

granted by the Board of Trustees.

## Chapter 157, SWIMMING POOLS

[HISTORY: Adopted by the Board of Trustees of the Village of Amityville during codification 5-12-1980 by L.L. No. 42-1980; see Ch. 1, General Provisions, Art. III. Amendments noted where applicable.]

### GENERAL REFERENCES

Building construction -- See Ch. 49.

Noise -- See Ch. 114.

Nuisances -- See Ch. 116.

Zoning -- See Ch. 183.

#### § 157-1. Conformance required.

No swimming pool shall be erected, constructed or maintained unless it is in conformity with [the Uniform Fire Prevention and Building Code](#).

#### § 157-2. Setback and yard requirements.

All swimming pools shall have a minimum setback of 30 feet from the property line abutting any street and a minimum side yard and rear yard of six (6) feet each.

#### § 157-3. Permit required.

No swimming pool shall be erected or altered without a permit issued by the [Code Enforcement Officer](#).

#### § 157-4. Water disposal.

No water from a swimming pool shall be permitted to flow onto any abutting premises. Such water shall not be permitted to flow into any street without the approval of the Board of Trustees.

#### § 157-5. Abandonment.

Should the owner abandon an outdoor water pool, he shall arrange to remove the depression and return the surface of the ground to its original grade and approximately in the same condition as before the pool was constructed, and he shall further notify the [Code Enforcement Officer](#) of the abandonment so that an inspection of the site may be made and the records of the permit marked accordingly.

## Chapter 159, TAXATION

**Deleted: § 157-1. Definitions.** ¶  
As used in this chapter, the following terms shall have the meanings indicated: ¶  
SWIMMING POOL -- Any outdoor water pool, including but not limited to any pool, tank, depression or excavation in any material, dike or beam constructed, erected, excavated or maintained which will cause the retaining of water to a depth greater than 18 inches or having a plane surface area of water greater than 100 square feet, except such as shall hereinafter be excluded. ¶

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**Deleted: § 157-6. Fencing.** ¶  
A. . Requirement. Adequate fencing shall be provided to prevent accidental entry and unauthorized use of an outdoor water pool. Such fencing may be erected so as to completely enclose the pool itself or the particular yard in which the pool is situated or the entire property. ¶  
B. . Construction. ¶  
(1) . Such fencing shall be constructed of chain-link fabric four feet high, of No. 9 gauge wire erected on a framework of galvanized steel members as listed below, or other approved equal. No such fence shall exceed four feet in height without a special exception issued by the Board of Appeals. ¶  
(a) . Line posts shall be 1 5/8 inches outside diameter (OD) round posts or equivalent structural section. ¶  
(b) . End and gate posts shall be two inches OD round posts or equivalent structural section. ¶  
(c) . Top rail shall be 3/8 inch OD pipe. ¶  
(2) . All posts shall be set in concrete to a depth of 30 inches, eight inches in diameter, spaced not over 10 feet apart. ¶  
C. . Gates. Gates to give entrance to the enclosure shall be locked whenever the pool shall be unattended. ¶  
D. . Variations. If some type of fencing other than that specified above is preferred, plans and specifications therefor may be submitted for the approval of the Building Department. In evaluating such request for approval, the Building Inspector shall give due consideration to the adequacy and the durability of the proposed fence to ensure the safety and welfare of the gener... [8]

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

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**ARTICLE I, Utility Tax [Adopted 5-12-1980 by L.L. No. 29-1980]**

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**§ 159-1. Definitions.**

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

**GROSS INCOME** -- Includes:

- A. In the case of a utility engaged in selling telephoning or telephone service, only receipts from local exchange service wholly consummated within the Village.
- B. In the case of a utility engaged in selling telegraphy or telegraph service, only receipts from transactions wholly consummated within the Village.
- C. In the case of any utility other than described in Subsection A or B of this definition:
  - (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 or service rendered for ultimate consumption or use by the purchaser in the Village, including cash, credits and property of any kind or nature, whether or not such sale is made or such service is rendered for profit, without any 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 whatsoever, except sales for resale and rentals, within the Village.

**GROSS OPERATING INCOME** -- Includes receipts received in or by reason of any sale, conditional or otherwise, made for ultimate consumption or use by the purchaser of gas, electricity, steam, water, refrigeration, telephony or telegraphy, or in or by reason of the furnishing for such consumption or use of gas, electric, steam, water, refrigeration, 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.

**PERSON** -- Persons, corporations, companies, associations, joint-stock associations, copartnerships, estates, assignees of rents, any person acting in a fiduciary capacity or

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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.

UTILITY -- Includes the following, regardless of whether such activities are the main business of such person or are only incidental thereto, and regardless of whether use is made of the public streets:

- A. Every person subject to the supervision of the State Department of Public Service, except:
  - (1) Persons engaged in the business of operating or leasing sleeping and parlor railroad cars.
  - (2) Persons engaged in the business of operating or leasing railroads other than street surface, rapid transit, subway and elevated railroads.
  - (3) Omnibus corporations subject to supervision under Articles 5 and 6 of the Transportation Law.
- B. Every person who sells 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.
- C. Every person who furnishes gas, electric, steam, water, refrigeration, telephone or telegraph service by means of mains, pipes or wires.

#### § 159-2. Imposition of tax.

Pursuant to the authority established by Section 5-530 of the Village Law, there is hereby imposed a tax of 1% of the gross income or gross operating income of the following:

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- A. Every utility doing business in the Village which is subject to the supervision of the State Department of Public Service and which has a gross income for the 12 months ending December 31 in excess of \$500, except motor carriers or brokers subject to such supervision under Articles 5 and 6 of the Transportation Law.
- B. Every other utility doing business in the Village which has a gross operating income for the 12 months ending December 31 in excess of \$500.

#### § 159-3. Applicability.

This Article and the tax imposed thereby shall:

- A. Apply only within the territorial limits of the Village.
- B. Not apply and the tax shall not be imposed on any transaction originating or consummated outside of the territorial limits of the Village, notwithstanding some act necessarily performed with respect to such transaction within such limits.
- C. Be in addition to any and all other taxes.

#### § 159-4. Disposition of revenues.

All revenues resulting from the imposition of the tax imposed by this article shall be paid into the treasury of the Village and shall be credited to and deposited in the general fund of the Village.

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**§ 159-5. Enforcement officer; promulgation of rules and regulations.**

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

**§ 159-6. Records.**

Every utility subject to tax under this article shall keep such records of its business and in such form as the Village Treasurer may require, and such records shall be preserved for a period of three years unless the Village Treasurer directs otherwise.

**§ 159-7. Filing and contents of return.**

- A. Time of filing. Every utility subject to a tax hereunder shall file on or before January 25 and July 25 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-month period is less than \$3,000 may file a return annually on July 25 for the 12 calendar months preceding each return date, including any period for which the tax imposed hereby or any amendment hereof is effective. Any utility, whether subject to tax under this article or not, may be required 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 by the owner or by a copartner thereof or by a principal corporate officer to the effect that the statements contained therein are true.

**§ 159-8. Payment.**

At the time of filing a return as required by this article, 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.

**§ 159-9. Penalty for late payment.**

Any utility failing to file a return or a corrected return or to pay any tax or any portion thereof within the time required by this article shall be subject to a penalty of 5% of the

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amount of tax due, plus 1% of such tax for each month of delay or fraction thereof, except for 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.

**§ 159-10. Tax as operating cost.**

The tax imposed by this article shall be charged against and be paid by the utility and shall not be added as a separate item to bills rendered by the utility to customers or others but shall constitute a part of the operating costs of such utility.

**§ 159-11. Procedure upon filing unsatisfactory returns.**

In case any return filed pursuant to this article 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 20 days after the same is required by notice from him, or if no return is made for any period, the Village Treasurer shall determine the amount due from such information as he is able to obtain, and, if necessary, may estimate the tax on the basis of external indexes or otherwise. He shall give notification 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.

**§ 159-12. 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 78 of the Civil Practice Law and Rules, if application therefor is made to the Supreme Court within 90 days after the giving of the notice of such final determination; provided, however, that any such proceeding under said Act shall not be instituted unless the amount of any tax sought to be reviewed, with such interest and penalties thereon as are herein provided for 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 is dismissed or the tax confirmed, the petitioner will pay all costs and charges which may accrue in the prosecution of such proceeding.

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**§ 159-13. Notice.**

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

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section by the giving of notice shall commence to run from the date of mailing of such notice.

**§ 159-14. Refunds.**

If, within one year from the giving of notice of any determination or assessment of any tax or penalty, the utility liable for the tax shall make application for a refund thereof and the Village Treasurer or the court shall determine that such tax or penalty or any portion thereof was erroneously or illegally collected, the Village Treasurer shall refund the amount so determined. For like cause and within the same period, a refund may be so made on the initiative of the Village Treasurer; however, no refund shall be made of a tax or penalty paid pursuant to a determination of the Treasurer as hereinbefore provided unless he, 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 certiorari proceeding that such determination was erroneous or illegal. An application for refund, made as hereinbefore provided, shall be deemed an application for the revision of any tax or penalty complained of and the Treasurer may receive additional evidence with respect thereto. After making his determination, he shall give notice thereof to the utility interested, and said utility shall be entitled to a certiorari order to review in accordance with the provisions of § 159-15 hereof.

**§ 159-15. Review of determination denying refund.**

Where any tax imposed hereunder shall have been erroneously, illegally or unconstitutionally collected, and application for the refund thereof duly made to the Village Treasurer, and he shall have made a determination denying such refund, such determination shall be reviewable by a proceeding under Article 78 of the Civil Practice Law and Rules, provided, however, that such proceeding is instituted within 90 days after the giving of the notice of such denial that a final determination of tax due was not previously made and that an undertaking is filed with the Village Treasurer in such amount and with such sureties as a Justice of the Supreme Court shall approve to the effect that if such proceeding is dismissed or the tax confirmed, the petitioner will pay all costs and charges which may accrue in the prosecution of such proceeding.

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**§ 159-16. Limitation on additional assessments or taxes.**

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

**§ 159-17. Powers of Treasurer.**

In addition to any other powers herein given to the Village Treasurer, and in order to further ensure payment of the tax imposed hereby, he shall have the power to:

- A. Prescribe the form of all reports and returns required to be made hereunder.

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- B. Take testimony and proofs, under oaths, 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.

**§ 159-18. Failure to pay tax or penalty.**

Whenever any person shall fail to pay any tax or penalty imposed by this article, the Village Attorney shall, upon the request of the Village Treasurer, bring an action to enforce payment of the same. The proceeds of any judgment obtained in any such action shall be paid to the Village Treasurer. Each such tax and penalty shall be a lien upon the property of the person liable to pay the same, in the same manner and to the same extent that the tax and penalty imposed by § 186-a of the Tax Law is made a lien.

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**ARTICLE II, Senior Citizens Tax Exemption [Adopted 9-13-1982 by L.L. No. 7-1982; amended in its entirety 9-26-1983 by L.L. No. 12-1983]**

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**§ 159-19. Grant of exemption.**

A. Percentage and computation of exemption.

- (1) Subject to and in accordance with the further terms of § 467 of the Real Property Tax Law, certain real property shall be exempt from taxation to the extent indicated in the following schedule if owned by one or more persons, each of whom is 65 years of age or over, or if owned by husband and wife, one of whom is 65 years of age or over, provided that the combined annual income of said owners is not more than the corresponding amounts set forth in the following schedule: [Amended 11-10-1986 by L.L. No. 9-1986; 6-25-1990 by L.L. No. 13-1990; 9-24-1990 by L.L. No. 15-1990; 11-25-1991 by L.L. No. 13-1991; 11-23-1992 by L.L. No. 4-1992; 5-22-1995 by L.L. No. 3-1995; 3-10-1997 by L.L. No. 1-1997]

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**Personal Income**

**Assessed Valuation Exempt  
From Taxation**

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Not more than \$18,500	50%
More than \$18,500 but less than \$19,500	45%
More than \$19,500 but less than \$20,500	40%
More than \$20,500 but less than \$21,500	35%
More than \$21,500 but less than \$22,400	30%
More than \$22,400 but less than \$23,300	25%

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More than \$23,300 but less than \$24,200	20%
More than \$24,200 but less than \$25,100	15%
More than \$25,100 but less than \$26,000	10%
More than \$26,000 but less than \$26,900	5%

- (2) Such exemption shall be computed after all other partial exemptions allowed by law have been subtracted from the total amount assessed.
- B. The real property tax exemption on real property owned by husband and wife, one of whom is 65 years of age or over, once granted, shall not be rescinded solely because of the death of the older spouse so long as the surviving spouse is at least 62 years of age.

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**ARTICLE III, Veterans Tax Exemption [Adopted 12-10-1984 by L.L. No. 9-1984<sup>xxvii</sup>EN]**

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**§ 159-20. Background and recommendation; grant of exemption.**

- A. On September 24, 1984, the Board of Trustees adopted Local Law No. 6-1984 to retain the prior existing veterans real property tax exemption program currently in effect in order to provide the Board with an opportunity to study the potential impact of the new alternative veterans tax exemption pursuant to Chapter 525 of the Laws of 1984.<sup>xxviii</sup>EN
- B. Pursuant to a resolution of the Board of Trustees, a special committee was formed for the purpose of conducting the aforesaid study. Said committee has recommended that the new exemption program be put in effect due to the projected minimal impact on the real property taxes of the property owners in the Village of Amityville and in the interest of extending this exemption to veterans heretofore ineligible.
- C. The Board of Trustees has reviewed the recommendations of said committee and is in agreement with said recommendations. However, the Board also finds that the New York State Legislature should be urged to modify the veterans tax exemption program in an effort to relieve the burden it places on local municipalities.
- D. The Board of Trustees hereby repeals Local Law No. 6-1984 in order that the new alternative veterans real property tax exemption provided for in Chapter 525 of the Laws of 1984 may become available on the Village assessment rolls, prepared on the basis of taxable status dates occurring on or after March 31, 1985.
- E. The maximum allowable exemption shall be \$30,000 for the basic veterans exemption; \$20,000 for the combat veterans exemption; and \$100,000 for the service-connected disability exemption. Each of such exemptions shall be calculated as of the taxable status date each year by the Assessor multiplying the applicable maximum exemption by the latest state equalization rate for the Village, and the qualifying veterans shall receive the exemptions as so calculated. [Added 9-25-2006 by L.L. No. 7-2006]

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**ARTICLE IV, Commercial, Industrial or Business Exemption [Adopted 9-2-1990 by L.L. No. 16-1990<sup>xxix</sup>EN]**

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**§ 159-21. Reduction of exemption.**

The real property tax exemptions provided by § 485-b of the Real Property Tax Law to real property constructed, altered, installed or improved for the purpose of commercial, business or industrial activity is hereby reduced to the following exemptions in the corresponding years. No such exemption will be available after the fifth year.

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<b>Year of Exemption</b>	<b>Percentage of Exemption</b>
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1	25%
2	20%
3	15%
4	10%
5	5%

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**ARTICLE V, Real Property Tax [Adopted 8-22-1994 by L.L. No. 4-1994]**

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**§ 159-22. Collection of property tax.**

Pursuant to Section 6 of Chapter 602 of the Laws of 1993, as amended by Chapter 532 of the laws of 1994, the Village Amityville hereby acts by local law, not subject to referendum, to provide that the collection of property taxes shall continue to be enforced pursuant to Title 3 of Article 14 of the Real Property Tax Law, as is in effect on December 31, 1994.

