENDMENT. Deletions are struck-thru. Additions are in **bold**. The provisions of the Village of East Hampton Code §278-3 are hereby amended as follows:

§278-3. Zoning; Area, setback and height regulations:

A. Area, setback and height requirements.

(11) **Single-family residence design standards.**

- (a) ~~No part of a cellar shall extend beyond the exterior wall of the first story of the building in which it is located.~~ **No part of a cellar shall extend further than 25% beyond the exterior wall of the first story of the building in which it is located. That portion of the cellar which extends beyond the exterior wall of the first story of the building in which it is located shall count toward coverage limits.**
- (b) **No cellar shall extend more than 12 15 feet below natural grade.**
- (c) ~~There shall be at least one common entrance on the ground floor, through which every room, other than a utility room, shall be readily accessible by passage through the interior of a single family residence.~~ **The setback of any part of a cellar shall be the same as the principal structure.**

SECTION II. SEVERABILITY.

If any section or subsection, paragraph, clause, phrase or provision of this law shall be adjudged invalid or held unconstitutional by any court of competent jurisdiction, any judgment made thereby shall not affect the validity of this law as a whole or any part thereof other than the part or provision so adjudged to be invalid or unconstitutional.

SECTION III. EFFECTIVE DATE

This local law shall take effect upon filing with the Secretary of State pursuant to the Municipal Home Rule Law.

Dated: September 17, 2021

BY ORDER OF THE BOARD OF
TRUSTEES OF THE VILLAGE OF
EAST HAMPTON
By: Pamela J. Bennett,
Village Clerk

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NOTICE IS HEREBY GIVEN THAT the Board of Trustees of the Village of East Hampton will hold a public hearing on October 15, 2021, at 11:00 a.m. at which time all persons interested will be heard with respect to a Local Law amending Village of East Hampton Code §278-3 (Zoning; Area, setback and height regulations) regarding window wells.

INTRODUCTORY NO. 25 - 2021
LOCAL LAW NO. ___, 2021

"A Local Law amending Village of East Hampton Code §278-3.A.(4) (b) Zoning; Area, setback and height regulations; regarding window wells.

BE IT ENACTED by the Board of Trustees of the Village of East Hampton as follows:

SECTION I. Legislative Intent. As a result of the modification of limitations on cellars of single-family residential uses, other provisions of the Code of the Village of East Hampton must be modified to accommodate potential designs of such uses. Accordingly, the Board of Trustees of the Village of East Hampton does determine that the amendment set forth herein is an appropriate accommodation.

SECTION II. AMENDMENT. Additions are in bold. The provisions of the Village of East Hampton Code §278-3.A (4) (b) are hereby are amended as follows:

§278-3. Zoning; Area, setback and height regulations.

A. Area, setback and coverage requirements.

(4) Principal building side and rear yard setbacks. These restrictions apply to all principal buildings on lots located in residential districts regardless of the use of the structures thereon and to all lots used solely for residential purposes regardless of the classification of the underlying zoning district unless otherwise exempt pursuant to Subsection A(4)(b) below. Accessory dwelling units permitted pursuant to § 278-2B(7)(d) shall comply with principal building side and rear yard setback requirements.

(a) Except as hereinafter provided, no principal building shall extend within the following distances of any side yard or rear yard property line. Setbacks are according to the actual lot size within the following ranges:

Lot size (square feet)	Distance (feet)
Less than 10,000	20
10,000 or greater but less than 20,000	22
20,000 or greater but less than 30,000	24
30,000 or greater but less than 40,000	26
40,000 or greater but less than 80,000	34
80,000 or greater but less than 160,000	50
160,000 or greater	55

- (b) Notwithstanding the table above, the following structures attached or connected to a single-family residence or multifamily residence shall comply with accessory structure side and rear yard setback requirements: cellar stairwells not exceeding five-foot width and eighteen-foot length, chimneys not exceeding two-foot width and four-foot length, bulkhead enclosures not exceeding eight-foot length and five-foot width, window wells eight (8') feet or less from the wall of a foundation, window wells not exceeding four-foot width and four-foot length, stoops not exceeding six-foot width and three-foot length. Building roof eaves may penetrate the above-described setbacks by no more than 24 inches.

