

Chapter 1

GENERAL PROVISIONS

[HISTORY: Adopted by the Board of Trustees of the Village of Lynbrook: Art. I, 12-15-1980 as L.L. No. 19-1980; Art. II, 12-15-1980 as L.L. No. 20-1980; Art. III, 12-15-1980 as L.L. No. 21-1980; Art. IV, 10-17-1988 as L.L. No. 15-1988. Amendments noted where applicable.]

ARTICLE I

Adoption of Code

[Adopted 12-15-1980 as L.L. No. 19-1980]

§ 1-1. Legislative intent.

The chapters and Articles of the 1967 Code of Ordinances of the Village of Lynbrook, adopted 1-23-1967 as Local Law No. 1-1967, and the local laws and ordinances of the Village of Lynbrook, referred to in § 1-2 of this local law shall be known collectively as the "Code of the Village of Lynbrook," and the various parts and sections of such Code, local laws and ordinances shall be distributed and designated as provided and set forth in § 1-2 of this local law.

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

Derivation Table

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Chapter 4, Appearance Tickets	L.L. No. 17-1978	11-6-1978
§ 4-1	Sec. 2-5	Amended 9-17-1979 by L.L. No. 9-1979; 3-17-1980 by L.L. No. 2-1980; 11-3-1980 by L.L. No. 14-1980
§ 4-2	Sec. 2-6	
§ 4-3	Sec. 2-7	
Chapter 6, Architectural Review Board	Chapter 2, Article II	
§ 6-1	Sec. 2-13	Amended 7-12-1976 by L.L. No. 10-1976
§ 6-2	Sec. 2-14	Amended 7-12-1976 by

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§ 6-3	Sec. 2-15	Amended 7-12-1976 by L.L. No. 10-1976
§ 6-4	Sec. 2-16	Amended 7-12-1976 by L.L. No. 10-1976
§ 6-5	Sec. 2-17	Amended 7-12-1976 by L.L. No. 10-1976
§ 6-6	Sec. 2-18	Amended 7-12-1976 by L.L. No. 10-1976
§ 6-7	Sec. 2-19	Amended 7-12-1976 by L.L. No. 10-1976
§ 6-8	Sec. 2-20	Amended 7-12-1976 by L.L. No. 10-1976
§ 6-9	Sec. 21	Amended 7-12-1976 by L.L. No. 10-1976
§ 6-10	Sec. 2-22	Amended 7-12-1976 by L.L. No. 10-1976
§ 6-11	Sec. 2-23	Amended 7-12-1976 by L.L. No. 10-1976
§ 6-12	Sec. 2-24	Amended 7-12-1976 by L.L. No. 10-1976
Chapter 16, Environmental Conservation Council	L.L. No. 1-1973	2-5-1973
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§ 16-4	Sec. 4	
§ 16-5	Sec. 5	
§ 16-6	Sec. 6	
§ 16-7	Sec. 7	
§ 16-8	Sec. 8	
Chapter 20, Fire Prevention Bureau	Chapter 9, Article II	
§ 20-1	Sec. 9-38	
§ 20-2	Sec. 9-39	Amended 7-12-1976 by L.L. No. 8-1976
§ 20-3	Sec. 9-40	
§ 20-4	Sec. 9-41	Amended 7-12-1976 by L.L. No. 8-1976

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§ 20-5	Sec. 9-42	Amended 7-12-1976 by L.L. No. 8-1976
§ 20-6	Sec. 9-43	Amended 7-12-1976 by L.L. No. 8-1976
§ 20-7	Sec. 9-44	Amended 7-12-1976 by L.L. No. 8-1976
§ 20-8	Sec. 9-45	Amended 7-12-1976 by L.L. No. 8-1976
§ 20-9	Sec. 9-46	Amended 7-12-1976 by L.L. No. 8-1976
§ 20-10	Sec. 9-47	
§ 20-11	Sec. 9-48	Amended 7-12-1976 by L.L. No. 8-1976
§ 20-12	Sec. 9-49	Amended 7-12-1976 by L.L. No. 8-1976
§ 20-13	Sec. 9-50	Amended 7-12-1976 by L.L. No. 8-1976
Chapter 25, Liability of Village Officials	L.L. No. 2-1979	5-21-1979
§ 25-1	Sec. 2-9	
§ 25-2	Sec. 2-10	
§ 25-3	Sec. 2-11	
§ 25-4	Sec. 2-12	
Chapter 28, Local Laws, Adoption of	L.L. No. 1-1954	2-1-1954
§ 28-1	Sec. 1	Amended 7-12-1976 by L.L. No. 6-1976
§ 28-2	Sec. 2	
§ 28-3	Sec. 3	
Chapter 39, Police Retirement of	L.L. No. 1-1960	1-18-1960
§ 39-1	Sec. 1	Amended 7-12-1976 by L.L. No. 9-1976
§ 39-2	Sec. 2	
Chapter 43, Salaries and Compensation		
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Chapter 47, Traffic Violations Bureau	Chapter 15, Article I	Amended 11-6-1978 by L.L. No. 15-1978
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§ 47-2	Sec. 15-2	
§ 47-3	Sec. 15-3	Amended 1-28-1969 by Ord. No. 69-22; 3-1-1976 by L.L. No. 5-1976
§ 47-4	Sec. 15-4	Amended 3-1-1976 by L.L. No. 5-1976
§ 47-5	Sec. 15-5	
§ 47-6	Sec. 15-6	
§ 47-7	Sec. 15-7	
§ 47-8	Sec. 15-8	
§ 47-9	Sec. 15-9	Amended 3-4-1969 by Ord. No. 69-27
§ 47-10	Sec. 15-10	Amended 3-7-1977 by L.L. No. 4-1977
§ 47-11	Sec. 15-11	Amended 1-28-1969 by Ord. No. 69-24; 12-20-1971 by Ord. No. 72-37
Chapter 50, Travel Expenses	L.L. No. 1-1966	11-16-1966
§ 50-1	Sec. 1	
§ 50-2	Sec. 2	
Chapter 60, Alarm Equipment	Chapter 9, Article III	Amended 12-17-1979 by L.L. No. 11-1979; 11-3-1980 by L.L. No. 13-1980
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§ 63-13	Sec. 3	
§ 63-14	Sec. 5	
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§ 69-2	Sec. 6-2	
§ 69-3	Sec. 6-3	Amended 10-18-1976 by L.L. No. 12-1976
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§ 69-5	Sec. 6-6	Amended 10-18-1976 by L.L. No. 12-1976

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§ 69-10	Sec. 6-11	
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Chapter 72, Auctions and Auctioneers	Chapter 14, Article II	Amended 9-26-1977 by L.L. No. 18-1977
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§ 78-1	Sec. 14-113	Amended 1-8-1973; 8-15-1977 by L.L. No. 13-1977
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§ 78-15	Sec. 14-127	
§ 78-16	Sec. 15-128	
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§ 81-2	Sec. 2(1)	
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§ 103-7	Sec. 6-29	Amended 8-5-1974; 9-17-1979 by L.L. No. 8-1979
§ 103-8	Sec. 6-30	Added 9-17-1979 by L.L. No. 8-1979
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§ 112-25	Sec. 8-25	Amended 12-3-1979 by L.L. No. 10-1979
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§ 115-2	Sec. 5-75	Amended 8-14-1978 by L.L. No. 6-1978
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§ 137-2	Sec. 10-17	Amended 5-16-1972 by Ord. No. 72-42; 1-25-1974
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§ 203-3	Sec. 3-3	Amended 9-26-1977 by L.L. No. 17-1977
§ 203-4	Sec. 3-4	Amended 1-5-1976 by L.L. No. 4-1976
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§ 203-7	Sec. 3-7	Amended 1-5-1976 by L.L. No. 4-1976
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§ 203-9	Sec. 3-9	Amended 9-26-1977 by L.L. No. 17-1977
§ 203-10	Sec. 3-10	Amended 9-26-1977 by L.L. No. 17-1977
§ 203-11	Sec. 3-11	Amended 9-26-1977 by L.L. No. 17-1977
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§ 203-13	Sec. 3-13	Amended 9-26-1977 by L.L. No. 17-1977
§ 203-14	Sec. 3-14	Amended 1-5-1976 by L.L. No. 4-1976
§ 203-15	Sec. 3-14.1	Added 9-26-1977 by L.L. No. 17-1977
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New Number (chapter, title, article, section)	Old Number (chapter, article, section source in 1967 Code of Ordinances or otherwise)	Adoption/ Amendment Date
§ 224-3	Sec. 19-3	
§ 224-4	Sec. 19-4	Amended 4-18-1972 by Ord. No. 72-41; 9-11-1978 by L.L. No. 11-1978
§ 224-5	Sec. 19-5	Amended 9-11-1978 by L.L. No. 11-1978; 8-20-1979 By L.L. No. 5-1979
§ 224-6	Sec. 19-6	Amended 9-11-1978 by L.L. No. 11-1978
§ 224-7	Sec. 19-7	Amended 9-11-1978 by L.L. No. 11-1978
§ 224-8	Sec. 19-8	
§ 224-9	Sec. 19-9	
§ 224-10	Sec. 19-10	
§ 224-11	Sec. 19-11	
§ 224-12	Sec. 19-12	Amended 9-11-1978 by L.L. No. 11-1978
§ 224-13	Sec. 19-13	
§ 224-14	Sec. 19-14	Amended 9-11-1978 by L.L. No. 11-1978
§ 224-15	Sec. 19-15	Amended 9-11-1978 by L.L. No. 11-1978
§ 224-16	Sec. 19-16	Amended 9-11-1978 by L.L. No. 11-1978
§ 224-17	Sec. 19-17	Amended 9-11-1978 by L.L. No. 11-1978
§ 224-18	Sec. 19-18	Amended 9-11-1978 by L.L. No. 11-1978
§ 224-19	Sec. 19-19	
§ 224-20	Sec. 19-20	Amended 9-11-1978 by L.L. No. 11-1978
§ 224-21	Sec. 19-21	Amended 9-11-1978 by L.L. No. 11-1978
§ 224-22	Sec. 19-22	Amended 9-11-1978 by L.L. No. 11-1978
§ 224-23	Sec. 19-23	Amended 9-11-1978 by L.L. No. 11-1978
§ 224-24	Sec. 19-24	
§ 224-25	Sec. 19-25	Amended 9-11-1978 by L.L. No. 11-1978
§ 224-26	Sec. 19-26	Amended 9-11-1978 by

New Number (chapter, title, article, section)	Old Number (chapter, article, section source in 1967 Code of Ordinances or otherwise)	Adoption/ Amendment Date
		L.L. No. 11-1978
§ 224-27	Sec. 19-27	Amended 9-11-1978 by L.L. No. 11-1978
§ 224-28	Sec. 19-28	Amended 9-11-1978 by L.L. No. 11-1978
§ 224-29	Sec. 19-29	Amended 9-11-1978 by L.L. No. 11-1978
§ 224-30	Sec. 19-30	Amended 9-11-1978 by L.L. No. 11-1978
§ 224-31	Sec. 19-31	Amended 9-11-1978 by L.L. No. 11-1978
§ 224-32	Sec. 19-32	Amended 9-11-1978 by L.L. No. 11-1978
§ 224-33	Sec. 19-33	Amended 9-11-1978 by L.L. No. 11-1978
§ 224-34	Sec. 19-34	Amended 9-11-1978 by L.L. No. 11-1978
§ 224-35	Sec. 19-35	
§ 224-36	Sec. 19-36	Amended 9-11-1978 by L.L. No. 11-1978
§ 224-37	Sec. 19-37	
§ 224-38	Sec. 19-38	
§ 224-39	Sec. 19-39	Amended 12-1-1969 by Ord. No. 69-31; 3-4-1973; 3-18-1974; 11-18-1974 by L.L. No. 1-1975; 7-16-1979 by L.L. No. 3-1979
§ 224-40	Sec. 19-40	
§ 224-41	Sec. 19-41	
§ 224-42	Sec. 19-42	
§ 224-43	Sec. 19-43	
§ 224-44	Sec. 19-44	Amended 9-11-1978 by L.L. No. 11-1978
§ 224-45	Sec. 19-45	
§ 224-46	Sec. 19-46	
§ 224-47	Sec. 19-47	
§ 224-48	Sec. 19-48	
§ 224-49	Sec. 19-49	
§ 224-50	Sec. 19-50	Amended 9-11-1978 by L.L. No. 11-1978

New Number (chapter, title, article, section)	Old Number (chapter, article, section source in 1967 Code of Ordinances or otherwise)	Adoption/ Amendment Date
§ 224-51	Sec. 19-51	Amended 9-11-1978 by L.L. No. 11-1978
Chapter 228, Theaters and Other Entertainment Establishments	Chapter 5, Article III	
Article I	Division 1	
§ 228-1	Sec. 5-36	
§ 228-2	Sec. 5-37	
§ 228-3	Sec. 5-38	
§ 228-4	Sec. 5-39	
§ 228-5	Sec. 5-40	
§ 228-6	Sec. 5-41	
§ 228-7	Sec. 5-42	
§ 228-8	Sec. 5-43	
§ 228-9	Sec. 5-44	
§ 228-10	Sec. 5-45	
§ 228-11	Sec. 5-46	
§ 228-12	Sec. 5-47	
§ 228-13	Sec. 5-48	
Article II	Division 2	
§ 228-14	Sec. 5-54	
§ 228-15	Sec. 5-55	
§ 228-16	Sec. 5-56	
§ 228-17	Sec. 5-57	
§ 228-18	Sec. 5-58	
§ 228-19	Sec. 5-59	
§ 228-20	Sec. 5-60	
§ 228-21	Sec. 5-61	
§ 228-22	Sec. 5-62	
Chapter 231, Tow Vehicles	Chapter 19, Article II	Amended 1-7-1980 by L.L. No. 1-1980
§ 231-1	Sec. 19-62	
§ 231-2	Sec. 19-63	
§ 231-3	Sec. 19-64	
§ 231-4	Sec. 19-65	
§ 231-5	Sec. 19-66	
§ 231-6	Sec. 19-67	
§ 231-7	Sec. 19-68	
§ 231-8	Sec. 19-69	
§ 231-9	Sec. 19-70	

New Number (chapter, title, article, section)	Old Number (chapter, article, section source in 1967 Code of Ordinances or otherwise)	Adoption/ Amendment Date
§ 231-10	Sec. 19-71	
§ 231-11	Sec. 19-72	
§ 231-12	Sec. 19-73	
§ 231-13	Sec. 19-74	
§ 231-14	Sec. 19-75	
§ 231-15	Sec. 19-76	
§ 231-16	Sec. 19-77	
§ 231-17	Sec. 19-78	
§ 231-18	Sec. 19-79	
§ 231-19	Sec. 19-80	
§ 231-20	Sec. 19-81	
§ 231-21	Sec. 19-82	
§ 231-22	Sec. 19-83	
§ 231-23	Sec. 19-84	
§ 231-24	Sec. 19-85	
§ 231-25	Sec. 19-86	
§ 231-26	Sec. 19-87	
Chapter 236, Vegetation	Chapter 10, Article III	
§ 236-1	Sec. 10-39	Amended 9-11-1978 by L.L. No. 9-1978
§ 236-2	Sec. 10-40	
§ 236-3	Sec. 10-41	Amended 11-6-1967 by Ord. No. 67-5; 9-11-1978 by L.L. No. 9-1978
§ 236-4	Sec. 10-42	Amended 9-11-1978 by L.L. No. 9-1978
§ 236-5	Sec. 10-43	Amended 9-11-1978 by L.L. No. 9-1978
§ 236-6	Sec. 10-44	Added 9-11-1978 by L.L. No. 9-1978
Chapter 240, Vehicles and Traffic	Chapter 15	Amended 11-6-1978 by L.L. No. 15-1978
Article I	Article II	
§ 240-1	Sec. 15-13	
§ 240-2	Sec. 15-14	
§ 240-3	Sec. 15-15	
Article II	Article III	
§ 240-4	Sec. 15-16	
§ 240-5	Sec. 15-17	
§ 240-6	Sec. 15-17.1	

