

CODE OF ORDINANCES
of the
INCORPORATED VILLAGE
OF
OLD BROOKVILLE

NASSAU COUNTY, NEW YORK

PUBLIC NOTICE
VILLAGE OF OLD BROOKVILLE

The Board of Trustees of the Incorporated Village of Old Brookville, Nassau County, New York, at a meeting duly called and held on February 21, 1972, after due notice and a public hearing, repealed the General Ordinances of the Village heretofore enacted numbered 1 through 30 and ordained and enacted the following ordinances numbered 1 through 29 in their place and stead and on June 20, 1972, at a meeting duly called and held, after due notice and a public hearing, did further amend ordinance number 24 and as amended did enact and ordain said ordinance number 24.

ORDINANCE NO. 1
Speed of Motor Vehicles

Section 1. No person shall operate a motor vehicle or motorcycle or any other vehicle on any public street, highway, road or lane within the corporate limits of the Village of Old Brookville at a rate of speed in excess of 35 miles per hour. This section shall not apply to ambulances, fire or police vehicles when on emergency trips.

Section 2. This section shall not include that part of Glen Cove-Greenvale Highway lying within the boundaries of this Village.

Section 3. Any person violating part of the provisions of this ordinance shall, upon conviction, be punishable by a fine of not to exceed One Hundred Dollars, or by imprisonment for not to exceed thirty days, or both such fine and imprisonment.

ORDINANCE NO. 2
Parking, Picnicking, Etc.

Section 1. No person shall leave any vehicle standing nor shall any person picnic or trespass upon any portion of the streets, highways, roads, lanes or other places in the village of Old Brookville or loiter upon the same, whether or not the said streets, roads, highways, lanes or other places are public or private in character, except such as may be necessary or incidental to the transaction of business with or visits to residences of the village or such as may be due to accidental or temporary disability.

Section 2. Any person violating any of the provisions of this ordinance shall, upon conviction, be punishable by a fine of not to exceed One Hundred Dollars, and, in addition thereto, such violation shall constitute and it is hereby declared to be disorderly conduct and any person violating the same shall and is hereby declared to be a disorderly person.

ORDINANCE NO. 3
Obstructions in and Opening of Streets, Etc.

Section 1. The word "street" as used in this Ordinance shall include the words "road" and "highway".

Section 2. No person shall leave or deposit any material of any kind for building or other purposes in any street or public place in the Village of Old Brookville or dig or cause to be dug any excavation, trench or other opening in any street, sidewalk or public place in said Village for any purpose; or dig or remove or cause to be removed therefrom any stone, earth, sand or gravel; or take up or injure any pavement, crosswalk, drain, sewer or any part thereof; or erect or lay, or cause to be erected or laid, any telegraph, telephone, electric light or other pole, or any drain, conduit or other pipe under, in, upon or over any street or public place in said Village; or move, or cause to be moved, or assist in

moving any building into, along or across any such street or public place without having first obtained written permission for that purpose from the Village Clerk, conditioned upon the doing of such work under the supervision of the Street Commissioner of the Village Clerk so prescribes in the permit; upon keeping clear at all times a sufficient and safe passage-way for all pedestrians and vehicular traffic; upon proper guarding of the same, both by night and day, so as to prevent accidents or danger; upon complete restoration of said street, sidewalk or public place to its original condition; and upon indemnifying the Village from all damage or loss. The fee for such permit shall be as prescribed by Local Law No. 1-72. Application for such permit shall be made in writing.

provide that the party making the opening shall backfill and puddle or cause to be backfilled and puddled the opening and shall place thereon such temporary pavement as shall be approved by the Street Commissioner, which pavement shall be cared for by the applicant until such time as the Street Commissioner shall decide that proper settlement to allow the laying of a permanent pavement has taken place; such time, however, not to exceed six months. The party making the opening shall notify the Street Commissioner when said opening has been backfilled or temporarily paved.

Section 4. The Village reserves the right to repair and resurface all openings in a public street at not over Ten Dollars for each square yard of surface restored.

Section 5. Each applicant for a permit to open a street, other than a water, gas, telegraph, telephone or electric light company as below provided for, before the issuance of a permit shall, in addition to the fee at the option of the Street Commissioner, deposit with the Village Clerk either an undertaking in a form and amount to be approved by the said Street Commissioner, or the sum of One Hundred Dollars for an opening in the improved

surface of a street and Fifty Dollars for an opening in the unimproved surface of a street to cover the cost of the restoration of such street to its condition before opening.

Section 6. Each water, gas, telegraph, telephone or electric light company, in lieu of the deposit as required in Section 5 hereof, may execute and deliver to the Village an indemnity bond of a responsible surety company in the sum of One Thousand Dollars, guaranteeing the restoration of the streets of the said Village to their condition prior to the openings made by said company and the maintenance thereof for one year, and to indemnify the Village against the nonperformance thereof.

Section 7. Any person violating any of the provisions of this ordinance shall, upon conviction, be punishable by a fine of not to exceed One Hundred Dollars, and, in addition thereto, such violation shall constitute and it is hereby declared to be disorderly conduct and any person violating the same shall and is hereby declared to be a disorderly person.

ORDINANCE NO. 4

Tenting

Section 1. No person shall erect, raise, establish or maintain any tent or camp or temporary habitation of any kind to be used as a place for living or sleeping on any public place in the Village of Old Brookville or on any ground in said Village, or shall use or occupy as a living or sleeping place any such tent, camp or other temporary habitation until a certificate of approval shall have been issued by the health authorities having jurisdiction thereof upon a written statement by the applicant giving the full name and residence of the owner or owners of the proposed tent, camp or other temporary habitation, and showing the exact proposed location thereof and stating the facilities to be used by its occupants in connection with the proper sanitation of the same; said certificate certifying to the Board of Trustees of said Village that

such tent, camp or other temporary habitation conforms to and fulfills all the requirements of health and sanitation required by the Public Health Laws of this State and the ordinances of said Village; nor shall any such tent, camp or temporary habitation be so erected, raised, established, maintained, used or occupied until a permit therefor has been issued by the Village Board of Trustees upon their being satisfied that such tent, camp or other temporary habitation will not constitute or become a nuisance or otherwise dangerous or prejudicial to life or health.

Section 2. This ordinance shall not apply to members of one's immediate family household with respect to a temporary tent located on his own premises.

Section 3. Any person violating any of the provisions of this ordinance shall, upon conviction, be punishable by a fine of not to exceed One Hundred Dollars, and, in addition thereto, such violation shall constitute and it is hereby declared to be disorderly conduct and any person violating the same shall and is hereby declared to be a disorderly person.

ORDINANCE NO. 5

Hawking and Peddling

Section 1. No person shall hawk, peddle or vend merchandise or other commodities, except meats, fish, fruits and farm produce, in the streets and public places of the Village of Old Brookville nor shall any person solicit orders of goods, wares and merchandise or other commodities either in the streets or public places of said Village or by going from house to house therein without first having obtained permission therefor from the Mayor. Said permission shall only be granted on an application made in writing to said Mayor, setting forth the name and address of the applicant, his citizenship and the commodities he proposes to deal in and the locality and any other matters required by the Mayor as properly affecting his fitness to conduct said business. If the Mayor shall

deem the person so applying a proper person to conduct said business, he shall grant a license permitting the applicant to carry on the business mentioned in said application upon payment to the Village Treasurer of a license fee as prescribed by Local Law No. 1-72.

Section 2. All licenses granted pursuant to this Ordinance shall expire on the last day of May, next following the granting thereof, unless sooner suspended or revoked. All such licenses shall be revocable at any time by the Mayor or by the Board of Trustees, with or without notice, for any cause for which such licenses might have originally been refused.

Section 3. Any person violating any of the provisions of this ordinance shall, upon conviction, be punishable by a fine of not to exceed One Hundred Dollars, and, in addition thereto, such violation shall constitute and it is hereby declared to be disorderly conduct and any person violating the same shall and is hereby declared to be a disorderly person.

ORDINANCE NO. 6

Nuisances

Abatement of Nuisances

Section 1. No owner or occupant of any lot or parcel of land in the Village of Old Brookville shall cause or permit any public nuisance to be or remain upon such lot or parcel of land or between the same and the adjoining street.

Section 2. Whenever there shall exist any such public nuisance and written complaint thereof is made to the Mayor of the Village, he shall forthwith cause a notice to be served upon the owner or occupant of the premises on which said nuisance exists, requiring him to abate the same within twenty-four hours after the receipt of said notice.

Section 3. In case of failure of the owner or occupant of the premises to comply with such notice or requirement within the time therein mentioned, the said nuisance may be abated by the

Street Commissioner of said Village at the expense of the said owner or occupant of the premises, such expense to be collected by suit in the name of the Village, if not paid to the Village Treasurer in five days after demand.

Section 4. Any person violating any of the provisions of this ordinance shall, upon conviction, be punishable by a fine of not to exceed One Hundred Dollars, and, in addition thereto, such violation shall constitute and it is hereby declared to be disorderly conduct and any person violating the same shall and is hereby declared to be a disorderly person.

ORDINANCE NO. 7

Peace and Good Order

Section 1. No person shall make, aid, countenance or assist in making any improper noise, riot or disturbance in the Village of Old Brookville and no persons shall collect in crowds for unlawful or idle purposes to the annoyance or disturbance of citizens or travelers.

Section 2. Any person violating any of the provisions of this ordinance shall, upon conviction, be punishable by a fine of not to exceed One Hundred Dollars, and, in addition thereto, such violation shall constitute and it is hereby declared to be disorderly conduct and any person violating the same shall and is hereby declared to be a disorderly person.

ORDINANCE NO. 8

Malicious Mischief

Section 1. No person shall wilfully or maliciously break, tear, mar, injure, remove or deface any building, fence awning, sign-board, bulletin board, telegraph pole, telephone pole, light pole, fountain, tree, shrubbery or other ornamental thing, or tear down, destroy or mutilate any notice or handbill lawfully posted on any sidewalk, street or public place in the Village of Old Brookville.

Section 2. Any person violating any of the provisions of this ordinance shall, upon conviction, be punishable by a fine of not to exceed One Hundred Dollars, and, in addition thereto, such violation shall constitute and it is hereby declared to be disorderly conduct and any person violating the same shall and is hereby declared to be a disorderly person.