**§ 159-23. Copy to be filed.**

Upon adoption, and no later than October 1, 1994, a copy of this article shall be filed with the New York State Board of Equalization and Assessment.

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**ARTICLE VI, Exemption for Volunteer Firemen [Adopted 9-25-2006 by L.L. No. 8-2006<sup>xxx</sup>EN]**

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**§ 159-24. Grant of exemption.**

A real property tax exemption is hereby granted to qualifying members of the Amityville Fire Department pursuant to § 466-c of the Real Property Tax Law. Said exemption shall be 10% of the assessed valuation of qualifying property owned by such members, as assessed by the Village Assessor. An application on a form prescribed by said Assessor shall be filed by such qualifying members prior to the taxable status date for each year said exemption is requested.

**Chapter 161, TAXICABS**

[HISTORY: Adopted by the Board of Trustees of the Village of Amityville during codification 5-12-1980 by L.L. No. 43-1980; see Ch. 1, General Provisions, Art. III. Amendments noted where applicable.]

**GENERAL REFERENCES**

Streets and sidewalks -- See Ch. 152.  
Vehicles and traffic -- See Ch. 172.  
Storage of vehicles -- See Ch. 174.

**ARTICLE I, General Regulations**

**§ 161-1. Definitions.**

Unless otherwise expressly stated, whenever used in this chapter, the following terms shall have the meanings given by this section:

**TAXICAB** -- Includes any motor vehicle engaged in the business of carrying persons for hire and subject to use by the general public, whether the same is operated from a street stand or subject to calls from a garage, or otherwise operated for hire, except vehicles subject to the provisions of the Transportation Corporations Law, or used by undertakers in carrying on their business.

**§ 161-2. Inspection required.**

No vehicle shall be licensed until it has been inspected and examined by the Chief of Police or his designee, and found to be in a safe condition for the transportation of passengers, clean, fit and of good appearance. The Chief of Police or his designee may also inspect any licensed taxicab from time to time to ascertain whether it is kept in condition of continued fitness for public use.

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**§ 161-3. Establishment of fare zones.**

The following fare zones are hereby designated and established within the village:

A. Zone A: all that portion of the village north of the Sunrise Highway.

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- B. Zone B: all that portion of the village lying south of the Sunrise Highway and north of Merrick Road.
- C. Zone C: all that portion of the village lying south of Merrick Road and north of Hamilton Street and Coles Avenue on the west side of the Amityville River, and north of Griffing Avenue on the east side of the Amityville River.
- D. Zone D: all that portion of the village lying south of Hamilton Street and Coles Avenue on the west side of the Amityville River, and south of Griffing Avenue on the east side of the Amityville River.

**§ 161-4. Maximum rates of fare. [Amended 4-27-1981 by L.L. No. 3-1981]**

The maximum rates of fare for transportation of passengers and luggage in the village shall be set by the Board of Trustees by resolution. Maximum rates of fare shall be set for the following categories:

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- A. One zone.
  - (1) A rate for transporting one passenger between any two points in any one zone.
  - (2) A rate for each and every additional passenger aged seven years or over.
  - (3) A rate for each and every passenger under the age of seven years, except infants in arms.
- B. Contiguous zones.
  - (1) A rate for transporting one passenger between any two points in contiguous zones.
  - (2) A rate for each and every additional passenger aged seven years or over.
  - (3) A rate for each and every passenger under the age of seven years, except infants in arms.
- C. Three or more zones.
  - (1) A rate for transporting one passenger between any two points involving three or more zones.
  - (2) A rate for each and every additional passenger aged seven years or over.
  - (3) A rate for each and every passenger under the age of seven years, except infants in arms.
- D. Packages and luggage. A maximum rate for each and every three packages or fraction thereof which require the driver's assistance. A maximum rate for each and every large trunk or footlocker.
- E. Waiting time. A maximum rate to be charged for any and all authorized waiting periods.

**§ 161-5. Application of fares for additional passengers. [Amended 4-27-1981 by L.L. No. 3-1981]**

The fares for additional passengers referred to in § 161-4 apply only to persons boarding the taxicab together and lighting therefrom at the same point. All other persons shall pay individual fares.

**§ 161-6. Posting of fare zones and rates. [Amended 4-27-1981 by L.L. No. 3-1981]**

A notice setting forth the fare zones and maximum rates of fare as provided in §§ 161-4

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and 161-5 and in the resolution referred to in § 161-4 shall be posted conspicuously in each taxicab.

**§ 161-7. Overcharging prohibited.**

No person shall charge or attempt to charge any passenger a greater rate of fare than that to which the taxicab is entitled under the provisions of this chapter.

**§ 161-8. Refusal to convey passengers restricted.**

Upon tender of proper fare therefor, no driver shall refuse or neglect to convey any orderly person or persons upon request anywhere in the village, unless previously engaged or unable to do so.

**§ 161-9. Soliciting of passengers.**

- A. No taxicab driver shall solicit passengers except while parked or standing at a taxicab stand and except when sitting in the driver's compartment of such taxicab or while standing immediately adjacent thereto, nor shall said driver solicit passengers in a loud or annoying tone of voice or by sign, nor shall he in any manner annoy, obstruct the movement of or follow any person for the purpose of soliciting patronage.
- B. No taxicab driver or taxicab owner shall solicit employment by driving through the public streets, nor shall he cruise in search of passengers.

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**ARTICLE II, Licenses**

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**§ 161-10. Driver's license required.**

No person shall drive a taxicab within the limits of the village without a valid driver's license issued under the provisions of this chapter.

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**§ 161-11. Requirements of applicant for driver's license.**

Each applicant for a driver's license hereunder shall comply with the following:

- A. He shall have obtained a state chauffeur's license.
- B. He shall be of good health and not subject to any infirmity of body or mind which might render him unfit for the safe operation of a vehicle servicing the public.
- C. He shall furnish, on forms to be provided by the Village Clerk, affidavits of good character from two citizens of the village, unless in the opinion of the Chief of Police, sufficient reason is given for omission thereof.
- D. He shall fill out, upon a form to be provided by the Village Clerk, a statement giving his full name, dates and places of residence for the past five years, age, height, color of eyes and hair, place of birth, whether a citizen of the United States, places of previous employment, whether married or single, whether he has ever been convicted of a felony or misdemeanor or traffic infraction, whether he has been previously

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licensed as a driver or chauffeur, and if so, whether his license has ever been revoked, and for what cause, and the number of the chauffeur's license issued by the state, which statement shall be signed and sworn to by the applicant and filed with the Village Clerk as a permanent record.

- E. He shall submit with the application three current personal photographs as the Village Clerk may direct.
- F. He shall file with the application fingerprint impressions of the fingers of each hand, the impressions to be upon forms furnished by the Village Clerk and to be taken under his supervision or by someone designated by him.

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**§ 161-12. Examination of applicant for driver's license by Chief of Police.**  
[Amended 2-28-1994 by L.L. No. 2-1994]

An application for a taxi cab driver's license shall be referred to the Chief of Police for examination and investigation; the Chief or his representative shall obtain a current driver's record check and shall require each applicant to demonstrate his or her knowledge of this chapter. If the results of the investigation or examination are unsatisfactory, the applicant shall be refused a license.

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**§ 161-13. Issuance and content of driver's license.**

- A. Upon satisfactory fulfillment of the requirements of §§ 161-11 and 161-12, there shall be issued to the applicant upon order of the Board of Trustees a license containing a photograph and signature of the licensee. Licenses shall be numbered in the order in which they are issued, signed by the Mayor and countersigned by the Village Clerk, and shall contain the name and residence of the licensee and the dates of issuance and expiration of the license.
- B. For sufficient cause shown, the Mayor may issue a temporary permit to a driver for not longer than 20 days.

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**§ 161-14. Duration of driver's license.**

Driver's licenses shall be issued as of the first day of February in each year and shall be valid to and including the last day of January next succeeding, unless previously suspended or revoked.

**§ 161-15. Renewal of driver's license.**

A driver's license may be renewed from year to year by endorsement thereon upon payment of the renewal fee therefor and approval of the application by the Chief of Police. At the time of renewal, such information may be required as will keep the data on the original application up to date.

**§ 161-16. Fee for driver's license.** [Amended 1-8-1990 by L.L. No. 1-1990]

A fee in an amount to be established by the Board of Trustees by resolution shall be paid for a driver's license for one year or any part thereof or for a renewal of driver's license.

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Receipt of such fee shall be endorsed upon the license.

**§ 161-17. Suspension or revocation of driver's license.**

A driver's license issued under the provisions of this chapter may be suspended by the Mayor for violation of any provision of this chapter or any provision of the Vehicle and Traffic Law or other cause until the next meeting of the Board of Trustees, and thereupon said license, after a hearing, may be suspended, revoked or continued by said Board. No driver whose license has been revoked shall again be licensed except on presentation of reasons satisfactory to the Board of Trustees.

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**§ 161-18. Display of driver's license.**

Drivers' licenses and temporary drivers' permits issued hereunder shall be displayed conspicuously by the licensee or permit holder at all times when operating a taxicab, and each such driver shall upon demand exhibit his license or temporary permit for inspection.

**§ 161-19. Taxicab license required.**

It shall be unlawful for any person to operate or permit to be operated a taxicab upon the streets of the village without first having obtained therefor a taxicab license under the provisions of this chapter.

**§ 161-20. Application for taxicab license.**

Application for a taxicab license shall be made by the owner upon forms furnished by the Village Clerk and shall contain the following information:

- A. The owner's name, age, residence and previous experience, if any, in such business.
- B. The name, age and residence of the persons to be in operation of such taxicab.
- C. The type and make of motor car to be used, the motor number, the state license number, the number of years the vehicle has been driven and the seating capacity.
- D. Whether previously licensed to operate a taxicab and, if so, where.
- E. Whether license to operate a taxicab has ever been revoked and, if so, for what cause.
- F. Such other information as the Village Clerk may deem necessary.

**§ 161-21. Duration of taxicab license.**

Taxicab licenses shall be issued as of the first day of February in each year and shall be valid to and including the last day of January next succeeding, unless previously suspended or revoked.

**§ 161-22. Issuance and contents of taxicab license card.**

If upon inspection a taxicab is found to be in safe operating condition in accordance with the provisions of this chapter, and upon the payment of the license fee set forth in § 161-27, the same shall be licensed upon order of the Board of Trustees by delivering to the

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owner a card of such size and form as may be prescribed by the Village Clerk. The card shall contain the official license number of the taxicab, together with the date of inspection of the same, and the name of the owner, and shall be signed by the Mayor and countersigned by the Village Clerk.

**§ 161-23. Display of taxicab license card.**

A taxicab license card issued as provided in § 161-22 shall be conspicuously posted in the taxicab for which it has been issued.

**§ 161-24. Fees for transfer or replacement of taxicab license. [Amended 11-22-1993 by L.L. No. 4-1993]**

- A. If a taxicab shall become disabled, disqualified for service or sold, the Chief of Police shall permit the use of a license granted for such taxicab to be transferred and used for another, provided that such replacement vehicle complies with the provisions of this chapter and a fee is paid, as established by the Board of Trustees by duly adopted resolution.
- B. If a license which has been granted for a taxicab is lost or destroyed, the Chief of Police shall issue and affix a replacement license for such vehicle, provided that it continues to comply with the provisions of this chapter and a fee is paid, as established by the Board of Trustees by resolution.

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**§ 161-25. Renewal of taxicab license.**

A taxicab license may be renewed from year to year by endorsement thereon, upon payment of the renewal fee therefor and after inspection of the vehicle and approval of the application by the Chief of Police.

**§ 161-26. Procedure upon change of state license number.**

Should the state license number of a taxicab be changed during the term of the taxicab license, such change and number shall be immediately reported by the licensee to the Village Clerk.

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**§ 161-27. Fee for taxicab license. [Amended 1-8-1990 by L.L. No. 1-1990]**

A fee in an amount to be established by the Board of Trustees by resolution shall be paid for a vehicle for one year or any part thereof or for renewal of such license. Receipt of such fee may be endorsed upon the license.

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**§ 161-28. Suspension or revocation of taxicab license.**

A taxicab license issued under the provisions of this chapter may be suspended by the Mayor for violation of any provision of this chapter or any provision of the Vehicle and Traffic Law or other cause until the next meeting of the Board of Trustees, and thereupon said license, after a hearing, may be suspended, revoked or continued by said Board.

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**§ 161-29. Maintenance of continuous service.**

Every person licensed as a taxicab owner under this chapter shall maintain continuous service seven days each week, 24 hours each day, from at least one depot or terminal, except that individual owner-drivers shall maintain continuous service at least eight hours per day for at least five days each week.

**§ 161-30. Assignability of licenses.**

A license issued under the provisions of this chapter shall not be assignable.

**§ 161-31. Unlawful use of license.**

It shall be a violation of this chapter for any licensee hereunder to permit his license to be used by any other person or for any unlicensed person to use the license of another.

**§ 161-32. Return of license upon discontinuance of operation.**

Every person to whom a license has been issued under the provisions of this chapter shall, upon discontinuing and abandoning the operation or driving of a taxicab, return such license to the Village Clerk.

## Chapter 164, TOWING

[HISTORY: Adopted by the Board of Trustees of the Village of Amityville during codification 5-12-1980 by L.L. No. 44-1980; see Ch. 1, General Provisions, Art. III. Amendments noted where applicable.]

### GENERAL REFERENCES

Streets and sidewalks -- See Ch. 152.

Abandoned vehicles -- See Ch. 171.

Vehicles and traffic -- See Ch. 172.

Storage of vehicles -- See Ch. 174.

**§ 164-1. Soliciting towing work.**

- A. It shall be unlawful for any person to solicit towing work at the scene of any motor vehicle accident within the village.
- B. It shall be unlawful for any person to drive along any public street or highway within the village for the purpose of soliciting towing work.

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**§ 164-2. License required; exception.**

No person shall operate a truck or other type of motor vehicle designed to tow and capable of towing other motor vehicles for hire within the village, unless a license shall first have been obtained for such truck from the Village Clerk as hereinafter provided, except that tow truck operators from outside the village may enter the village to remove a

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motor vehicle from any garage without a license but may not remove a motor vehicle from an accident scene or road site, and provided further that a tow truck owner or operator may tow his own vehicles within the village without such license.

**§ 164-3. Application information.**

No such license shall be issued unless an application therefor shall have been filed with the Village Clerk upon a form prescribed therefor which shall include:

- A. The name and address of the applicant and the address and place from which tow cars are proposed to be garaged and dispatched, specifying, in the case of any unincorporated association, the names and addresses of each member thereof and, in the case of any corporation, the names and addresses of each officer, director and stockholder thereof.
- B. A statement that he has read and understands the provisions of this chapter and will abide by them if issued a license.
- C. The age and citizenship of the applicant and each member thereof, if an unincorporated association, and each officer, director and stockholder thereof, if a corporation.
- D. The registration number of the tow truck to be operated.
- E. The amount of liability and property damage insurance on said tow truck, the name of the insurance company and the policy number.
- F. The schedule of maximum prices the licensee agrees to charge during the term of the license for towing motor vehicles from points within the village and for the legal storage of such vehicles at its public garage. Such schedule may be based upon the distance that each motor vehicle is to be towed, the weight of the vehicle towed and upon the time of day or night such services are performed.
- G. Whether or not the licensee wishes to be placed on the nonaccident roster.
- H. Other information. Material identifying the applicant physically and referencing of the applicant's good character and business responsibility, a record of traffic infractions and the location of a storage or impoundment facility to which vehicles are to be towed may be required on the application form.