New Number (chapter, title, article, section)	Old Number (chapter, article, section source in 1967 Code of Ordinances or otherwise)	Adoption/ Amendment Date
§ 240-7	Sec. 15-18	
§ 240-8	Sec. 15-19	
§ 240-9	Sec. 15-20	
§ 240-10	Sec. 15-21	
§ 240-11	Sec. 15-22	
§ 240-12	Sec. 15-23	
§ 240-13	Sec. 15-24	
§ 240-14	Sec. 15-25	
§ 240-15	Sec. 15-26	
Article III	Article IV	
§ 240-16	Sec. 15-27	
§ 240-17	Sec. 15-28	
§ 240-18	Sec. 15-29	
§ 240-19	Sec. 15-30	
§ 240-20	Sec. 15-31	
§ 240-21	Sec. 15-32	
§ 240-22	Sec. 15-33	
§ 240-23	Sec. 15-34	
§ 240-24	Sec. 15-35	
§ 240-25	Sec. 15-36	
§ 240-26	Sec. 15-37	
Article IV	Article V	
§ 240-27	Sec. 15-38	
§ 240-28	Sec. 15-39	
§ 240-29	Sec. 15-40	
§ 240-30	Sec. 15-41	
Article V	Article VI	
§ 240-31	Sec. 15-42	
§ 240-32	Sec. 15-43	
§ 240-33	Sec. 15-44	
§ 240-34	Sec. 15-45	
Article VI	Article VII	
§ 240-35	Sec. 15-46	
§ 240-36	Sec. 15-47	
§ 240-37	Sec. 15-48	
§ 240-38	Sec. 15-49	
§ 240-39	Sec. 15-50	
§ 240-40	Sec. 15-51	
§ 240-41	Sec. 15-52	
§ 240-42	Sec. 15-53	

New Number (chapter, title, article, section)	Old Number (chapter, article, section source in 1967 Code of Ordinances or otherwise)	Adoption/ Amendment Date
§ 240-43	Sec. 15-54	
§ 240-44	Sec. 15-55	
§ 240-45	Sec. 15-56	
§ 240-46	Sec. 15-57	
§ 240-47	Sec. 15-58	Amended 9-17-1979 by L.L. No. 9-1979
§ 240-48	Sec. 15-59	
Article VII	Article VIII	
§ 240-49	Sec. 15-60	
§ 240-50	Sec. 15-61	
§ 240-51	Sec. 15-62	
§ 240-52	Sec. 15-63	
§ 240-53	Sec. 15-64	
§ 240-54	Sec. 15-65	
§ 240-55	Sec. 15-66	
§ 240-56	Sec. 15-67	
Article VIII	Article IX	
§ 240-57	Sec. 15-68	
§ 240-58	Sec. 15-69	
§ 240-59	Sec. 15-70	
§ 240-60	Sec. 15-71	
Chapter 252, Zoning	Chapter 20	
Article I	Article I	
§ 252-1	Sec. 20-1	
§ 252-2	Sec. 20-2	
Article II	Article II	
§ 252-3	Sec. 20-12	
§ 252-4	Sec. 20-13	
§ 252-5	Sec. 20-14	
§ 252-6	Sec. 20-15	
§ 252-7	Sec. 20-16	
§ 252-8	Sec. 20-17	
§ 252-9	Sec. 20-18	
§ 252-10	Sec. 20-19	
Article III	Article III, Division 1	
§ 252-11	Sec. 20-30	Amended 6-18-1968 by Ord. No. 68-14
§ 252-12	Sec. 20-31	Amended 6-18-1968 by Ord. No. 68-14
§ 252-13	Sec. 20-32	

New Number (chapter, title, article, section)	Old Number (chapter, article, section source in 1967 Code of Ordinances or otherwise)	Adoption/ Amendment Date
§ 252-14	Sec. 20-33	Amended 6-18-1968 by Ord. No. 68-15
§ 252-15	Sec. 20-34	
§ 252-16	Sec. 20-35	
§ 252-17	Sec. 20-36	
§ 252-18	Sec. 20-37	
§ 252-19	Sec. 20-38	
§ 252-20	Sec. 20-39	Amended 11-1-1976 by L.L. No. 16-1976
Article IV	Article III, Division 2	
§ 252-21	Sec. 20-44	Amended 11-20-1967 by Ord. No. 67-6; 8-13-1968 by Ord. No. 68-18
§ 252-22	Sec. 20-45	
§ 252-23	Sec. 20-46	
§ 252-24	Sec. 20-47	Amended 6-18-1968 by Ord. No. 68-17
§ 252-25	Sec. 20-48	
§ 252-26	Sec. 20-49	
§ 252-27	Sec. 20-50	
§ 252-28	Sec. 20-51	
Article V	Article III, Division 3	
§ 252-29	Sec. 20-57	Amended 11-20-1967 by Ord. No. 67-8; 1-22-1979 by L.L. No. 1-1979; 4-7-1980 by L.L. No. 3-1980
§ 252-30	Sec. 20-58	Amended 8-13-1968 by Ord. No. 68-20; 6-16-1980 by L.L. No. 9-1980
§ 252-31	Sec. 20-59	
§ 252-32	Sec. 20-60	
§ 252-33	Sec. 20-61	
§ 252-34	Sec. 20-62	
§ 252-35	Sec. 20-63	
§ 252-36	Sec. 20-64	
Article VI	Article III, Division 4	
§ 252-37	Sec. 20-70	
§ 252-38	Sec. 20-71	Amended 8-13-1968 by Ord. No. 68-21
§ 252-39	Sec. 20-72	

New Number (chapter, title, article, section)	Old Number (chapter, article, section source in 1967 Code of Ordinances or otherwise)	Adoption/ Amendment Date
§ 252-40	Sec. 20-73	
§ 252-41	Sec. 20-74	
§ 252-42	Sec. 20-75	
§ 252-43	Sec. 20-76	
§ 252-44	Sec. 20-77	
Article VII	Article III, Division 5	
§ 252-45	Sec. 20-83	Amended 6-13-1977 by L.L. No. 8-1977; 4-7-1980 by L.L. No. 4-1980
§ 252-46	Sec. 20-84	
Article VIII	Article IV	
§ 252-47	Sec. 20-95	
§ 252-48	Sec. 20-96	Amended 1-5-1976 by L.L. No. 3-1976
§ 252-49	Sec. 20-97	
§ 252-50	Sec. 20-98	Amended 10-10-1974 by L.L. No. 2-1974
§ 252-51	Sec. 20-99	
§ 252-52	Sec. 20-100	
§ 252-53	Sec. 20-101	
§ 252-54	Sec. 20-102	
§ 252-55	Sec. 20-103	
§ 252-56	Sec. 20-104	
§ 252-57	Sec. 20-105	
§ 252-58	Sec. 20-106	
Article IX	Article V, Division 1	
§ 252-59	Sec. 20-117	
§ 252-60	Sec. 20-118	
§ 252-61	Sec. 20-119	
§ 252-62	Sec. 20-120	
§ 252-63	Sec. 20-121	
§ 252-64	Sec. 20-122	
§ 252-65	Sec. 20-123	
§ 252-66	Sec. 20-124	
§ 252-67	Sec. 20-125	
§ 252-68	Sec. 20-126	
§ 252-69	Sec. 20-127	
§ 252-70	Sec. 20-128	
§ 252-71	Sec. 20-129	
§ 252-72	Sec. 20-130	Amended 12-18-1978 by

New Number (chapter, title, article, section)	Old Number (chapter, article, section source in 1967 Code of Ordinances or otherwise)	Adoption/ Amendment Date
		L.L. No. 18-1978
§ 252-73	Sec. 20-131	
§ 252-74	Sec. 20-132	
§ 252-75	Sec. 20-133	
§ 252-76	Sec. 20-134	
§ 252-77	Sec. 20-135	
§ 252-78	Sec. 20-136	
§ 252-79	Sec. 20-137	
§ 252-80	Sec. 20-138	
Article X	Article V, Division 2	
§ 252-81	Sec. 20-149	
§ 252-82	Sec. 20-150	
§ 252-83	Sec. 20-151	
§ 252-84	Sec. 20-152	
§ 252-85	Sec. 20-153	
Article XI	Article V, Divisions 3	
§ 252-86	Sec. 20-160	
§ 252-87	Sec. 20-161	Amended 11-20-1967 by Ord. No. 67-7
§ 252-88	Sec. 20-163	
§ 252-89	Sec. 20-164	
§ 252-90	Sec. 20-165	
§ 252-91	Sec. 20-166	
§ 252-92	Sec. 20-167	
§ 252-93	Sec. 20-168	
§ 252-94	Sec. 20-169	
§ 252-95	Sec. 20-170	
§ 252-96	Sec. 20-171	
§ 252-97	Sec. 20-172	
§ 252-98	Sec. 20-173	
§ 252-99	Sec. 20-174	Amended 10-10-1974 by L.L. No. 2-1974
§ 252-100	Sec. 20-175	
Article XII	Article VI, Division 1	
§ 252-101	Sec. 20-186	
§ 252-102	Sec. 20-187	
§ 252-103	Sec. 20-188	
§ 252-104	Sec. 20-189	
§ 252-105	Sec. 20-190	
§ 252-106	Sec. 20-191	

New Number (chapter, title, article, section)	Old Number (chapter, article, section source in 1967 Code of Ordinances or otherwise)	Adoption/ Amendment Date
§ 252-107	Sec. 20-192	
§ 252-108	Sec. 20-193	
Article XIII	Article VI, Division 2	
§ 252-109	Sec. 20-199	
§ 252-110	Sec. 20-200	
§ 252-111	Sec. 20-201	
Article XIV	Article VI, Division 3	
§ 252-112	Sec. 20-207	
§ 252-113	Sec. 20-208	
§ 252-114	Sec. 20-209	
§ 252-115	Sec. 20-210	
Article XV	Article VII	
§ 252-116	Sec. 20-221	Amended 11-20-1967 by Ord. No. 67-9
§ 252-117	Sec. 20-222	
§ 252-118	Sec. 20-223	Amended 11-20-1967 by Ord. No. 67-10

§ 1-3. Repeal of local laws, ordinances and resolutions not contained in Code.

All local laws and ordinances of a general and permanent nature adopted by the Board of Trustees of the Village of Lynbrook, in force on the date of the adoption of this local law and not cited in the table in § 1-2 hereof, are hereby repealed as of the effective date of this local law, except as hereinafter provided.

§ 1-4. Local laws and ordinances saved from repeal; matters not affected by repeal.

The repeal of local laws and ordinances provided for in § 1-3 of this local law shall not affect the following classes of local laws, ordinances, resolutions, rights and obligations, which are hereby expressly saved from repeal:

- A. Any local law, ordinance or resolution adopted subsequent to September 15, 1980.
- B. Any right of liability established, accrued or incurred under any legislative provision of the Village of Lynbrook prior to the effective date of this local law or any action or proceeding brought for the enforcement of such right or liability.
- C. An offense or act committed or done before the effective date of this local law in violation of any legislative provision of the Village of Lynbrook or any penalty, punishment or forfeiture which may result therefrom.
- D. Any prosecution, indictment, action, suit or other proceeding pending or any judgment rendered prior to the effective date of this local law and brought pursuant

to any legislative provision of the Village of Lynbrook.

- E. Any franchise, license, right, easement or privilege heretofore granted or conferred by the Village of Lynbrook.
- F. Any local law, ordinance or resolution of the Village of Lynbrook providing for the laying out, opening, altering, widening, relocating, straightening, establishing grade, changing name, improvement, acceptance or vacation of any right-of-way, easement, street, road, highway, park or other public place within the Village of Lynbrook or any portion thereof.
- G. Any local law, ordinance or resolution of the Village of Lynbrook appropriating money or transferring funds, promising or guaranteeing the payment of money or authorizing the issuance and delivery of any bond of the Village of Lynbrook, or other instruments or evidence of the village's indebtedness.
- H. Local laws, ordinances or resolutions authorizing the purchase, sale, lease or transfer of property, or any lawful contract or obligation.
- I. The levy or imposition of special assessments or charges.
- J. The dedication of property.
- K. Any local laws, ordinances or resolutions relating to salaries.
- L. Any resolution, ordinance or local law establishing special districts, including election, sewer, water and library districts.
- M. Any local law, ordinance or resolution establishing or amending any map.
- N. Any legislation providing for the erection of traffic control devices.
- O. Local Law No. 5 of 1978.

§ 1-5. Severability.

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

§ 1-6. Copies of Code on file.

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

in effect.

§ 1-7. Amendments to Code.

Any and all additions, deletions, amendments or supplements to any of the local laws, ordinances and resolutions known collectively as the "Code of the Village of Lynbrook" or any new local laws, ordinances or resolutions, when enacted or adopted in such form as to indicate the intention of the Board of Trustees to be a part thereof, shall be deemed to be incorporated into such Code so that reference to the "Code of the Village of Lynbrook" shall be understood and intended to include such additions, deletions, amendments or supplements. Whenever such additions, deletions, amendments or supplements to the Code of the Village of Lynbrook shall be enacted or adopted, they shall thereafter be printed and, as provided hereunder, inserted in the loose-leaf book containing said Code, as amendments and supplements thereto.

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

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

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

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

§ 1-10. Publication; filing.

The Village Clerk of the Village of Lynbrook, pursuant to law, shall cause to be published, in the manner required, a copy of this local law in the official newspaper of the village. A copy of the Code of the Village of Lynbrook shall be maintained in the office of the Village Clerk for inspection by the public at all times during regular office hours. The enactment and application of this local law, coupled with the availability of a copy of the Code for inspection by the public, shall be deemed, held and considered to be due and legal publication of all provisions of the Code for all purposes.

§ 1-11. Penalties for offenses.

Any person who, without authorization from the Village Clerk, changes or amends, by

additions or deletions, any part or portion of the Code of the Village of Lynbrook or who alters or tampers with such Code in any manner whatsoever which will cause the legislation of the Village of Lynbrook to be misrepresented thereby or who violates any other provision of this local law shall, upon conviction thereof, be subject to a fine of not more than \$250 or imprisonment for a term of not more than 15 days, or both such fine and imprisonment.

§ 1-12. Incorporation of provisions into Code.

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

§ 1-13. When effective.

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

ARTICLE II
General Definitions
[Adopted 12-15-1980 as L.L. No. 20-1980]

§ 1-14. Definitions and word usage.

- A. Word usage. Unless the context clearly indicates otherwise the following rules of construction shall apply throughout the Code of the Village of Lynbrook.
- (1) Computation of time. Whenever a notice is required to be given or an act to be done, a certain length of time before any proceeding shall be had, the day on which such notice is given, or such act is done, shall be counted in computing the time, but the day on which such proceeding is to be had shall not be counted.
 - (2) Corporate limits, corporation limits. Whenever the words "corporate limits," "corporation limits" or "village limits" are used, they shall mean the legal boundary of the Village of Lynbrook.
 - (3) Delegation of authority. Whenever a provision appears requiring the head of a department of the village to do some act or make certain inspections, it is to be construed to authorize the head of the department to designate, delegate and authorize subordinates to perform the required act or make the required inspection unless the terms of the provision or section designate otherwise.
 - (4) Gender. A word importing the masculine gender only shall extend and be applied to females and to firms, partnerships and corporations as well as to males.
 - (5) Interpretation. In the interpretation and application of any provision of this Code, it shall be held to be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience and general

welfare. Where any provision of this Code imposes greater restrictions upon the subject matter than the general restriction imposed by this Code, the provision imposing the greater restriction shall be deemed to be controlling.