ORDINANCE NO. 9

Advertising or Bill Posting

Section 1. No person shall post any bill or poster, written or printed, or write, print, paint or stamp or otherwise mark any words, letters, figures, signs or tokens of any kind on any tree, pole, wall, rock, roadway, flagstone, curb, sidewalk, fence, gate, building, structure or other place in or upon any public place or property in the Incorporated Village of Old Brookville or distribute any printed or written matter upon any street, highway, road or other public place in said Village, except notices required or permitted by law to be posted or distributed.

Section 2. This ordinance shall not affect name plates permissible under the zoning ordinance of this Village.

Section 3. Any person violating any of the provisions of this ordinance shall, upon conviction, be punishable by a fine of not to exceed One Hundred Dollars, and, in addition thereto, such violation shall constitute and it is hereby declared to be disorderly conduct and any person violating the same shall and is hereby declared to be a disorderly person.

ORDINANCE NO. 10

Incendiary Fires

Section 1. No person shall willfully or maliciously set fire to or assist another to set fire to any waste or forest lands or fields belonging to another person in the Village of Old Brookville whereby such forests or fields are injured or endangered; or shall

negligently set fire to his own woods or fields by means whereof the property of another is endangered; or shall negligently suffer any fire upon his own land to extend beyond the limits thereof.

Section 2. Any person violating any of the provisions of this ordinance shall, upon conviction, be punishable by a fine of not to exceed One Hundred Dollars, and, in addition thereto, such violation shall constitute and it is hereby declared to be disorderly conduct and any person violating the same shall and is hereby declared to be a disorderly person.

ORDINANCE NO. 11

Bonfires

Section 1. No person shall build, kindle or assist in building or kindling, making or having made any bonfires or other fire, in any street or public place in the Village of Old Brookville or in any place where the person or property of another may be injured or endangered unless he shall have made written application to the Street Commissioner of the Village stating the size, character, location, time and duration of the fire, the protection provided against its spreading and the personnel in attendance thereat, and shall have obtained written permission therefor from said Street Commissioner, which he shall only grant upon his being satisfied that no danger to person or property is likely to result therefrom.

Section 2. Any person violating any of the provisions of this ordinance shall, upon conviction, be punishable by a fine of not to exceed One Hundred Dollars, and, in addition thereto, such violation shall constitute and it is hereby declared to be disorderly conduct and any person violating the same shall and is hereby declared to be a disorderly person.

ORDINANCE NO. 12

To Regulate the Discharge of Firearms

Section 1. No person, other than a property owner of lessee on his own property or one of his guests or employees acting with

his permission in writing, such permission to be dated within one year, shall have or carry any shotgun or rifle in the open air or discharge any firearm within the Village of Old Brookville except:

(a) A police officer acting in discharge of his duties.

(b) When reasonably necessary for the protection of life or property.

Section 2. Any person violating any of the provisions of this ordinance shall, upon conviction, be punishable by a fine of not to exceed One Hundred Dollars, and, in addition thereto, such violation shall constitute and it is hereby declared to be disorderly conduct and any person violating the same shall and is hereby declared to be a disorderly person.

ORDINANCE NO. 13

Trucking of Garbage

Section 1. No person shall carry or transport garbage, swill, ashes or any offensive substance over the streets or highways within the Village of Old Brookville without a written permit from the Board of Trustees of the Village nor unless the cart, truck or other vehicle used for this purpose is water tight and equipped with a cover of adequate size and material at all times, except when loading or unloading, spread entirely over the garbage, swill, ashes or other offensive substance in transportation. The said permit shall be revoked by the Board of Trustees at any time upon its being satisfied that the person in possession of the same is unfit to carry on said activity in the Village or upon his conviction for the violation of any provision of any of the ordinances of the Village or of the regulations of the County of Nassau or of the penal or sanitary code of the State of New York.

Section 2. Any person violating any of the provisions of this ordinance shall, upon conviction, be punishable by a fine of not to exceed One Hundred Dollars, and, in addition thereto, such violation shall constitute and it is hereby declared to be disorderly conduct and any person violating the same shall and is hereby declared to be a disorderly person.

ORDINANCE NO. 14

Animals at Large

Section 1. No person being the owner, harbor, or having the custody or control of any cattle, goats, sheep, horses, fowl or swine in the Village of Old Brookville shall permit the same to run at large unless within a pen or field or other area suitably enclosed so as to prevent wandering upon the highways or adjacent properties.

Section 2. Any person violating any of the provisions of this ordinance shall, upon conviction, be punishable by a fine of not to exceed One Hundred Dollars, and, in addition thereto, such violation shall constitute and it is hereby declared to be disorderly conduct and any person violating the same shall and is hereby declared to be a disorderly person.

ORDINANCE NO. 15

Deposit of Materials on Village Roads

Section 1. No person, firm or corporation shall cause or permit any accumulation of sand, gravel, cinders, topsoil, mud, earth, or other material to be placed, deposited, tracked or flowed upon any public road, street or highway in the Village of Old Brookville.

Section 2. No person or persons shall throw, place, deposit or discard or suffer to permit any servant, employee or persons in his or her charge to throw, place, deposit or discard any ashes, garbage, tin cans, waste, waste papers or refuse material of any kind upon any street or public grounds in the Village of Old Brookville unless with the consent and under the supervision of the Street Committee or Street Commissioner.

Section 3. This ordinance shall not be construed to prohibit the temporary storage of building materials on Village roads when such materials are stored pursuant to a permit issued by the Village Street Commissioner.

Section 4. Any person violating any of the provisions of this ordinance shall, upon conviction, be punishable by a fine of not to exceed One Hundred Dollars, and, in addition thereto, such violation shall constitute and it is hereby declared to be disorderly conduct and any person violating the same shall and is hereby declared to be a disorderly person.

ORDINANCE NO. 16

Pavement Markings

Section 1. The pavement traffic lines and markings duly approved and adopted now or hereafter by the State Traffic Commission for State Highways are hereby approved and adopted as to all highways and streets within the corporate limits of the Village of Old Brookville except State Highways, and all vehicular traffic using the said highways and streets shall be governed thereby where such signs and markings are used.

Section 2. Any person failing to obey any provisions of this ordinance or any marking established pursuant to this ordinance, shall be deemed guilty of violating this ordinance and shall be subject to the penalties provided in Section 91 of the Vehicle and Traffic Law of the State of New York for violation of Article 6 of said Vehicle and Traffic Law as follows: upon conviction may be punished for the first offense by a fine not exceeding Ten Dollars, and for the second offense by a fine of not less than Ten Dollars or more than Twenty-five Dollars or by imprisonment for not less than two or more than fifteen days. The third or any subsequent offense within one year may be punishable by a fine not exceeding One Hundred Dollars or by imprisonment not exceeding six months, or by both such fine and imprisonment.

ORDINANCE NO. 17

No Trespassing

Section 1. No person with the exception of a duly authorized representative of the Village shall trespass or intrude upon any lot

or piece of land within the boundaries of the Village of Old Brookville without authority from the owner thereof and no person shall erect or occupy thereon any building or structure whatever without authority from the owner.

Section 2. Acts of trespass shall be deemed to include but not be limited to dumping of debris of any sort or kind on public or private property.

Section 3. No owner nor person in possession shall permit any dumping on his property without the written permission of the Board of Trustees of the Village.

Section 4. Any person violating any of the provisions of this ordinance shall, upon conviction, be punishable by a fine of not to exceed One Hundred Dollars, and, in addition thereto, such violation shall constitute and it is hereby declared to be disorderly conduct and any person violating the same shall and is hereby declared to be a disorderly person.

ORDINANCE NO. 18

Acts of Trespass

Section 1. No person shall wilfully and knowingly without authority in writing from the Village Board of Trustees or owner cause damage to any public highway or to any property within the limits of any public highway or to any property upon any lot or piece of land, public or private, within the Village of Old Brookville.

Section 2. Acts of trespass shall be deemed to include but not be limited to dumping or littering of debris of any kind.

Section 3. Any person violating any of the provisions of this ordinance shall, upon conviction, be punishable by a fine of not to exceed One Hundred Dollars, and, in addition thereto, such violation shall constitute and it is hereby declared to be disorderly conduct and any person violating the same shall and is hereby declared to be a disorderly person.

and it is further RESOLVED that said Ordinances as hereinabove set forth shall take effect as prescribed by law.

ORDINANCE NO. 19
Regulation of Operation of Towing Cars

Section 1. No person or person's firm or corporation, shall operate a towing car for hire within the limits of the Incorporated Village of Old Brookville unless a license therefor shall first be obtained from the Board of Trustees signed by the Mayor and countersigned by the Clerk, as hereinafter provided.

Section 2. No such license shall be issued unless an application therefor shall have been filed with the Village Clerk upon a form prescribed therefor by the Board of Trustees, which shall include, in the case of towing car owners

- (a) the name and business address of the applicant and if he be a natural person his age and residence address;
- (b) the registration number of each towing car to be operated; and
- (c) a schedule of prices as prescribed by Local Law No. 1-72.

Section 3. Every license issued pursuant to this ordinance shall expire on the thirty-first day of December following the issuance thereof. The license fee payable shall be as set forth in Section 700, Local Law No. 1-72.

Section 4. The applicant for such license shall file with the Board of Trustees a schedule of the maximum prices to be charged for towing and storage of disabled motor vehicles. Such charges shall be based on the distance that each disabled motor vehicle is to be towed and shall not be based on availability of towing car facilities. No towing car owner or operator or other person employed by owner shall base any charge upon estimation.

Section 5. It shall be unlawful for any person to tow away any motor vehicle which has been involved in an accident without the prior consent of the owner or the police officer at the scene of the accident and no car shall be removed from the scene of an accident where the police officer requires or requests that an examination be held for the purpose of determining whether the car is defective.

Section 6. It shall be unlawful for any person to drive along any street or highway in the Incorporated Village of Old Brookville for the purpose of soliciting towing work.

Section 7. On each side of every towing car for which a license has been granted there shall be legibly inscribed in letters not less than three inches high the name and address of the owner of such towing car or of the person having the license therefor and the license number assigned to such towing car by the Mayor.