**§ 164-4. Evaluation of applicant; issuance of license.**

If the Village Clerk finds upon investigation that the applicant is capable of properly conducting such tow truck business, is of good character and conforms to the provisions of this chapter, then the Village Clerk shall issue a license and medallion to be conspicuously displayed on said tow truck. In evaluating whether the applicant is of good character, the Clerk shall consider the following:

- A. Whether the applicant has made a material misrepresentation in his application.
- B. Whether the applicant's associated storage or impoundment facility is in violation of the zoning or building laws or other regulations.
- C. Whether the applicant has been convicted of a misdemeanor in the operation of a motor vehicle, a misdemeanor in connection with the operation of a towing business or any felony.

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**§ 164-5. Number of licenses; places on accident roster.**

No person may have more than one tow truck license. A licensee duly qualified shall have but one place on the accident roster and/or the nonaccident roster, although he may have several licensed tow trucks or places of business within the village. For the purposes of this chapter, a garage owned by one or more individuals may have but one place on the accident roster.

**§ 164-6. Expiration; transferability.**

Each license issued pursuant to this chapter shall expire on the first day of January following the issuance thereof and is not transferable from one person to another.

**§ 164-7. Fee for village license. [Amended 1-8-1990 by L.L. No. 1-1990]**

The fee for such license or renewal thereof shall be in an amount established by the Board of Trustees by resolution. The fee is payable to the Village Clerk. Such license may cover but one tow truck. Upon the return of the license to the Village Clerk by the licensee, the license fee will be returned to the licensee on a prorated basis.

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**§ 164-8. Information inscribed on truck.**

On each side of every tow truck 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 licensee and the medallion number assigned to such tow truck by the Village Clerk.

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**§ 164-9. Right of owner to select licensee.**

The owner of any motor vehicle, whether disabled by accident or otherwise, shall have the right to request assistance from any village tow truck licensee, notwithstanding the next eligible licensee on the nonaccident or accident roster.

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**§ 164-10. Equipment on vehicles on nonaccident roster.**

The tow trucks of licensees on the nonaccident roster shall be equipped at all times with emergency flashing amber lights visible from front and rear, a CO<sub>2</sub> or dry-powder fire extinguisher with a minimum capacity of 15 pounds, a carton containing at least one dozen red railroad-type flares, a dolly and a shovel and a broom for clearing the highway of debris, if any. All equipment shall be maintained in good condition and in satisfactory working order.

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**§ 164-11. Disabled motor vehicles not involved in accident.**

Motor vehicles not involved in accidents but which are otherwise disabled and which are disrupting the flow of traffic and whose owners do not otherwise request assistance from a licensee, or motor vehicles which are to be impounded for other reasons, shall be towed away by licensees from the nonaccident roster on a rotating basis. All vehicles directed to

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be impounded by a police officer will be towed to the place of impoundment designated by the police officer. In the event that a licensee is called pursuant to this section, it shall be unlawful for the licensee to charge more than the rate provided for in § 164-~~13(A)(6)~~.

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**§ 164-12. Preparation and certification of nonaccident roster.**

The Village Clerk shall prepare and certify the nonaccident roster to the Chief of ~~Police~~ in the order in which the aforesaid licensees applied.

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**§ 164-13. Qualification for placement on accident roster.**

A. Any licensee, as hereinbefore provided, who further files with the Village Clerk on a form prescribed therefor, which shall include but not be limited to Subsection A(1) to (9) as described hereinafter, and who pays to the Village Clerk an additional fee in an amount to be established and which may be modified by ~~resolution of the Board of Trustees~~, shall be placed upon an accident roster from which the Village Police Department shall call upon licenses to removed disabled vehicles from the scene of accidents within the village. This additional fee shall be paid on the same terms as set forth in § 164-7. The information to be filed with the Village Clerk shall be as follows: [Amended 2-22-1993 by L.L. No. 1-1993; 12-14-1998 by L.L. No. 7-1998]

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- (1) That the licensee owns or leases by agreement with another, to terminate at a time after the expiration of the period for which the license is to be issued, a place of storage, impoundment or repair of towed vehicles within the village. For the purposes of this section, an applicant who states that he maintains a place of business on the very same premises or real property owned by another licensee, and on which said other licensee maintains a place of business or on which another licensee maintains a place of business, or an applicant who states that he is a lessee of a licensee, shall not qualify for a place on the accident roster.
- (2) That such public garage maintains twenty-four-hour service to answer emergency calls regarding motor vehicles from said location within the village.
- (3) No licensee shall assign or sublease his license to another entity nor use a tow truck owned by another to respond to accident calls.
- (4) That the tow truck or trucks of such licensees are equipped with a lifting boom on the rear of the truck with a minimum ton-and-a-half power winch, equipped with 150 feet of three-eighths-inch steel cable; dual rear wheels; a CO<sub>2</sub> or dry-powder fire extinguisher with a minimum capacity of 15 pounds; a crowbar; emergency flashing amber lights, visible from front and rear; a broom, a hacksaw, an ax, a dolly, a shovel and a carton containing at least one dozen red railroad-type flares.
- (5) That each tow truck is covered with appropriate amounts of automobile and comprehensive liability insurance, property damage insurance and garage liability insurance. The amounts of such insurance coverages shall be established from time to time by ~~resolution of the Board of Trustees~~.
- (6) That the licensee agrees to charge no more than the maximum rates established by ~~resolution of the Board of Trustees~~ for the following services for towing from the accident scene to his/her place of business or to any other place within the

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Village of Amityville designated by the owner or operator of the motor vehicle, regardless of the distance when called by the Police Department:

- (a) For all passenger cars regardless of weight and other vehicles four tons and lighter:
  - [1] Monday through Friday from 9:00 a.m. to 5:00 p.m.
  - [2] At all other times which shall include holidays, i.e., New Year's Day, Lincoln's Birthday, Washington's Birthday, Memorial Day, Independence Day, Labor Day, Columbus Day, Election Day, Veterans Day, Thanksgiving Day and Christmas Day.
- (b) For dollying. "Dollying" means, for the purpose of this section, to remove or convey on a dolly.
- (c) For winching at a per-one-half-hour rate, up to a maximum amount. "Winching" means, for the purpose of this section, to hoist, haul or push by a winch not connected to a boom.
- (d) For labor to upright an overturned motor vehicle.
- (e) For flatbed towing. In those cases where a damaged passenger vehicle cannot be towed from an accident scene and the use of a flatbed tow truck is requested by a police officer, maximum rates shall be estimated for:
  - [1] Monday through Friday, 9:00 a.m. to 5:00 p.m.
  - [2] All other times.

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- (7) All disabled vehicles towed by the licensee shall be taken to the place of business of the licensee within the village.
- (8) That the licensee may charge a per-diem rate for storage. The maximum per-diem rate shall be established and may be modified by resolution of the Board of Trustees.
- (9) That the person agrees to respond to all calls of the Police Department as hereinafter provided regardless of the hour of day or distance to the scene, provided that its equipment is not otherwise employed.

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B. The Board of Trustees may remove from the duty list provided for above any operator whom the Board of Trustees shall determine after a public hearing has failed to abide by any one of the requirements set forth in Subsection A of this section.

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#### § 164-14. Preparation and certification of accident and subaccident rosters.

The Village Clerk shall prepare and certify the accident roster to the Police Department in the order in which the aforesaid licensees applied. In addition, he shall prepare and certify a subaccident roster composed of licensees who have extra-large equipment, which equipment is capable of rigging and towing a vehicle of three tons or more.

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#### § 164-15. Designation of licensees on rotating basis; posting of rosters.

The Chief of Police, or his designee, is hereby authorized to designate licensees from the accident roster on a rotating basis for the purpose of towing motor vehicles from the scenes of accidents. In the event that extra-large towing equipment is needed, he will designate a licensee from the subaccident roster without changing the licensee's place on the accident roster. The above-mentioned rosters shall be posted in a public place to be chosen by the Police Chief during the hours of 9:00 a.m. to 5:00 p.m., except Saturdays,

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Sundays and holidays.

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**§ 164-16. Failure to answer call of Police Department.**

A licensee who does not answer the call of the Police Department or is not available when called shall lose his turn on the accident roster and must wait for the roster to be called in its entirety before he is eligible to be called again.

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**§ 164-17. Responsibility to clean up debris.**

A licensee called to the scene of an accident, if necessary, must sweep away or clean up any debris, but only if he is provided with police protection against moving vehicles at the scene.

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**§ 164-18. Assignment of places on rosters by licensee prohibited.**

It shall be unlawful for a licensee to assign his place on the roster to any other licensees or other person on the accident or nonaccident roster.

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**§ 164-19. Accidents requiring more than one tow truck.**

If more than one tow truck is needed at the scene of an accident, the Police Department shall call the next licensee in rotation. In that event, the choice of disabled motor vehicles to be towed shall be determined by the licensee in the order in which the licensee was called irrespective of the time he arrives on the accident scene. The first licensee to appear on the scene shall, however, assist the police officer in clearing the motor vehicles from the public highway onto the shoulders or side of the highway.

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**§ 164-20. Unauthorized towing at accident scene prohibited.**

It shall be unlawful for any person who is not designated from the accident roster, as aforesaid, and who does not have the prior consent and direction of the police officer at the scene, to tow away any motor vehicle which has been involved in an accident. The police officer in every case will determine when the aforesaid motor vehicle shall be removed.

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**§ 164-21. Failure of licensee on accident roster to tow or appear.**

It shall be unlawful for any licensee on the accident roster to willfully refuse to tow away a motor vehicle after having appeared upon the accident scene, or to fail to arrive at the accident scene, after being duly designated and notified as hereinbefore provided, regardless of the hour of day or distance to the scene of the accident, provided that his equipment is not otherwise employed or the licensee is physically incapacitated. A violation of this section shall result in an automatic suspension from the accident roster for 60 days.

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**§ 164-22. Overcharging prohibited.**

It shall be unlawful for any licensee to charge any person more than the maximum prices set forth in its application for the towing and storage of disabled motor vehicles.

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**§ 164-23. Revision of price schedule.**

The schedule of maximum prices to be charged may be revised at the time application is made for a renewal of the license.

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**§ 164-24. Suspension or revocation of license; hearing required.**

A. Any license issued hereunder may be suspended by the Board of Trustees if the licensee thereof shall violate any provision of this chapter, any rule or regulation adopted hereunder or any local law of the village or if the licensee is convicted of the violation of any traffic law, ordinance or regulation of the State of New York or of any municipality of the State of New York or of any crime or is guilty of making a false statement or misrepresentation in his application. Any license issued hereunder shall be suspended by the Board of Trustees if the holder thereof shall be convicted of the commission of any crime or offense.

B. No license shall be either suspended or revoked by the Board of Trustees hereunder without a public hearing thereon, held not less than 15 days after written notice thereof shall have been given to the licensee, either in person or by registered mail, addressed to the licensee at the address shown upon the most recent application of the said licensee.

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**§ 164-25. Hearings.**

A. Date, time and place. Whenever it shall be provided herein that a hearing shall be held, such hearing shall be held on a date and at a place and hour designated by the Board of Trustees.

B. Notice. The Village Clerk shall give notice thereof, stating the name and address of the applicant or licensee concerned, the subject matter of the hearing and the date, place and hour thereof designated therefor, by mailing a copy thereof to the applicant or licensee concerned at the address shown upon the most recent application of such applicant or licensee at least 15 days before such hearing.

C. Publication of notice. The notice required in Subsection B of this section shall also be published, at least once a week for two successive weeks, in the official newspaper of the village, the first publication to be at least 15 days before such hearing.

D. Rights of parties. Upon any hearing, the applicant or licensee involved shall be entitled to be represented by legal counsel and to present such competent and material testimony or other evidence in his own behalf as may be relevant to the subject matter of the hearing.

E. Examination of witnesses. All witnesses shall be sworn and examined under oath.

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**§ 164-26. Authorization for estimates and repairs.**

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No agreement between the owner or authorized operator of a vehicle to be towed under this chapter and a licensee under this chapter for the preparation of an estimate of the cost of repairs to said vehicle, or for the performance of such repairs, shall be enforceable by a licensee hereunder without a signed writing to that effect executed by the vehicle owner, not earlier than 48 hours after initial agreement, affirming such agreement.

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**§ 164-27. Towing authorization.**

No vehicle involved in an accident or otherwise disabled shall be removed without an authorization on a form prescribed by the village signed by the owner of the vehicle or police officer in charge thereof. Such authorization shall be for the towing and storage of the vehicle only and shall show the rates to be charged for towing and storing said vehicle. Such signed authorization shall be retained by the licensee for a period of six months and shall be exhibited upon demand to an official of the village or any member of the Police Department. The towing authorization required hereunder must be in the following form:

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**TOWING AUTHORIZATION**

(Insert name, address and phone number of licensee)

Date \_\_\_\_\_

Name \_\_\_\_\_

\_\_\_\_\_

(City)

Town \_\_\_\_\_

Address \_\_\_\_\_

Make & Type of Car \_\_\_\_\_

Year State Registration No. \_\_\_\_\_

\_\_\_\_\_

Towing Charges \_\_\_\_\_

(Amount not in excess of charge shown on filed schedule)

Tow Car Driver's Name \_\_\_\_\_

Address \_\_\_\_\_

License No. \_\_\_\_\_

Medallion Number of Licensee \_\_\_\_\_

State Registration

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I authorize the towing of the above automobile to the following place:

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Signature of Owner or Police Officer in Charge

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**§ 164-28. Form and contents of towing bill.**

A licensee shall have prepared a pad of bills containing a printed billhead showing the name and address of his place of business. A licensee shall prepare a bill on this billhead form, in duplicate, the original of which shall be furnished to the owner of the disabled vehicle or his authorized representative. This bill must be printed in a form approved by the Village Clerk and shall contain the following information:

- A. The full name and address of the person engaging the tow truck.
- B. The registration number of the disabled vehicle.
- C. The total amount to be charged for towing and storage rate per 24 hours or part thereof.
- D. The full name and address of the operator of the tow truck.
- E. The registration number of the tow truck.
- F. The licensee's medallion number.

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**§ 164-29. Retention and exhibition of bill; receipt for payment.**

The duplicate of the bill shall be retained by the licensee for a period of six months. These bills shall be exhibited upon demand to any official of the village or any member of the Village Police Department. Upon payment of the bill given to the owner of the disabled vehicle or his authorized representative, the licensee shall acknowledge receipt of payment of such bill.

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**§ 164-30. Notification of sale or other disposition of licensed truck.**

Every owner upon the sale or other disposition of a licensed tow truck shall, within 24 hours, notify the Village Clerk of such sale or other disposition and surrender the license or licenses.

**Chapter 166, TRAILERS, RECREATIONAL VEHICLES AND STORAGE CONTAINERS**

[HISTORY: Adopted by the Board of Trustees of the Village of Amityville 5-12-1980 by L.L. No. 45-1980; amended in its entirety 6-26-2006 by L.L. No. 4-2006. Subsequent amendments noted where applicable.]