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By: Pamela J. Bennett,
Village Clerk

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN THAT the Board of Trustees of the Inc. Village of East Hampton will hold a public hearing on the 15th day of October, 2021, at a.m. at the Emergency Services Building, One Cedar St, East Hampton, NY, or via video conference if necessary, at which time all interested persons will be heard with respect to a "Local Law amending the Code of the Village of East Hampton, Chapter 219; Police, by adding Article II; Constables."

INTRODUCTORY NO. 26 - 2021

LOCAL LAW NO. ____ - 2021

A local law amending the Village of East Hampton Code Chapter 219; Police by adding Article II; Constables.

BE IT ENACTED by the Board of Trustees of the Village of East Hampton as follows:

Chapter 219, Article II is hereby added Code of the Village of East Hampton as follows:

SECTION I. LEGISLATIVE INTENT. It is the desire of the Board of Trustees of the Village of East Hampton to provide services that protect the health, welfare, and safety of its residents in the most efficient manner possible. It is the determination of the Board of Trustees that the effective use of Constables can assist in achieving this goal.

CHAPTER 219; POLICE ARTICLE II; CONSTABLES

§ 219-11. Positions established; powers and responsibilities.

The Village of East Hampton hereby establishes the position of Village Constables, members of which shall be authorized to act in the capacity of Peace Officers pursuant to the provisions of Criminal Procedure Law 52.10(1). Village Constables shall have the powers and the responsibilities consistent and generally associated with Peace Officers in the State of New York, including but not necessarily limited to:

- A. Patrolling the Village by foot or vehicle, noting violations of New York State and local laws, codes, and ordinances within the Village;
- B. Answers calls for assistance within the Village in connection with automobile accidents, other accidents, emergency situations, and all other situations requiring action or intervention;
- C. Directs pedestrian and vehicular traffic at scenes of accident, fires, public assemblages and at busy thoroughfares and intersections within the Village;
- D. Answers questions for and directs the public;
- E. Makes reports of activities as required;
- F. Investigates complaints and reports of violations of New York State laws and regulations, and Village and local laws and regulations, for investigation, and issues summonses or appearance tickets to violators when sufficient evidence exists;

- G. Directs pedestrian and vehicular traffic at scenes of accident, fires, public assemblages and at busy thoroughfares and intersections;
- H. Patrols parking areas and issues summonses for parking violations;
- I. Answers questions for and directs the public;
- J. Makes reports of activities as required;
- K. Testifies in court or grand jury as required.

§219-12. Firearm training required.

No person holding the position of Village Constable shall carry or otherwise possess a firearm in their capacity as a Village Constable on Village property other than in conformity with state and federal law, and after having successfully completed such initial training and instruction, and any required in-service or follow-up training and instruction, required for a peace officer authorized to carry a firearm under the laws of the State of New York.

§219-13. Compensation.

The Village Constables shall serve at whatever compensation that will be determined by the Village Board, if any, and compensation shall be fixed at a rate commensurate with the task assigned, as determined by the Village Board in their sole discretion.

§219-14. Equipment and training.

The Village shall purchase uniforms and equipment for Constables and provide any and all necessary training as deemed necessary and required by the Village Board and the Village of East Hampton Chief of Police. There shall be a provision in the annual budget for the estimated expenditures incurred in providing uniforms, equipment and training.

§219-15. Waiver of residence requirement.

Pursuant to the laws of the State of New York and specifically Municipal Home Rule Law 10, the Village of East Hampton will waive the residency requirements set forth in New York State Public Officers Law 3 for Constables of the Village of East Hampton.

§219.16. Waiver of qualification requirements.

Qualifying evaluations may be waived for candidates with current or prior status in a peace or police officer title who are in possession of current New York State MPTC certification as a peace or police officer within the following guidelines:

- a) Pursuant to §2.30 60 of Criminal Procedure Law:

- Separated for less than 2 years after having served for less than 2 consecutive years as a peace officer in NYS, or;
- Separated for less than 4 years after having served as a peace officer in NYS for more than 2 consecutive years.

b) Pursuant to §209-q 1) b) of General Municipal Law:

Separated for less than 2 years after having served for less than 2 consecutive years as a police officer in NYS, or;

Separated for less than 4 years after having served as a police officer in NYS for more than 2 consecutive years, or;

Up to 10 years after separation with an approved police officer refresher course.