- (6) Joint authority. All words giving a joint authority to three or more persons or officers shall be construed as giving such authority to a majority of such persons or officers.
- (7) Name of officer. Whenever the name of an officer is given it shall be construed as though the words "of the Village of Lynbrook" were added.
- (8) Nontechnical and technical words. Words and phrases shall be construed according to the common and approved usage of the language; but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.
- (9) Number. A word importing the singular number only may extend and be applied to several persons and things as well as to one person and thing.
- (10) Or, and. "Or" may be read "and," and "and" may be read "or" if the sense requires it.
- (11) Preceding, following. The words "preceding" and "following" mean next before and next after, respectively.
- (12) Signature or subscription. The "signature" or "subscription" of a person shall include a mark when the person cannot write.
- (13) Time. Words used in the past or present tense include the future as well as the past and present.
- (14) Village; corporation. Whenever the words "the village," "this village," "the corporation" or "this corporation" are used, they shall be construed as if the words "of Lynbrook, New York" followed them.

B. Whenever the following terms are used anywhere within the Code of the Village of Lynbrook, unless the context clearly indicates otherwise or another definition is provided therein, such terms shall have the meanings indicated:

COUNTY — The County of Nassau in the State of New York.

KEEPER and PROPRIETOR — Includes persons, firms, associations, corporations, clubs and partnerships, whether acting by themselves or a servant, agent or employee.

MAYOR — The Mayor of the Village of Lynbrook.

MONTH — A calendar month.

OATH — Includes an affirmation in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words "swear" and "sworn" shall be equivalent to the words "affirm" and "affirmed."

OWNER — Applied to a building or land, includes any part owner, joint owner, tenant in common, tenant in partnership, joint tenant or tenant by the entirety, of the whole or of a part of such building or land.

PERSON — Includes associations, clubs, societies, firms, partnerships and bodies politic and corporate as well as individuals.

PERSONAL PROPERTY — Includes every species of property except real property, as herein described.

PREMISES — Place or places.

PROPERTY — Includes real and personal property.

PUBLIC PLACE — Any park, cemetery, school yard or open space adjacent thereto, and all streets and parking fields.

REAL PROPERTY — Includes lands, tenements and hereditaments.

RESIDENCE — The place adopted by a person as his place of habitation, and to which, whenever he is absent, he has the intention of returning. When a person eats at one place and sleeps at another, the place where such person sleeps shall be deemed his "residence."

SEAL — The village or corporate seal.

SIDEWALK — Any portion of a street between the curblin and the adjacent property line, intended for the use of pedestrians, excluding parkways.

STATE — The State of New York.

STREET — Streets, avenues, boulevards, roads, alleys, lanes, viaducts and all other public highways in the village.

TENANT and OCCUPANT — Applied to a building or land, includes any person holding a written or oral lease or who occupies the whole or a part of such buildings or lands, either alone or with others.

TRUSTEES — Any person elected to that office and shall include those persons who hold other offices who are ex officio.

VILLAGE BOARD OF TRUSTEES — The Board of Trustees of the Village of Lynbrook.

WEEK — Seven days.

WRITTEN, IN WRITING — Includes any representation of words, letters or figures, whether by printing or otherwise.

YEAR — A calendar year.

§ 1-15. Penalties for offenses.

- A. Unless otherwise specifically provided for in any chapter of the Code of the Village of Lynbrook, any person committing an offense against any provision of the Code of the Village of Lynbrook shall, upon conviction, be guilty of a violation pursuant to the Penal Law of the State of New York, punishable by a fine not exceeding \$250 or by imprisonment for a term not exceeding 15 days, or by both such fine and imprisonment.
- B. Unless otherwise indicated within a chapter of the Code of the Village of Lynbrook, the continuation of any offense against the provisions of this Code shall constitute, for each day the offense is continued, a separate and distinct offense.
- C. The penalty for offenses established in Subsection A shall be deemed to apply to any provision of the former Code of Ordinances of the Village of Lynbrook where the penalty for offenses against such provision referred to Section 1-8 of said former Code.

§ 1-15.1. Initiation of investigation. [Added 1-28-1991 by L.L. No. 2-1991]

Upon any written and signed report to the officials of the Incorporated Village of Lynbrook informing the Board that any person is in violation of the provisions of any law, ordinance or regulation of the Village of Lynbrook, the Village Clerk shall cause an investigation to be made, and the results of such investigation shall be reported to the Board of Trustees in writing.

§ 1-15.2. Notice to appear before Board. [Added 1-28-1991 by L.L. No. 2-1991]

- A. Where such investigation report demonstrates to the satisfaction of the Board of Trustees that a hazard of public health, safety or welfare exists because of an apparent violation of any law or ordinance of the village, the Board of Trustees may direct that the owner and/or person in control of the property where the violation is alleged to have taken place, or the person or persons who are alleged to have committed said violation, appear before the Board of Trustees, at a designated time and place, at least five days after the date of such notice, to show cause why it should not be determined that a violation of the law exists and why such owner and/or person should not be required to remove such violation at the expense of such owner and/or person.
- B. After such owner and/or person is given such opportunity to show cause and if the Board of Trustees determines that a violation of the law exists, the Board of Trustees may direct that notice be given to such owner and/or person, directing such owner and/or person to remove said violation within a reasonable period of time specified in such notice and, further, notifying such owner and/or person that in the event of noncompliance with such direction, the Board of Trustees may take action in accordance with the provisions of this Article.
- C. Service of any notification provided in this section may be made upon such owner, an agent of such owner and/or such person by personal delivery or by certified mail,

return receipt requested, addressed to such person at the last known address for such person and, if no such address is known, at the address of the property.

§ 1-15.3. Compliance with notice required. [Added 1-28-1991 by L.L. No. 2-1991]

Any person served with a notice to remove or cure a violation pursuant to this Article shall comply with such notice within the period of time specified in such notice.

§ 1-15.4. Action upon noncompliance. [Added 1-28-1991 by L.L. No. 2-1991]

In the event that any person fails to comply with the requirements of any notice given as provided in this Article, the Board of Trustees may authorize appropriate work to be performed or services to be rendered to remove or cure the specified violations and to pay the cost thereof from general funds of the village appropriated by the Board of Trustees for such service.

§ 1-15.5. Reimbursements. [Added 1-28-1991 by L.L. No. 2-1991]

The village shall be reimbursed for the cost of the work performed or the services rendered, as herein provided, including the cost of any professional services (other than legal services) required by the village for compliance with the provisions of this Article and any other expenses incurred by the village for compliance with the provisions of this Article, and such reimbursement shall be made by the owner of the property upon which such work was performed or services provided, and in the event that such reimbursement is not made within 30 days after demand, the amount so unpaid shall be included as an additional assessment against the property in the same manner as taxes due to the village, in the manner provided by law.

§ 1-15.6. Provisions to be additional. [Added 1-28-1991 by L.L. No. 2-1991]

The provisions of this Article shall be in addition to any other penalty or fine prescribed for any violation of a law or other ordinance of the village.

ARTICLE IV
Notices of Adoption

[Adopted 10-17-1988 as L.L. No. 15-1988]

§ 1-16. Publication and posting.

Section 706-6 of the Village Law of the State of New York is hereby amended and superseded as the same applies to the Village of Lynbrook, New York, by providing that the requirement of publishing and posting of a notice of adoption containing a verbatim copy of the local law relating to zoning is hereby eliminated and repealed, and, in lieu thereof, it shall be sufficient to publish and post a notice of adoption of a local law relating to zoning that contains the title of the local law, a brief descriptive abstract of the local law and a notice that copies thereof may be obtained at the office of the Village Clerk upon payment of lawful fees.

Chapter 4

APPEARANCE TICKETS

[HISTORY: Adopted by the Board of Trustees of the Village of Lynbrook 11-6-1978 by L.L. No. 17-1978 as §§ 2-5 through 2-7 of the 1967 Code of Ordinances. Amendments noted where applicable.]

GENERAL REFERENCES

Traffic Violations Bureau — See Ch. 47.

§ 4-1. Officials authorized to issue. [Amended 9-17-1979 by L.L. No. 9-1979; 3-17-1980 by L.L. No. 2-1980; 11-30-1980 by L.L. No. 14-1980; 12-7-1981 by L.L. No. 14-1981; 12-19-1983 by L.L. No. 4-1983; 1-27-1992 by L.L. No. 3-1992; 12-6-1993 by L.L. No. 12-1993; 1-9-2006 by L.L. No. 1-2006]

In accordance with the provisions of the Municipal Home Rule Law and the Criminal Procedure Law, in addition to police officers, the following officers and employees of the Incorporated Village of Lynbrook shall have the authority to issue and serve appearance tickets in connection with the performance of their duties in enforcing any statute, local law, ordinance, rule or regulation. The issuance and service of such appearance tickets shall have the same force and effect as if served by a peace officer.

- A. The Superintendent, the Deputy Superintendent, the Building Inspector(s) of the Building Department and the Sign Inspector.
- B. The Superintendent, Deputy Superintendent, and Sanitation Supervisor of the Department of Public Works.
- C. The Chief, the Deputy Chief(s) and the Chief Fire Inspector and Fire Inspectors of the Fire Department.
- D. School crossing guards.
- E. The Safety Coordinator.
- F. Neighborhood aides.
- G. Parking meter attendants.
- H. Code Enforcement Inspectors.
- I. The Complaint Investigator.

§ 4-2. Compliance with statute.

Appearance tickets shall be issued in compliance with § 150.10 of the Criminal Procedure Law of the State of New York.

§ 4-3. Form.

- A. An appearance ticket issued and served pursuant to this chapter for a violation of any of the ordinances, local laws, resolutions or regulations of the Incorporated Village of Lynbrook shall be returnable in the Village Justice Court on the first Tuesday of any month at 7:30 p.m. and shall be substantially in the following form:

Incorporated Village of Lynbrook Appearance Ticket

Village Justice Court
Village of Lynbrook
No. 1 Columbus Drive
Lynbrook, N.Y.

TO: _____

ADDRESS: _____

YOU ARE HEREBY SUMMONED to appear before the Presiding Justice of the Incorporated Village of Lynbrook at No. 1 Columbus Drive, in the Village of Lynbrook, County of Nassau, New York, on the _____ day of _____, 20 _____, at _____ m. to answer a charge made against you for violation of Chapter _____ Section _____ of the Code of the Incorporated Village of Lynbrook in that you did, on the _____ day of _____, 20 _____, at _____, commit the violation of _____. Dated at Lynbrook, N.Y. this _____ day of _____, 20 _____.

_____ Authorized Signature

UPON YOUR FAILURE TO APPEAR A WARRANT MAY BE ISSUED FOR YOUR ARREST.

- B. This appearance ticket shall be in triplicate, with the original being served upon the defendant, the second copy sent to the Court along with the accusatory instrument and the third kept in the files of the issuing office.

Chapter 6

ARCHITECTURAL REVIEW BOARD

[HISTORY: Adopted by the Board of Trustees of the Village of Lynbrook as Ch. 2, Art II, of the 1967 Code of Ordinances. Amendments noted where applicable.]

GENERAL REFERENCES

Building construction and fire prevention — See Ch. 81.

Signs — See Ch. 203.

Zoning — See Ch. 252.

§ 6-1. Legislative findings; intent; exterior design review.

A. The Board of Trustees hereby finds:

- (1) That excessive similarity, dissimilarity or inappropriateness of design in the exterior appearance of all buildings and structures, including signs and commercial parking lots, of any nature whatsoever, wherever erected in the Village, as designated and defined by the zoning regulations¹ of the Village, in relation to the prevailing appearance of buildings in the vicinity thereof, would adversely affect the desirability of the immediate area and neighboring areas for residential purposes. [Amended 7-12-1976 by L.L. No. 10-1976]
- (2) That inappropriateness or excessive dissimilarity or design in the exterior appearance of buildings and signs in such residence districts in relation to the characteristics of design generally prevailing in the Village would discourage the most appropriate use of land throughout the Village. [Amended 7-12-1976 by L.L. No. 10-1976]
- (3) That such excessive similarity, dissimilarity or inappropriateness would impair the benefits of occupancy of existing residential property, impair the stability and value of both improved and unimproved real property, produce degeneration of residential property with attendant deterioration of conditions affecting the health, safety and morals of the inhabitants of the Village and destroy a proper relationship between the taxable value of real property and the cost of municipal services provided therefor.

B. Exterior design review. The Board also finds that it is appropriate to preserve and promote the character and appearance of the Village through a procedure for exterior design review. Buildings and their components that are visually offensive or inappropriate due to poor exterior design, quality or materials mar the appearance of the Village and impair the use, enjoyment and desirability and reduce the values of properties. In addition, such buildings and structures are detrimental to the character of the neighborhoods and prevent the most appropriate development and utilization of land and therefore adversely affect the functioning, economic stability, prosperity, health, safety and general welfare of the entire community. The purpose of exterior design review is also to ensure that the aesthetic quality of such design and materials conforms to the character of the neighborhood. [Amended 9-18-2006 by L.L. No. 11-2006]

C. The word "sign," as used in this Chapter 6, shall be deemed to include the words "awning" and "canopy." [Added 10-7-1991 by L.L. No. 8-1991]

§ 6-2. Creation of Board; organization. [Amended 7-12-1976 by L.L. No. 10-1976; 11-3-1980 by L.L. No. 15-1980; 9-17-2007 by L.L. No. 17-2007]

A. Membership. There is hereby created an Architectural Review Board, consisting of

1. Editor's Note: See Ch. 252, Zoning.

five members, whose compensation shall be determined by resolution of the Board of Trustees. A majority of the members of said Board shall be residents of the Village, and all members of said Board shall be persons deemed by the Board of Trustees to be qualified by reason of sound judgment to determine the effects of a proposed building, alterations or extensions of a building, a group of buildings or plans of building development on the desirability thereof, on property values and development of surrounding areas and on the development of the Village as a whole. The members of the Architectural Review Board shall be appointed and the Chairman thereof shall be designated by the Board of Trustees.

- B. Alternate members. The Village Board shall appoint a first alternate member and a second alternate member who shall be called to serve on the Architectural Review Board as a temporary replacement for any Board member who may be unavailable to serve in such situations as recusal, sickness, vacation, business engagements, or the like. The Chairman shall initially call the first alternate to serve and, upon the unavailability of the first alternate to serve, shall call upon the second alternate to serve.
- C. Terms of members. The term of office of each member and each alternate member shall be three years.
- D. Removal; vacancies. The Board of Trustees shall have the power to remove any member or an alternate member for cause after public hearing upon due notice and written specification of charges. After evidence is presented by both sides, the Board of Trustees shall render a determination within 60 days. Vacancies shall be filled by appointment by the Mayor for the unexpired term of any member whose place has become vacant.
- E. Secretary designated. The Superintendent of Buildings shall act as secretary to the Architectural Review Board.

§ 6-2.1. Training and attendance requirements. [Added 9-17-2007 by L.L. No. 14-2007]

Each member of the Architectural Review Board shall complete, at a minimum, four hours of training each year designed to enable such member to more effectively carry out the duties of office. Training received by a member of in excess of four hours in any one year may be carried over into succeeding years in order to meet the requirements of this subsection. Such training shall be approved by the Board of Trustees and may include but not be limited to training provided by a municipality, regional or county planning officer, commission, county planning federation, state agency, statewide municipal association, college or other similar entity. Training may be provided in a variety of formats, including but not limited to electronic media, video, distance learning and traditional classroom training.

§ 6-3. Conduct of business. [Amended 7-12-1976 by L.L. No. 10-1976]

Meetings of the Architectural Review Board shall be held at such times as the Board may determine and otherwise at the call of the Chairman. The Chairman or, in his absence, the Acting Chairman may administer oaths and compel the attendance of witnesses. A

majority of the members of the Board shall constitute a quorum for the transaction of business. The Board shall keep minutes of its proceedings, showing the vote of each member on each question or, if absent or failing to vote, indicating such fact, and shall also keep records of its examinations and other official actions. The Board shall have power from time to time to adopt, amend and repeal rules and regulations not inconsistent with law or the provisions of this chapter governing its procedure and the transaction of its business and for the purpose of carrying into effect the standards outlined in § 6-5. Every rule or regulation, every amendment or repeal thereof and every order, requirement, decision or determination of the Board shall immediately be filed in the office of the Board and shall be a public record.