**GENERAL REFERENCES**

Garbage, rubbish and refuse -- See Ch. 97.  
Nuisances -- See Ch. 116.

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Property maintenance -- See Ch. 130.  
Zoning -- See Ch. 183.

**§ 166-1. Definitions.**

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

RECREATIONAL VEHICLE – A self-propelled vehicle which is or can be used as living or sleeping quarters for one or more persons, having a gross weight in excess of 10,000 lbs. or an overall length in excess of 30'.

STORAGE CONTAINER -- A container designed or used to store or keep goods, building materials, equipment or other personal property, provided that a storage container shall not include containers used for garbage, refuse or debris.

TRAILER -- A vehicle, not propelled by its own power, which is capable of being drawn on the public highways by a motor vehicle, including but not limited to non-self-propelled vehicles used as living or sleeping quarters, as offices or for storage or construction purposes, but excluding vehicles used to carry boats.

**§ 166-2. Storage or parking of trailers and storage containers.**

- A. It shall be unlawful for any person owning any land within the Village or occupying the same as a tenant or otherwise to use or permit such land, or any part thereof, to be used for storage or parking of a trailer, recreational vehicle or storage container without the approval of the Board of Trustees.
- B. The presence of any such trailer, recreational vehicle or storage container upon any land in the Village shall be presumptive evidence that same is stored or parked thereon in violation of this section and with the express knowledge and consent of the owner of the land, the lessee of the land, if any, and the owner and/or custodian of the trailer or storage container.
- C. This section shall not prohibit the parking of any recreational vehicle or camper having a gross weight of less than 10,000 lbs. or an overall length of less than 30' by the owner thereof upon the premises where such owner actually resides, provided that such vehicle or camper shall not be used for living or sleeping quarters on such premises.

**§ 166-3. License required; application; investigation.**

Any person owning any land within the Village or occupying the same as a tenant or otherwise who shall hereafter desire to use or permit such land or any part thereof to be used for the storage or parking of a trailer, recreational vehicle or storage container not otherwise excluded in this chapter shall, before such use is made, obtain a license therefor in the following manner:

- A. Application in writing shall be made to the Village Clerk for the issuance to the applicant of a license, which application shall state and illustrate in detail, by means of such documentation, plans, surveys and visual aids as are required by the Board of Trustees, the particulars of applicant's request.
- B. Upon receiving the application, the Village Clerk shall present the same to the Board of Trustees, and the Board of Trustees shall thereupon investigate the merits of the

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applicant's request. If the Board of Trustees shall, after its investigations, be satisfied that appropriate conditions can be imposed upon the applicant which will protect the health, safety and welfare of the residents of the surrounding area and that the proposed use will be in harmony and accordance with the general purpose, intent, comprehensive plan and design set forth in the Code, will be in accordance with the character of the district and its peculiar suitability for the proposed use and will serve to conserve the value of buildings and land and encourage the most appropriate use of land throughout the Village, then the Board shall issue or cause to be issued a license signed by the Mayor and countersigned by the Clerk.

**§ 166-4. License fee; duration of license; exception.**

- A. The fee for a license required as provided in § 166-3 shall be based on the size of the trailer, recreational vehicle or storage container, measured in square feet. The rates per square foot for trailers, recreational vehicles and storage containers shall be set by the Board of Trustees by resolution from time to time.
- B. The license granted under this chapter for a trailer or recreational vehicle shall be valid for one year from June 1 and shall expire on the next succeeding May 31, unless the Board of Trustees shall limit the term to a shorter period. The license granted for a storage container shall be valid for 90 days from issuance, unless the Board of Trustees shall limit the term to a shorter period. Renewal of said licenses may be granted upon written application in the discretion of the Board of Trustees.
- C. Where use is made of any land or any part thereof for storage or parking of a trailer or storage container prior to obtaining approval of the Board of Trustees, the fee will be doubled.
- D. The Board of Trustees may modify or waive the required fee in its discretion and may establish separate fees for temporary storage containers approved for a period of less than 90 days.

**§ 166-5. Mobile home trailer parks prohibited.**

It shall be unlawful for any person to establish, maintain, operate or conduct a mobile trailer park or camp for hire for the accommodation of one or more mobile homes or trailers used or arranged to be used for living or sleeping quarters.

**Chapter 171, VEHICLES, ABANDONED**

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

**GENERAL REFERENCES**

Vehicles and traffic -- See Ch. 172.  
Storage of vehicles -- See Ch. 174.

**§ 171-1 Application of §1224 Vehicle and Traffic Law**

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**The provisions of Section 1224 of the Vehicle and Traffic Law, and any amendments or subdivisions thereof, shall apply to the determination, treatment and disposal of any vehicles which are abandoned within the village.**

**§ 171-2. Conversion of unclaimed vehicles to village use.**

The village may convert, in any calendar year, up to 1% of its unclaimed abandoned vehicles or two such vehicles, whichever is greater, to its own use.

**§ 171-3. Prohibitions.**

- A. No person shall cause any vehicle to be an abandoned vehicle.
- B. No person other than one authorized by the village shall destroy, deface or remove any part of a vehicle which is left unattended on a highway or other public place without number plates affixed thereto or which is abandoned.

**§ 171-4. Liability for costs; charges. [Amended 8-24-1987 by L.L. No. 9-1987; 8-26-1991 by L.L. No. 10-1991]**

The last owner of record an abandoned vehicle shall be liable to the village for the costs of removal and storage of such vehicle. The charge for such storage shall be established and modified from time to time by resolution of the Board of Trustees.

## Chapter 172, VEHICLES AND TRAFFIC

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

### GENERAL REFERENCES

- Traffic Violations Bureau -- See Ch. 30.
- Parades -- See Ch. 120.
- Streets and sidewalks -- See Ch. 152.
- Taxicabs -- See Ch. 161.
- Towing -- See Ch. 164.
- Abandoned vehicles -- See Ch. 171.
- Storage of vehicles -- See Ch. 174.
- Zoning -- See Ch. 183.

## ARTICLE I, General Provisions

**§ 172-1. Authority to post signs; prosecution of violations.**

**Deleted: § 171-1. Determination of abandoned vehicle.** ¶

A motor vehicle shall be deemed to be an abandoned vehicle if left unattended: ¶

A. . With no number plates affixed thereto for more than six hours on any highway or other public place. ¶

B. . For more than 12 hours on any highway or other public place, except a portion of a highway or public place on which parking is legally permitted. ¶

C. . For more than 12 hours, after the parking of such vehicle shall have become illegal, if left on a portion of a highway or public place on which parking is legally permitted. ¶

D. . For more than 96 hours on property of another if left without permission of the owner. ¶

**§ 171-2. Vesting of title in village under certain circumstances.** ¶

If an abandoned vehicle at the time of abandonment has no number plates affixed thereto and is of a wholesale value, taking into consideration the condition of the vehicle, of \$250 or less, title shall immediately vest in the village. ¶

**§ 171-3. Inquiry into and notification of owner.** ¶

A. . Except for vehicles governed by § 171-2, the village, having custody of an abandoned vehicle, shall make an inquiry concerning the last owner of such vehicle as follows: ¶

(1) . For an abandoned vehicle with number plates affixed: to the jurisdiction which issues such number plates. ¶

(2) . For an abandoned vehicle with no number plates affixed: to the Department of Motor Vehicles. ¶

B. . The village shall notify the last owner, if known, that the vehicle in question has been recovered as an abandoned vehicle and that, if unclaimed, it will be sold at public auction after 30 days from the date such notice was given. Any person claiming such vehicle shall be required to pay the costs of removal and storage of such vehicle. ¶ ... [9]

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**Deleted:** B. . Any proceeds from the sale of an abandoned vehicle less any expenses incurred by the village shall be held by the village without interest, for the benefit of the owner of such vehicle, for a period of five years. If not ... [10]

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All existing signs, signals, markings and devices posted pursuant to an order of the Board of Trustees shall be deemed to have been posted under authority granted by this chapter and by the Vehicle and Traffic Law, and the posting thereof is hereby ratified and confirmed. All violations of the directions on said signs, signals, markings and devices presently erected or hereafter to be erected shall be prosecuted as violations of this chapter.

**§ 172-2. Authority of Police Chief. [Amended 1-12-1987 by L.L. No. 1-1987]**

The Chief of Police is hereby authorized and directed to designate in the public streets and municipal parking fields of the Village such areas for safety zones, parking spaces, handicapped parking spaces, bus, cab or taxi stands and stops, fire hydrant zones, driveway and other non-parking zones as, in his discretion, may be required by the interests and convenience of the inhabitants of the Village and shall cause such zones, spaces and stands to be marked in a suitable manner to indicate the proper or prohibited uses therein.

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**§ 172-3. Traffic rules and regulations for certain private property.**

Pursuant to the written request of the Chief of the Amityville Fire Department, or the owner or other person in general charge of the operations or control of a shopping center, hospital, private apartment house complex or private condominium complex, the Chief of Police is hereby authorized to regulate traffic and parking in the private streets, roadways, driveways and parking area of such premises as follows:

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- A. Order stop signs, flashing signals or yield signs erected at specified entrance or exit locations to any such area or designate any intersection in such area as a stop intersection or as a yield intersection and order like signs or signals at one or more entrances to such intersection.
- B. Regulate traffic in any such area, including regulation by means of traffic-control signals.
- C. Establish maximum speed limits in any such area at not less than 15 miles per hour.
- D. Prohibit or regulate the turning of vehicles or specified types of vehicles at intersections or other designated locations in any such area.
- E. Regulate the crossing of any roadway in any such area by pedestrians.
- F. Designate any separate roadway in any such area for one-way traffic.
- G. Prohibit, regulate, restrict or limit the stopping, standing or parking of vehicles in specified areas of any such area.
- H. Designate safety zones in any such areas.
- I. Designate handicapped parking spaces in any such areas. [Added 1-12-1987 by L.L. No. 1-1987<sup>xxxiii</sup>EN]
- J. Provide for the removal and storage of vehicles parked or abandoned in any such area during snowstorms, floods, fires or other public emergencies, or found unattended in any such area, where they constitute an obstruction to traffic or where stopping, standing or parking is prohibited, and for the payment of reasonable charges for such removal and storage by the owner or operator of any such vehicles.
- K. Adopt such additional reasonable rules and regulations with respect to traffic and

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parking in any such area as local conditions may require for the safety and convenience of the public or the users of any such area.

**§ 172-4. Compliance with regulations required.**

No person shall operate or park any motor vehicle in violation of any provision of this chapter.

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**§ 172-5. Operation of bicycles.**

A. Use on sidewalks. No person shall ride a bicycle or similar vehicle upon the sidewalks within the limits of the Village.

**§ 172-6. (Reserved)**

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**ARTICLE II, Traffic Regulations**

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**§ 172-7. Stop intersections.**

The intersections described in Schedule I (§ 172-48) are hereby designated as stop intersections, and conspicuous signs or signals shall be displayed at such intersections.

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**§ 172-8. Stop point locations.**

The locations described in Schedule II (§ 172-49) are hereby designated as stop point locations, and conspicuous signs or signals shall be displayed at such locations.

**Deleted:** where the rules prescribed by this section are to be observed.

**§ 172-9. One-way streets.**

The streets or parts of streets described in Schedule III (§ 172-50) are hereby designated as one-way streets, and vehicles shall proceed along those streets or parts of streets only in the direction indicated. Conspicuous signs or signals shall be displayed on such streets.

**Deleted:** where the rules prescribed by this section are to be observed.

**§ 172-10. Dangerous speeds prohibited.**

No person shall operate a motor vehicle upon a public street or highway in the Village at such speed as to endanger the life, limb or property of any person or at a rate of speed greater than will permit such person to bring the vehicle to a stop safely.

**§ 172-11. Speed regulations.**

Thirty miles per hour is hereby established as the maximum speed at which vehicles may proceed on the streets within the Village, except that the speed limit for vehicles proceeding on or along those streets or parts of streets described in Schedule IV (§ 172-

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51) shall be as indicated in said schedule.

**§ 172-12. Designation of reduced speed zones.**

A rate of speed of a motor vehicle in excess of the maximum limits as hereinafter provided in this section shall be unlawful within the Village:

- A. Fifteen miles per hour: when traveling within a school zone during the school noon hour, school recess or while children are going to or leaving school during opening or closing hours, when such limit and zone are properly signposted.
- B. Twenty miles per hour: where traffic is controlled by a peace officer or traffic control signal or when passing a hospital or church building.
- C. Twenty-five miles per hour: when approaching or entering an intersection within a business or residential district where such intersection is not controlled by a peace officer or traffic control signal.

**§ 172-13. Traffic control signals.**

Traffic control signals shall be installed, maintained and operated at the locations described in Schedule V (§ 172-52).

**§ 172-14. Yield intersections.**

The intersections described in Schedule VI (§ 172-53) are hereby designated as yield streets, traffic on which shall yield the right-of-way pedestrians and vehicular traffic on the other highways, and conspicuous signs or signals shall be displayed at such intersections.

**Deleted:** where the rules prescribed by this section are to be observed.

**§ 172-15. Truck exclusions on no-through-trucking streets. [Amended 2-28-1994 by L.L. No. 1-1994]**

No person shall drive or operate any motor vehicle, which vehicle is in excess of 2 1/2 tons unladen weight, on the streets or parts thereof in the Village of Amityville described in Schedule VII (§ 172-54), which streets or parts thereof are further hereby designated as no-through-trucking streets. The restrictions contained in this section will not apply in situations where the vehicle must stop at a location on such street or part thereof to make a pickup or a delivery. Conspicuous signs or signals shall be displayed, consistent with the Vehicle and Traffic Law and regulations, on such streets.

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**§ 172-16. Truck exclusions.**

No person shall drive or operate any motor vehicle, which vehicle is in excess of 2 1/2 tons unladen weight, within the Village on the streets or parts thereof described in Schedule VIII (§ 172-55).

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**§ 172-17. Prohibited turns at intersections.**

No person shall make a turn of the kind designated (left, right, all) at any of the locations

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described in Schedule IX (§ 172-56).

**§ 172-18. U-turns.**

The turning of vehicles so as to proceed in the opposite direction (otherwise known as a U-turn) is hereby prohibited on any of the streets or parts of streets described in Schedule X (§ 172-57).

**§ 172-19. Prohibited turns on red signal.**

In accordance with the provisions of § 1111(d)(2) of the Vehicle and Traffic Law, no person shall make a right turn on a steady red signal at the locations designated in Schedule XI (§ 172-58).