Section 8. The Mayor, with the approval of the Board of Trustees is hereby empowered to promulgate and prescribe rules and regulations for the proper administration and enforcement of this ordinance.

Section 9. The Mayor shall have power to suspend any license issued pursuant to this ordinance for the violation of any rules thereof or of any rules and regulations promulgated by him or for the failure of the owner or operator of any towing car to render services to the owner or driver of a disabled vehicle who is able and willing to pay the fee prescribed in the schedule of prices filed by the licensee of such towing car as hereinbefore prescribed.

Section 10. Any person violating any of the provisions of this ordinance shall, upon conviction, be punishable by a fine of not to exceed One Hundred Dollars, and, in addition thereto, such violation shall constitute and it is hereby declared to be disorderly conduct and any person violating the same shall and is hereby declared to be a disorderly person.

ORDINANCE NO. 20
**Filing Fees for Approval of Preliminary
and Final Subdivision Plots**

ARTICLE I

Section 1. Fees in connection with the filing of subdivision plots of land with the Planning Board for its approval shall be as set forth in Section 500, Local Law No. 1-72.

ARTICLE II

Section 1. This ordinance shall take effect as prescribed by law.

ORDINANCE NO. 21
**Filing Fees for Applications for Building
Zone Ordinance Variances**

ARTICLE I

Section 1. Fees in connection with filing Building Zone Ordinance Variance Applications shall be as set forth in Section 400, Local Law No. 1-72.

ORDINANCE NO. 22
Controlling Infections and Infestations of Trees

Section 1. It shall be unlawful for any owner, lessee or occupant of any land in the Village of Old Brookville to permit or maintain on such land any trees which are infected with the Dutch Elm disease or with any other infectious disease, or which have dead branches or other dead wood which may become the host of the scolytus beetle, the carrier of the Dutch Elm disease.

Section 2. It shall be the duty of the owner, lessee or occupant of any land in the Village of Old Brookville to cause to be cut down any trees on such land which are infected with the Dutch Elm disease and to cause to be pruned from all elm trees on such land any dead branches or other dead wood which may become the host of the scolytus beetle, and to cause any trees which may be so cut down and any dead branches or other dead wood which may be so pruned from trees, to be forthwith removed from the land and to be burned in accordance with regulations to be established by the Board of Trustees of the Village.

Section 3. In order to control tree and shrub infection and to prevent the spread of such infection to other trees and shrubs from becoming a public nuisance the Road Commissioner of the Village and/or such other person or persons as may be designated by the Board of Trustees may enter upon private property for the inspection of trees and shrubs and the taking of specimens therefrom. The said Road Commissioner shall keep written records of all such inspections and of all trees and shrubs found to be infected or diseased. If such inspection shall show infection of trees by the Dutch Elm disease or dead branches or dead wood which may become the host of the scolytus beetle, the Village Clerk, at the request of the Road Commissioner, shall serve or cause to be served upon the owner, lessee or occupant of the land containing such infected trees or dead branches of wood, a copy of this ordinance and a written notice requiring compliance with the provisions of this ordinance. Such notice may be served personally on the owner, lessee or occupant or by mailing a copy of such notice to the owner of the land addressed to his last known address as the same appears upon the last Village assessment roll.

If, within ten days after the service of such notice, the owner, lessee, or occupant fails, neglects or refuses to comply with said notice, the Board of Trustees may direct the Road Commissioner or other duly appointed officer or employee of the Village to cause such infected trees, dead branches or other dead wood to be

removed by cutting, removing and burning the same, and the actual cost of such work, as certified by said Road Commissioner shall become and be a lien upon such land and shall be added to and become a part of the taxes next to be assessed and levied upon such land and shall be collected and enforced in the same manner as taxes.

Section 4. Any person violating any provision of this ordinance shall pay a penalty not to exceed one hundred (\$100) dollars for each and every violation and in addition thereto such violation shall constitute and is hereby declared to be disorderly conduct and any person violating the same shall be and hereby is declared to be a disorderly person.

Section 5. This ordinance shall take effect immediately.

ORDINANCE NO. 23

Removal of Top Soil

Section 1. No person shall engage in the business of selling top soil originating in the Village nor remove top soil from any lands within the Incorporated Village of Old Brookville and transport the same to points or places outside of said Village.

Section 2. Any person violating any provision of this ordinance shall, upon conviction, be punishable by a fine of not to exceed One Hundred Dollars, and in addition thereto, such violation shall constitute and is hereby declared to be disorderly conduct and any person violating the same shall and is hereby declared to be a disorderly person.

ORDINANCE NO. 24

Through Streets Named

Section 1. The following streets shall be designated as through streets at the intersections named herein below and signs shall be erected at said intersections:

Glen Cove-Greenvale Highway at the intersection of Simonson Road

Glen Cove-Greenvale Highway at the intersection with Jaeger Drive

The East side of Glen Cove-Greenvale Highway at the intersection with McCouns Lane

The West side of Glen Cove-Greenvale Highway at the intersection with McCouns Lane, also known as Brickyard Road

Glen Cove-Greenvale Highway at the intersection of Eastview Lane

Glen Cove-Greenvale Highway at the intersection of Michaels Lane

Glen Cove-Greenvale Highway at the intersection of Pound Hollow Road

Simonson Road at the intersection of Valentine Lane

Wildwood Lane at the intersection of Carmen Road

Brookville Lane at the intersection of Pound Hollow Road

Brookville Lane at the intersection of Woodland Road

Brookville Lane at the intersection of Woodland Lane

Frost Pond Road at the intersection of Brookville Lane

Chicken Valley Road at the intersection of Brookville Lane

Chicken Valley Road at the intersection of Hegemans Lane

Chicken Valley Road at the intersection of Canterbury Road

Chicken Valley Road at the intersection of Oak Lane

Cedar Swamp Road at the intersection of Glen Head Road

Cedar Swamp Road at the intersection of Chicken Valley Road

Cedar Swamp Road at the intersection of Hoaglands Lane

Cedar Swamp Road at the intersection of Meadowbridge Lane

Cedar Swamp Road at the intersection of Hegemans Lane

Northern Boulevard at the intersection of Valentine Lane

Hoaglands Lane at the intersection of McCouns Lane

Hoaglands Lane at the intersection of Foxboro Lane

Hoaglands Lane at the intersection of Edson Lane

McCouns Lane at the intersection of East View Lane
Glen Head Road at the intersection of McCouns Lane, also
known as Brickyard Road

Cedar Swamp Road at the intersection of Pheasant Hill Lane
Cedar Swamp Road at the intersection of private road north
of Pheasant Hill Lane

Hoaglands Lane at the intersection of Maria Lane
Eastview Lane at the intersection of Michaels Lane
Valentine Lane at the intersection of Longridge Lane
Hegemans Lane at the intersection of Linden Lane
Woodland Road at the intersection of Woodland Lane
Piping Rock Road at the intersection of Pink Woods Lane
Woodland Road at the intersection of Timberland Lane
High Farms Road at the intersection of Brookville Lane
Pound Hollow Road at the intersection of Pound Hollow Court
McCouns Lane at the intersection of Union Avenue
McCouns Lane at the intersection of North Street

ORDINANCE NO. 25

Heavy Through Trucking

Section 1. It shall be unlawful for any person to operate or move, or cause or knowingly permit to be operated or moved, any truck whose weight in combination with the weight of the load shall exceed five (5) tons for through trucking on the following streets in the Village of Old Brookville: Pine Ridge Road, McCouns Lane, Simonson Road, Valentine Lane, Brookville Lane, Pound Hollow Road and Hoagland's Lane.

Section 2. For the purpose of this ordinance "through trucking" shall not be deemed to include vehicles making deliveries within any part of the village and access over one or more of the Village streets herein specified shall be permitted if delivery is being made to any site within the Village.

Section 3. Any person violating any provision of this ordinance shall, upon conviction, be punishable by a fine of not to exceed One Hundred Dollars, and in addition thereto, such violation shall constitute and is hereby declared to be disorderly conduct and any person violating the same shall and is hereby declared to be a disorderly person.

Section 4. This ordinance shall take effect immediately.

ORDINANCE NO. 26

Traffic Violations Bureau

Section 1. The Police Justice of the Incorporated Village of Old Brookville is hereby authorized to establish a Traffic Violations Bureau for said Village.

Section 2. The Traffic Violations Bureau when established shall be authorized to dispose of violations of traffic laws, ordinances, rules and regulations when such offenses shall not constitute the traffic infraction known as speeding or a misdemeanor or a felony, as follows:

(a) By permitting a person charged with an offense within the limitations hereinabove stated, to answer within a period of ten (10) days at the Traffic Violations Bureau, either in person or by written power of attorney in the form hereinafter set forth, by paying the fine designated by the Police Justice for such violation, and in writing, waiving a hearing in court, pleading guilty to the charge, and authorizing the person in charge of the Traffic Violations Bureau to make such a plea and pay such a fine in court; provided, however, that any person who shall have been within the preceding twelve months, adjudged guilty of a number of parking violations in excess of such number as may be designated by the Police Justice of the Village of Old Brookville, or of three (3) or more traffic violations other than parking violations, shall not be permitted to appear and answer to a subsequent violation at the Traffic Violations Bureau, but shall be required to appear in court at a time to be specified by the Bureau.

(b) Acceptance of the prescribed fine and power of attorney by the Traffic Violations Bureau shall be deemed complete satisfaction for the violation, and the violator shall be given a receipt which so states.

Section 3.

(a) Any summons charging a parking violation may be served upon the violator in person, or may be affixed to the motor vehicle involved in the violation.

(b) If, in any parking violation case where the summons was affixed to the motor vehicle and not served personally, no one answers as hereinabove provided within the time designated in the summons, the Traffic Violations Bureau shall send a letter by certified mail return receipt requested to the registered owner of such vehicle as disclosed by the records of the Department of Motor Vehicles, enclosing a copy of the summons and warning the registered owner that he will be held responsible for the appearance of the offender, and directing the registered owner to answer the summons in the manner hereinabove provided within a designated time which shall not be less than six (6) days from the date of mailing of said letter.