§ 6-4. Application procedure; requirements. [Amended 7-12-1976 by L.L. No. 10-1976]

- A. Referral to Board. When an application for a building permit or sign permit involving the exterior appearance of any building or structure or group of buildings or structures or the erection of a sign, of any nature whatsoever, wherever located in the Village, is made to the Superintendent of the Building Department, he shall, within three days after such application has been duly filed, exclusive of Saturdays, Sundays and holidays, refer said application to the Architectural Review Board.
- B. Development plan required. If any such building, structure or sign for which such permit is sought is one of a group of three or more buildings or signs proposed to be constructed, altered or extended in the same vicinity, none of which buildings is to be situated at a distance of more than 200 feet from some other building of the group, whether or not such buildings are to be constructed on contiguous plots and whether or not the permits for the other buildings of the group are applied for by the same applicant, said application shall be accompanied by a plan of building development for the entire group, clearly setting forth the entire site layout and the designs of the exterior appearance of all the proposed buildings of the group.

§ 6-5. Approval criteria. [Amended 7-12-1976 by L.L. No. 10-1976]

The Architectural Review Board shall disapprove any application for a building permit or sign permit referred to it if the Board finds by a majority vote of all the members present at any meeting at which said vote is taken that the building or sign for which the permit is sought or any building of a group of buildings or signs covered by the permit would, if erected, altered or extended, be so detrimental to the character, property values or development of the surrounding residential area or of the Village as a whole or to produce one or more of the harmful effects set forth in § 6-1 by reason of:

- A. Excessive similarity of design. Excessive similarity of design in relation to any other structure or sign existing or for which a permit has been issued or to any other structure or sign included in the same permit application, on and within 250 feet of the proposed site and on a plot abutting on the same street, in respect to one or more of the following features of exterior design and appearance, provided that a finding of excessive similarity of design shall include not only that such a similarity exists but further that it is of such a nature as to produce one or more of the harmful effects set forth in § 6-1:

- (1) Apparently identical facade.
 - (2) Substantially identical size and arrangement of either doors, windows, porticos or other openings or breaks in the facade facing the street, including reverse arrangements.
 - (3) Other significant identical features, such as, but not limited to, construction material, roof line and height or other design elements.
- B. Excessive dissimilarity; inappropriateness. Excessive dissimilarity of design or inappropriateness of design or of site plan in relation to any other structure or sign existing or for which a permit has been issued or to any other structure included in the same permit application, on a plot abutting on the same street and within 250 feet of the proposed site, or inappropriateness or excessive dissimilarity of design in relation to the characteristics of building design generally prevailing in residence districts in the Village, in respect to one or more of the following features, provided that a finding of excessive dissimilarity or inappropriateness of design shall include not only that such dissimilarity or inappropriateness exists but further that it is of such a nature as to produce one or more of the harmful effects set forth in § 6-1:
- (1) Cubical contents.
 - (2) Gross floor area.
 - (3) Height of building or height of roof.
 - (4) Other significant design features, such as, but not limited to, construction material or quality of architectural design.
 - (5) Yard dimensions.
- C. Quality of exterior design: such exterior design in quality, materials, style and/or color as constitutes a detriment to the character of the neighborhood. [Amended 9-18-2006 by L.L. No. 11-2006²]
- D. In disapproving any application for a building permit or sign permit, the Architectural Review Board may specify modifications in the design of the building or buildings, sign or signs, or any of them, or requirements as to yard dimensions, that will be adequate to render same acceptable under the provisions of this chapter.

§ 6-6. Issuance of building permit to be withheld pending modifications, [Amended 7-12-1976 by L.L. No. 10-1976]

The Superintendent of the Building Department shall not issue any building permit for which the application has been disapproved by the Architectural Review Board as provided in § 6-5 unless the plans for such building or sign have been changed to embody any modifications in design that the Architectural Review Board may have specified as adequate to render such design acceptable.

2. Editor's Note: This local law also redesignated former Subsection C, regarding the Board specifying modifications should it disapprove any application, as Subsection D.

§ 6-7. Permit applications subject to architectural and exterior design review. [Added 9-18-2006 by L.L. No. 11-2006³]

- A. In all districts, the Board shall conduct architectural and exterior design review for the following:
 - (1) The new construction of single-family dwellings or two-family dwellings.
 - (2) Alterations, renovations, and/or refurbishments of single-family dwellings or two-family dwellings.
 - (3) The new construction, alteration or renovation to the exterior of any nonresidential building or structure or multifamily building or structure.
 - (4) All signs or changes to existing signs.
- B. Exterior design review shall be required for any change involving greater than 20% of the exterior components in color, materials, or illumination of a residential or nonresidential building or structure or sign.
- C. Landscaping, whether or not detailed or described in the permit application documents. The Board may direct the submission of a landscape design or a landscape architectural submission if such design or submission is deemed appropriate by the Board when considering the nature of the permit application.
- D. In all cases where a variance or special use permit is required, the applicant shall first obtain a variance from the Board of Zoning Appeals or a special use permit from the Village Board before beginning the Architectural Review Board procedure under this chapter.

§ 6-8. General standards for architectural or exterior design review. [Added 9-18-2006 by L.L. No. 11-2006⁴]

The Board shall consider, to the extent appropriate, the following general criteria for reaching its determination when reviewing a building permit application proposal:

- A. Enhancement of natural features of the site and surroundings, including the location of plantings and screening devices.
- B. Exterior lighting, to minimize the impact upon public and adjacent properties.
- C. Comparison with the exterior design and appearances of existing structures.
- D. Harmony with the character of the neighborhood in terms of color, materials and appearance of structures.
- E. Effect on maintenance of the property values of the surrounding existing structures.

3. Editor's Note: This local law also repealed former § 6-7, Issuance of building permit upon approval or failure of Board to act, amended 7-12-1976 by L.L. No. 10-1976.

4. Editor's Note: This local law also repealed former § 6-8, Approval procedure; effect, amended 7-12-1976 by L.L. No. 10-1976.

- F. Size, quality, and arrangement of doors, windows, porticos, porches, decks or garages or other openings, window shutters, breaks or extensions in the facade.
- G. Such other characteristics of the applicant's proposal when compared to the surrounding neighborhood as deemed appropriate for consideration by the Board.

§ 6-8.1. Architectural or exterior consultant. [Added 9-18-2006 by L.L. No. 11-2006]

- A. The Board may utilize the professional services of a licensed architect or such other person with expertise in matters of architectural and/or exterior design, which individual has been approved by the Village Board of Trustees for such purpose, to provide consultation on similarity or dissimilarity or design quality of a building or structure as proposed in the permit application documents, the arrangements of doors, windows, shutters, porches, support columns, garages, porticos, including height, width and length, exterior colors, materials and treatments, roof structures and landscaping.
- B. Where such consultation is deemed necessary, the expense thereof shall be borne by the applicant. Such expense shall be paid in full by the applicant before a building permit may be issued.

§ 6-8.2. Required submissions for review. [Added 9-18-2006 by L.L. No. 11-2006]

The Architectural Review Board is hereby authorized to establish its rules and regulations for such submissions as are deemed necessary for its determinations. Such rules and regulations shall be in writing and shall be provided to the applicant at the time that an application for a reviewable permit is filed with the Building Department.

§ 6-9. Permitted variations in zoning provisions. [Amended 7-12-1976 by L.L. No. 10-1976]

- A. Minimum floor area. With the purpose of encouraging the most appropriate use of land throughout the Village, the Architectural Review Board may vary the minimum floor area requirements set forth in the zoning regulations⁵ of the Village, in order to reduce said requirements by not more than 10%, if by reason of greater lot frontages or areas or side yard widths or less percentage of lot coverage by building area than are specified by said zoning regulations or by reason of the provision of public or common open space as a part of the development or exceptionally skillful lot arrangement and site design, the result of said variation will be in harmony with the character of the neighborhood.
- B. Encroachments; location of accessory buildings. With the purpose of achieving the most appropriate design and site planning in furtherance of the purposes of this chapter, the Architectural Review Board, In passing on any application before it, may modify the requirements of said zoning regulations in order to permit minor encroachments on required yards by railings, bays, chimneys or other architectural details or in order to permit minor variations with respect to the location of accessory buildings, provided that no accessory buildings shall in any case be

5. Editor's Note: See Ch. 252, Zoning.

permitted to encroach on any front or side yard.

§ 6-10. Site plan review. [Amended 7-12-1976 by L.L. No. 10-1976; 9-17-2007 by L.L. No. 14-2007]

- A. General purpose. The purpose of site plan review is to promote the health, safety, morals and general welfare of the Village of Lynbrook. Towards this end, site plan review shall include but shall not be limited to vehicular and pedestrian traffic and circulation, adequacy of utility, drainage and garbage facilities, preservation of trees, appropriate screening through landscaping and positioning and exterior characteristics of structures. This development and design evaluation procedure will allow the Village to review the arrangement, layout, use interrelationships and neighborhood impacts of sites intended for development or redevelopment.
- B. Definitions. As used in this section, the following terms shall have the meanings indicated:

SITE PLAN — A rendering, drawing or sketch prepared to specifications contained in this section. The site plan shall show the arrangement, layout and design of all elements of the proposed use of a single parcel of land.

SITE PLAN CONSULTANT — An architect licensed by the State of New York, a licensed professional engineer, or a person with expertise in site development and landscape design, to act as a site plan consultant, who has been appointed by the Board of Trustees to advise and assist the Architectural Review Board in its review of plans submitted in accordance with this article.

- C. Uses and actions subject to review.

- (1) Uses and actions subject to site plan approval:

- (a) In all districts, the Board shall conduct site plan review for the following:

- [1] The new construction or exterior renovation of any nonresidential building or structure, or any multifamily building or structure, when the building or structure has a footprint of 2,000 square feet or more or has an aggregate square footage of 4,000 feet or more.
- [2] A change in any use of any nonresidential or any multifamily building or structure that has a footprint of 2,000 square feet or more or that has an aggregate square footage of 4,000 square feet or more.
- [3] Any proposed nonresidential or multifamily use of undeveloped open land or space, including open land created by demolition of structures, where the structure will have a footprint of 2,000 square feet or more or will have an aggregate square footage of 4,000 square feet or more.
- [4] Amendment of a previously approved site plan.

- (b) Site plan review is not required for customary and incidental repairs to a structure.
 - (c) Where a proposed construction, alteration, or change of use, in the sole discretion of the Superintendent of the Department of Buildings, will have a minimal effect on site plan considerations as defined in Subsection D, General standards, site plan review may be waived. In such a case, the Building Superintendent shall endorse a statement on the subject building permit or certificate of completion/occupancy certifying that site plan review is not required.
- (2) Requirement for site plan approval.
- (a) No building, structure or outdoor use of land as described in Subsection C(1) above shall be used, constructed, enlarged, altered or moved in any zoning district until a site plan meeting the requirements of this article has been approved.
 - (b) No building permit, certificate of occupancy or certificate of completion shall be issued by the Superintendent of Buildings except upon authorization of, and in conformity with, said site plan approval.
- (3) In cases where a special use permit or a variance is required, the applicant shall first obtain a site plan approval from the Board prior to applying for such special use permit from the Village Board or a variance from the Board of Zoning Appeals.

D. General standards for action on site plans.

- (1) General standards as basis for action on site plans:
- (a) Relationship of proposed development to Village comprehensive plan as reflected in the current zoning laws and to the Village neighborhoods overall.
 - (b) Relationship and compatibility of the proposed development of the site to existing buildings in the adjoining area.
 - (c) Landscaping and site treatment to create visual and noise-deferring buffers, with particular attention to proposed development that abuts residential or recreational property, so as to protect the quiet enjoyment of such residential or recreational property.
 - (d) Ecological and environmental considerations, including the adequacy of water supply, air purity, electrical power and preservation of trees.
 - (e) Adequacy and location of stormwater drainage facilities, waste disposal facilities, and utility services.
 - (f) Traffic impact on surrounding streets and on the Village overall to ensure adequate visibility, volume, and safety.

- (g) Adequacy of on-site circulation, including but not limited to the arrangement of vehicular traffic patterns, ingress and egress, driveway connections to public streets, intersections, road widths and traffic control.
 - (h) On-site pedestrian circulation, including but not limited to the separation of pedestrian traffic from vehicular traffic and locations of walkways and intersections.
 - (i) Protection of adjoining properties from noise, odors, offensive fumes, or excessive deprivation of sunlight.
 - (j) Location and arrangement of on-site lighting to protect adjoining properties.
 - (k) Adequacy of access for fire, emergency, and sanitation vehicles to the site.
 - (l) Location of all outdoor storage and refuse collection facilities.
 - (m) Appropriate location of main entrance of building, drive-through and service windows, loading facilities, signs and similar building features as to maintain harmony and compatibility with existing buildings in the immediate area and the neighborhood as a whole.
 - (n) Appropriate parking plan design which complements the characteristics of the site.
- (2) In approving any application, the Board may impose appropriate site plan conditions and safeguards designed to prevent harmful effects. These conditions and safeguards must be met prior to the issuance of a building permit, unless the Building Department Superintendent provides a written determination that the conditions cannot be met until the construction is underway or complete. In such event, the building permit shall include this determination and shall state that a certificate of occupancy shall not be issued until the conditions and safeguards as set by the Architectural Review Board have been met.
 - (3) The Board may disapprove any site plan application, provided that the Board has afforded the applicant an opportunity to confer relative to suggestions for change of the plan.

E. Application procedure for site plan review.

- (1) Presubmission. Prior to a formal submission, the applicant should meet in person with a representative of the Building Department to discuss the proposed site plan.
- (2) Formal submission. A site plan shall be prepared by a New York State registered or licensed professional architect, landscape architect, land surveyor, engineer or professional planner or such other site plan expert approved by the Board. The site plan shall be submitted to the Building

Department.

F. Fees.

- (1) All submissions for site plan approval shall be accompanied by a fee as established by the Board of Trustees to pay for the costs of planning, design and engineering review.
- (2) Such fees do not cover the cost of an environmental assessment impact statement. The applicant shall be responsible for the total cost of environmental reviews determined to be necessary to meet the requirements of the State Environmental Quality Act.⁶
- (3) In the event a site plan review requires professional site plan consultation in the judgment of the Board, such consultation is authorized. A copy of any consultation report and opinion shall be promptly provided to the applicant. The costs of such consultation and opinion shall be borne by the applicant and payment therefor shall be a condition of the issuance of a building permit or a certificate of completion or occupancy.

G. Required submissions for site plan review.

- (1) Required submissions. All applications for approval of a site plan shall be submitted on a form provided or approved by the Building Department and shall not be accepted by the Building Department unless it is complete. All maps submitted must be at a scale of not less than 30 feet to the inch.
- (2) Completeness. No application shall be deemed complete unless it meets the information requirements listed in this section and unless it is accompanied by a completed Environmental Assessment Form (EAF), or is shown to be exempt from environmental review, in accordance with SEQRA regulations.
- (3) The following information must be submitted with an application for site plan approval, unless waived or modified, in writing, by the Superintendent of the Department of Buildings:
 - (a) Completed building permit application.
 - (b) Filing fee.
 - (c) Two sets of complete plans with architect or engineer's seal.
 - (d) Eight sets of front, rear, right, and left side elevations, two of which are sealed by the licensed professional.
 - (e) Two sets of landscape plan, floor plans, front, rear, right and left elevations reduced to 11 inches by 17 inches.
 - (f) Eight plot plans by a licensed surveyor, engineer, or architect, which will show the following:

⁶. Editor's Note: See Article 8 of the Environmental Conservation Law.