§219-17. When effective.

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

SECTION II. SEVERABILITY.

If any section or subsection, paragraph, clause, phrase or provision of this law shall be adjudged invalid or held unconstitutional by any court of competent jurisdiction, any judgment made thereby shall not affect the validity of this law as a whole or any part thereof other than the part or provision so adjudged to be invalid or unconstitutional.

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BE IT ENACTED by the Board of Trustees of the Village of East Hampton as follows:

INTRODUCTORY NO. 27 - 2021

LOCAL LAW NO. ____ - 2021

[ADD NEW CHAPTER]

CHAPTER 225 PROPERTY MAINTENANCE AND NUISANCE ABATEMENT

SECTION I. LEGISLATIVE INTENT. Board of Trustees of the Village of East Hampton is charged with protecting The health, welfare, and safety of the property owners and residents of the Village. The Board finds that properties which are not maintained properly often result in a threat to public health, welfare and safety. The purpose of this chapter is to establish regulations to require multifamily premises, commercial premises and single-family residences shall be maintained in conformity with the provisions of this chapter so as to establish reasonable safeguards for the safety, health and welfare of the occupants and users thereof and of the general public.

§ 225-1. Definitions.

A. For the purposes of this chapter, the following terms shall have the meanings indicated:

COMMERCIAL PREMISES - A building, structure or land used for any purpose other than for single-family or multifamily purposes, including premises used for retail purposes, business purposes or industrial purposes.

MULTIFAMILY PREMISES - Any building which is used as a home or residence, other than a single-family residence, together with any garage or other accessory buildings and the lot upon which such building or buildings are constructed.

SINGLE-FAMILY RESIDENCE - A building which is occupied exclusively as the home or residence of a single family, together with any garage or other accessory building and the lot upon which such building or buildings are constructed.

§ 225-2. Exterior maintenance.

A. Surface and subsurface water shall be drained to prevent damage to buildings and structures and to prevent development of stagnant waters. Gutters, culverts, catch basins, drain inlets, stormwater sewers and sanitary sewers or other satisfactory drainage systems shall be provided and utilized. In no case shall the water from any rain leader be allowed to flow over the sidewalk of adjoining property.

- B. Fences and retaining walls shall be maintained in a safe condition.
- C. In the case of multifamily premises and commercial premises, steps, walks, driveways, parking spaces and similar paved areas shall be maintained so as to afford safe passages under normal use and weather conditions.
- D. In the case of multifamily premises and commercial premises, all driveways and parking spaces provided shall be covered with a dustless free surface and shall be kept in good repair, and such driveways and parking spaces shall be regularly cleaned to avoid accumulation of dirt, paper and other debris. On commercial premises, all parking areas shall be covered with a dustless free surface.
- E. No owner of land fronting or abutting on a street or road in the Village of East Hampton shall permit the growth of trees, hedges, shrubs, grass or weeds to overhang the property line.
- F. The owner shall keep all and every part of the premises which he owns and the steps, walks, driveways and parking areas located in the front, rear or side of said premises, from the building line to the nearest public street line, in a clean, sanitary and safe condition and free from litter, debris, paper, dirt, garbage and junk and, except for public improvements, in good repair.
- G. Use of outdoor premises for the storage of any unregistered vehicles, including automobiles, trucks, trailers and boats, shall be prohibited.

§ 225-3. Buildings and structures.

The owner shall keep all and every part of the building and accessory structures in an attractive condition and good repair.

§ 225-4. Control of infestation.

- A. In the case of multifamily premises and commercial premises, grounds, buildings and structures shall be maintained free of insects, vermin and rodents.
- B. In the case of multifamily premises and commercial premises, where the potential for rodent or vermin infestation exists, windows and other openings in basements and cellars shall be screened with wire mesh or other suitable materials.

§ 225-5. Responsibilities of owners and occupants.