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**ARTICLE III, Parking**

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**§ 172-20. Penalties for parking violations. [Amended 9-14-1981 by L.L. No. 8-1981; 7-11-1983 by L.L. No. 6-1983; 2-25-1985 by L.L. No. 2-1985; 1-12-1987 by L.L. No. 1-1987; 5-14-2001 by L.L. No. 4-2001]**

- A. Fines, summonses; late charge. [Amended 5-24-2004 by L.L. No. 4-2004]
- (1) Any person who shall violate § 172-23 (Handicapped parking space violations) of this Code shall be subject to a fine of \$100, plus the mandatory surcharge.
  - (2) Any person who shall violate § 172-25 (Fire hydrant and fire zone parking violations) of this Code shall be subject to a fine of \$100 plus the mandatory surcharge. [Amended 11-14-2005 by L.L. No. 8-2005]
  - (3) Any person who shall violate any other provision of this chapter relating to parking shall be subject to a fine of \$25.
  - (4) A summons must be answered within 15 days of issuance by endorsing a plea of guilty or not guilty in the indicated place thereon and returning said endorsed summons to the court. If the defendant enters a plea of guilty, the defendant will pay the applicable fine set forth on the summons. The fine may be paid by mail with the plea of guilty or in person at the office of the court clerk. If a plea of not guilty is entered, the defendant will be notified of a court appearance date for trial. In the event that the defendant fails to answer the summons or fails to pay the fine or fails to appear on the scheduled court appearance date, or in the event that the defendant timely appears in court, is found guilty of a violation of this chapter and then fails to pay the fine within the time prescribed by the court or within 30 days thereafter if no specific date is prescribed, the fine shall be doubled. If such fine remains unpaid 60 days after the issuance of the summons or the imposition of a fine by the court after a determination of guilt, then the fine shall be three times the amount provided for on the summons. If such fine remains unpaid 90 days after the issuance of said summons or the determination of guilt, an administrative fee of \$20 shall be added to the amount already due herein. [Amended 11-14-2005 by L.L. No. 8-2005]

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- B. Upon the defendant's failure to pay the fine prior to the court date or on the court date, or upon the defendant's failure to pay the fine within the time prescribed by the court, a delinquency notice shall be sent to the defendant at the address given by the defendant to the Department of Motor Vehicles at the time the defendant registered a motor vehicle under the licensee plate number shown on the summons.
- C. After said delinquency notice has been sent, an additional late charge of \$25 shall be added to the fine and initial late charge in the event that the defendant fails to appear in court or pay the fine and initial late charge within 45 days of the court date set forth on the summons or within 15 days of the date on which said delinquency notice is sent, whichever is later.
- D. The Village Justice may waive the late charge under such circumstances as he deems proper. Failure to respond to a parking summons may also result in the issuance of a warrant for arrest, denial of registration or renewal application and assessment of further penalties as provided by applicable law.

**§ 172-20.1. Immobilization of vehicles of parking scofflaws. [Added 5-8-2000 by L.L. No. 4-2000]**

- A. Police officers of the Village of Amityville are hereby authorized and shall immobilize any motor vehicle parked in violation of an applicable parking law, regulation or duly posted sign, on which there are three or more outstanding parking summonses, warrants for nonappearance or unpaid fines. Said officers shall immobilize such vehicle by use of a wheel lock or other immobilization device which shall prevent said vehicle from being moved on its own until and unless such device is removed. Deleted: c
- B. Any vehicle immobilized pursuant to Subsection A shall be promptly released to its owner by the Police Department upon the posting of a cash bond equal to the potential fines for outstanding summons and unpaid fines and penalties already imposed, together with an administrative immobilization fee of \$30, or, in the alternative, upon disposition of such summonses by a plea of guilty and payment in full of the appropriate fines and penalties and such administrative fee. If all of such summonses are dismissed or the defendant is found not guilty, said bond shall be returned and such administrative fee shall be waived.
- C. At the time said vehicle is immobilized, the police officer shall affix to the windshield of such vehicle a notice containing the following information:
  - (1) The location and identifying characteristics of the vehicle.
  - (2) Date and time of placement of the device and signature of the installer.
  - (3) Notice that further parking restrictions will be waived during the immobilization period.
  - (4) Notice that any person tampering with the device or the vehicle will be subject to prosecution and liable for any loss to the Village.
  - (5) The procedure to obtain the release of the vehicle.
  - (6) Such other information as the Chief of Police shall from time to time deem necessary.
- D. Any person who tampers with, removes or damages an immobilization device, or moves or attempts to move a vehicle upon which such device has been installed by Deleted: 199

the police, shall be guilty of an offense punishable as provided in § 1-9 of this Code.

**§ 172-21. Compliance with signs and instructions required.**

No person shall park an automobile or other vehicle on the grounds of any public park, bathing beach, public parking field or other public place in the Village contrary to posted signs or instructions of the Police Department or Board of Trustees indicating the manner of such parking, or contrary to the instructions of any police officer or other person in charge of such parking field or public place.

**§ 172-22. Parking on state highways.**

On state highways, parking shall be parallel to the curb, and the spaces shall be so marked as to conform to state traffic regulations.

**§ 172-23. Handicapped parking space violations. [Added 1-12-1987 by L.L. No. 1-1987]**

It shall be a violation for any person to stop, stand or park a vehicle in any area designated as a space for handicapped parking unless the vehicle bears a permit issued under § 1203-a of the Vehicle and Traffic Law or a registration issued under § 404-a of the Vehicle and Traffic Law, and such vehicle is used for the transportation of a severely disabled or handicapped person.

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**§ 172-24. Limited-time parking.**

The parking of vehicles is hereby prohibited in the locations described in Schedule XII (§ 172-59) for a longer period of time than that designated, during the hours indicated, provided that said time limit shall not be applicable upon those portions of said streets where parking meters have been installed and are in operation.

**§ 172-25. Fire hydrant and fire zone parking violations. [Added 5-14-2001 by L.L. No. 4-2001; amended 11-14-2005 by L.L. No. 8-2005]**

It shall be a violation for any person to stop, stand or park a vehicle in any area marked as a fire hydrant or fire safety zone or in such a way as to block access by a fire vehicle to a fire hydrant from the street adjacent to such hydrant.

**§ 172-26. Overnight parking. [Amended 1-25-1988 by L.L. No. 1-1988]**

- A. Restrictions. No vehicle shall be parked or permitted to stand unattended on a public highway in the Village between the hours of 3:00 a.m. and 6:00 a.m. unless a permit therefor has first been obtained from the Board of Trustees and there is conspicuously affixed to or displayed on such vehicle a sticker, tag or other identification in such form and manner as shall be prescribed by the Village Clerk.
- B. Emergency provisions. Informal requests for on-street overnight parking may be authorized by the officer in charge of the Police Department for no more than two

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nights per year per household without charge to the owner of the vehicle.

- C. Temporary permits. In the event that any household requires permission for on-street overnight parking for more than two nights but not more than 30 nights per year, such request may be authorized by the Chief of Police or the Village Clerk. In such cases, a temporary permit will be issued, the fee for which shall be established and modified from time to time by resolution of the Board of Trustees. Not more than one temporary permit will be issued per vehicle each year. [Amended 6-24-1991 by L.L. No. 8-1991]
- D. Fees. The fee for overnight parking permits shall be established by the Board of Trustees by resolution.
- E. Issuance and transferability of permit. All permits for such parking shall be issued by the Village Clerk in accordance with applications and forms therefor approved by the Board of Trustees. Such a permit shall be issued only to a person residing in an area in the Village where, as determined by the Board of Trustees, adequate off-street parking is not available. No permit shall be transferable from one owner to another or from one vehicle to another.
- F. Suspension and revocation of permit. Permits granted under this section may be suspended by the Mayor until the meeting of the Board of Trustees first ensuing after such suspension and may be revoked at any time by the Board of Trustees if the owner, operator or driver of the vehicle for which a permit has been issued shall have violated any of the provisions of this section, any stipulations imposed on such permit, or shall be found to be no longer qualified to hold such permit.
- G. Limitations on permit. No permit issued pursuant to this section shall authorize the holder thereof to park or permit to stand unattended any vehicle on a public highway within the Village during any snowstorm, flood, fire or other public emergency or shall restrict the authority of the Department of Public Works or the Police Department of the Village to remove the same.
- H. Exceptions. The ban on overnight parking shall not apply to the parking of any vehicle used by a clergyman, practicing physician, public official or employee, public utility repairman or other person while rendering an essential service during an emergency.
- I. Notice of overnight parking prohibition. Signs so limiting the hours of parking shall be placed at the points of entry into the Village, said points of entry to be designated by the Board of Trustees, and at such other locations as the Board of Trustees may from time to time designate by resolution.

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**§ 172-27. Overnight parking permit application fee. [Added 1-12-1987 by L.L. No. 1-1987]**

Upon the filing of any application for an on street overnight parking permit in accordance with § 172-26, there shall be paid to the Village Clerk for the account of the Village a fee of \$5.

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**§ 172-28. Repair and washing of vehicles on street.**

It shall be unlawful to make repairs to any vehicle or to park or store any vehicle for the purpose of making repairs in any public street or public place in the Village, except in the

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case of emergency repairs. It shall be unlawful to park or store any vehicle to paint, wash or clean the same or part thereof in any public street or public place in the Village.

**§ 172-29. Parking for advertising purposes.**

It shall be unlawful to park or store any vehicle for the purpose of advertising in any public street or public place in the Village.

**§ 172-29.1. Miscellaneous parking violations. [Added 11-14-2005 by L.L. No. 8-2005]**

It shall be a violation for any person to stop, stand or park a vehicle on any street in the Village in one or more of the following ways:

- A. Blocking all or any part of a designated pedestrian crosswalk.
- B. Double parking, stopping or standing.
- C. Parking, stopping or standing in a direction opposite to the direction of traffic.
- D. Parking, stopping or standing more than 12 inches from the curb or an outside edge of the paved surface of any street without curbing.

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**ARTICLE IV, Metered Parking**

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**§ 172-30. Parking Meter Zone A.**

- A. The named and described areas, streets or portions of streets, lying within the corporate limits of the Village, as described in Schedule XIV (§ 172-61), shall constitute Parking Meter Zone A.
- B. In Parking Meter Zone A, parking or standing a vehicle in a designated space shall be lawful for ~~30~~ minutes upon deposit of a ~~twenty-five cent~~ coin, ~~60~~ minutes upon the deposit of two ~~twenty-five~~ cent coins, ~~90~~ minutes upon the deposit of three ~~twenty-five~~ cent coins, ~~120~~ minutes upon the deposit of four ~~twenty-five~~ cent coins of the United States of America.
- C. The hours of operation of said parking meters shall be every day between 9:00 a.m. and 6:00 p.m., except Sundays and holidays.
- D. The term "holiday" shall include the following days only:

New Year's Day.

Lincoln's Birthday.

~~President's Day~~

Memorial Day.

July 4.

Labor Day.

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Columbus Day.  
Election Day.  
Veterans' Day.  
Thanksgiving Day.  
Christmas Day.

**§ 172-31. Parking Meter Zone B.**

- A. The named and described areas within the corporate limits of the Village as described in Schedule XV (§ 172-62) shall constitute Parking Meter Zone B. Such areas shall be those Village streets or municipal parking fields or portions thereof that may be so designated by resolution of the Board of Trustees in the public interest and as conditions require.
- B. In Parking Meter Zone B, parking or standing a vehicle in a designated space shall be lawful for 12 consecutive hours upon deposit of four twenty-five-cent coins of the United States of America. [Amended 7-11-1983 by L.L. No. 6-1983]
- C. The hours of operation of said parking meters shall be every day, 24 hours a day.
- D. The term "holiday" shall include the following days only:

New Year's Day.  
Lincoln's Birthday.  
President's Day.  
Memorial Day.  
July 4.  
Labor Day.  
Columbus Day.  
Election Day.  
Veterans' Day.  
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**§ 172-32. Marking of parking spaces; parking within marks required.**

The Board of Trustees is hereby directed and authorized to mark off individual parking

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spaces in the parking meter zones designated and described in §§ 172-30 and 172-31 hereof and in such other zones as may hereafter be established, said parking spaces to be designated by lines painted or durably marked upon the curbing or surface of the street. At each space so marked it shall be unlawful to park any vehicle unless said vehicle shall be entirely within the limits of the space so marked.

**§ 172-33. Signal on meters designating legal parking and expiration.**

Each parking meter shall be so set as to display a signal showing legal parking upon the deposit of the appropriate coin or coins, lawful money of the United States of America, for the period of time prescribed by this Article. Each meter shall be so arranged that, upon the expiration of the lawful time limit, it will indicate by a proper visible signal that the lawful parking period had expired, and in such case the right of such vehicle to occupy such space shall cease and the operator, owner or person in charge thereof shall be subject to the penalties hereinafter provided.

**§ 172-34. Violations of provisions enumerated.**

It shall be unlawful and a violation of the provisions of this Article for any person to:

- A. Cause, allow, permit or suffer any vehicle registered in the name of, or operated by, such person to be parked overtime or beyond the period of legal parking time established for any parking meter zone as herein described or to deposit in any parking meter any coin for the purpose of parking beyond the maximum legal parking time for the particular parking meter zone.
- B. Permit any vehicle to remain or be placed in any parking space adjacent to any parking meter while said meter is displaying a signal indicating that the vehicle occupying such parking space has already been parked beyond the period prescribed for such parking space.
- C. Park any vehicle across any line or marking of a parking meter space or in such position that the vehicle shall not be entirely within the area designated by such lines or markings.
- D. Deface, injure, tamper with, open or willfully break, destroy or impair the usefulness of any parking meter installed under the provisions of this Article.
- E. Deposit or cause to be deposited in any parking meter any slug, device or metal substance or other substitute for lawful coins.

**§ 172-35. Enforcement of provisions.**

It shall be the duty of the Police Department to enforce the provisions of this Article.

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**§ 172-36. Construal of provisions; requirements for commercial vehicles.**

Nothing in this Article shall be construed as prohibiting the Village from providing for bus stops, taxicab stands and similar matters, including the loading or unloading of trucks, vans or other commercial vehicles, except that it shall be lawful for commercial trucks, delivery cars or motor vehicles of public service companies or municipalities to park in the parking meter zones to load or unload the same or while the operator is

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engaged in the business of such public service company or municipality for a period not to exceed 30 minutes.

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## ARTICLE V, Municipal Parking Fields

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### § 172-37. Definitions.

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

YEAR -- The period from February 1 of one year to January 31 of the next succeeding year.

### § 172-38. Parking fields designated.

The municipal parking fields shall be as designated in Schedule XVI (§ 172-63). Signs shall be posted indicating the location of such municipal parking fields and what parking restrictions apply, if any, in such parking fields.

### § 172-39. Parking license required for certain fields. [Amended 6-22-1981 by L.L. No. 7-1981]

Municipal Parking Fields No. 1, No. 2 and No. 8, except as to that portion thereof in which parking meters are installed, are hereby designated as parking fields where vehicles shall be permitted to park only after the procuring of a license as hereinafter provided, except that vehicles without such licenses shall be permitted to park in Field No. 8 for up to four hours during the hours from 6:00 a.m. to 6:00 p.m.

### § 172-40. Issuance and display of parking licenses.

All parking licenses shall be issued by the Village Clerk based upon a showing of proof of residence and ownership of the vehicle for which a permit is sought. The Clerk shall issue a numbered license indicating the year for which the same shall be issued, and such license shall be conspicuously displayed on said vehicle.

### § 172-41. Fees for parking licenses. [Amended 1-11-1982 by L.L. No. 1-1982; 7-11-1983 by L.L. No. 6-1983; 2-25-1985 by L.L. No. 2-1985; 1-12-1987 by L.L. No. 1-1987; 1-8-1990 by L.L. No. 1-1990]

- A. Residents. The annual fee for each parking license issued hereunder to the residents of the Village shall be established by the Board of Trustees by resolution. The fee for each half-yearly license, which may be applied for on or after August 1 shall be established by the Board of Trustees by resolution.
- B. Nonresidents. The annual fee for each parking license issued hereunder to a nonresident of the Village shall be established by the Board of Trustees by resolution. The fee for each half-yearly license for a nonresident which may be applied for on or after August 1 shall be established by the Board of Trustees by resolution.