- [1] Proposed setback from street line, proposed side yards, proposed rear yard.
 - [2] Proposed and existing elevations of the four corners of the subject property and elevation of adjacent properties.
 - [3] Proposed elevation of first floor; proposed elevation of garage floor.
 - [4] Proposed finished grade at four corners of the building.
 - [5] Location of driveways and curb cuts.
 - [6] Location and size of all required day wells.
 - [7] Location and size of all existing trees.
 - [8] Location of light poles, fire hydrants, etc.
 - [9] Computation of area covered by all structures to be shown on the site plan.
 - [10] Certified survey which has been prepared no more than one year prior to submission.
- (4) The aforesaid eight plot plans must show detailed landscape plans indicating the location, type and size of all new plantings, existing trees, and shrubs which will remain.
 - (5) The name and address of the applicant and licensed professionals engaged to work on the project shall be shown. Where the applicant or owner is a corporation, the Board may require the names and addresses of all officers, directors and principal stock holders of said corporation. In addition, the applicant must provide a list of all witnesses that shall appear at the hearing to the secretary of the Board no less than 10 business days prior to the scheduled meeting date.
 - (6) Existing site conditions. The location of existing buildings and, if applicable, existing vegetative cover, single trees with diameter of eight inches or more measured three feet above the base of the trunk and other significant existing features on the site.
 - (7) If this building plot is a split-off, whether the subject of a formal or informal subdivision, from an existing plot with a dwelling structure, submit eight copies of a survey of the existing structure or dwelling and all other structures showing side yards, front yard, rear yard and area of land covered.
 - (8) Pictures of all buildings on the same side of the street with 100 feet on each side of the subject parcel and on the opposite side of the street for the same distance, with the address of each building on the photo of said building.
 - (9) Professionally prepared color rendering and eight sets of eleven-inch-by-fourteen-inch color photographic reductions of the rendering.

- (10) Any other information that may be required by the Superintendent of the Department of Buildings or the Board chairperson.

H. Hearing, referral and action.

- (1) Superintendent certification and recommendation.
 - (a) Every application for site plan review shall be accompanied by a statement by the Building Department Superintendent that the site plan application is complete and has been reviewed by each appropriate department head. No application shall be deemed complete until so certified by the Superintendent of Buildings.
 - (b) The Superintendent shall provide the Board with a report commenting on the application and providing recommendations concerning each of the standards set forth in Subsection D herein.
- (2) Upon certification of completeness by the Building Department Superintendent, a hearing date within 60 days of said certification shall be set.
- (3) The Board shall comply with the provisions of the State Environmental Quality Review Act (SEQRA) under Article 8 of the Environmental Conservation Law and 6 NYCRR 617 and no action will be taken by the Board until such time as the SEQRA process is completed.
- (4) At least 10 days prior to the hearing date, a referral shall be made to the Nassau County Planning Commission pursuant to General Municipal Law § 239-m. The Board shall take no action until the determination of the Planning Commission is received.
- (5) The Board hearing will comply with the provisions of the Public Officers Law but shall not have the formalities of a public hearing.
- (6) The Board shall act by resolution to either approve or disapprove the site plan or to approve with modifications. In the event of approval with modifications, such modifications shall be considered conditions of approval and shall be satisfied by the applicant prior to the signing off on the site plan by the Board chairperson. If the site plan is disapproved, the Board Resolution shall state the specific reasons for such decision.
- (7) Upon approval or approval with modifications which have been met by the applicant, the chairperson shall sign off on the site plan certifying its approval. The original of the resolution and the signed site plan shall be filed within five days in the office of the Village Clerk. A copy of the resolution and the signed site plan shall be served upon the Building Department Superintendent.

I. Expiration of approval; requests for extension of time.

- (1) A site plan approval shall expire and be of no further force or effect one year after the date of granting said approval unless the resolution of the Architectural Review Board specifies a time shorter than one year for the expiration of the approval.

- (2) Extension of time of approval.
 - (a) Notwithstanding the foregoing, the applicant may apply to the Board for an extension of the one-year, or less than one-year, expiration date; provided the application is filed with the Board prior to the above described expiration date; and good cause for the requested extension of time is shown. The Board may grant an extension of time thereof, in its discretion, for an additional period of time up to one year.
 - (b) Application for extension. An application for the extension as described in Subsection I(2)(a) above shall be made on a form provided by the Building Department Superintendent and shall be accompanied by a filing fee in such amount as set by the Board of Trustees.

§ 6-11. Appeals. [Amended 7-12-1976 by L.L. No. 10-1976]

Any person aggrieved by any action of the Architectural Review Board or of the Superintendent of the Building Department hereunder may appeal therefrom to the duly constituted Board of Appeals of the Village, in the same manner as if provided for zoning appeals, and the Board of Appeals, after proceeding in the same manner as provided for zoning appeals and with the same power and authority vested in said Board of Appeals when passing upon appeals before it under the provisions of the Village Law, may reverse, modify or affirm the action of the Architectural Review Board or of the Superintendent of the Building Department.

§ 6-12. Conflicts with zoning provisions. [Amended 7-12-1976 by L.L. No. 10-1976]

This chapter shall supplement and modify the provisions of the zoning regulations⁷ of the Village, and to the extent that such provisions conflict with or are contrary to the provisions of this chapter, the provisions imposing the higher or more restrictive standard shall prevail, except as permitted in § 6-9A.

Chapter 7

PLANNING BOARD

[HISTORY: Adopted by the Board of Trustees of the Village of Lynbrook 3-24-2003 by L.L. No. 1-2003. Amendments noted where applicable.]

GENERAL REFERENCES

Gasoline stations — See Ch. 140.
Signs — See Ch. 203.
Zoning — See Ch. 252.

⁷. Editor's Note: See Ch. 252, Zoning.

§ 7-1. Designation of Planning Board; purpose; composition; removal; meetings.

- A. The Village Board of Trustees shall act as the Village Planning Board unless the Board determines that it shall establish a separate Planning Board.
- B. It is the intent and purpose of the Board of Trustees in adopting this chapter to grant the Planning Board the full authority that is or may be granted by the New York State Village Law, including, but not limited to, review and approval of proposed subdivisions.
- C. In the event that the Village Board determines that a separate Planning Board shall be established, then the following provisions shall apply:
 - (1) No member of the Village Board of Trustees or a member of the Board of Zoning Appeals shall be eligible for membership on the Planning Board.
 - (2) The Mayor shall appoint the five members and name the Chairperson of the Planning Board, subject to the approval of the Board of Trustees. In the absence of a Chairperson, the Planning Board may designate a member to serve temporarily in that capacity.
 - (3) Vacancy in office. If a vacancy shall occur other than by expiration of term, the Mayor shall appoint a new member for the unexpired term.
 - (4) The terms of members of the Planning Board first appointed shall be so fixed that the term of one member shall expire on the noon of the first Monday of the following April. The terms of the remaining members first appointed shall be so fixed that one term shall expire at the end of each year thereafter on noon of the first Monday of April. At the expiration of the term of each member first appointed, a successor shall be appointed for a five-year term.
 - (5) The Mayor shall have the power to remove, after a hearing before the Board of Trustees, any member of the Planning Board for cause. The hearing shall be on written notice to the member. At the hearing, the member shall have the right to testify, offer evidence and produce witnesses.
 - (6) All regular or special meetings of the Planning Board shall be held at the call of the Chairperson. A majority of the Board may call a meeting without the consent of the Chairperson.
 - (7) The Chairperson shall administer oaths and compel the attendance of witnesses.

§ 7-2. Meetings.

- A. All meetings shall be open to the public (excluding executive sessions authorized by law), and notice thereof shall be given in accordance with the requirements of the Open Meetings Law.
- B. No action shall be taken by the Planning Board without a quorum of members present. A quorum shall consist of three members.

- C. The Planning Board shall maintain minutes of every regular meeting or special meeting and shall include the names of the persons appearing and addressing the Board, the findings and determinations of the Board with the reasons therefor. The minutes shall be filed in the office of the Village Clerk.
- D. Minutes of a public hearing shall be recorded stenographically, by audiotape or by videotape.
- E. If a separate Planning Board is appointed, the Village Board of Trustees may, by resolution, refer any matter to the Planning Board for study and report to the Board of Trustees. Such references may include development of a Comprehensive Plan, desirable planning and development of specific areas of the Village, investigations, maps, and any other related form of study and report as deemed appropriate by the Village Board.

§ 7-3. Subdivision review.

The general purpose of subdivision review under this chapter is to guide the systematic development of the Village while encouraging the provision of adequate facilities for housing, the comfort and convenience of residents, ensuring the adequacy of streets, sewers, water supply, and essential Village services. Toward this end, subdivision review shall include, but need not be limited to, the public health, safety and welfare; street width and grade; adequacy of light and air; facilitation of fire protection and access of fire-fighting equipment to buildings; intensity of land use; demands upon Village services; the conditions and circumstances of surrounding properties; vehicular and pedestrian traffic and circulation; adequacy of utility, drainage and garbage services; and protection of the environment.

§ 7-4. Definitions.

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

CUL-DE-SAC — A local street with only one entrance/outlet that terminates in a vehicular turnaround.

FINAL SUBDIVISION PLAT — The map of a subdivision to be recorded after approval by the Planning Board.

PRELIMINARY PLAT — The preliminary drawing or drawings prepared in a manner prescribed by this chapter that shows the layout of a proposed subdivision, including, but not limited to, road(s), and layout and location of existing and proposed structures. The drawings shall include dimensions, key plan, topography and drainage, locations of trees, locations of all proposed facilities, including construction plans and profiles.

SUBDIVISION — The division of any parcel of land into two or more lots or parcels, with or without streets.

§ 7-5. Requirement of Planning Board approval.

- A. No land may be subdivided without the approval of the Planning Board in

accordance with the provisions of this chapter.

- B. The Planning Board may waive required submissions, as set forth in this chapter, when the Superintendent of Buildings may determine that compliance is unnecessary for the comprehensive review of the proposed subdivision. Alternatively, the Planning Board may require additional information that it determines to be necessary for its review.
- C. Where a subdivision review is required, no building permit or certificate of occupancy shall be issued by the Superintendent of Buildings except upon authorization of and in conformity with the subdivision approval.
- D. In all cases where a variance is required, the applicant shall first apply to the Planning Board for subdivision approval. Any subdivision approval will be conditional upon the grant of necessary variances by the Board of Zoning Appeals. In such conditional approval, the Planning Board will include a written recommendation concerning the proposed variance(s) pursuant to Village Law § 7-730(6).

§ 7-6. General procedures for subdivision.

- A. A determination regarding the proposed subdivision by the Nassau County Planning Commission must be submitted unless the Commission provides a nonjurisdictional letter.
- B. Preliminary review by the Superintendent of Buildings of the complete subdivision submission is required.
 - (1) The Superintendent will prepare a report to the Planning Board which will address:
 - (a) Planning considerations;
 - (b) Zoning issues as they affect planning considerations; and
 - (c) Any other pertinent matter.
 - (2) A copy of said report shall be provided to the applicant.

§ 7-7. Subdivision submissions.

- A. A preliminary plat, as herein defined, shall be prepared by a licensed professional architect, engineer or professional planner. The preliminary plat shall be submitted to the Superintendent of Buildings as herein provided for review and report. The Superintendent will refer the preliminary plat to such other Village department head whose review and comments are relevant to the review. The comments of that department head will be included with the report of the Superintendent of Buildings.
- B. Fees.
 - (1) All submissions for subdivision approval shall be accompanied by a fee as

established by the Board of Trustees to compensate the Village for its costs of planning, design and engineering review.

- (2) Such fees do not cover the cost of the review by the Village of an environmental assessment form (EAF) or the preparation and review of an environmental impact statement (EIS), if an EIS is deemed to be necessary. The applicant shall be responsible for the total cost of any environmental review that is determined by the Village to be necessary to meet the requirements of the State Environmental Quality Review Act (SEQRA).
- C. Prior to a subdivision application being referred to the Planning Board for a public hearing:
- (1) The application for subdivision review will not be deemed accepted by the Village and will not be referred to the Planning Board for a public hearing until the Superintendent of Buildings determines it to be complete in accordance with the provisions of this chapter.
 - (2) No application shall be deemed complete until it meets the SEQRA requirements as deemed necessary by the Village.
- D. The following must be submitted in an application for subdivision review:
- (1) A completed subdivision application on forms provided by the Village.
 - (2) In a separate document, applicant will set forth the name and address of the applicant, the owner and the licensed professional(s) engaged to work on the project. Where the applicant or owner is a corporation, this letter shall include the names and addresses of all officers, directors and principal stockholders.
- E. A preliminary plat plan must be submitted with the application.
- (1) Ten copies of the plat plan prepared by a licensed surveyor, engineer or architect must be submitted which will show the following:
 - (a) For each lot, the proposed setback of any structure(s) from street line(s), proposed side yards, proposed rear yard.
 - (b) Proposed and existing elevations of the four corners of the subject property and elevation of the adjacent properties.
 - (c) Location of driveways, curb cuts, roads and pedestrian walkways.
 - (d) All means of vehicular access and egress to and from the subdivision onto public streets and all provisions for pedestrian access and circulation.
 - (e) Any proposed streets and culs-de-sac including the width and grade, together with a note specifying whether such street will be offered for dedication to the Village and, if so, certifying that such street will be built to the standards of the Village and of the County of Nassau.
 - (f) Location and size of any required drywell.

- (g) Location and size of all existing trees which have a diameter of six inches measured three feet from the ground.
 - (h) Location of light poles, fire hydrants, and any other utility device.
 - (i) Computation of area covered by all structures is to be shown on the plat plan.
- (2) Applicant must submit certified survey of property to be subdivided which has been prepared no more one year prior to submission.

§ 7-8. Scheduling of public hearing and service requirements.

- A. The report of the Superintendent of Buildings must be filed with the Clerk of the Planning Board. The report will contain a statement that the application for subdivision is complete with respect to all submission requirements, including filing of documents pursuant to SEQRA regulations. The report shall also state that a copy thereof has been served upon the applicant or the applicant's representative.
- B. Scheduling of public hearing. Upon filing of the report of Superintendent of Buildings, the subdivision application shall be scheduled for a public hearing. The public hearing will be scheduled to review the preliminary plat plan in accordance with Village Law § 7-728(5)
- C. For its review of the subdivision application, the Planning Board shall act as lead agency and comply with the provisions of SEQRA and shall complete its SEQRA review in coordination with the public hearing on the subdivision plat review.
- D. In addition to the requirements of § 7-7C herein, the subdivision application will not be considered complete until the applicant has provided to the Clerk of the Planning Board:
 - (1) The following documents:
 - (a) Ten copies of a completed subdivision application using forms provided by the Village.
 - (b) Ten copies of a radius map depicting all properties within 200 feet of the subject property boundary lines showing the size of said properties with the Lynbrook Tax Map section, block and lot of each said property clearly noted. This radius map must also note any town, city or Village boundary within 500 feet of the subject property.
 - (c) Ten copies of a complete and accurate list of the names and addresses of the owners of all properties within a radius of 200 feet of the boundary lines of the property affected by the application.
 - (d) One original conflict of interest disclosure statement on form provided by Village.
 - (2) A notice using a form provided by the Village to be sent to each property owner as described below, signed by the applicant, his agent or attorney,

identifying the subject property, stating the relief requested and the date, time and place fixed by the Board for a hearing.

- (a) This notice shall be served upon every owner of property within the two-hundred-foot radius of the boundary lines of the subject property in the following manner:
 - [1] By certified mail, return receipt requested, to each property owner whose property abuts the subject property.
 - [2] By first class mail addressed to every other property owner within said two-hundred-foot radius at their residence addresses.
 - [3] By first class mail to the county, town or such Village whose boundaries or property is within a five-hundred-foot radius of the boundaries of the subject property.
- (b) Each of the aforesaid notices shall be mailed not less than 10 days nor more than 20 days before the date set for the public hearing.
- (c) An affidavit of service with respect to said mailings shall be filed in the office of the Village Administrator at least five days before the date of the public hearing. The certified mailing receipts shall be filed with the Village Administrator's office two days before the public hearing.