(c) If any person served personally with a summons under this Ordinance, or if any registered owner of the motor vehicle involved who is served and notified as provided in subparagraph (b) of this Section, does not answer as hereinabove provided within the designated time, the Traffic Violations Bureau shall cause a complaint to be entered against him forthwith and shall apply for a warrant to be issued for his arrest and appearance before the court.

(d) The Traffic Violations Bureau shall perform such other or additional duties as shall be prescribed by law, by the Police Justice or the Board of Trustees of the Village.

Section 4. The power of attorney referred to in this Ordinance shall be in the following form:

POWER OF ATTORNEY

The undersigned hereby acknowledges service of the summons herein, waives a hearing in Court, pleads guilty to the offense charged in said summons, and authorizes the Clerk of the Traffic Violations Bureau of the Incorporated Village of Old Brookville to appear in Court for me, to make such plea of guilty on my behalf and to pay the prescribed fine using the money enclosed.

Signed _____

Print your name _____

Address _____

Section 5. Nothing contained in this Ordinance shall be deemed to authorize the Traffic Violations Bureau to deprive a person of his right to counsel or to prevent him from exercising his right to appear in court to answer to, explain, or defend any charge of a violation of any traffic law, ordinance, rule or regulation.

Section 6. If any clause, sentence, paragraph, section or part of this Ordinance shall be adjudged by any court or tribunal to be invalid, such judgement shall not affect, impair or invalidate the remainder hereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgement shall have been rendered.

ORDINANCE NO. 27

Air Pollution Control

Section 1. Declaration of policy. It is the policy of the Incorporated Village of Old Brookville to maintain a reasonable degree of purity of its air resources, which shall be consistent with the public health and welfare and the public enjoyment thereof, the propagation and protection of flora and fauna, and the protection of physical property and other resources, and to that end to require the use of all available, practical and reasonable methods to prevent and control air pollution in the Village. It is also the

policy of the Village to protect property and life from fire hazards and health hazards and to prohibit and prevent the unnecessary emission of smoke, noxious gases deposits and other pollutions and to preserve and protect the property and the lives, health, safety, peace, good order, morals and general welfare of the Village and its inhabitants.

It is also the policy of the Village to protect property and life from the hazard of fire which is found to be increased by accumulations, in the many open and wooded areas of the Village, of tree trimmings, tree cuttings, dead, fallen and felled trees, branches, brush, leaves, grass, weeds and other vegetation.

In these connections, and in the furtherance of these policies, the Village has heretofore adopted and amended Building Zone Ordinance which limits commercial uses of land which requires relatively low density of population, thereby reducing possible sources of air pollution within the Village to the betterment of the air resources of not only the Village but also the County of Nassau and the State of New York.

It is noted that the Village is located in the northerly section of Nassau County and is contiguous to other villages having similar low densities of population and that the prevailing winds in the Village are in the direction of other areas of low density of population and the waters and bays of Long Island Sound.

It is found that no disposal service for tree trimmings, tree cuttings, dead, fallen and felled trees, branches, brush, leaves, grass, weeds or other vegetation is presently available or readily available at a reasonable cost to the Village or to the residents hereof.

Section 2. Statement of purpose. It is the purpose of this ordinance to safeguard the air resources of the Village from pollution by: (a) controlling or abating air pollution existing when this ordinance is enacted and (b) preventing new air pollution, under a program which shall be consistent with the declaration of policy above stated and at the same time to preserve and protect

the property and the lives, health, safety, peace, good order and general welfare of the Village and its inhabitants.

Section 3. Definitions. When used in this ordinance, the following words and phrases shall have the meanings ascribed to them in this section.

(1) "Air pollution" means the presence in the outdoor atmosphere of one or more air contaminants in quantities, of characteristics and of a duration which are injurious to human, plant or animal life or to property or which unreasonably interfere with the comfortable enjoyment of life and property throughout the state or throughout such areas of the state as shall be affected thereby; excluding however all conditions subject to the requirements of the labor law and industrial code.

(2) "Air contaminant" means a dust, fume, gas, mist, odor, smoke, vapor, pollen or any combination thereof.

(3) "Particulate matter". Any liquid (other than water) or any solid which so finely divided as to be capable of being wind-blown or of being suspended in air or other gas or vapor.

(4) "Person". Means any individual, public or private corporation, partnership, association, firm, trust, estate or any other legal entity whatsoever which is recognized by law as the subjects of rights and duties.

(5) "Garbage". Waste resulting from distribution, preparation and serving of food.

(6) "Open Fire". Any fire or smoke producing process wherein the combustion products are directly emitted into the atmosphere without passing through a stack.

(7) "Refuse". Garbage, rubbish and trade wastes.

(8) "Rubbish". Solid or liquid waste material including paper, rags, ashes, furniture, tin cans, glass, crockery, demolition material, discarded automobiles, tires, automotive parts, paint and oils.

(9) "Trade waste". Combustible solid or liquid material resulting from construction, or any business, trade or industry operations, including, but not limited to, the following materials: plas-

tics, cartons, chemicals, paints, greases, oils, other petroleum products, sawdust, dead animals, and dead fowl.

(10) "Stack". Any conduit, chimney, duct, vent, or flue arranged to conduct gaseous or gas-borne products to the outer air.

(11) "Fuel burning equipment". Any furnace, boiler, water heater, device, mechanism, stack, structure, oven, stove, kiln, still, or other apparatus, other than a motor vehicle or motor boat, used to burn fuel or other combustible material.

(12) "Flue-fed incinerator". Any incinerator served by a vertical charging flue.

(13) "Refuse burning equipment." Any incinerator, device, equipment or other apparatus designed to burn refuse and other waste.

(14) "Portable equipment". Any equipment as defined herein, capable of being moved from place to place for temporary operation.

(15) "Equipment". Any device capable of causing the emission of air contaminant into the atmosphere and any stack connected or attached thereto or serving the equipment.

Section 4. Prohibitions. No person shall burn in the Village any garbage, refuse, rubbish or trade wastes whatsoever in any open fire or in any fuel burning equipment, flue-fed incinerator or refuse burning equipment through any stack except to the extent and as permitted by the provisions of Section 6 hereof, and no person shall burn any tree trimmings, tree cuttings, fallen branches, brush, leaves, grass, weeds or other vegetation except in conformity with, to the extent and as permitted by the provisions of Section 5 hereof.

Section 5. Permissible open burning. When not temporarily prohibited for fire protection reasons by the State Commissioner of Conservation, the police, local fire wardens or other fire prevention officials, the following types of open burning are permissible.

a. Outdoor grills and fireplaces for the purpose of preparing food.

b. Campfires and fires used solely for recreation purposes, burning wood only, where such fires are properly controlled by a responsible person in attendance at all times such fires are burning and where no nuisance is created.

c. Burning of tree trimmings, tree cuttings, dead, fallen and felled trees, branches, brush, leaves, grass, weeds and other vegetation which has grown or has been deposited by natural causes on the lot or parcel of land where the burning shall take place, provided:

i. Such burning on any lot or parcel of land shall not occur within the minimum front, side and rear yards as required for a principal dwelling in the zoning district in which such lot or parcel is situated.

ii. The wind direction at the time of such burning is away from densely populated areas.

iii. The Commissioner of Health of the State of New York has not announced a period of high air pollution potential.

iv. Dirt is removed from stumps and other wood before burning.

v. Such burning is restricted to an area of 400 square feet at any one time.

vi. Such burning is conducted so as not to endanger any property or person.

vii. Such burning is of trees, brush or vegetation permitted to be cut by the Building Zone Ordinance or other applicable Ordinance of the Village.

Section 6. Building heating and cooking units. (a) Any person who shall be the occupant of any building which constitutes a lawful use under and otherwise complies with the provisions of the Building Zone Ordinance of the Village and the State Building Construction Code, may at any time heat, cook or maintain fires in open fireplaces in any chimney in any such building by burning or using oil, gas, coal, wood, paper, electricity or other fuel used for any such purposes through any furnace, water heater, device, mechanism, stack, structure, oven, stove, kiln or other apparatus.

(b) No person shall, however, cause or permit the use of a kind or grade of fuel in any such apparatus which is not designed to burn that kind or grade of fuel.

Section 7. Operation of motor vehicle and other internal combustion engines, (a) No person shall cause or permit the engine of a motor vehicle, other than a legally authorized emergency vehicle, to idle for longer than three (3) consecutive minutes while parking, standing, or stopping (as such terms are defined in the Vehicle and Traffic Law of the State of New York) anywhere in the Village unless the engine is being used to operate a loading, unloading, or processing device.

(b) No person shall cause or permit the operation of any other portable internal combustion engine or similar portable equipment which emits visible air contaminant (i) unless the prevailing winds at the time of the operation, are away from populated areas or (ii) when the Commissioner of Health of the State of New York has announced a period of high air pollution potential.

Section 8. Construction of building and roads. No person shall cause or permit a building or its appurtenances or a road to be constructed, altered, repaired or demolished without taking such precautions as may be required by the Board of Trustees to prevent air contaminants from becoming airborne. The Building Inspector and the Street Commissioner shall impose such conditions and restrictions in the issuance of building and road construction permits as the Board of Trustees shall at any time and from time to time find necessary to prevent air contaminants from becoming airborne.

Section 9. Variances. Subject to such conditions as may be reasonably imposed, the Board of Trustees may grant a variance from the provisions of this ordinance and suspend the enforcement thereof as to any person who shall show in the case of such person and of the activity which such person then proposes to operate that a compliance by such person would constitute and undue hardship on such person or present practical difficulties for

such person and would be out of proportion to the benefits to be obtained thereby; provided, however, that such variances shall not be granted where the person applying therefor will cause air pollution which constitutes a health hazard; and provided, further, that any variance so granted shall not be so construed as to relieve such person from any liability imposed by any other law or ordinance for the commission or maintenance of a nuisance.

Section 10. Penalties. Any person who shall violate, or fails to perform any duty imposed by, the provisions of this ordinance shall be punishable by a fine of not more than one hundred dollars for each and every offense, and in addition thereto each such violation shall constitute and is hereby declared to be an offense against this ordinance. Each day that a violation under any of the foregoing provisions of this ordinance continues shall be deemed a separate offense. In addition, the Village Board of Trustees may enforce obedience to the provisions of this ordinance by injunction.