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**§ 172-42. Issuance of half-yearly license.**

No half-yearly license hereunder shall be issued, either to a resident or to a nonresident, before August 1 of each year.

**§ 172-43. Transfer of parking license.**

A parking license issued hereunder shall not be transferable from one vehicle to another vehicle; provided, however, that in the event that a licensee shall ~~sell or transfer~~ his motor vehicle during the year, such license may be transferred to any other motor vehicle owned, ~~or leased~~ by said licensee upon payment of an additional fee of \$1.

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**§ 172-44. Replacement of lost and mutilated licenses.**

A parking license issued hereunder shall be kept by the licensee in the approved location in good condition, and if such plate, tag or sticker becomes lost or mutilated, the licensee shall immediately secure a new license from the Village Clerk upon the payment of an additional fee of \$1.

**§ 172-45. Commercial vehicles restricted in parking areas requiring licenses.**

No commercial vehicle over one ton net weight shall be permitted to park in a parking field requiring licenses.

**§ 172-46. Separate licenses required.**

Each motor vehicle occupying an area in a parking field for which a license is required hereunder shall have an individual and separate license.

**§ 172-47. Designation and posting of hours.**

The hours of limitation for parking a vehicle in the municipal parking field shall be designated by resolution of the Board of Trustees, and such period shall be posted in the municipal parking fields.

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**ARTICLE VI, Schedules**

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**§ 172-48. Schedule I: Stop Intersections.**

In accordance with the provisions of § 172-7, the following described highways are particularly designated as stop streets at the intersection indicated:

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Stop Sign/Signal on Direction of Travel		At Intersection of
East and west access road from Bathing Beach	North	South Bayview Avenue
Austin Avenue	East	Bayview Avenue
Austin Avenue [Added 8-29-1983 by L.L. No. 7-1983]	West	Lake Street
Avon Place	East	Bayview Avenue
Avon Place [Added 9-24-1990 by L.L. No. 17-1990]	West	Broadway
Bayside Avenue	East and west	Ocean Avenue
Bayview Avenue	North and south	Avon Place
Bayview Avenue	North and south	Towne Street
<u>Benjamin Avenue</u>	<u>North</u>	<u>Oak Street</u>
Bennett Place [Added 4-11-2005 by L.L. No. 2-2005]	North and south	Grace Court
Bennett Place	South	South Ireland Place
Berger Avenue [Added 9-24-1990 by L.L. No. 17-1990]	North	Shore Road
Bourdette Place [Added 9-24-1990 by L.L. No. 17-1990]	East and west	Carlton Avenue
Bourdette Place [Added 12-12-1988 by L.L. No. 14-1988]	West	Richmond Avenue
Braham Avenue	North	Shore Road
Bryan Avenue	South	Merrick Road
Burch Avenue	North and south	Greene Avenue
Burch Avenue	North and south	West Oak Street
Burch Avenue	South	Ireland Place

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Carleton Avenue	North and south	Bourdette Place
Cedar Lane [Added 4-9-2001 by L.L. No. 3-2001]	North	Maple Drive
Cedar Lane [Added 5-8-2000 by L.L. No. 5-2000]	South	Locust Drive
Cedar Street	East	Broadway
Cedar Street	East and west	Ketcham Avenue
Cedar Street	East	Park Avenue
Central Avenue	North	Hamilton Street
Central Avenue [Added 6-8-1981 by L.L. No. 4-1981]	North and south	Riverside Street
Central Avenue	South	Shore Road
Coles Avenue [Added 7-9-1984 by L.L. No. 4-1984]	East and west	Ocean Avenue
Cooper Avenue	East and west	Grand Central Avenue
<u>Cooper Avenue</u>	<u>West</u>	<u>Riverside Avenue</u>
County Line Road [Added 4-14-1997 by L.L. No. 2-1997]	North	Smith Street
County Line Road [Added 3-25-1996 by L.L. No. 2-1996]	North and south	Locust Drive
DeForest Street	North	Dixon Avenue
Dowsing Place [Added 9-24-1990 by L.L. No. 17-1990]	North	Merrick Road
East Lake Drive and/or West Lake Drive	North	Avon Place
Edison Street	North	Dixon Avenue

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Elm Place	West	Albany Avenue	
Grace Court [Added 4-24-2006 by L.L. No. 2-2006]	East	Ocean Avenue	Formatted: Left
Grace Court [Added 4-11-2005 by L.L. No. 2-2005]	West	Bennett Place	Formatted: Left
Grand Central Avenue	North	Merrick Road	
Grand Central Avenue [Added 12-9-2002 by L.L. No. 4-2002]	North and south	Griffing Avenue	
Greene Avenue	East	West Oak Street	
Greene Avenue [Added 9-13-1982 by L.L. No. 8-1982]	East and west	Burch Avenue	
Greene Avenue	West	County Line Road	
Griffing Avenue	East and west	Grand Central Avenue	
Hamilton Street [Added 1-12-2004 by L.L. No. 2-2004]	East and west	Virginia Court	
Hamilton Street	East	Richmond Avenue	
Hamilton Street [Added 9-24-1990 by L.L. No. 17-1990]	East and west	South Ketcham Avenue	
Homestead Avenue	North	Ireland Place	
Ireland Place	West	West Oak Street	
John Street	North	Sterling Place	
John Street [Added 9-13-1982 by L.L. No. 8-1982]	North and south	Oak Street	
John Street [Added 4-14-1997 by L.L. No. 3-1997]	South	Greene Avenue	

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Ketcham Avenue [Added 9-13-1982 by L.L. No. 8-1982]	North and south	Cedar Street
Lake Street [Added 8-29-1983 by L.L. No. 7-1983]	North	Austin Avenue
Lake Street	South	Oak Street
LeBrun Avenue [Added 12-12-1988 by L.L. No. 14-1988]	North	Richmond Avenue
<u>Locust Drive</u>	<u>West</u>	<u>Cedar Lane</u>
Locust Avenue [Added 3-25-1996 by L.L. No. 2-1996]	North	Washington Avenue
Locust Drive	East	Broadway
Locust Drive [Added 5-8-2000 by L.L. No. 5-2000]	East	Cedar Lane
Locust Drive	West	County Line Road
Lombardi Place	West	Bayview Avenue
Louden Avenue	East	Broadway
MacDonald Avenue [Added 9-24-1990 by L.L. No. 17-1990]	East	South Bayview Avenue
MacDonald Avenue	East and west	Grand Central Avenue
Maple Drive	East	Broadway
Maple Drive [Added 4-9-2001 by L.L. No. 3-2001]	East and west	Cedar Lane
Maple Drive	West	County Line Road
Maple Place	West	Albany Avenue
Mole Place	West	Richmond Avenue
<u>Mole Place</u>	<u>North and South</u>	<u>Bayside Avenue</u>

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Morris Street  
[Added 9-24-1990  
by L.L. No. 17-1990]

West Central Avenue

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Morris Street

East

Central Avenue

New Point Place  
[Added 9-24-1990  
by L.L. No. 17-1990]

West South Bayview Avenue

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Nicholl Avenue  
[Added 9-24-1990  
by L.L. No. 17-1990]

North Oak Street

North Railroad  
Plaza

East

Ocean Avenue

North Merrick Road

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Ocean Avenue

North and south Bayside Avenue

Ocean Avenue  
[Added 4-24-2006  
by L.L. No. 2-2006]

North and south Grace Court

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Ocean Avenue  
[Added 6-25-1984  
by L.L. No. 3-1984]

North and south South Ireland Place

West exit of  
O'Conner Parking  
Field (north of Oak  
Street) [Added 8-24-  
1992 by L.L. No. 2-  
1992]

South Oak Street

Oldfield Avenue

North Ireland Place

Orchard Place

East and west Homestead Avenue

Orchard Place

West Oldfield Avenue

Park Avenue

North Ireland Place

Park Avenue  
[Added 3-25-1996  
by L.L. No. 2-1996]

North and south Wanser Place

Park Avenue  
[Added 9-24-1990  
by L.L. No. 17-1990]

South Ireland Place

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Park Avenue [Added 9-24-1990 by L.L. No. 17-1990]	South	Merrick Road
Perkins Avenue	East	South Bayview Avenue
Perkins Avenue	East and west	Grand Central Avenue
Railroad Avenue [Added 10-26-1998 by L.L. No. 6-1998]	East	Wellington Place
Railroad Avenue	West	Broadway
Ranick Drive East	North	Dixon Avenue
Ranick Drive West	North	Dixon Avenue
Richmond Avenue [Added 12-12-1988 by L.L. No. 13-1988]	North	Bourdette Place
Richmond Avenue	North	Mole Place
Richmond Avenue [Added 6-13-1983 by L.L. No. 3-1983]	North	South Ireland Place
Richmond Avenue [Added 10-26-1998 by L.L. No. 6-1998]	North and south	South Ireland Place
Richmond Avenue [Added 10-26-1998 by L.L. No. 6-1998]	North and south	Van Nostrand Place
Richmond Avenue	South	Hamilton Street
Richmond Avenue [Added 12-12-1988 by L.L. No. 12-1988]	South	LeBrun Avenue
Richmond Avenue [Added 6-13-1983 by L.L. No. 3-1983]	South	Van Nostrand Place
Riverside Avenue	North	Cooper Avenue
Riverside Avenue	North	Merrick Road

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 PC/Codebook for Windows

Riverside Avenue [Added 5-26-1999 by L.L. No. 3-1999]	North and south	Cooper Avenue
Riverside Avenue [Added 5-26-1999 by L.L. No. 3-1999]	North and south	Perkins Avenue
Riverside Avenue	South	Perkins Avenue
<u>Riverside Street</u>	<u>West</u>	<u>Central Avenue</u>
Russell Street	East and west	Bryan Avenue
Russell Street [Added 9-24-1990 by L.L. No. 17-1990]	West	Wood Avenue
South Bay Road [Added 5-26-1999 by L.L. No. 3-1999]	East and west	Bayview Road
South Bayview Avenue [Added 11- 27-1989 by L.L. No. 13-1989]	North and south	Perkins Avenue
South Bayview Avenue (east side) at Harbor North [Added 2-26-1990 by L.L. No. 9-1990]	West	Perkins Avenue, as extended
South Ireland Place [Added 10-22-1984 by L.L. No. 7-1984]	East	Ocean Avenue
South Ireland Place [Added 10-22-1984 by L.L. No. 7-1984]	West	Richmond Avenue
South Ketcham Avenue south	North and	Hamilton Avenue
South Railroad Plaza	East	John Street
South Railroad Plaza	East	Ketcham Avenue

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PC/Codebook for Windows

<u>South Railroad Plaza</u>	<u>West</u>	<u>Greene Avenue</u>
Sprague Avenue	East	Albany Avenue
Sprague Avenue [Added 9-24-1990 by L.L. No. 17-1990]	West	Broadway
Sterling Place	East	Broadway
Sterling Place [Added 9-12-1983 by L.L. No. 10-1983]	East and west	Burch Avenue
Sterling Place [Added 9-12-1983 by L.L. No. 10-1983]	East and west	John Street
Sterling Place	West	County Line Road
Towne Street	West	Bayview Avenue
Union Avenue	East	Bayview Avenue
Unqua Place	North	Richmond Avenue

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<u>Vanostrand Place</u>	<u>East</u>	<u>Richmond Avenue</u>
Virginia Court [Added 1-12-2004 by L.L. No. 2-2004]	North	Hamilton Street
Wanser Place	West	Park Avenue
Washington Avenue	East	Broadway
Washington Avenue	East and west	Locust Avenue
Wellington Place [Added 9-24-1990 by L.L. No. 17-1990]	South	Oak Street
West Oak Street	East and west	John Street
West Oak Street [Repealed 7-8-1996 by L.L. No. 7-1996]		
West Smith Street	West	County Line Road
Williams Street [Added 9-24-1990 by L.L. No. 17-1990]	North	Willis Avenue

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Willis Avenue	<u>West</u>	<u>Countyline Road</u>	Deleted: North
Wood Avenue	North	Towne Street	Deleted: Williams Street
Wood Avenue	South	Merrick Road	

**§ 172-49. Schedule II: Stop Point Locations.**

In accordance with the provisions of § 172-8, the following described locations are designated as stop point locations at the intersection indicated:

Stop Sign/ Signal on	Direction of Travel	At Intersection of	Formatted Table
County Line [Added 11-10-1986 by L.L. No. 11-1986]	<u>South</u>	<u>Merrick Rd.</u>	Deleted: North and s
<u>West Oak St.</u>	<u>East and West</u>	<u>Main Firehouse</u>	Deleted: Cedar Street
Park Avenue	<u>North and South</u>	<u>Ireland Pl.</u>	Deleted: Road
			Deleted: County Line Road
			Deleted: [Repealed 3-25-1996 by L.L. No. 2-1996]
			Deleted: [Repealed 3-25-1996 by L.L. No. 2-1996]

**§ 172-50. Schedule III: One-Way Streets.**

In accordance with the provisions of § 172-9, the following described streets or parts of streets are designated as one-way streets in the direction indicated:

Name of Street	Direction	Limits	Formatted Table
Cedar Street	East	Between Park Avenue and Broadway	
<u>Cedar Street</u>	<u>West</u>	<u>Between Oldfield Ave and County Line Rd.</u>	Formatted Table
Lombardi Place	West	Entire length	
Park Avenue [Added 4-14-1997 by L.L. No. 4-1997]	South	Between Greene Avenue and Ireland Avenue	
Union Avenue	West	Between Broadway and Bayview Avenue <sup>1</sup>	
Wanser Place	West	Between Broadway and Park Avenue	

<sup>1</sup>NOTE: This restriction applies on Sundays between the hours of 6:30 a.m. and 1:30

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**§ 172-51. Schedule IV: Speed Limits. [Amended 6-26-1989 by L.L. No. 6-1989; 8-24-1992 by L.L. No. 3-1992; 10-25-2004 by L.L. No. 10-2005]**

In accordance with the provisions of §172-11 of this Code and § 1643 of the New York State Vehicle and Traffic Law, speed limits are established as indicated upon the following streets or parts thereof:

Name of Street	Speed Limit <u>    </u> (mph)	Location
Bayview Avenue	15	Within 300 feet of the north and south building lines of the high school
<u>Broadway (NYS Rt 110)</u>	<u>40</u>	<u>North of Sprague Ave.</u>
County Line Road (County Road No. 1)	15	Within 300 feet of the north and south building lines of the Northwest Elementary School, but not north of the northerly Village line
Dixon Avenue (County Road No. 2-2A)	35	All that part that lies within the Village
East Lake Drive	25	Entire length
Oak Street	15	Within 300 feet of the east and west building lines of St. Martin's Elementary School
Park Avenue	15	Ireland Place to Wanser Place
Railroad Avenue	25	Entire length
<u>Sunrise Hwy (NYS Rt 27)</u>	<u>55</u>	<u>All that part that lies within the village</u>
Union Avenue	15	Within 300 feet of the east and west building lines of St. Martin's Elementary School
Wellington Place	25	Entire length
West Lake Drive	25	Entire length

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**§ 172-52. Schedule V: Traffic Control Signals.**

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In accordance with the provisions of § 172-13, the specified traffic control signals shall be installed, maintained and operated at the following locations and intersections:

Intersection (Location)	Type of Signal
Albany Avenue and Dixon Avenue	Two-phase semi-vehicle-actuated signal
Bayview Avenue and Dixon Avenue	Two-phase semi-vehicle-actuated signal
Bayview Avenue and Oak Street	Fixed-time signal
County Line Road and Louden Avenue	Semi-vehicle-actuated signal with pedestrian controls
County Line Road and West Oak Street	Two-phase semi-vehicle-actuated signal
Ireland Place and Ketcham Avenue	Fixed-time signal
Ireland Place and Park Avenue	Either synchronized with Broadway and Ireland Place signal or as a flash signal
West Oak Street and Ketcham Avenue [Added 7-8-1996 by L.L. No. 7-1996]	Two-phase semi-vehicle actuated signal with pedestrian controls and Fire Department pre-emptor

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**§ 172-53. Schedule VI: Yield Intersections.**

In accordance with the provisions of § 172-14, the following described intersections are designated as yield intersections:

Yield Sign on	At Intersection of
John Street	Greene Avenue
<u>Ocean Avenue</u>	<u>Southbound at Richmond Avenue</u>
<u>Stuart Avenue</u>	<u>Northbound at Swartout/Bingham Place</u>
[Repealed 9-10-1984 by L.L. No. 5-1984]	

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**§ 172-54. Schedule VII: Truck Exclusions on No-Through-Trucking Streets. [Amended 2-28-1994 by L.L. No. 1-1994]**

In accordance with the provisions of § 172-15, all motor vehicles in excess of 2 1/2 tons unladen weight are excluded from streets or parts thereof described below, which are also

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designated as no-through-trucking streets, except for local deliveries:

Name of Street	Location	Formatted Table
Austin Avenue	Entire length	
Avon Place	Entire length	
Bayview Avenue	Between Oak Street and Merrick Road	
Bennett Place [Added 4-13-1998 by L.L. No. 1-1998]	Entire length	
<u>Bryan Avenue</u>	<u>Entire length</u>	
Burch Avenue [Added 10-24-1983 by L.L. No. 11-1983]	Between Willis Avenue and Sterling Place	Formatted Table
Cedar Street	Entire length	
<u>Dowsing Place</u>	<u>Entire length</u>	
Etna Court	Entire length	Formatted Table
Grace Court [Added 1-8-2001 by L.L. No. 1-2001]	Entire length	
<u>Grand Central Avenue</u>	<u>Entire length</u>	
<u>Greene Avenue</u>	<u>Broadway to Oak Street</u>	
Hildreth Court	Entire length	Formatted Table
<u>Lake Street</u>	<u>Entire length</u>	
<u>Lewis Avenue</u>	<u>Entire length</u>	
Locust Drive	Entire length	Formatted Table
Lombardi Place	Entire length	
Moreland Court [Added 10-23-1989 by L.L. No. 12-1989]	Between Byron Avenue and Wood Avenue	
Park Avenue	<u>Between Ireland Place and Merrick Rd.</u>	Deleted: Entire length
<u>Richmond Avenue</u>		
Riverleigh Place	Entire length	Formatted Table
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<u>Riverside Avenue</u>	<u>Entire length</u>
Sterling Place	Entire length
Union Avenue	Entire length
VanNostrand Place	Entire length
Wanser Place	Entire length
Washington Avenue	Entire length
Wellington Place	Entire length
[Added 10-23-1989 by L.L. No. 12-1989]	
William Street [Added 10-23-1989 by L.L. No. 12-1989]	Entire length
Willis Avenue	Entire length
<u>Wood Avenue</u>	<u>Entire length</u>

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**§ 172-55. Schedule VIII: Truck Exclusions.**

In accordance with the provisions of § 172-16, all motor vehicles in excess of 21/2 tons unladen weight are excluded from the streets or parts thereof described below:

Name of Street	Location
	[Reserved]

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**§ 172-56. Schedule IX: Prohibited Turns at Intersections.**

In accordance with the provisions of § 172-17, no person shall make a turn of the kind designated below at any of the following locations:

Name of Street	Direction of Travel	Prohibited Turn	At Intersection of
Ocean Avenue [Added 4-13-1998 by L.L. No. 1-1998]	North	Left	Merrick Road (Rt. 27A)

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Sprague Avenue [Added 6-13-2005 by L.L. No. 3-2005]	West	Left	Broadway (Route 110)
Sterling Place [Added 4-13-1998 by L.L. No. 1-1998]	East	Left	Broadway (Rt. 110)

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**§ 172-57. Schedule X: U-Turns.**

In accordance with the provisions of § 172-18, no person shall make a U-turn at any of the following locations:

Name of Street	Location
Broadway	500 feet north of Wanser Place
<u>Ireland Place</u>	<u>E/B and W/B at Ketcham Avenue</u>
<u>Ketcham Avenue</u>	<u>S/B Ireland Place</u>
<u>Broadway</u>	<u>S/B and N/B Between Sterling Place and Railroad Avenue</u>

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**§ 172-58. Schedule XI: Prohibited Turns on Red Signal.**

In accordance with the provisions of § 172-19, no person shall make a right turn at a steady red signal at the following locations:

Location (Intersection)
Albany Avenue northbound at Dixon Avenue.
Albany Avenue southbound at Broadway.
<u>County Line Road northbound at Sunrise Highway</u>
Dixon Avenue eastbound at Albany Avenue.
<u>Dixon Avenue westbound at Broadway</u>
Greene Avenue eastbound at Broadway.
<u>Mill Street westbound at Albany Avenue</u>
Oak Street westbound at Broadway.

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Union Avenue westbound at Broadway.

West Oak Street eastbound at Broadway.

**§ 172-59. Schedule XII: Limited-Time Parking.**

In accordance with the provisions of § 172-24, the parking of vehicles is prohibited in the locations described below for a longer period of time than that designated, during the hours indicated:

Name of Street	Side	Time Limit	Hours	Location
Austin Avenue	Both	2 hrs.	6:00 a.m. to 6:00 p.m.	Entire length
Avon Place [Amended 5-13-1985 by L.L. No. 7-1985]	North	20 min.	6:00 a.m. to 6:00 p.m.	From Broadway east for a distance of 300 feet
Avon Place [Added 5-13-1985 by L.L. No. 7-1985]	South	2 hrs.	6:00 a.m. to 6:00 p.m.	From Broadway east for a distance of 300 feet
Bayview Avenue	Both	2 hrs.	6:00 a.m. to 6:00 p.m.	From Dixon Avenue to Oak Street
Bennett Place	Both	2 hrs.	6:00 a.m. to 6:00 p.m.	From Merrick Road south a distance of 200 feet
Broadway	Both	2 hrs.	6:00 a.m. to 6:00 p.m.	From Merrick Road to Albany Avenue
Broadway [Added 12-10-1984 by L.L. No. 8-1984]	Both	2 hrs.	6:00 a.m. to 6:00 p.m.	From Merrick Road to Dixon Avenue
Burch Avenue	Both	2 hrs.	6:00 a.m. to 6:00 p.m.	From Ireland Place to Sterling Place
Burch Avenue [Added 3-24-1986 by L.L. No. 4-1986]	East	4 hrs.	6:00 a.m. to 6:00 p.m.	From 50 feet south of Oak Street to Ireland Place
County Line Road	East	2 hrs.	6:00 a.m. to 6:00 p.m.	From Merrick Road to Cedar Street

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Dixon Avenue [Added 12-10 1984 by L.L. No. 8-1984]	Both	2 hrs.	6:00 a.m. to 6:00 p.m.	From Broadway to Albany Avenue
Dixon Avenue [Amended 12-10- 1984 by L.L. No. 8- 1984]	South	1 hr.	6:00 a.m. to 6:00 p.m.	From Ranick Drive to Cedar Street
Elm Place [Added 11-23-1987 by L.L. No. 11-1987]	South	1 hr.	6:00 a.m. to 6:00 p.m.	Entire length
Greene Avenue	Both	2 hrs.	6:00 a.m. to 6:00 p.m.	From West Oak Street to County Line Road
Greene Avenue	North	30 min.	6:00 a.m. to 6:00 p.m.	From 152 feet west of Broadway to 208 feet west of Broadway
Greene Avenue	North	2 hrs.	6:00 a.m. to 6:00 p.m.	From 45 feet west of Broadway to 152 feet west of Broadway
Greene Avenue	North	2 hrs.	6:00 a.m. to 6:00 p.m.	From John Street east a distance of 300 feet
Ireland Place [Added 3-24-1986 by L.L. No. 4-1986]	Both	4 hrs.	6:00 a.m. to 6:00 p.m.	From Burch Avenue to Homestead Avenue
Ireland Place	Both	30 min.	6:00 a.m. to 6:00 p.m.	From Ketcham Avenue to Homestead Avenue
Ireland Place	North	30 min.	6:00 a.m. to 6:00 p.m.	From 25 feet east of Ketcham Avenue to 210 feet east of Ketcham Avenue
Ireland Place	North	2 hrs.	6:00 a.m. to 6:00 p.m.	From Park Avenue to 210 feet east of Ketcham Avenue
Ireland Place	South	2 hrs.	6:00 a.m. to 6:00 p.m.	From Park Avenue to 195 feet east of Ketcham Avenue
Ketcham Avenue	East	30 min.	6:00 a.m. to 6:00 p.m.	From Greene Avenue to Ireland Place
Ketcham Avenue	East	2 hrs.	6:00 a.m. to 6:00 p.m.	From Ireland Place to Merrick Road
Ketcham Avenue	West	30 min.	6:00 a.m. to 6:00 p.m.	From Greene Avenue to 80 feet north of Ireland Place

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*Village of Amityville*  
*PC/Codebook for Windows*

Ketcham Avenue	West	2 hrs.	6:00 a.m. to 6:00 p.m.	From 150 feet south of Ireland Place to Merrick Road
Lewis Street	Both	2 hrs.	6:00 a.m. to 6:00 p.m.	From County Line Road to Willis Avenue
Long Island Rail Road, beneath viaduct [Added 6- 22-1981 by L.L. No. 7-1981]	Both	4 hrs. (without parking license)	6:00 a.m. to 6:00 p.m.	From John Street easterly to Broadway
Louden Avenue	North	30 min.	6:00 a.m. to 6:00 p.m.	From the intersection of Broadway to the parking field of Brunswick Hospital
Maple Place [Added 11-23-1987 by L.L. No. 11- 1987]	South	1 hr.	6:00 a.m. to 6:00 p.m.	Entire length
Merrick Road	Both	2 hrs.	6:00 a.m. to 6:00 p.m.	From Ocean Avenue to Ketcham Avenue
Mill Street [Added 11-23-1987 by L.L. No. 11-1987]	South	1 hr.	6:00 a.m. to 6:00 p.m.	Entire length
Municipal parking Field No. 9 [Added 2-10-1986 by L.L. No. 1-1986]	N/A	1 hr.	6:00 a.m. to 6:00 p.m.	20 spaces in northerly end of field
Oak Street	Both	2 hrs.	6:00 a.m. to 6:00 p.m.	From Broadway east for a distance of 300 feet
Oak Street [Added 2-23-1987 by L.L. No. 3-1987]	Both	2 hrs.	6:00 a.m. to 3:00 a.m.	From Broadway west to John Street
Oak Street [Added 3-24-1986 by L.L. No. 4-1986]	South	4 hrs.	6:00 a.m. to 6:00 p.m.	From Burch Avenue east a distance of 276 feet
Oldfield Avenue [Added 3-24-1986 by L.L. No. 4-1986]	Both	4 hrs.	6:00 a.m. to 6:00 p.m.	From Ireland Place south a distance of 200 feet
Park Avenue [Repealed 3-23-1992 by L.L. No. 1-1992]				

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*Village of Amityville  
PC/Codebook for Windows*

Park Avenue [Added 3-23-1992 by L.L. No. 1-1992; amended 12-12- 1994 by L.L. No. 7- 1994]	Both	2 hrs.	6:00 a.m. to 6:00 p.m.	From Broadway south to Ireland Place
Park Avenue [Added 3-23-1992 by L.L. No. 1-1992]	Both	2 hrs.	6:00 a.m. to 6:00 p.m.	From Ireland Place south to St. Paul's Lutheran Church
Richmond Avenue	Both	2 hrs.	6:00 a.m. to 6:00 p.m.	From Merrick Road south for a distance of 200 feet
South Ketcham Avenue	Both	1 hr.	6:00 a.m. to 6:00 p.m.	From Merrick Road to Riverleigh Place
Sprague Avenue [Added 8-26-1985 by L.L. No. 10- 1985]	South	2 hrs.	6:00 a.m. to 6:00 p.m.	Within 200 feet of Broadway
Sterling Place	Both	1 hr.	6:00 a.m. to 6:00 p.m.	From Burch Avenue to Broadway
Union Avenue	Both	2 hrs.	6:00 a.m. to 6:00 p.m.	From Broadway east for a distance of 300 feet
West Oak Street [Added 2-10-1986 by L.L. No. 3-1986]	North	2 hrs.	6:00 a.m. to 6:00 p.m.	From Greene Avenue to Burch Avenue
West Oak Street [Added 2-10-1986 by L.L. No. 3-1986]	South	2 hrs.	6:00 a.m. to 6:00 p.m.	From Burch Avenue east a distance of 276 feet
William Street	Both	2 hrs.*	6:00 a.m. to 6:00 p.m., any day of the week except Sunday	Entire length
Willis Avenue	Both	2 hrs.	6:00 a.m. to 6:00 p.m.	From Burch Avenue to County Line Road

\*NOTE: Unless otherwise indicated above, in which case said time limit shall be governing.

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**§ 172-60. Schedule XIII: (Reserved)**

**§ 172-61. Schedule XIV: Parking Meter Zone A.**

In accordance with the provisions of § 172-30A, the following streets and highways, or parts thereof, are designated as Parking Meter Zone A:

Name of Street	Side	Location
		(Reserved)

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**§ 172-62. Schedule XV: Parking Meter Zone B.**

In accordance with the provisions of § 172-31A, the following areas are designated as Parking Meter Zone B.

Name of Street	Side	Location
John Street	East	From Greene Avenue to Sterling Place
Ketcham Avenue [Added 7-11-1983 by L.L. No. 6-1983]	East	North of Oak Street
--	--	Railroad station, north and south sides

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**§ 172-63. Schedule XVI: Municipal Parking Fields. [Amended 6-22-1981 by L.L. No. 7-1981; 3-25-1985 by L.L. No. 3-1985; 2-10-1986 by L.L. No. 1-1986; 11-24-1986 by L.L. No. 12-1986; 11-22-2004 by L.L. No. 11-2004]**

In accordance with the provisions of § 172-38, the following are designated as municipal parking fields:

Parking Field	Location	Parking Time Limits
No. 1	Railroad station, north side	48 hour limit by meter or permit
No. 2	Railroad station, south side	48 hour limit by meter or permit
No. 3	O'Connor Field, north of Oak Street	4 hours

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No. 4	Behind Village Hall	24 hours excluding reserved parking in designated areas
No. 5	East side of Broadway between Oak and Union Avenue	3 hours except for permit parking in designated areas
No. 6	West side of Broadway between Cedar Street and Merrick Road	4 hours
No. 7	Beach and Caples Park	6:00 a.m. to 11:00 p.m.
No. 8	Beneath Long Island Rail Road viaduct from John Street easterly to Broadway	4 hours except 12 hours with permit
No. 9	<del>-----</del>	<del>[Reserved]</del>
No. 10	18 Oak Street	12 hours
No. 11	Irv Cohn Field, west side of Park Avenue, south of Greene Avenue	24 hours
No. 12	Southeast corner of Bennett Place and Merrick Road	2 hours
No. 14	Gordon Moore Field, north side of Greene Avenue east of Village Hall	24 hours
No. 15	9/11 Memorial Field southeast corner of Railroad Avenue and Broadway	12 hours

**Deleted:** Margaret Gordon Field, north of Ireland Place between Park Avenue and Ketcham Avenue

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## Chapter 174, VEHICLES, STORAGE OF

[HISTORY: Adopted by the Board of Trustees of the Village of Amityville during codification 5-12-1980 by L.L. No. 47-1980; see Ch. 1, General Provisions, Art. III. Amendments noted where applicable.]