- A. Owners of premises and other persons, as defined in § 205-7B, shall be responsible for compliance with this chapter.
- B. In addition, tenants and occupants of multifamily and commercial premises shall be responsible for compliance with respect to the following:
 - (1) Maintaining all and every part of the commercial premises which they rent, occupy or control and the steps, walks, driveways and parking areas located the front, rear or side of said premises, from the building line to the nearest public street curblineline, in a clean, sanitary and safe condition and free from litter, debris, paper, dirt, garbage and junk.
 - (2) Keeping exits from that portion of the premises which they occupy clear and free from obstructions.

- (3) Disposing in a clean and sanitary manner of all garbage, refuse and debris in the provided facilities.
- (4) Exterminating insects, rodents or other pests within that part of the premises which they occupy.
- (5) Any and all sidewalks composed or constructed of concrete, cement, brick or other hard surface shall be kept free from obstruction from snow and ice. In removing such snow or ice, no person shall put the same in the gutter or drain of the street or in any manner fill up or obstruct any such gutter or drain. In every case in which such snow or ice is not so removed or when the gutter is so obstructed, it shall be the duty of the Superintendent of Public Works to remove the same, and the expense of such removal shall thereupon become a lien upon such land, to be enforced as provided by law.

C. The following regulations shall apply to all owners or occupants of property within the Village of East Hampton:

- (1) Prohibition on planting bamboo. No property owner or occupant or any other person, corporation or other entity shall plant, install, or cause or permit the planting or installation of plant species upon any property, including one-family and two-family residences, located within the Village of East Hampton, commonly considered to be classified as "running bamboo," hereinafter defined as any tropical or semi-tropical grasses with monopodial (leptomorph) rhizome (root) systems, including, but not limited to, the following plant genera: Arundinaria, Chimonobambusa, Phyllostachys, Pleioblastus, Pseudosasa, Sasa, Sasaella, and Semiarundinaria.
- (2) Duty to remove bamboo. In the event any species commonly considered to be classified as "bamboo," either "running" or "clumping," hereinafter defined as any tropical or semi-tropical monopodial (leptomorph) or sympodial (pachymorph) grasses, including, but not limited to, Arundinaria, Bambusa, Chimonobambusa, Dendrocalamus, Fargesia, Phyllostachys, Pleioblastus, Pseudosasa, Sasa, Sasaella, and Semiarundinaria, is located upon any property, including one-family and two-family residences, within the Village of East Hampton, the owner or occupant of said property shall remove such species to prevent the encroachment, spread, invasion or intrusion of same onto any other property or right-of-way.
- (3) Notice. The Village shall notify anyone who is in violation of Subsection C(1) or (2) above. The notice shall be in writing and specify a time, not less than 15 days, to comply with the provisions herein. Said notice shall be served personally or by certified mail. Service shall be deemed complete on the day the delivery of mail is completed.
- (4) Presumption. In the event any species commonly considered to be classified as "bamboo" is found to have encroached, spread, invaded, or intruded upon any other property or right-of-way, said species shall be presumed to be classified as "running bamboo."
- (5) Joint and several liability. The property owner or occupant and the installer of the bamboo, if any, may be held jointly and severally liable as a result thereof.

§225-6. Enforcement.

- A. The Building Inspector and other duly appointed law enforcement officers of the Village of East Hampton shall be charged with the duty of administering and enforcing this chapter.
- B. It shall be the duty of the Building Inspector to issue a notice of violation or to order in writing the correction of all conditions found to exist in or on any premises which violate the provisions of this law.

§225-7. Penalties for offenses.

- A. Any person, upon conviction of a violation of this chapter, shall be fined a sum of money of not less than \$100 nor more than \$200 for the first offense and not less than \$150 nor more than \$250 for the second or any subsequent offense within a twelve-month period. In addition, such person shall be subject to an injunction prohibiting and otherwise preventing any further violations.
- B. The term "person" shall include the owner, tenant, occupant, mortgagee or vendee in possession, assignee of indirectly in control of any premises, building or part thereof.

§ 225-8. Service of notice of violation.