§ 7-9. General standards for Planning Board review.

- A. In reviewing an application for subdivision approval, the Planning Board shall first consider the findings, requirements and recommendations included in the report of the Superintendent of Buildings and the report of any other department head.
- B. The Planning Board shall next consider the following:
 - (1) The relationship compatibility of the proposed subdivision to and the effect the surrounding neighborhood.
 - (2) Environmental considerations under SEQR regulations, the preservation of natural resources, and the preservation and/or replacement of trees.
 - (3) Adequacy of proposed sidewalks, streets and culs-de-sac and the ability of proposed streets to accommodate and provide access and maneuverability of fire-fighting equipment and waste collection vehicles.
 - (4) Adequacy of storm drainage facilities, sanitary sewer connections, waste disposal facilities, utility services, water main connections and property drainage and the effect of such drainage on neighboring properties.
 - (5) Traffic impact.
 - (6) Driveway connections with public streets, off-street parking and on-street parking impact.
 - (7) A need for a provision of parkland or a recreation area.

- (8) Conformance with Village zoning and land use controls to the extent that:
 - (a) The proposed subdivision would affect the systematic development of the neighborhood and the comfort, convenience, safety, health, and welfare of its population; and
 - (b) The proposed subdivision would have an effect on Village services, traffic and parking.
- (9) Compliance with Nassau County Department of Health and Department of Public Works requirements.
- (10) Compliance with New York State Department of Transportation requirements, where applicable.
- (11) The health, safety and welfare of Village residents.

§ 7-10. Planning Board determination.

- A. At the conclusion of the Public Hearing, the Planning Board has the option to either convert the preliminary plat plan into a final plat plan or to direct the applicant to prepare a final plat plan for review at an additional public hearing in accordance with § 7-728(6). Prior to exercising its option to convert the preliminary plat into a final plan, the Planning Board shall take into consideration comments at the public hearing from the public and by the Superintendent of Buildings.
- B. The Planning Board shall act on the subdivision plan by a majority of the Board in a written decision to either approve, disapprove or approve with modifications. A resolution of either approval or approval with modifications shall include Board authorization for its Chair to stamp and sign the final plat plan upon the applicant's compliance with the submission requirements stated in the resolution.
- C. If the Planning Board's determination includes a requirement that modifications be incorporated in the subdivision plan, conformance with the modifications shall be considered a condition of approval and shall be satisfied prior to the stamping and signing of the subdivision plan.
- D. If the subdivision is disapproved, the Planning Board's decision shall state specific reasons for such decision. The reasons must be based upon planning standards and may not be based upon generalized community opposition to the particular proposal.
- E. Upon approval or approval with modifications, the Superintendent of Buildings shall be authorized to issue the appropriate permit if the project conforms to all other applicable requirements.

§ 7-11. Stamping of subdivision plan.

- A. After receiving approval from the Planning Board, with or without modifications, the applicant will, within six calendar months, submit five prints of the approved subdivision plan to the Planning Board for stamping and signature by the Board

Chair. The subdivision plan submitted for stamping shall conform strictly to the subdivision plan approved by the Planning Board. The plan must contain a certification by applicant's design professional that it so conforms.

- B. Upon stamping and signature by the Board Chair, the Clerk of the Planning Board shall forward a copy of the approved subdivision plan to the applicant, the Superintendent of Buildings and the Village Assessment office.

§ 7-12. Performance bond or other security.

- A. The applicant shall submit with the prints of the approved subdivision plan a separate writing stating that applicant agrees to comply with those parts of the plan that affect public property or public services. The Planning Board will determine whether said compliance by the applicant must be secured by a performance bond, cash or other acceptable guarantee approved by the Village Attorney. The guarantee shall be for 100% of the cost of those improvements. The performance bond, cash or other security shall guarantee the applicant's completing such work in a manner satisfactory to the Village.
- B. In case of default, the guarantee shall be forfeited. The Village shall use the security to complete any incomplete portion of said work or to make required repairs as are necessary to assure the proper condition and functioning said improvements. Any balance of the security fund remaining after the Village has completed said work, will be returned.

§ 7-13. Costs for review.

Reasonable costs incurred by the Building Department or Planning Board for private consultation fees or other extraordinary expense in connection with the review of the proposed subdivision shall be charged to the applicant. Such costs shall be in addition to the application fee required. Payment of said costs may be required upon review of the subdivision submissions by the Superintendent of Buildings in advance to cover the anticipated costs of such consultant review and other related review expenses.

Chapter 10

CHECKS, SIGNING

§ 10-1. Authorization. [HISTORY: Adopted by the Board of Trustees of the Village of Lynbrook 4-12-1993 as L.L. No. 3-1993. Amendments noted where applicable.]

§ 10-2. Authorization.

In addition to officers authorized by New York State law to sign checks on behalf of the village, the Board of Trustees may, by resolution, grant such authority to any officer of the village. A certified copy of such resolution shall be notice to the depository of such authorization. This section shall supersede § 4-408 of the Village Law to the extent of

any inconsistency.

Chapter 13

ELECTRIC UTILITY, MUNICIPAL

[HISTORY: Adopted by the Board of Trustees of the Village of Lynbrook 12-16-1996 by L.L. No. 12-1996. Amendments noted where applicable.]

GENERAL REFERENCES

Electrical standards — See Ch. 112.

§ 13-1. Enactment; when effective.

- A. Enactment. Pursuant to § 10 of the Home Rule Law, and § 360 of the General Municipal Law, the Incorporated Village of Lynbrook, County of Nassau and State of New York, hereby enacts this chapter to create the Village of Lynbrook Municipal Electric Utility.
- B. When effective. This chapter shall take effect on the filing of the approved Local Law with the Secretary of State of New York, which shall be within five days after its approval by a simple majority of the voters by mandatory referendum at an election to be held to approve this chapter, pursuant to § 360 of the General Municipal Law.

§ 13-2. Intent.

Whereas the Incorporated Village of Lynbrook is a village duly incorporated under the laws of the State of New York, and; the Trustees of the Village of Lynbrook are duly empowered pursuant to § 360 of the General Municipal Law of the State of New York to form a Municipal Electric Utility for the village and whereas it is essential for the residents and businesses and other consumers of electric power in the Village of Lynbrook, including the Village of Lynbrook itself, and the well-being, livelihood and safety and the economic climate of the residents and businesses of the village and of the village itself and of their families and guests and for the protection of private and public property within the village and the value of that property that the supply and distribution of electricity to the residents, businesses and other consumers of electric power be provided in the village, in a reliable manner, and at a fair and reasonable cost and whereas the Trustees have determined that the most reliable, fair and economical way for electrical service to be provided to the Village of Lynbrook, its residents and businesses and institutions is by the creation of a Village of Lynbrook Municipal Electric Utility, the Trustees of the Village of Lynbrook hereby enact this chapter for the intent and purpose of establishing a Municipal Electric Utility pursuant to § 360 of the General Municipal Law and all of the powers and duties thereunder.

§ 13-3. Plant and facilities; maintenance and service; supply.

The Village of Lynbrook Municipal Electric Utility shall acquire the necessary plant and facilities, procure a maintenance, service and billing agreements and a supply of electricity such as are necessary for the creation of the Lynbrook Municipal Electric Utility. The proposed method of constructing, leasing, purchasing or acquiring the plant and facilities for the municipal utility, together with both the maximum and the estimated costs thereof, the method of furnishing such service and the method of obtaining electrical supply shall be as follows:

A. Plant and facilities.

- (1) The Village of Lynbrook Municipal Electric Utility will obtain by purchase or condemnation the electrical distribution system within the boundaries of the village currently owned by the Long Island Lighting Corporation ("Lilco"), and will construct such additional infrastructure as may be needed to separate itself from the Lilco system. The village of Lynbrook Municipal Electric Utility also may construct its own generating facilities to supply electrical energy to its customers and, in its discretion, may construct new infrastructure instead of acquiring Lilco property.
- (2) The maximum and estimated cost of the items set forth in Subsection A(1) hereof should be \$35,070,000.
- (3) The cost of the acquisition of the plant, facilities, distribution system and any other costs that are necessary for the implementation of the Village of Lynbrook Municipal Electric Utility shall be paid by the issuance of a bond by the village for the useful life of the equipment and facilities and the longest maturity possible, which is expected to be 30 years.
- (4) None of those costs of the acquisition, construction, development, implementation or operation of the Village of Lynbrook Municipal Electric Utility shall be included in or have any affect on the village general budget or the assessment of village property taxes.
- (5) The entire costs of the acquisition, construction, development, implementation and operation of the Village of Lynbrook Municipal Electric Utility, including the debt service of any financing that is created in order to pay the costs thereof, including the long term bond that is described herein, as well as any other costs of the Lynbrook Municipal Electric Utility will be paid from the revenues generated by the Village of Lynbrook Municipal Utility only.

B. Service and maintenance of plant, facilities and distribution system.

- (1) The Village of Lynbrook Municipal Utility will obtain service and maintenance for the infrastructure of the Municipal Electric Utility and billing and management services by obtaining contracts with suitable and acceptable maintenance, service and billing companies. The contracts will be supported wherever possible by a performance bond of an amount acceptable to the village.

- (2) The village will also consider and retain the ability and power to create its own maintenance and service and billing department, including the equipment, materials and supplies required for that department, in order to provide service and maintenance to the Village of Lynbrook Municipal Electric Utility if the village deems it to be in its best interests to do so.
- C. Electrical supply. The Village of Lynbrook Municipal Utility will obtain its supply of electricity either by contracting with a utility or supplier or by generating its own electricity, or a combination thereof.

§ 13-4. Mandatory referendum.

- A. This chapter shall be subject to approval by mandatory referendum⁸ of the residents of the Incorporated Village of Lynbrook, pursuant to and as set forth in § 360 of the General Municipal Law of the State of New York, the Election Law and Village Law of the State of New York.
- B. The Village of Lynbrook Municipal Utility shall be effective and granted the full powers entitled to it by law on the date of the approval by a simple majority of the referendum and the filing of the Local Law with the Secretary of State of New York.

Chapter 14

ETHICS IN GOVERNMENT

[HISTORY: Adopted by the Board of Trustees of the Village of Lynbrook 4-4-1994 as L.L. No. 3-1994. Amendments noted where applicable.]

§ 14-1. Title.

Sections 14-1 through 14-27 of the Code of the Village of Lynbrook shall constitute the Code of Ethics of the Village of Lynbrook and may hereinafter be referred to and known as the "Code of Ethics."

§ 14-2. Declaration of policy.

It is fundamental that village government must provide fair, impartial, open and lawful administration of the village. To accomplish this goal, it is necessary that the village have qualified village residents to serve as its elected officers and that all village officers and employees:

- A. Be impartial, independent and responsible to the residents of the village.

⁸. Editor's Note: This local law received the affirmative vote of the majority of the qualified electors on 3-18-1997 in accordance with the applicable provisions of law.

- B. Observe in their official acts the highest ethical standards of government and faithfully discharge the duties of their offices so that the public shall have the highest regard for the integrity of its government and its village officers and employees.
- C. Make government decisions in the proper channels of government and govern the village in an open and nonsecretive manner.
- D. Avoid conflicts of interest in their official acts.

Although the assurance of ethical conduct will continue to rest primarily on the personal integrity of the officers and employees themselves, on the commitment of elected and appointed officers and on the vigilance of their community, the establishment of the standards and guidelines set forth in this Code of Ethics is an additional step toward providing the highest caliber of public administration for the government of the Village of Lynbrook and increased confidence in its public officers.

For these reasons, a Code of Ethics is hereby established.

§ 14-3. Conflict with other provisions.

In the event of any conflict between the provisions of this Code of Ethics and the provisions of the General Municipal Law of the State of New York, that imposing the stricter standard shall control. In any case in which it is unclear which is the stricter standard, the provisions of this Code of Ethics shall control.

§ 14-4. Definitions.

When used in this Code of Ethics, the following terms shall have the meanings indicated:

AGENCY — Any office, board, body, commission, department or division of the village.

APPEAR and APPEAR BEFORE — A representational communication in any form, whether personally or through another person, relating to a business dealing.

BOARD OF ETHICS — The Lynbrook Board of Ethics.

BUSINESS DEALING

- A. Having or providing any contract, service or work with the village;
- B. Buying, selling, renting, leasing or otherwise acquiring from or dispensing to the village any goods, services or property; or
- C. Applying for, petitioning, requesting or obtaining any nonministerial approval or any grant, loan, license or other privilege from the village.

CONFIDENTIAL INFORMATION — Information intended by the village to be held in confidence and which is not subject to disclosure pursuant to Article 6 of the Public Officers Law (the Freedom of Information Law) or Article 7 of the Public Officers Law (the Open Meetings Law). "Confidential information" includes, but is not limited to, all information acquired by a village officer or employee in connection with an ethics

complaint or referral or the disposition thereof, except as set forth in § 14-19.

DISCRETIONARY ACT or DISCRETIONARY ACTION — Any action involving the exercise of judgment or discretion by a village officer or employee, either individually or as a member of any agency, and includes, but is not limited to, negotiation, approval, advice, recommendation, authorization or audit. "Discretionary act" and "discretionary action" do not include actions taken by a village police officer, Fire Department member or other village officer or employee in the course of a police or fire response or in the course of responding to an actual emergency situation.

EXECUTIVE SESSION — A meeting of the Board of Ethics not open to the general public.

FAMILY MEMBER — A spouse (as defined in this Code of Ethics) of a village officer or employee or a child, stepchild, grandchild, brother, sister, parent, dependent, member of his or her household, or the spouse of any of them, or any other person related either biologically or by marriage to a village officer or employee or to the spouse of the village officer or employee.

MINISTERIAL ACT — An action performed in a prescribed manner where there is no exercise of judgment or discretion as to the propriety of the action.

PARTICULAR MATTER — Any business dealing with the village, or any application for such business involving a discretionary act of a village officer or employee, or any case, proceeding, determination, investigation, charge, accusation or arrest or any other matter involving a discretionary act of a village officer or employee, but does not include the proposal, consideration or enactment of local laws, ordinances, resolutions or regulations.

PERSON — Includes associations, partnerships, firms, corporations, governmental or other entities, as well as individuals.

SPOUSE — A husband or wife of the village officer or employee, as well as a former spouse after legal separation or after dissolution of their marriage.

VILLAGE — The Village of Lynbrook and all departments and agencies thereof.

VILLAGE OFFICER OR EMPLOYEE — Any officer or employee of the village, whether paid or unpaid. "Village officer or employee" shall not include:

- A. A Village Justice or Acting or Associate Village Justice.
- B. Auxiliary police or civil defense volunteer or volunteer fire fighter (except Chief of the Fire Department).
- C. A member of an advisory board, committee or commission, but only if the advisory board, committee or commission has no authority to implement its recommendations or to act on behalf of the village or to restrict the authority of the village to act. The following (without limitation by reason of specification) are not considered to be an advisory board, committee or commission: the Board of Trustees, the Architectural Review Board, the Zoning Board of Appeals, the Library Board of Trustees, the Recreation Commission, the Board of Ethics and the

Planning Board, if one is established.

§ 14-5. General prohibition.