### GENERAL REFERENCES

Property maintenance -- See Ch. 130.

Streets and sidewalks -- See Ch. 152.

Abandoned vehicles -- See Ch. 171.

Vehicles and traffic -- See Ch. 172.

Zoning -- See Ch. 183.

### § 174-1. Restrictions; exception. [Amended 4-8-1991 by L.L. No. 3-1991]

It shall be unlawful for there to be more than one unregistered motor vehicle on any premises in the Village of Amityville without the approval of the Board of Trustees. With respect to premises which are licensed pursuant to Article II of Chapter 107, the number of unregistered motor vehicles permitted by the Board of Trustees, if any, shall be set forth on the face of the license.

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## Chapter 178, WATERWAYS

[HISTORY: Adopted by the Board of the Village of Amityville during codification 5-12-1980 by L.L. No. 31-1980. Amendments noted where applicable.]

### GENERAL REFERENCES

Beach regulations -- See Ch. 43.  
Disorderly conduct -- See Ch. 69.  
Freshwater wetlands -- See Ch. 92.  
Garbage, rubbish and refuse -- See Ch. 97.  
Noise - See Ch. 114.

#### § 178-1. Definitions.

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

WATER AND WATERWAYS -- Includes all creeks, canals, waterways and channel systems in the Village to a distance of 1,500 feet from the shore.

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#### § 178-2. Application of chapter.

This chapter shall apply to all water and waterways within the Village and to adjacent waterways within a distance of 1,500 feet from the shore, to the extent permitted by the laws of the United States and the laws of the State of New York.

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#### § 178-3. Enforcement.

It shall be the duty of the Police Department of the Village to enforce the provisions of this chapter. The Chief of Police shall be empowered to make and enforce temporary regulations to cover emergencies or special conditions arise out of the application of this chapter.

#### § 178-4. Dumping of waste material prohibited.

The discharge of toilets, dumping of oil, garbage, grass clippings and cuttings and other waste material and like acts are hereby prohibited in all waters and waterways covered by the provisions of this chapter.

#### § 178-5. General operation of boats.

A. Every person operating a boat shall at all times operate the same in a careful and prudent manner and at such rate of speed as not to disturb the reasonable comfort nor endanger the property of another or the life or limb of any person, nor so as to interfere with the free and proper use of the waters and waterways of the Village. Throwing up a dangerous wake when approaching or passing another boat, or when passing a bathing area or a place where a boat is docked are prohibited.

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B. All provisions of the Navigation Law, the Environmental Conservation Law and the

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Vehicle and Traffic Law of the State of New York, as applicable; of the inland rules enacted by Congress and governing the navigation of the inland waters of the United States; and of the pilot rules for United States inland waters applicable to the channel systems, relative to the rules for vessels passing each other, as to lights on vessels and other matters consistent with the proper use of the channel systems shall be complied with by all vessels navigating the waterways of the Village. [Added 6-24-1985 by L.L. No. 9-1985]

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#### § 178-6. Speed limits for boats.

- A. No boat shall be operated or driven in any creek or canal within the Village, or within 100 feet of the shoreline, at a greater rate of speed than five miles per hour.
- B. No boat shall be operated at a greater rate of speed than 12 miles per hour in channels in the open bay and 45 miles per hour in the open bay outside channels within the Village jurisdiction.

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#### § 178-7. Mooring and securing of boats.

Boats shall not moor, anchor, tie up or otherwise be secured in any manner which shall endanger the life, limb or property of another, nor shall any boat in any manner interfere with, obstruct or endanger the free and clear passage of boats along creeks, canals and waterways of the Village. This section shall not be construed to interfere with or prevent the lawful use of privately owned basins or slips or to prevent the mooring of boats immediately adjacent to a shore or bulkhead and parallel thereto.

#### § 178-8. Mooring or anchoring in channels.

Boats shall not moor or anchor in channels except at the edge of such channel, and in no case shall vessels moor to or anchor within 50 feet of the channel markers or so as to interfere with the full use of the channel.

#### § 178-9. Bulkheads.

- A. In any district no new bulkhead or dock shall be constructed nor shall an existing bulkhead or dock be relocated until a building permit therefor has been issued. Each application shall contain a plot plan showing the location of the proposed bulkhead, the location of an existing bulkhead on adjoining property and such other information as the Code Enforcement Officer may require.
- B. Where such bulkhead is along an artificial waterway, shown on a filed plat, it shall be constructed so that it does not extend beyond the boundaries of such waterway as shown on the filed plat. Where such bulkhead is on a natural waterway, it shall conform to the bulkhead line approved or established by the United States Army Corps of Engineers. In any other case the Board of Trustees shall establish or approve such bulkhead line.

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**§ 178-9.1. Obstruction of waterways prohibited. [Added 11-25-1996 by L.L. No. 9-1996]**

No person shall obstruct the waterways in the Village.

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**§ 178-10. Removal of bulkhead or boat or obstruction of waterway on order of Village. [Amended 11-25-1996 by L.L. No. 9-1996]**

A. Any bulkhead or vessel or other obstruction which becomes a menace or hindrance to navigation or which is unseaworthy or which sinks, grounds or otherwise becomes disabled shall be removed by the owner or person in charge thereof on order of the Board of Trustees, a police officer, or the Code Enforcement Officer.

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B. If said bulkhead, vessel or other obstruction is not removed within a reasonable time after such order has been given to so remove it, said time in any event not to exceed five days, it may be removed at the expense of the owner or person in charge of said bulkhead, vessel or other obstruction.

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**§ 178-11. Construction of artificial waterways restricted.**

In any district no artificial waterway shall be constructed until first approved by the Planning Board.

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**§ 178-12. Designation of landing or loading areas; restrictions.**

A. The Board of Trustees may designate all or portions of the bulkheaded docks, piers, wharves and ends of highways bordering on waters and waterways, which are owned, maintained or under jurisdiction of the Village as landing or loading areas.

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B. No person shall moor boats at or use such areas except for purposes of loading and unloading for periods of not longer than one hour.

C. No person shall launch or haul any boat or jet ski from any such bulkheads, docks, piers, wharves or ends of streets or highways [Added 6-24-1991 by L.L. No. 7-1991] without the approval of the Board of Trustees.

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**§ 178-13. Use of launching facilities restricted. [Amended 6-24-1991 by L.L. No. 7-1991]**

Use of the Village beach launching facilities located on the east side of Newpoint Creek at the Village beach park shall require a permit to be obtained from the office of the Village Clerk, for which a fee will be charged. The amount of such fees for residents, nonresident taxpayers, resident or nonresident taxpayer senior citizens and nonresidents will be established and modified from time to time by resolution of the Board of Trustees.

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**§ 178-14. Mufflers required. [Added 6-24-1985 by L.L. No. 9-1985]**

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No person shall operate a boat, propelled wholly or partly by the expulsion of gas, gasoline, naphtha, oil or other substance, without having the exhaust from the engine run through a muffler so constructed and used as to muffle the noise of exhaust in a reasonable manner.

§ 178-15. **[Reserved]**

**§ 178-16. Net fishing. [Added 7-8-1991 by L.L. No. 9-1991]**

No person shall at any time engage in net fishing or use nets of any kind or description, except hand-drawn bait nets no more than 50 feet in length and crab nets, for the taking of fish in the waters and waterways of the Village.

**§ 178-17. Storage of boats in certain residential zones. [Added 12-9-2002 by L.L. No. 6-2002]**

No more than two boats shall be stored at any premises in the A, BB, B or C Residence Districts which are not owned or duly registered to the record owner or lawful occupant of such premises, without the approval of the Board of Trustees. For purposes of this section "storage" shall mean in-water docking or mooring at, or adjacent to, such premises, as well as upland dry storage on said premises.

**§ 178-18. Use of Avon Lake and Peterkin Pond regulated. [Added 12-8-2003 by L.L. No. 2-2003]**

- A. No person shall enter or use the waters of Avon Lake or Peterkin Pond for any form of boating, swimming or any other purpose without a permit from the Board of Trustees. Notwithstanding the foregoing, fishing, without the use of a boat, by duly licensed fishermen during the season established by the New York State Department of Environmental Conservation is permitted.
- B. No person shall feed waterfowl or any other wild animal on or adjacent to Avon Lake or Peterkin Pond without a permit from the Board of Trustees.

## Chapter 183, ZONING

[HISTORY: Adopted by the Board of Trustees of the Village of Amityville 5-12-1980 by L.L. No. 48-1980. Amendments noted where applicable.]

### GENERAL REFERENCES

- Board of Appeals -- See Ch. 4.
- Planning Board -- See Ch. 24.
- Advertising materials -- See Ch. 35.
- Animals -- See Ch. 39.
- Building construction -- See Ch. 49.
- Carnivals and circuses -- See Ch. 55.
- Fire prevention -- See Ch. 81.
- Flood damage prevention -- See Ch. 88.

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Deleted: Operation of vessels while ability impaired. [Added 6-24-1985 by L.L. No. 9-1985] ¶

A. No person shall operate a boat or vessel within the waters and waterways of the Village while intoxicated or while their ability to do so is impaired by the consumption of alcohol. ¶

B. Upon the trial of any action or proceeding arising out of facts alleged to have been committed by any person arrested for operation of a boat or vessel while in an intoxicated condition or while their ability to do so is impaired by the consumption of alcohol, the court may admit evidence of the amount of alcohol in the defendant's blood as shown by chemical analysis of a test of his blood, breath, urine or saliva, provided that such test is taken within two hours of his arrest. For the purpose of this section: ¶

(1) Evidence that there was, at the time of taking the sample, more than .05% but less than .07% by weight of alcohol in the defendant's blood is relevant evidence, but is not to be given the prima facie effect in indicating whether or not the defendant's ability to operate a boat or vessel was impaired by the consumption of alcohol. ¶

(2) Evidence that there was, at the time of taking the sample, .07% or more by weight of alcohol in the defendant's blood may be admitted as prima facie evidence that the defendant's ability to operate a boat or vessel was impaired by the consumption of alcohol. ¶

(3) Evidence that there was, at the time of taking the sample, more than .10% but less than .15% by weight of alcohol in the defendant's blood is relevant evidence, but is not to be given the prima facie effect in indicating whether or not the defendant was in an intoxicated condition. ¶

(4) Evidence that there was, at the time of taking the sample, .15% or more by weight of alcohol in the defendant's blood, may be admitted as prima facie evidence that the defendant was in an intoxicated condition.

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§ 157-6. Fencing.

A. Requirement. Adequate fencing shall be provided to prevent accidental entry and unauthorized use of an outdoor water pool. Such fencing may be erected so as to completely enclose the pool itself or the particular yard in which the pool is situated or the entire property.

B. Construction.

(1) Such fencing shall be constructed of chain-link fabric four feet high, of No. 9 gauge wire erected on a framework of galvanized steel members as listed below, or other approved equal. No such fence shall exceed four feet in height without a special exception issued by the Board of Appeals.

(a) Line posts shall be 1 5/8 inches outside diameter (OD) round posts or equivalent structural section.

(b) End and gate posts shall be two inches OD round posts or equivalent structural section.

(c) Top rail shall be 3/8 inch OD pipe.

(2) All posts shall be set in concrete to a depth of 30 inches, eight inches in diameter, spaced not over 10 feet apart.

C. Gates. Gates to give entrance to the enclosure shall be locked whenever the pool shall be unattended.

D. Variations. If some type of fencing other than that specified above is preferred, plans and specifications therefor may be submitted for the approval of the Building Department. In evaluating such request for approval, the Building Inspector shall give due consideration to the adequacy and the durability of the proposed fence to ensure the safety and welfare of the general public.

§ 157-7. Exclusions; provisions for storage tanks.

A. Excluded from the provisions of this chapter shall be outdoor ice skating rinks or surfaces of water used for ice skating, water storage tanks when such tanks are completely enclosed by the principal material of their construction, and portable swimming pools retaining water less than 18 inches in depth and having a plane surface area of water less than 100 square feet.

B. Access doors to the interior of any such tanks shall be securely locked, except when personally attended by a regular employee or the owner.

§ 171-1. Determination of abandoned vehicle.

A motor vehicle shall be deemed to be an abandoned vehicle if left unattended:

A. With no number plates affixed thereto for more than six hours on any highway or other public place.

B. For more than 12 hours on any highway or other public place, except a portion of a highway or public place on which parking is legally permitted.

C. For more than 12 hours, after the parking of such vehicle shall have become illegal, if left on a portion of a highway or public place on which parking is legally permitted.

D. For more than 96 hours on property of another if left without permission of the owner.

§ 171-2. Vesting of title in village under certain circumstances.

If an abandoned vehicle at the time of abandonment has no number plates affixed thereto and is of a wholesale value, taking into consideration the condition of the vehicle, of \$250 or less, title shall immediately vest in the village.

§ 171-3. Inquiry into and notification of owner.

A. Except for vehicles governed by § 171-2, the village, having custody of an abandoned vehicle, shall make an inquiry concerning the last owner of such vehicle as follows:

(1) For an abandoned vehicle with number plates affixed: to the jurisdiction which issued such number plates.

(2) For an abandoned vehicle with no number plates affixed: to the Department of Motor Vehicles.

B. The village shall notify the last owner, if known, that the vehicle in question has been recovered as an abandoned vehicle and that, if unclaimed, it will be sold at public auction after 30 days from the date such notice was given. Any person claiming such vehicle shall be required to pay the costs of removal and storage of such vehicle.

C. Ownership of such abandoned vehicles, if unclaimed, shall vest in the village 30 days from the date such notice is given, or, if the last owner cannot be ascertained, when notice of such fact is received.

§ 171-4. Disposition of abandoned vehicles.

A. The village shall determine if an abandoned vehicle is suitable for operation on the public highways. If so, the vehicle shall be sold at public auction to the highest bidder or converted pursuant to § 171-5 of this chapter.

B. If the village determines that an abandoned vehicle is not suitable for operation on the public highways, it shall remove and destroy the vehicle identification number plate and sell the vehicle to a vehicle dismantler or scrap processor.

C. An abandoned vehicle without a vehicle identification number plate must be sold only to a vehicle dismantler or a scrap processor.

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B. Any proceeds from the sale of an abandoned vehicle less any expenses incurred by the village shall be held by the village without interest, for the benefit of the owner of such vehicle, for a period of five years. If not claimed within such five-year period, such proceeds shall be paid into the general fund of the village.

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Broadway	North	Left	Washington Avenue
Broadway	South	Right	Ireland Place