- A. A notice of violation issued by the Building Inspector relative to the premises shall be served either personally upon the person or by posting the violation notice in a conspicuous place upon the premises effected. If a notice of violation is served by posting it upon the premises, a copy thereof shall be mailed to the person whom it is directed.
- B. A notice of violation shall state that, unless, within 10 days from service of the notice, a written request is made for a hearing before the Building Inspector, such notice shall, at the expiration of such ten-day period, be deemed an order to cease and desist from and to abate the described violation; such notice shall prescribe a reasonable time within which such person shall be required to cease and desist from and abate such violation. The notice may also contain an outline of remedial action which, if taken, will affect compliance with this chapter.
- C. If a hearing is requested, it shall be commenced not later than 10 days after the request is made, provided that, for good cause, the Building Inspector may postpone such hearing for a reasonable time. If, after the hearing the enforcement officer finds that no violation exists, or that such unusual, extraordinary or undue hardship shall occur as a result of the physical dimension and proportion of the property, he shall withdraw the notice. If he finds that a violation does exist, he shall forthwith issue an order requiring the abatement of the same within a prescribed reasonable time. The proceedings at such hearing, which shall be informal in all respects, shall be summarized in a report reduced to writing and entered as a matter of public record in the office of the Building Inspector.
- D. Any party aggrieved by the decision of the Building Inspector may, within five days of the decision of the Building Inspector, appeal said decision to the Zoning Board of Appeals of the Village of East Hampton by filing the appropriate form.
- E. The provisions of §§ X-6B and X-8A notwithstanding, it shall not be necessary for the Building Inspector to issue a notice of violation or to order in writing the correction of a condition in the instance of a second or any subsequent offense within a twelve-month period, and in the case of a second or subsequent offense, the person in violation may immediately be served with an appearance ticket or summons or such other legal process.

§ 225-9. Emergencies.

Whenever the Building Inspector or enforcement official finds that an emergency exists which requires immediate attention to protect the public health or safety, he may, without notice or hearing, issue an order reciting the existence of such emergency and requiring that such action be taken as he deems necessary to meet the emergency. Notwithstanding any other provisions of this chapter, such order shall take effect immediately. Any person to whom such order is directed shall comply therewith immediately, but upon petition to the Building

Inspector or court of competent jurisdiction shall be afforded a hearing as soon as possible. After such hearing, the Building Inspector or court shall continue such order in effect or shall modify or withdraw it.

§ 225-10. Action upon noncompliance.

- A. Upon the failure, neglect or refusal of any owner, person or agent so notified to properly comply with this chapter within 20 days after the service of notice as provided herein, the Building Inspector is hereby authorized and empowered to pay for the correction of such violation, subject to the approval of the Board of Trustees of the Village of East Hampton after due notice to the said owner, person or agent of a hearing to be held and the holding of such hearing before the Board of Trustees of the Village of East Hampton.
- B. When the Village has effected the correction of the violation or has paid for its removal, the actual cost thereof, plus the accrued legal rate of interest per annum from the date of the completion of the work, if not paid by such owner prior thereto, shall be charged to such owner by the Village, and such charge shall become due and payable by said owner or person at the time of the payment of such bill.
- C. Where the full amount due the Village is not paid by such owner within 20 days after the correction of such violation as provided in Subsections A and B above, then, and in that case, the Building Inspector shall cause to be filed in the office of the Village Clerk a sworn statement showing the cost and expense incurred for the work, the date the work was completed and the location of the property by section, lot and block on which said work was done and the name of the reputed owner thereof. The filing of such sworn statement shall constitute a lien and privilege on the property and shall remain in full force and effect for the amount due in principal and interest, plus cost of court, if any, for collection, until final payment has been made. Said costs and expenses shall be collected in the manner fixed by law for the collection of taxes, and, further, shall be subject to a delinquent penalty at the rate of interest in the event that the same is not paid in full on or before the date the tax bill upon which such charge appears becomes delinquent. Sworn statements filed in accordance with the provisions hereof shall be prima facie evidence that all legal formalities have been complied with and the work has been properly and successfully done and shall be full notice to every person concerned that the amount of the statement, plus interest, constitutes in the statement that the same is due and collectible as provided by law.

SECTION II. SEVERABILITY.

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Dated: September 17, 2021

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Intro # 27 pg. 5 of 5