A. Except as otherwise provided in this Code of Ethics, no village officer or employee shall:

- (1) Act as an attorney, agent, broker, employee, consultant or representative for any person in connection with any business dealing that person has with the village, other than seeking or obtaining a ministerial act for such person.
- (2) Take or refrain from taking any discretionary action or agree to take or refrain from taking any discretionary action or induce or attempt to induce any other village officer or employee to take or refrain from taking any discretionary action on any matter before the village when the village officer or employee knows or has reason to know that taking such action or refraining from taking such action will financially benefit (or if the applicant is):
 - (a) Himself or herself;
 - (b) A family member;
 - (c) A partnership, unincorporated association or sole proprietorship of which the village officer or employee (or a family member of the village officer or employee) is a member or employee or in which he or she (or a family member) has a proprietary interest;
 - (d) A corporation of which the village officer or employee (or a family member of the village officer or employee) is an officer or director or of which he or she (or a family member) legally or beneficially owns or controls more than 5% of the outstanding stock;
 - (e) A person with whom the village officer or employee (or his or her family member) has an employment, professional, business or financial relationship; or
 - (f) A person from whom the village officer or employee (or his or her spouse) has received during the previous 24 months a financial or material benefit having an aggregate value greater than \$2,000.
- (3) Appear as attorney or counsel or represent anyone against the interests of the village in any matter in which the village is a party or a complainant, except as permitted in this Code of Ethics.
- (4) Use any confidential information acquired in the course of his or her official duties to financially benefit himself or herself or any other person and shall not (except where disclosure is required by law or is made pursuant to a New York State whistleblower statute) disclose (during his or her term of office or thereafter) any such confidential information to any person who is not a village officer or employee unless such person is authorized to receive such information. However, nothing herein shall prohibit a village officer or

employee who is or was the subject of an ethics complaint or investigation from disclosing any information relating to such complaint, investigation or the disposition thereof.

- (5) For a period of one year after the termination of his or her term of office or employment with the village, appear or practice before the village, except as permitted in this Code of Ethics; however, the bar shall be permanent as to any particular matter upon which he or she took any action or that came before him or her during his or her term of office or employment with the village.
 - (6) Knowingly acquire, solicit, negotiate for or accept any interest, employment or other thing of value which would put him or her in violation of this Code of Ethics.
 - (7) Induce or aid another village officer or employee to violate any of the provisions of this Code of Ethics.
- B. Except as provided in this Code of Ethics, no partnership or unincorporated association of which the village officer or employee is a member or employee or in which he or she has a proprietary interest nor any corporation of which he or she is an officer or director or of which he or she legally or beneficially owns or controls more than 5% of the outstanding stock shall appear before the particular village board or agency in which the village officer or employee serves or by which he or she is employed or appear before any other village board or agency if the village officer or employee has the authority to appoint any officer, employee or member of the board or agency or to review, approve, audit or authorize any budget, bill, payment or claim of the board or agency.

§ 14-6. Gifts.

- A. No village officer or employee shall directly or indirectly solicit any gift or thing of value from any person, other than a family member, who the village officer or employee knows or has reason to know is considering, has pending or, within the previous 24 months, has or has had any business dealing with the village that involves any discretionary act by the village officer or employee, or has received or sought a financial benefit from the village.
- B. Except as set forth in this Code of Ethics, no village officer or employee shall directly or indirectly accept or agree to accept any gift or thing of value having an aggregate value of more than \$75 during any calendar year from any person, other than a family member, who the village officer or employee knows or has reason to know is considering, has pending or, within the previous 24 months, has or has had any business dealing with the village that involves any discretionary act by the village officer or employee, or has received or sought a financial benefit from the village. As used herein, "financial benefit" does not include a full or partial real property tax exemption authorized by law or real property taxes that are or may be underassessed.

- C. A gift shall include money, services, licenses, permits, contracts, authorizations, loans, travel, entertainment, hospitality, thing or any promise thereof, including any financial transaction on terms not available to the general public, but shall not include a campaign contribution authorized by law.
- D. Notwithstanding anything to the contrary, nothing in this Code of Ethics shall be construed to prohibit a village officer or employee from receiving:
 - (1) Gifts from another village officer or employee having an aggregate value of not more than \$250 during any calendar year.
 - (2) Gifts accepted on behalf of the municipality and transferred to the municipality.
 - (3) Awards from charitable organizations having any value or hospitality from a charitable organization having an aggregate value of not more than \$250 during any calendar year.
 - (4) Municipal services or benefits or the use of municipal facilities that are generally available on the same terms and conditions to residents of the village.
 - (5) Hospitality provided to a village officer or employee by another governmental entity having an aggregate value of not more than \$250 during any calendar year.

§ 14-7. Avoiding conflicts of interest and appearances of conflicts.

A village officer or employee shall not engage in any act which is in conflict or may reasonably appear to be in conflict with the performance of his or her official duties.

§ 14-8. Exclusions from Code of Ethics.

Nothing in this Code of Ethics shall be construed to prohibit (or require disclosure or recusal of) a village officer or employee or prohibit a former village officer or employee (or any entity described in § 14-5B):

- A. From receiving a village service or benefit or using a village facility on the same terms and conditions as it is available to residents of the village.
- B. From performing or seeking any ministerial act on behalf of himself or herself or any person.
- C. Who is a person listed in § 11 of the Domestic Relations Law from accepting any gift for the solemnization of a marriage by that village officer or employee.
- D. From timely filing any claim, account, demand or suit against the village on behalf of himself or herself or his or her spouse or child.
- E. From seeking any discretionary action on his or her own behalf.
- F. From participating in or advocating any public policy position in an official or

legislative capacity.

- G. From performing any action specifically authorized or required by local law, statute, rule, regulation or other law of the United States, the State of New York or the village of Lynbrook or other governmental entity having jurisdiction over the village of Lynbrook.

§ 14-9. Avoidance of contracts entered into in violation of Code of Ethics.

Any contract or agreement entered into by or with the village which resulted in or from a violation of this Code of Ethics shall be null and void and unenforceable unless such contract or agreement is ratified by the Board of Trustees at a public meeting.

§ 14-10. Transactional disclosure and recusal.

- A. A village officer or employee shall promptly recuse himself or herself from acting on a matter before the village when the village officer or employee knows or has reason to know that acting on the matter or failing to act on the matter will financially benefit (or where the applicant is) any of the persons listed in § 14-5A(2).
- B. Whenever a village officer or employee is required to recuse himself or herself under this Code of Ethics, the village officer or employee shall promptly file with his or her immediate supervisor, if any, and with the Village Clerk a signed statement disclosing the reasons for such recusal or, if a member of a board, shall state such information upon the public record of the board at a public meeting.
- C. Nothing in this section shall be construed to require a village officer or employee to recuse himself or herself or to file a disclosure statement in connection with any action excluded from this Code of Ethics pursuant to § 14-8 or otherwise permitted by this Code of Ethics.
- D. If a body is reduced below the number of votes necessary for such body to act by reason of the recusal required pursuant to this section, the recusing member of such body or such body may apply to the Board of Ethics for a waiver of the recusal requirement of this section. Although recusal may be waived, the obligation to disclose may not be waived by the Board of Ethics.

§ 14-11. Maintenance of disclosure statements.

Transactional disclosure statements filed pursuant to § 14-10 of this Code of Ethics shall be public records and shall be indexed and maintained on file in an appropriate manner by the Village Clerk. Upon filing of a disclosure statement, the Village Clerk shall promptly transmit a copy of such disclosure statement to the Board of Ethics, the Mayor and Trustees and the Village Attorney. The Village Clerk shall retain disclosure statements for the same time period as is required for the retention of minutes of a public meeting, but for not less than seven years from the date of filing.

§ 14-12. Disclosure by applicants.

- A. For purposes of this section, the following terms shall have the meanings herein ascribed:

APPLICANT — Any person making a submission and also the owner of real property that may be the subject of the submission.

CAMPAIGN CONTRIBUTION — A contribution made directly to a candidate for village elective office or to any committee or independent body (as defined in the Election Law of the State of New York) soliciting or receiving funds for the purpose of supporting the candidacy of the village officer or employee for village office. Where contributions are made to a committee or independent body which supports more than one candidate, the contribution shall be considered to have been allocated equally between all the candidates, unless the entire contribution was earmarked for use for a particular candidate, in which case the entire contribution shall be attributable to that candidate, or as specified by the contributor. For purposes of this section, a loan to a candidate or campaign committee shall be considered a campaign contribution.

SUBMISSION — Any written application for a variance or other approval by the Board of Zoning Appeals or Planning Board (if one is hereafter established) or for a special permit, special exception or change of zone or any employment application or any written bid submitted to the Village where the amount of the bid exceeds the statutory competitive bidding monetary threshold.

- B. Any applicant who makes a submission to the Village shall disclose in writing, as part of the submission:
- (1) The name of any Village officer or employee to whom the applicant has made one or more campaign contributions totaling \$250 or more within the previous 24 months; and
 - (2) The name of any Village officer or employee who, to the applicant's knowledge:
 - (a) Has an interest in the submission or in the applicant; and
 - (b) Also is required to take any discretionary action on the submission.
- C. For purposes of this section, a Village officer or employee shall be deemed to have an interest in the submission or in the applicant when the Village officer or employee:
- (1) Is the applicant;
 - (2) Is a family member of the applicant;
 - (3) Is an officer or director of or legally or beneficially owns or controls more than 5% of the outstanding stock of the applicant;
 - (4) Has or, to the applicant's knowledge, intends to enter into an employment, professional, business or financial relationship with the applicant or any principal of the applicant;

- (5) Has received from the applicant, within the previous 24 months, a financial or material benefit having an aggregate value greater than \$2,000; or
 - (6) Will receive, pursuant to an agreement between the applicant and any person, a financial or material benefit if the Village's disposition of the submission is favorable to the applicant.
- D. A copy of the applicant's disclosure statement shall be promptly filed with the Village Clerk and maintained pursuant to § 14-11.

§ 14-13. Board of Ethics.

- A. A Village Board of Ethics, consisting of five members, is hereby established, the members of which shall be appointed by the Mayor subject to the approval of the Board of Trustees.
- B. The terms of office of members of the Board of Ethics shall be five years. The terms of appointment of the members of the Board shall be so fixed that one member's term shall expire at the end of each successive official Village year. [Amended 4-1-2002 by L.L. No. 3-2002]
- C. Alternate members. The Mayor, subject to approval of the Board of Trustees, shall appoint for a five-year term a first alternate member and a second alternate member who shall be called to serve on the Board of Ethics as a temporary replacement for any Board member who may be unavailable to serve in such situations as recusal, sickness, vacation, business engagements, or the like. The Chairman of the Board of Ethics shall initially call the first alternate to serve and, upon the unavailability of the first alternate to serve, shall call upon the second alternate to serve. [Added 9-17-2007 by L.L. No. 16-2007⁹]
- D. The Village Ethics Board shall adopt rules and regulations as to forms and procedures and shall at all times maintain appropriate records of its opinions and proceedings.
- E. Removal. The Board of Trustees shall have the power to remove any member or alternate member for cause after public hearing upon due notice and written specification of charges. After evidence is presented by both sides, the Board of Trustees shall render a determination within 60 days. Vacancies shall be filled by appointment by the Mayor for the unexpired term of any member whose place has become vacant. [Added 9-17-2007 by L.L. No. 16-2007]

§ 14-14. Qualifications of members of the Board of Ethics.

- A. All members of the Board of Ethics shall be residents of the Village.
- B. No person may serve on the Board of Ethics while holding other Village office or while being employed by or while receiving financial compensation from the Village.

9. Editor's Note: This local law also renumbered former Subsection C as Subsection D.

- C. A member of the Board of Ethics shall not hold office in any independent body (as defined in the Election Law of the State of New York) nor have held office in any independent body during the two-year period immediately preceding his or her appointment to the Board of Ethics.
- D. Only persons ready, willing and able to perform their responsibilities on the Board of Ethics in a completely impartial and nonpartisan manner shall be eligible to be appointed to the Board of Ethics.

§ 14-15. Removal of member of Board of Ethics.

- A. A member of the Board of Ethics may be removed by the Mayor with the consent of the Board of Trustees after a public hearing at which the reason(s) for such removal shall be presented to the public and at which hearing the member of the Board of Ethics sought to be removed shall have an opportunity to reply.
- B. Grounds for removal shall be substantial neglect of duty, misconduct in office, inability to discharge the powers or duties of office or violation of this Code of Ethics.
- C. Any action, decision or vote to remove a member of the Board of Ethics pursuant to this section shall take place at a regularly scheduled public meeting of the Board of Trustees at which the Mayor shall disclose such removal and the reasons therefor.
- D. To ensure full voting strength and minimum quorum requirements, a new member shall be appointed to the Board of Ethics as soon as practicable, but not more than 45 days after removal of a member of the Board of Ethics pursuant to this section or upon the occurrence of a vacancy.

§ 14-16. Ethics Board meeting and quorum requirements.

- A. At the first meeting of the Board of Ethics, and annually thereafter, the members shall elect a Chairperson from among its membership. A quorum, consisting of not fewer than three members, shall be necessary for the Board to vote upon any matter. A concurring vote of at least three members shall be required for affirmative action of the Board of Ethics and to elect a Chairperson.
- B. The Chairperson or any three members may call a meeting of the Board of Ethics.
- C. The Board may hold as many meetings as it deems necessary or as shall be called by the Chairperson or any three members, provided that a meeting of the Board of Ethics shall be held promptly after the filing of a complaint alleging a violation of this Code of Ethics or after referral by the Mayor or Board of Trustees, at which meeting such complaint shall be considered by the Board of Ethics, as well as any other matters before it.

§ 14-17. Powers and duties of Board of Ethics.

- A. The Board of Ethics shall have the following powers and duties in addition to any other powers and duties set forth in this Code of Ethics:

- (1) To prescribe and promote rules and regulations governing its own internal organization and procedures in a manner consistent with law and with this Code of Ethics.
 - (2) To conduct investigations pursuant to § 14-18 of this Code of Ethics.
 - (3) To conduct hearings and recommend disciplinary action, to assess penalties, to make referrals and to initiate actions and proceedings pursuant to this Code of Ethics.
 - (4) To grant waivers of the recusal requirements under the circumstances set forth in § 14-10D.
 - (5) To render advisory opinions with respect to the interpretation or application of this Code of Ethics upon written request by any village officer or employee or any applicant, as defined in § 14-12 of this Code of Ethics, as to whether his or her own action might violate a provision of this Code of Ethics, which advisory opinions shall be available for public inspection. In rendering such advisory opinions, the Board of Ethics shall omit all information identifying the requestor and all nonessential information in order to encourage free inquiry by officers and employees for advisory opinions.
 - (6) To review all transactional disclosure statements and, if the Board determines that a statement is deficient or reveals a possible or potential violation of the Code of Ethics, to notify the person in writing of the deficiency or possible or potential violation and of the penalty for failure to comply with this Code of Ethics.
 - (7) To make information concerning this Code of Ethics available to all village officers and employees, to the public and to any person who is interested in doing business with the village.
 - (8) To prepare an annual report and recommend changes to this Code of Ethics, if any.
 - (9) To act as may be otherwise prescribed or permitted by this Code of Ethics or by the General Municipal Law of the State of New York, as amended.
- B. The termination of a village officer's or employee's term of office or employment with the village shall not affect the jurisdiction of the Board of Ethics with respect to the requirements that this Code of Ethics imposed on the village officer or employee prior to such termination or with respect to the requirements that this Code of Ethics continues to impose on the former village officer or employee after the termination of his or her term of office or employment with the village.
- C. The Village Attorney shall be utilized by the Board of Ethics as counsel to the Board of Ethics, except he or she shall be excused when he or she or the Board determines that he or she has or may reasonably appear to have a conflict of interest. In such event, the Deputy Village Attorney shall be utilized by the Board of Ethics as counsel to the Board of Ethics. In the event that the Deputy Village Attorney or the Board determines that he or she has or may reasonably appear to

have a conflict of interest, the Mayor (subject to the approval of the Board of Trustees) shall appoint counsel for the Board of Ethics.

§ 14-18. Investigations.