Section 11. Separability clause. If any clause, sentence, paragraph, section or part of this ordinance shall be adjudged by any court of competent jurisdiction to be invalid, the judgement shall not affect, impair or invalidate the remainder of this ordinance but shall be confined in its operation to the clause, sentence, paragraph, section or part of this ordinance that shall be directly involved in the controversy in which such judgement shall have been rendered.

Section 12. Effective date. This ordinance shall take effect immediately.

ORDINANCE NO. 28

Dogs

Section 1. No person shall permit any vicious dog to run at large within the Village of Old Brookville. A dog shall be deemed to be running at large when it is not on the premises of his owner and is not on a leash or muzzled.

Section 2. Any resident of the Village of Old Brookville claiming that a dog is vicious may complain to the Police Department operating within the Village of Old Brookville, whose duty it shall be to issue a summons requiring the owner of or person harboring such dog to appear before the Police Justice or other magistrate having jurisdiction on a day certain to determine such issue. It will be presumed that any dog while running at large having once bitten any person, or twice made unprovoked attack upon and bitten another dog or dogs or other domestic animals is vicious within the meaning of this ordinance. If, after a trial, the Police Justice or other magistrate having jurisdiction shall determine that such proof is sufficient, he shall order and declare that such dog is vicious and thereafter it shall be unlawful for any such vicious dog to run at large.

Section 3. If any dog has been found to be vicious and is allowed to run at large, the owner or any other person who harbors the said dog shall be responsible in damages for any injury or damage caused by such dog and also be liable for a fine in the amount of \$25.00 for each such injury or damage, and the Police Justice or other magistrate having jurisdiction may order that such dog be destroyed.

Section 4. Upon complaint to the Police Department by any resident of the Village of Old Brookville that a dog has made repeated and unprovoked and vicious attacks on or repeatedly molested a person, other dogs, or domestic animals, at any place within the Village and unrelated to the protection of person, family or property of the owner, it shall be the duty of the Police Department to examine into the facts and to issue a summons requiring the owner of or person harboring such dog to appear before the Police Justice or other magistrate having jurisdiction on a day certain to determine such issue. In such determination, said Justice or magistrate may consider any facts occurring within two years prior to the date of the issuance of the summons. If such Justice or Magistrate shall determine such proof is sufficient, he shall

order and declare that such dog is vicious and order said owner or person harboring such dog to confine said dog within a limited area upon the premises of the owner or person harboring said dog or, if at large, to muzzle or keep said dog on leash. The penalties of Section 3 hereof shall not be applicable for acts occurring prior to the effective date of this ordinance, but shall apply to the failure of said owner or person harboring said dog to comply with the order of said Justice or Magistrate rendered as above in this Section 4.

Section 5. The members of the Police Department are authorized to kill any vicious dog when it is necessary for the protection of any person or property.

Section 6. If any clause, sentence, paragraph, section or part of this ordinance shall be adjudged by any court or competent jurisdiction to be invalid, such judgement shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgement shall have been rendered.

Section 7. This ordinance shall take effect immediately.

ORDINANCE NO. 29

Accumulations or Conditions a Nuisance

Section 1. Declaration of Public Nuisance.

Any machine, substance, unsightly accumulation, or condition or situation upon lots, lands, or property within the Village, whether or not herein enumerated, which is physically annoying to persons of ordinary sensitiveness, or which may injure or injuriously affect property in the immediate vicinity thereof, or which may occasion physical discomfort to persons, may be declared to be a public nuisance by the Board of Trustees and thereafter abated and removed as herein provided.

Section 2. Complaint and Establishment of Hearings.

Upon complaint to the Board of Trustees by any official or taxpayer of such accumulations of materials or such conditions, or Board of Trustees complaining of said condition, said Board of Trustees shall, by order, establish a date, time and place for a public hearing to determine whether or not said condition is in fact a public nuisance within the purview of this Ordinance.

Section 3. Notice of Public Hearing.

The Village Clerk shall, by certified or registered mail, give notice to the owner of said premises as shown upon the last tax rolls of the Village, and such mailing thereof shall be considered sufficient notice to the owner of such hearing, and such notice shall be given not less than five (5) days next prior to the date of said hearing as established by order of the Board of Trustees.

Section 4. At the Hearing.

At the time and place as designated by order, the Board of Trustees shall hear and consider the complaints as rendered in Section 2 hereof, and shall hear and consider the objections to the proposed findings, if any. At the conclusion of the hearing, the Board of Trustees shall, by order, find or not find that there is in fact a prevailing nuisance or such condition as complained of. The decision of the Board of Trustees shall be final and conclusive, and need not depend upon any particular evidence, showing or findings. Said hearing may be continued from time to time at the discretion of the Board of Trustees.

Section 5. Abatement Order.

Should the Board of Trustees find and pass such order that such conditions complained of is a nuisance, then such order shall contain a directive and order to the owner thereof, as shown on the last tax roll of the Village, to abate said nuisance and condition within fifteen (15) days from the date of said order of abatement, and said order shall further order the Board Building Inspector to, through the proper agency of the Village, to abate said nuisance or condition if same is not so abated by the owner thereof within the fifteen (15) days or ordered.

Section 6. Right of Entry and Removal.

The Mayor, or his agents, are hereby expressly authorized to enter upon private property for the purpose of abating nuisances and conditions pursuant to the Board of Trustees Order referred to in Section 5 hereof, and said Mayor or his agents, shall abate such nuisances and conditions by having such materials and conditions removed from such premises and disposed of by the most practical method.

Section 7. Recovery of Cost to Village.

The Mayor shall keep an account of the cost of abatement in each given matter where the abatement was done by him, or his agents. He shall submit to the Board of Trustees for confirmation an itemized written report showing such cost. A copy of this report shall be posted in the Village Hall for a period of seven (7) days prior to its submission to the Board of Trustees, with a notice of the date and time of submission. At the date and time fixed for receiving and considering the report, the Board of Trustees shall hear it and shall hear any objections of the property owners liable to be assessed for the abatement. The Board of Trustees may also modify the report if it is deemed necessary, and shall then confirm the report by Order.

Section 8. Special Assessments — Lien.

The cost of abatement constitutes a special assessment against that lot or parcel. After the assessment is made and confirmed, it is a lien on the lot or parcel.

Section 9. Cost Assessment.

After confirmation of a report, a certified copy of the same shall be filed with the Tax Collector within seven (7) days after the report of the Mayor is confirmed by the Board of Trustees. The descriptions of the parcels reported shall be those used for the same parcels on the Tax Collector's Map Book for the current year. The Tax Collector shall enter each assessment on the Tax Roll opposite the parcel of land. The amount of the assessment shall be collected at the time and in the manner of ordinary municipal taxes. If delinquent, the amount is subject to the same

penalties and procedures of foreclosure and sale provided for ordinary municipal taxes. As an alternative method, the Tax Collector, in his discretion, may collect the assessments without reference to the general taxes, by issuing separate bills and receipts for the assessments. Laws relating to the levy, collection, and enforcement of taxes shall apply to such special assessment taxes.

Section 10. Violation and Penalties.

Whenever the Board of Trustees, after hearing, issues an Order declaring that a nuisance exists, and after ordering same to be abated by the owner of the property on which same is situated, should such nuisance or condition not be abated by the owner of record as provided by this ordinance within fifteen (15) days, then such violator of such Order and of the Ordinance is hereby deemed guilty of a misdemeanor, and upon conviction thereof shall be fined an amount not in excess of Fifty (\$50.00) Dollars. Each day that such condition exists over and above the fifteen (15) days herein specified shall be deemed and constitute a separate offense.

I, Victoire D. Otto, Clerk of the Incorporated Village of Old Brookville, County of Nassau, State of New York, do hereby certify that the records of the said Village of Old Brookville show the adoption of the foregoing ordinances numbered 1 through 30 between April 21, 1931 and May 17, 1965 above set forth and the posting and publication thereof as required by the Village Law of the State of New York and I further certify that the above ordinances are now in full force and effect.

By Order of
THE BOARD OF TRUSTEES

Victoire D. Otto
Village Clerk

LOCAL LAW NO. 1 OF 1968

A local law imposing a tax on gross income or gross operating income of utilities arising from transactions originating and consummated within the Incorporated Village of Old Brookville as authorized by Article 6, Section 6-640 of the Village Law of the State of New York.

Section 1. Imposition of Tax, Pursuant to the authority granted by Article 6, Section 6-640 of the Village Law of the State of New York, from on and after April 1, 1968 there is hereby imposed:

(a) A tax equal to one per centum of the gross income of every utility doing business in the Incorporated Village of Old Brookville which is subject to the supervision of the New York State Department of Public Service and which has an annual gross income in excess of Five Hundred Dollars (\$500.00) except Motor carriers or brokers subject to such supervision under Article Three-B of the Public Service Law.

(b) A tax equal to one percentum of the gross operating income of every other utility doing business in the Incorporated Village of Old Brookville which has an annual gross operating income in excess of Five Hundred Dollars (\$500.00).

Section 2. Definitions. As used in this local law

(a) The word "Utility" includes

1. Every person subject to the supervision of the State Department of Public Service, except

a. Persons engaged in the business of operating or leasing sleeping and parlor railroad cars, and

b. Persons engaged in the business of operating or leasing railroads other than street surface, rapid transit, subway and elevated railroads.

c. Omnibus corporations subject to supervision under Article Three-A of the Public Service Law.

2. Every person who sell gas, electricity, steam, water,

refrigeration, telephony or telegraphy delivered through mains, pipes or wires, whether or not such person is subject to the supervision of the State Department of Public Service;

3. Every person who furnished 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.

(b) The word "person" means: persons, corporations, companies, associations, joint-stock as associations, copartnerships, estates, assignee of rents, any person acting in a fiduciary capacity, or any other entity; and persons, their assignees, lessees, trustees or receivers, appointed by any court whatsoever, or by any other means; except the state, municipality, public districts, and corporations and associations organized and operated exclusively for religious, charitable or educational purposes, no part of the net earnings of which inures to the benefit of any private shareholder or individual.

(c) The words "gross income" shall include:

1. In the case of a utility engaged in selling telephony or telephone service, only receipts from local exchange service wholly consummated within the Village.

2. In the case of a utility engaged in selling telegraphy or telegraph service, only receipts from transactions wholly consummated within the Village.

(d) The words "gross income" in the case of any utility other than described in Section 2 (c) hereof shall include:

1. 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 of service rendered for ultimate consumption or use by the purchaser in the Village, including cash, credits and property of any kind or nature (whether or not such sale is made or such service is rendered for profit) without any deductions 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;

2. Profits from the sale of securities;

3. Profits from the sale of real property growing out of the ownership or use of or interest in such property;

4. Profits from the sale of personal property (other than property of a kind which would properly be included in the inventory of a taxpayer if on hand at the close of the period for which a return is made);

5. Receipts from interest, dividends and royalties, derived from sources within the Village (other than such as are received from a corporation, a majority of whose voting stock is owned by the taxpaying utility), without any deduction therefrom for any expenses whatsoever incurred in connection with the receipt thereof;

6. Profits from any transaction (except sales for resale and rentals) within the Village whatsoever.

(e) The words "gross operating income" mean and include

1. 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, telephone 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, including cash, credits and property of any kind or nature without deduction therefrom on account of the cost of the property sold, the cost of materials used, labor or services or other costs, interest or discount paid, or any other expense whatsoever.

Section 3. Application. This law and the tax imposed thereby shall

(a) apply only within the territorial limits of the Village of Centre Island;

(b) not apply and the tax shall not be imposed on any transaction originating or consummated outside of the territorial

limits of the Village of Old Brookville notwithstanding that some act be necessarily performed with respect to such transaction within such limits; and

(c) be in addition to any and all other taxes and fees imposed by any other provisions of law;

(d) apply to all subject income received on and after July 1, 1968.

Section 4. Disposition of Revenues. All revenues resulting from the imposition of the tax imposed by this law shall be paid into the treasury of the Village and shall be credited to and deposited in the General Fund of the Village.

Section 5. Collection and Enforcement; Rules and Regulations. The Village Treasurer shall be the chief enforcement officer of this law and shall make and be responsible for all collections hereunder. He shall also have the power and authority to make any rules or regulations or directives, not inconsistent with law, which, in his discretion, are reasonably necessary to facilitate the administration of this law and the collection of the taxes imposed hereby. Copies of all such rules and regulations and directives, as may from time to time be promulgated, shall be sent by registered mail to all utilities subject to this law which register as such with the Village Treasurer. All such rules, regulations and directives shall be deemed a portion of this law.

Section 6. Records. Every utility subject to tax under this law 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 unless the Village Treasurer directs otherwise.

Section 7. Returns, Filing, Contents.

(a) Time of filing. Every utility subject to a tax hereunder shall file on or before July 1st and January 1st a return for the six calendar months preceding each return date including any period for which the tax imposed hereby or any amendment hereof is effective. However, any utility whose average gross income or

gross operating income for the aforesaid six months period is less than Three Thousand Dollars (\$3,000.00) may file a return annually on October 1st for the twelve calendar months preceding each return date including any period for which the tax imposed hereby or any amendment hereof is effective. Any utility whether subject to tax under this law or not may be required by the Village Treasurer to file an annual return.

(b) Contents. Returns shall be filed with the Village Treasurer on a form to be furnished by him for such purpose and shall show thereon the gross income or gross operating income for the period covered by the return and such other information, data or matter as the Village Treasurer may require to be included therein. Every return shall have annexed thereto a certification by the head of the utility making the same or of the owner or of a co-partner thereof, or of a co-partner thereof, or of a principal corporate officer to the effect that the statements contained therein are true.

Section 8. Payment. At the time of filing a return as required by this law, each utility shall pay to the Village Treasurer the tax imposed hereby for the period covered by such return. Such tax shall be due and payable at the time of the filing of the return or if a return is not filed when due, on the last day on which the return is required to be filed.

Section 9. Penalties and Interest. Any utility failing to file a return or a corrected return, or to pay any tax or any portion thereof within the time required by this law, shall be subject to a penalty of five per centum of the amount of tax due, plus one per centum of such tax for each month of delay or fraction thereof, exception the first month, after such return was required to be filed or such tax became due; but the Village Treasurer, if satisfied that the delay was excusable, may remit all or any portion of such penalty.

Section 10. Tax as Operating Cost. The tax imposed by this law 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.

Section 11. Failure to File or Incorrect Returns. In case any return filed pursuant to this law shall be insufficient or unsatisfactory to the Village Treasurer, he may require at any time a further or supplemental return, which shall contain any data that may be specified by him, and, if a corrected or sufficient return is not filed within twenty days after the same is required by notice from him, or, if no return is made for any period, the Village Treasurer shall determine the amount due from such information as he is able to obtain and, if necessary, may estimate the tax on the basis of external indices or otherwise. He shall give notice of such determination to the utility liable for such tax. Such determination shall finally and irrevocably fix such tax, unless the utility against which it is assessed shall, within one year after the giving of notice of such determination, apply to him for a hearing or unless the Village Treasurer, of his own motion, shall reduce the same. After such hearing he shall give notice of his decision to the utility liable for such tax.

Section 12. Review of Final Determination. Any final determination of the amount of any tax payable hereunder shall be reviewable for error, illegality or unconstitutionality or any other reason whatsoever by a proceeding under Article Seventy-eight of the Civil Practice Law and Rules if the proceeding is commenced within ninety days after the giving of notice of such final determination, provided, however, that any such proceeding under said Article Seventy-eight shall not be instituted unless the amount of any tax sought to be reviewed, with such interest and penalties thereon as may be provided for by local law, ordinance or resolution, shall be first deposited and an undertaking filed, in such amount and with such sureties as a Justice of the Supreme Court shall approve to the effect that if such proceeding be dismissed or the tax confirmed the petitioner will pay all costs and charges which may accrue in the prosecution of such proceeding.

Section 13. Notice. Any notice authorized or required under the provisions of this law may be given by mailing the same to the utility for which it is intended, in a postpaid envelope, addressed to such utility at the address given by it in the last return filed by it under this law, or if no return has been filed, then to such address as may be obtainable. The mailing of such notice shall be presumptive evidence of the receipt of the same by the utility to which addressed. Any period of time, which is determined according to the provisions of this section by the giving of notice, shall commence to run from the date of mailing of such notice.

Section 14. Refunds. If, within one year from the giving of notice of any determination or assessment of any tax or penalty, the person liable for the tax shall make application for a refund thereof and the Village Treasurer or the court shall determine that such tax or penalty or any portion thereof was erroneously or illegally collected, the Village Treasurer shall refund the amount so determined. For like cause and with the same period, a refund may be so made on the initiative of the Village Treasurer. However, no refund shall be made of a tax or penalty paid pursuant to a determination of the Village Treasurer as hereinbefore provided unless the Village Treasurer, after a hearing as hereinbefore provided, or of his own motion, shall have reduced the tax or penalty or it shall have been established in a proceeding in the manner provided in the Civil Practice Law and Rules that such determination was erroneous or illegal. An application for a refund, made as hereinbefore provided, shall be deemed an application for the revision of any tax or penalty complained of and the Village Treasurer may receive additional evidence with respect thereto. After making his determination the Village Treasurer will give notice thereof to the person interested, and he shall be entitled to commence a proceeding to review such determination, in accordance with the provisions of the following section hereof.

Section 15. Review of Proceedings for Refunds. Where any tax

imposed hereunder shall have been erroneously, illegally or unconstitutionally collected and application for the refund thereof duly made to the Village Treasurer, and he shall have made a determination denying such refund, such determination shall be reviewable by a proceeding under Article Seventy-eight of the Civil Practice Law and Rules, provided, however, that such proceeding is instituted within ninety days after the giving of the notice of such denial, that a final determination of tax due was not previously made and that an undertaking is filed with the Village Treasurer in such amount and with such sureties as a Justice of the Supreme Court shall approve to the effect that if such proceeding be dismissed or the tax confirmed, the petitioner will pay all costs and charges which may accrue in the prosecution of such proceeding.

Section 16. Limitation of Additional Tax. Except in the case of a wilfully false or fraudulent return with the intent to evade the tax, no assessment or additional tax shall be made with respect to taxes imposed under this law, after the expiration of more than three years from the date of filing of a return, provided, however, that where no return has been filed as required hereby, the tax may be assessed at any time.

Section 17. Powers of Village Treasurer. In addition to any other powers herein given the Village Treasurer and in order to further insure payment of the tax imposed hereby, he shall have the power to

(a) prescribe the form of all reports and returns required to be made hereunder;

(b) take testimony and proofs, under oath, with reference to any matter hereby entrusted to him;

(c) subpoena and require the attendance of witnesses and the production of books, papers, records and documents.

Section 18. Enforcement. Whenever any person shall fail to pay any tax or penalty imposed by the local law, the Village Attorney shall, upon the request of the Village Treasurer bring an

action to enforce payment of the same. The proceeds of any judgement 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 Section One Hundred Eighty-six-a of the Tax Law is made a lien.

Section 19. Validity. The invalidity, illegality or unconstitutionality of any section, subsection or provision of this Local Law or any rules or regulations adopted pursuant hereto shall not affect the validity, legality or constitutionality of any section, subsection or provision of this Local Law or any rule or regulation adopted pursuant hereto, but shall be confined to such section, subsection or provision of this Local Law or rule or regulation adopted pursuant hereto which may be so condemned.

Section 20. Effective Date. This Local Law shall take effect immediately.

LOCAL LAW NO. 1 of 1969

Air Craft

No aircraft of any kind shall take off or land in the Incorporated Village of Old Brookville, Nassau County, New York.

Any person violating any of the provisions of this Local Law shall, upon conviction, be punishable by a fine not to exceed One Hundred Dollars, and, in addition thereto, such violation shall constitute and it is hereby declared to be disorderly conduct and any person violating the same shall and is hereby declared to be a disorderly person.

and it is further

RESOLVED, that said Local Law No. 2 as hereinabove set forth shall take effect as prescribed by law.

Victoire D. Otto
Village Clerk
2326-IT-11/27/69-R.P.

LOCAL LAW NO. 1-70

Code of Ethics

Village of Old Brookville:

A local law establishing standards of conduct for officers and employees of the Village of Old Brookville.

Be it enacted by Board of Trustees of the Village of Old Brookville, as follows:

Section 1. Pursuant to the provisions of section eight hundred six of the general municipal law, the Board of Trustees of the Village of Old Brookville 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 local law to promulgate these rules of ethical conduct for the officers and employees of the Village of Old Brookville. These rules shall serve as a guide for official conduct of the officers and employees of the Village of Old Brookville. The rules of ethical conduct of this local law as adopted, shall not conflict with, but shall be in addition to any prohibition of article eighteen 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.

1. Definition: (a) "Municipal Officer or Employee" means an officer or employee of the Village of Old Brookville 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.

(b) "Interest" means a pecuniary or material benefit accruing to a municipal officer or employee or (1) his or her spouse, minor children and dependents; (2) a firm, partnership or association of which such officer or employee is a member or employee; (3) a corporation of which such officer or employee is an officer, director or employee and (4) a corporation any stock of which is accrued or controlled directly or indirectly by such officer or employee, unless the context otherwise requires.

3. Standards of conduct. Every officer or employee of the Village of Old Brookville shall be subject to and abide by the following standards of conduct:

(a) Gifts. He shall not directly or indirectly solicit any gift, or accept or receive any gift having a value of twenty-five dollars or more whether in the form of money, services, loan travel, entertainment, hospitality, thing or promise, or any other form, under circumstances in which it could reasonably be inferred that the gift was intended to influence him, or could reasonably be expected to influence him, in the performance of his official duties or was intended as a reward for any official action on his part.

(b) 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.

(c) 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.

(d) Representation before any agency for a contingent fee. He shall not receive, or enter into any agreement, express or implied for compensation for services to be rendered in relation to any matter before any agency of his municipality, whereby his

compensation is to be dependent or contingent upon any action by such agency with respect to such matter, provided that this paragraph shall not prohibit the fixing at any time of fees based upon the reasonable value of the services rendered.

(e) Disclosure of interest in legislation. To the extent that he knows thereof a member of the Board of Trustees and any officer or employee of the Village of Old Brookville, 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.

(f) Investments in conflict with official duties. He shall not invest or hold any investment directly or indirectly in any financial, business, commercial or other private transaction which creates a conflict with his official duties. However, the investment in or ownership of less than five percent of the stock of a corporation whose stock is listed on the New York or American Stock Exchanges or successors thereto shall not be deemed to be an investment in conflict with official duties.

(g) 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 service creates a conflict with or impairs the proper discharge of his official duties.

(h) Future employment. He shall not, after the termination of service or employment with such municipality, appear before any board or agency of the Village of Old Brookville 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.

4. Officer and Employee Claims. Nothing herein shall be deemed to bar or prevent the timely filing by a present or former municipal officer or employee of any claim, account, demand or

suit against the Village of Old Brookville, 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.

5. Board of Ethics. (a) There is hereby established a board of ethics consisting of three (3) members to be appointed by the Board of Trustees and who shall serve without compensation and at the pleasure of the Board of Trustees. A majority of such members shall be persons other than officers or employees of the Village of Old Brookville, but shall include the Mayor of the Village of Old Brookville.

(b) The board of ethics shall have the powers and duties prescribed by article eighteen of the general municipal law and shall render advisory opinions to the officers and employees of the Village of Old Brookville with respect to article eighteen of the general municipal law and any code of ethics adopted pursuant to such article, under such rules and regulations as the board may prescribe. In addition, the board may make recommendations with respect to the drafting and adoption of amendments to this code of ethics upon request of the Board of Trustees.

6. Distribution of Code of Ethics. The Mayor of the Village of Old Brookville shall cause a copy of this code of ethics to be distributed to every officer and employee of the village within thirty (30) days after the effective date of this local law. Each officer and employee elected or appointed thereafter shall be furnished with a copy before entering upon the duties of his office or employment.

7. Penalties. 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.

8. Effective date. This local law shall take effect ten (10) days after it is filed as provided in section twenty-seven of the municipal home rule law.

LOCAL LAW NO. 1 OF 1971

Offstreet Parking

1. A parking space shall be defined as an offstreet paved or surfaced area usable for the parking of one motor vehicle having dimensions of not less than 10 x 20 feet exclusive of aisles, driveways, passageways and other necessary space appurtenant thereto and having usable access to a street.

2. The amount of required offstreet parking facilities as hereinafter set forth shall be not less than the following:

- | (a) Type of Building or Use: | (b) Number of spaces required: |
|--|---|
| (1) Single-family dwelling | (1) 2 per dwelling unit |
| (2) Academic School | (2) 2 per Classroom plus 1 per each employee plus off-street loading area for pupils. |
| (3) Church | (3) 1 per 4 seats |
| (4) Clubhouse | (4) 1 for each member |
| (5) College | (5) 1 per every 3 seats |
| (6) Auditorium
(School and College) | (6) 1 per every 3 seats; if seats not fixed, 1 per 100 square feet of floor area |
| (7) Monastery, Convent
Novitiate | (7) 1 per every 3 seats |
| (8) Business Uses
Office Space | (8) 1 per each 100 square feet |
| (9) Retail Store and
Other permitted uses | (9) 1 for each 300 square feet of space in excess of the first 1000 square feet. |

3. All offstreet parking and access driveways shall be paved or surfaced in accordance with Village specifications.

4. No access road to a parking area shall be permitted where the property fronts on a State Highway or other arterial road.

Only one access to the parking area shall be permitted where the property fronts on a County Highway.

5. Parking areas shall be illuminated at night only during the permitted business hours of the stores or buildings which they serve and shall be extinguished within one-half hour after close of business. Where parking areas directly abut residential districts, lighting fixtures and equipment shall be designed and installed so as to reflect away from and to shield the residential districts from the lights of the parking areas and shall not exceed a height of 20 feet above the grade of the premises. Location, candle power and type of fixture to be installed shall first be approved by the Building Inspector.

6. On premises used for a business purpose, provision shall be made on the premises for offstreet loading and unloading in a location that will not interfere with accessory parking and means of ingress and egress thereto. Such areas shall be paved or surfaced in the same manner as the parking areas. A loading or unloading space shall be at least 10 feet x 25 feet and provide for 15' height clearance. A maximum of two such spaces shall be required in Business 1 district. In Business 2 District, the requirement shall be related to square feet of floor area subject to Board of Trustees approval as presently provided.

7. No part of any required parking area of access driveways or loading and unloading areas shall be used for storage or abandonment of any article or material.
and it is further

RESOLVED, that said "Local Law No. 1 of 1971" as hereinabove set forth shall take effect as prescribed by law.

LOCAL LAW NO.1 of 1972

General Fee and Deposit Law

A local law relating to fees, charges, and deposits to be paid to the Village of Old Brookville for permits, licenses, copies of official records, and for appeals and applications to the Village's Board of Zoning Appeals, Planning Board and Board of Trustees, as authorized by the Municipal Home Rule Law of the State of New York.

Section 100. DEFINITIONS:

101. The word "Village" means the Incorporated Village of Old Brookville.

102. The word "Clerk" means the Clerk of the Village.

103. The words "Building Inspector" mean the Building Inspector of the Village.

104. The words "official records" mean and include:

(a) Pages and writings contained in the official minute books of the Village's Board of Trustees, Planning Board and Board of Zoning Appeals.

(b) Public records, papers and writings in the custody of any Village department official or employee.

105. The word "appeal" means any appeal made to the Village's Board of Zoning Appeals pursuant to the Building Zone Ordinance of the Village.

106. The word "application" means any application made to the Village's Board of Zoning Appeals, Planning Board, Board of Trustees, Clerk, Building Inspector and Road Commissioner.

107. A "lot" upon which a fee is based includes a recharge basin and out lots which are part of a drainage area for subdivisions.

Section 200. FEE FOR COPIES OF OFFICIAL RECORDS, LAWS AND ORDINANCES:

Any person who requests or demands a copy of any public

official record of the Village shall pay to the Clerk of his designee twenty cents (\$.20) per page which may be machine copied two dollars (\$2.00) per page which must be typed and twenty cents (\$.20) per page of documents of which typed, printed or mimeographed copies were previously made for Village use and are surplus and available except that the charge for the following documents are as noted:

(a) Building Code	\$2.00
(b) Building Zone Ordinance	\$2.00
(c) General Code	\$2.00
(d) Subdivision Rules & Regulations	\$2.00
(e) Rules and Regulations for Permits	\$2.00

Section 300. BUILDING DEPARTMENT FEES:

Applicants for the issuance of a building permit or certificate of occupancy, shall pay to the Village a fee determined by the following schedule:

(a) Building Permit: Upon the filing of an application for a Building permit, the following fees shall be payable:

Based upon the estimated cost of work, including builder's profit - \$10.00 for the first \$1,000 and \$5.00 for each \$1,000 above said figure.

(b) Certificate of occupancy.

Which shall be payable at the time of the issuance of the building permit or use permit

(c) Temporary Certificate of Occupancy	\$25.00
(d) Duplicate copies of Certificate of Occupancy	\$25.00
(e) Permit to erect sign	\$25.00

Section 400. BOARD OF ZONING APPEALS FEES. CHARGES AND DEPOSITS:

Each appellant or applicant to the Village's Board of Zoning Appeals shall pay the Village a fee determined by the following schedule:

(a) Application for special use permit and amendments thereto
\$150.00

(b) Appeals and all other applications and amendments thereto
\$25.00

Such filing fee must be paid before a hearing on the appeal or application shall be noticed by posting, advertisement or otherwise.

410. Costs: In addition, each appellant or applicant to the Villages Board of Zoning Appeals shall be liable for, and shall pay, the following costs which may be incurred by the Village in processing the appeal or application.

- (a) Advertising
- (b) Stenographic minutes of hearings and meetings.
- (c) Engineering and Inspection.
- (d) Consultant.
- (e) Recording fees.

All such costs shall be paid to the Village by the appellant or applicant before the Board of Zoning Appeals shall file its decision on the appeal or application.

420. Deposits: Each applicant to the Village's Board of Zoning Appeals for a use subject to additional standards shall deposit with the Clerk the sum of five hundred dollars (\$500) towards such of above costs for which the applicant shall be liable.

Such deposit must be made before a hearing shall be held on any such application. The amount by which such costs exceed \$500 shall be paid to the Village by the applicant before the Board of Zoning Appeals shall file its decision on the application.

The amount by which \$500 exceeds such costs shall be refunded to the applicant provided the applicant shall, within one (1) year after the decision on the application is filed, make a written demand for such refund upon the Clerk. All unclaimed excess deposits shall become the property of the Village after the expiration of one (1) year from such filing date.

430. Fees and Costs Assessed. Any fees and costs herein required which remain unpaid for more than ninety (90) days after they are due and billed shall be assessed against the property

which is the subject of the appeal or application, which assessment shall be included in the next succeeding annual bill for Village taxes for said property and shall become a lien thereon when such taxes become a lien.

Section 500. PLANNING BOARD FEES AND CHARGES:

Each applicant to the Village's Planning Board for approval of a partitioning or a subdivision is defined in the Village's Subdivision Rules and Regulations shall pay to the Village fees determined by the following schedule:

510. PARTITIONINGS:

511. Filing Fees.

511.01 On application for consideration of preliminary layout
\$ 50.00

511.02 On application for final public hearing and final approval of the map
\$100.00

512. Minimum Engineering and Inspection Fees:

512.01 On application for preliminary approval \$ 50.00

512.02 On application for final approval \$100.00

513. If Planning Board authorizes only one final hearing on a partitioning, applicant shall pay only the fees required by Sections 511.02 and 512.02.

520. SUBDIVISIONS:

521. Filing Fees:

521.01 On application for consideration of preliminary map
\$100.00 on

521.02 On application for final Public Hearing deposit
and final approval of map \$100.00

deposit
plus payment of all engineering costs to be paid directly to the Village who will reimburse the Village Engineer to the extent of work performed by him including but not limited to Inspection fee \$50.00 per visit by the Building Inspector.

522. Minimum Engineering and Inspection Fees:

522.01 On application for preliminary approval of map and review of preliminary plans: \$20.00 per lot

523. Land Outside Village. Filing fees and minimum engineer and inspection fees for partitioning and subdivision of land outside the Village for which Village Planning Board approval is required by law, shall be an amount equal to one-half (½) of the required fees enumerated in Section 520.01 and 521.02.

524. Costs: In addition, each applicant to the Village's Planning Board shall be liable for, and shall pay, the following costs which may be incurred by the Village in processing the application:

(a) Advertising.

(b) Stenographic minutes of hearings and meetings.

(c) Engineering and Inspection, to the extent that the same are incurred by the Village in excess of the minimums provided for in Section 512.

(d) Consultant.

(e) Recording fees:

530. Recreation Site and Improvement Fund: In cases where the Planning Board waives a requirement that part of subdivision lands be dedicated for recreation or park purposes, the applicant shall, in lieu of such dedication, pay the Village in cash amount equal to seven hundred and fifty dollars (\$750) for each proposed lot, excluding recharge basins, in the subdivision before the map for same shall be signed by the Chairman of the Planning Board.

540. Payment of Fees and Costs: Each applicant to the Village's Planning Board shall pay the fees and costs required in Sections 510, 520, 523, and 524 prior to the hearing and meeting for which the fees are required and the costs are incurred to the extent that the latter are then determined. To the extent that costs are subsequently determined, the applicant shall pay the same prior to the next event (after such costs are determined) in processing the application or approving the subject matter of the

application, such as the next hearing, the signing of the map, the filing of the map, the partial release of any bond, the final release of any bond or the final release of any deposit, all as the case may be.

550. Consideration of Application: No hearing shall be held and no consideration shall be given by the Planning Board to any application for preliminary or final approval of a proposed partitioning or subdivision, nor shall any approval plan be signed, unless all required fees and costs to the extent that the latter are then determined, shall have been paid.

560. Discharge of Bond: No bond filed for the completion of the public improvements on a proposed subdivision shall be discharged until all fees and costs are herein required shall have been paid.

570. Fees and Costs Assessed: Any fees and costs herein required which remain unpaid for more than ninety (90) days after they are due and billed shall be assessed against the property which is the subject of the application, which assessment shall be included in the next succeeding annual bill for Village taxes for said property and shall become a lien thereon when such taxes become a lien.

Section 600. REFUND OF FEES.

No fees and costs required by Sections 300, 400 and 500 shall be returned or refunded, except as follows:

(a) If the construction of a building is discontinued or abandoned, the Trustees may authorize a refund of up to seventy-five percent (75%) of the building permit fee and all of the certificate of occupancy fee to the extent that the Village's actual costs of review and inspection have not been incurred as certified to the Board of Trustees by the Building Inspector.

(b) If an application to the Village's Planning Board is discontinued or abandoned, the Trustees may authorize a refund of up to ninety percent (90%) of the engineering fees paid in connection with said application to the extent that the Village's

actual costs for engineering review and inspection have not been incurred as certified to the Board of Trustees by the Chairman of the Planning Board.

Section 700. MISCELLANEOUS FEES:

Applicants for permits or licenses to conduct the following activities in the Village shall pay to the Village a fee determined by the following schedule:

- (a) Business Establishment \$125.00 per year
- (b) Gas Station \$125.00 per year
- (c) Hawking and Peddling \$ 50.00 per year
- (d) Tow Car \$125.00 per year
- (e) Street Opening \$100.00 per street opening

All licenses hereinabove set forth shall be issued subject to such conditions as may be prescribed by the Board of Trustees in connection therewith.

Section 800. REPEAL OF PORTIONS OF EXISTING ORDINANCES:

Those portions of the following sections of existing Village Ordinances listed below as they relate to the amounts and payment of fees only therein required are hereby repealed:

(a) Section 2 of Ordinance No. 3 entitled "Obstruction In and Opening of Streets, Etc." adopted June 1, 1954.

The words,

The fee for such permit shall be Five Dollars, shall be amended to read:

The fee for such permit shall be as prescribed by Local Law No. 1-72.

(b) Section 1 or Ordinance No. 5 entitled "Hawking and Peddling" adopted June 1, 1954.

The words of a license fee of Twenty-five Dollars shall be amended to read "of a license fee as prescribed by Local No. 1-72.

(c) Subsection (c) of Section 1 of Ordinance No. 19 entitled Regulation of Operation of Towing Cars, adopted June 1, 1954 shall be deleted and the words A schedule of prices as prescribed in Section 4 thereof shall be amended to read instead A schedule

of prices as prescribed by Local Law No. 1-72.

The words, The license fee payable for each towing car owner license or renewal thereof, which license shall cover one or more towing cars operated by the same owner shall be Fifty Dollars per year, provided that if such license be issued less than six months before the expiration thereof such fee shall be Twenty-Five Dollars. The license fee payable for each towing car driver or helper's license or renewal thereof shall be the One Dollar per year, shall be deleted and shall be amended to read:

Section 3. The license fee payable for each towing car owner license or renewal thereof which license shall cover one or more towing cars operated by the same owner shall be One Hundred Twenty-Five Dollars a year, provided that if such license be issued less than six months before the expiration thereof such fee shall be \$75.00 Dollars. The license fee payable for each towing car driver or helper's license or renewal thereof shall be Five Dollars per year.

(d) Article I. Ordinance No. 20 entitled Filing Fees for Approval of Preliminary and Final Subdivision Plots, adopted January 11, 1956. Article I shall be deleted in toto and shall be amended to read:

"Article I. Fees in connection with the filing of subdivision plots of land with the Planning Board for its approval shall be as prescribed by Local Law No. 1-1972.

(e) Article I of Ordinance No. 21 entitled Filing Fees for Applications for Building Zone Ordinance Variances Section 1 shall be repealed and shall be amended to read as follows:

Fees in connection with filing Building Zone Ordinance Variances Applications shall be prescribed by Local Law No. 1-1972.

(f) Ordinance No. 22 entitled Permit Fees and Miscellaneous Fees Amending former Section 1 of Article 3 of the Code of General Ordinances shall be repealed in its entirety.

(g) Ordinance Nos. 23 through 30 shall be renumbered as follows:

Ordinance No. 23 entitled "Controlling Infections and Infestations of Trees" shall be numbered Ordinance No. 22.

Ordinance No. 24 entitled: "Removal of Top Soil" shall be renumbered Ordinance No. 23.

Ordinance No. 25 entitled "Through Streets Named" shall be renumbered Ordinance No. 24.

Ordinance No. 26 entitled "Heavy Through Trucking" shall be renumbered Ordinance No. 25.

Ordinance No. 27 entitled "Traffic Violations Bureau" shall be renumbered Ordinance No. 26.

Ordinance No. 28 entitled "Air Pollution Control" shall be renumbered Ordinance No. 27.

Ordinance No. 29 entitled "Dogs" shall be renumbered Ordinance No. 28.

Ordinance No. 30 entitled "Accumulations or Conditions a Nuisance" shall be renumbered Ordinance No. 29.

Section 900. INTERPRETATION:

Words that are singular or masculine shall be deemed to be plural or feminine whenever the sense of this law so requires.

Section 1000. SEVERABILITY:

If any clause, sentence, paragraph or provision of this Local Law shall be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not invalidate the remainder of this Local Law, but shall be confined in its operation to the clause, sentence, section, paragraph, or provision directly involved in the controversy in which such judgment shall have been rendered.

Section 1100. Effective Date:

This Local Law shall take effect immediately.

I, Victoire D. Otto, Clerk of the Incorporated Village of Old Brookville, County of Nassau, State of New York, DO HEREBY CERTIFY that the records of the said Village of Old Brookville show the adoption of the foregoing Local Law No. 1 of 1968, on February 19, 1968; Local Law No. 1 of 1969 on November 10, 1969; Local Law No. 1 of 1970 on December 22, 1970; Local Law No. 1 of 1971 on August 16, 1971 and Local Law No. 1 of 1972 on February 21, 1972 and amended September 18, 1972; and the posting and publication thereof as required by the Village Law of the State of New York, and I further certify that the above Laws are now in full force and effect.

By Order of the Board of Trustees
Victoire D. Otto
Village Clerk