- A. Upon receipt of a complaint, sworn to upon penalty of perjury and stated upon the personal knowledge of the complainant, on forms prescribed by the Board of Ethics (and submitted in sealed form to the Board of Ethics), or upon the written referral of the Mayor, the Board of Trustees or the Village Attorney, the Board of Ethics shall immediately notify and provide a copy of any such sworn complaint or referral to the subject of the complaint. The Board of Ethics may reject any sworn complaint that clearly has no merit and may bar a complainant from submitting further sworn complaints where the Board of Ethics finds that the complainant has repeatedly abused the system.
- B. The Board of Ethics shall have the power and duty to conduct any investigation necessary to carry out the provisions of this Code of Ethics, subject to the requirements of due process of law. In conducting any such investigation, the Board of Ethics may administer oaths or affirmations, subpoena witnesses, compel their attendance and require the production of books and records which it may deem relevant and material. Such investigation shall be conducted by the Board of Ethics in executive session.
- C. The subject of the investigation has a right to appear before the Board of Ethics with counsel in executive session to question witnesses or challenge documentary evidence that may be considered by the Board of Ethics.
- D. Nothing herein shall be construed to permit the Board of Ethics to conduct an investigation of itself or any of its members. Should the Board of Ethics receive a sworn complaint alleging that the Board of Ethics or any of its members has violated any provisions of this Code of Ethics or any other law, it shall promptly transmit a copy of the complaint to the Mayor and Trustees and to the Village Attorney, who shall investigate the complaint and take appropriate remedial action should the results of their investigation so warrant. Any member of the Board of Ethics who is investigated is entitled to the same protections afforded to all subjects pursuant to this Code of Ethics.
- E. The Board of Ethics shall advise the Mayor and Trustees of the disposition of every sworn complaint or referral that it receives and of every related investigation that it conducts and shall set forth its related findings, opinions and recommendations in writing; provided, however, that the complainant's name and all identifying and nonessential information shall be deleted from all such documents.
- F. The Board of Ethics shall promptly transmit copies of its findings, opinions and recommendations to the subject of the investigation and shall provide copies to the complainant after deleting all nonessential personal information about the subject of the complaint and identifying the subject of the complaint by case number only.
- G. All meetings or proceedings of the Board of Ethics concerning an alleged ethical

violation by a village officer or employee shall be held in executive session, except upon the request of the subject officer or employee.

§ 14-19. Public inspection of records.

The following records shall be available for public inspection:

- A. Transactional disclosure statements.
- B. Applicant disclosure statements.
- C. Rules and regulations of the Board of Ethics.
- D. Final dispositions of the Board of Ethics that find an officer or employee to have violated any provision of the Code of Ethics, after the complainant's name and identifying information and all other nonessential personal information is deleted.
- E. Waivers granted pursuant to § 14-17A(4).
- F. Advisory opinions issued (and redacted) pursuant to § 14-17A(5).
- G. Educational materials and annual reports.

§ 14-20. Administrative penalties.

- A. Any village officer or employee who engages in an action that violates any provision of this Code of Ethics may be warned, reprimanded, suspended or removed from office or employment by the appointing authority or be subject to any other sanction authorized by law or collective bargaining agreement, subject to any rights such village officer or employee may have pursuant to statute, contract, law, rule or regulation. A warning, reprimand, suspension, removal or other authorized sanction may be imposed in addition to any other applicable penalty contained in this Code of Ethics or any other provision of law.
- B. In its discretion, after a hearing providing for due process procedural mechanisms and subject to any applicable provisions of law and collective bargaining, agreements, the Ethics Board may recommend appropriate disciplinary action pursuant to Subsection A of this section. The recommendation of the Board of Ethics shall be made in writing to the Mayor or to the board or other person or body authorized by law to impose such sanctions. The Ethics Board shall conduct and complete such hearing with reasonable speed unless, in its discretion, the Board of Ethics refers the matter to the Mayor or other authority authorized by law to impose disciplinary action or unless the Ethics Board refers the matter to the appropriate prosecutor. If such a referral is made, the Ethics Board may adjourn the matter pending a determination by the authority, person, body or prosecutor.
- C. In its discretion and after a hearing providing for due process procedural mechanisms, the Board of Ethics may assess or impose a civil fine of up to \$1,500 upon a village officer or employee or upon a former village officer or employee. A civil fine may be imposed in addition to any other penalty contained in any other provision of law or in this Code of Ethics.

§ 14-21. Injunctive relief.

The village or the Ethics Board may initiate a proceeding in the Supreme Court of the State of New York for injunctive relief to enjoin a violation of this Code of Ethics or to compel compliance with this Code of Ethics.

§ 14-22. Damages.

Any person, whether or not a village officer or employee, who knowingly violates any provision of this Code of Ethics shall be liable in damages to the village for any losses or increased costs incurred by the village as a result of the violation. Such damages may be imposed in addition to any other penalty contained in this Code of Ethics.

§ 14-23. Judicial review.

Any person aggrieved by a decision of the Board of Ethics may seek judicial review and relief pursuant to Article 78 of the Civil Practice Law and Rules.

§ 14-24. Distribution of Code of Ethics.

The Village Clerk shall cause this Code of Ethics to be distributed to every village officer and every village employee. Each such person who enters government service after this distribution shall receive a copy of this Code of Ethics before entering upon his or her duties and shall sign a statement that he or she has received the same. Within 60 days after the effective date of this Code of Ethics, the Village Clerk shall obtain a similar signed statement from every village officer and every village employee whose office or employment predates this Code of Ethics.

§ 14-25. Severability.

Should any section, clause or requirement of this Code of Ethics be found by a court of competent jurisdiction to be unenforceable or unlawful or invalid, that section, clause or requirement shall be severed from this Code of Ethics and the remainder shall continue in full force and effect.

§ 14-26. Unconstitutionality or illegality.

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

§ 14-27. Repealer.

The existing Code of Ethics of the Village of Lynbrook is hereby repealed; however, nothing herein shall impair the validity of any action taken or to be taken pursuant to such existing Code of Ethics with respect to any violation occurring before the effective date of this chapter.

Chapter 16

ENVIRONMENTAL CONSERVATION COUNCIL

[HISTORY: Adopted by the Board of Trustees of the Village of Lynbrook 2-5-1973 as L.L. No. 1-1973. Amendments noted where applicable.]

GENERAL REFERENCES

Environmental Quality Review — See Ch. 117.

§ 16-1. Legislative intent.

The preservation and improvement of the quality of the natural and man-made environment within the Village of Lynbrook in the face of population growth, urbanization and technologic change, with their accompanying demands on natural resources, are found to be of increasing and vital importance to the health, welfare and economic well-being of present and future inhabitants and require forthright action by the governing body of the Village of Lynbrook. It is recognized that the biologic integrity of the natural environment on which man is dependent for survival and the natural and functional beauty of our surroundings which condition the quality of our life experience cannot be protected without the full cooperation and participation of all the people of the Village of Lynbrook working in partnership with local and state officials and with various public and private institutions, agencies and organizations. Establishment of a Commission for conservation of the environment is a necessary step in fostering unified action on environmental problems.

§ 16-2. Council established.

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

§ 16-3. Appointment of members; ex officio membership.

The Council shall consist of nine members, all of which shall be appointed by the Village Board of Trustees and who shall serve at the pleasure of the Village Board of Trustees. Persons residing within the Village of Lynbrook who are interested in the improvement and preservation of environmental quality shall be eligible for appointment as members of the Council. Vacancies on the Council shall be filled in the same manner as the original appointment, except that a vacancy occurring other than by the expiration of term of office shall be filled only for the remainder of the unexpired term. The Village Board of Trustees, the Chairman of the Planning Board, Commissioner of Public Works, Commissioner of Parks and Recreation, Village Attorney and other officials that may be hereafter designated by the Village Board of Trustees shall be ex officio members of the Council.

§ 16-4. Appointment of officers; conduct of meetings.

The Mayor shall designate two members of the Council to act as Chairman and Deputy Chairman thereof. At the first meeting of the Council, its members shall elect from among themselves a Recording Secretary. The Council shall adopt rules and procedures for its meetings. It shall keep accurate records of its meetings and activities and shall file an annual report as provided in § 16-6.

§ 16-5. Powers and duties.

The powers and duties of the Council shall be to:

- A. Advise the Village Board of Trustees on matters affecting the preservation, development and use of the natural and man-made features and conditions of the village insofar as beauty, quality, biologic integrity and other environmental factors are concerned and, in the case of man's activities and developments, with regard to any major threats posed to environmental quality, so as to enhance the long range value of the environment to the people of the village.
- B. Develop and, after receiving general approval by resolution of the Village Board of Trustees, conduct a program of public information in the community, which program shall be designed to foster increased understanding of the nature of environmental problems and issues and support for their solutions.
- C. Conduct studies, surveys, and inventories of the natural and man-made features within the Village of Lynbrook and such other studies and surveys as may be necessary to carry out the general purposes of this chapter.
- D. Maintain an up-to-date inventory or index of all open spaces in public or private ownership within the municipality, including but not limited to natural landmarks, glacial and other geomorphic or physiographic features; streams and their floodplains, swamps, marshlands and other wetlands; unique biotic communities; scenic and other open areas of natural or ecological value; and of the ownership, present use and proposed use of such open areas, so as to provide a base of information for recommendations by the Council for their preservation and/or use.
- E. Seek to coordinate, assist and unify the efforts of private groups, institutions and individuals within the Village of Lynbrook in accord with the purposes of this chapter.
- F. Maintain liaison and communications with public and private agencies and organizations of local, state and national scope whose programs and activities have an impact on the quality of the environment or who can be of assistance to the Council.
- G. Working in cooperation with the Planning Board, recommend from time to time to the Village Board of Trustees appropriate and desirable changes in existing local laws and ordinances relating to environmental control or recommend new local laws and ordinances.
- H. Prepare, print and distribute books, maps, charts and pamphlets in accord with the

purposes of this chapter.

- I. Obtain and maintain in orderly fashion maps, reports, books and other publications to support the necessary researches of the Council into local environmental conditions.
- J. When authorized by resolution of the Village of Lynbrook, accept by gift, grant, devise, bequest or otherwise, property, both real and personal, in the name of the Village of Lynbrook, as may be necessary to conserve and otherwise properly utilize open spaces and other land and water resources within the boundaries of the Village of Lynbrook. Such real property may be accepted in fee for land and water rights or as any lesser interest, development right, easement, including conservation easement, covenant or other contractual right, including conveyance with limitations or reversions.
- K. Carry out such other duties as may be assigned from time to time by the Village Board of Trustees.

§ 16-6. Reports.

The Council shall submit an annual report to the Village Board of Trustees not later than the first day of April of each year concerning the activities and work of the Council and from time to time shall submit such reports and recommendations as may be necessary to fulfill the purposes of this chapter.

§ 16-7. Compensation and payment of expenses.

The members of the Council, including ex officio members, shall receive no compensation for their services as members thereof but may be reimbursed for reasonable and necessary expenses incurred in the performance of their duties within the appropriations made available therefor.

§ 16-8. Scope.

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

Chapter 20

FIRE PREVENTION BUREAU

[HISTORY: Adopted by the Board of Trustees of the Village of Lynbrook as Ch. 9, Art. II, of the 1967 Code of Ordinances. Amendments noted where applicable.]

GENERAL REFERENCES

Boardinghouses, rooming houses and hotels — See Ch. 78.
Building construction — See Ch. 81.
Electrical standards — See Ch. 112.
Fire prevention — See Ch. 128.
Gasoline stations — See Ch. 140.
Oil-burning equipment — See Ch. 166.

§ 20-1. Establishment.

A Bureau of Fire Prevention in the Fire Department of the village is hereby established, to be operated under the supervision of the Fire Council of the Fire Department of the village.

§ 20-2. Function. [Amended 7-12-1976 by L.L. No. 8-1976]

The Bureau of Fire Prevention shall perform the duties and exercise the powers delegated to it by local law, ordinance or resolution in relation to the prevention of fire or danger to life or property.

§ 20-3. Appointment of inspectors; function.

- A. Appointment by Fire Council. The Fire Council of the Fire Department of the village shall designate such number of inspectors as shall, from time to time, be deemed advisable, subject to approval by the Board of Trustees of the village.
- B. Function. The inspectors appointed as aforesaid shall investigate fire hazards and violations of this chapter and shall cause the owner or occupant of the premises to be prosecuted in the proper court for violation of any provisions pertaining to fire prevention, except where such violations come under the jurisdiction of the Department of Buildings or of the Police Department. Violations of any of the Building Code Ordinances, Zoning Ordinances¹⁰ or the provisions of the Police Department shall be prosecuted by the respective officers charged with such duties by such Department.

§ 20-4. Instructions and forms for inspectors. [Amended 7-12-1976 by L.L. No. 8-1976]

The Bureau of Fire Prevention shall prepare instructions for the inspectors and forms for their use in the reports required by this chapter.

§ 20-5. Duties.

- A. It shall be the duty of the officers of the Bureau of Fire Prevention, except as otherwise provided, to enforce all laws and ordinances of the state, county and village insofar as they affect the village and to enforce village regulations covering:
 - (1) The prevention of fires.
 - (2) The storage and use of explosives and flammables.

10. Editor's Note: See Ch. 81, Building Construction, and Ch. 252, Zoning.

- (3) The installation and maintenance of automatic and other fire alarm systems and fire-extinguishing equipment.
 - (4) The maintenance and regulation of fire escapes.
 - (5) The means and adequacy of exit in case of fire from schools, hotels, lodging houses, asylums, hospitals, churches, factories, halls, theaters and amphitheatres, where persons live or congregate from time to time for any purposes.
 - (6) Investigations of the cause, origin and circumstances of each fire.
- B. Reports. A report of every fire shall be made, in writing, and filed in the office of the Clerk of the village within three days after the occurrence of same. Such report shall be in such form as shall be prescribed by the Bureau of Fire Prevention and shall contain a statement relating to the cause, origin and circumstances of such fire, the extent of damage thereof and the insurance upon such property and such other information as may be required. [Added 7-12-1976 by L.L. No. 8-1976]
- C. They shall have such other powers and perform such other duties as are set forth in other sections of this chapter and as may be conferred from time to time by law.

§ 20-6. Recommendation of regulations. [Amended 7-12-1976 by L.L. No. 8-1976]

It shall be the duty of the Bureau of Fire Prevention to investigate and to recommend such additional ordinances, local laws or resolutions, or amendments to existing ordinances, local laws or resolutions, as it may deem necessary for safeguarding life and property against fire.

§ 20-7. Investigation of fires. [Amended 7-12-1976 by L.L. No. 8-1976]

The Bureau of Fire Prevention shall investigate the cause, origin and circumstances of every fire occurring in the village by which property has been destroyed or damaged and, so far as possible, shall determine whether the fire is the result of carelessness or design. Such investigation shall be begun immediately upon the occurrence of such a fire, and, if it appears to the officer making such investigation that such fire is of suspicious origin, he shall notify the proper authorities designated by law to pursue the investigation of such matters and shall further cooperate with such authorities in the collection of evidence and in the prosecution of the case.

§ 20-8. Inspection and regulation of hazardous facilities. [Amended 7-12-1976 by L.L. No. 8-1976]

The Bureau of Fire Prevention shall inspect as often as may be necessary, but not less than twice a year, all specially hazardous manufacturing processes, storages or installations of acetylene or other gases, chemicals, oil, explosives and flammable materials.

§ 20-9. Inspection of all other facilities. [Amended 7-12-1976 by L.L. No. 8-1976]

- A. Duty. It shall be the duty of the Bureau of Fire Prevention to inspect or cause to be inspected, as often as necessary but not less than twice a year in the village, all buildings, premises and public thoroughfares, except the interiors of private dwellings, for the purpose of ascertaining and causing to be corrected any conditions liable to cause fire or any violation of the provisions or intent of any ordinance of the village affecting the fire hazard.
- B. Order to abate, correct condition. If the Bureau of Fire Prevention or any inspector duly appointed as provided herein shall find in any building or upon any premises or any other place combustible or explosive matter or dangerous or unnecessary accumulations of rubbish or unnecessary accumulations of wastepaper, boxes, shavings or any highly flammable material especially liable to fire, which is so situated as to endanger life or property, or shall find obstructions to any fire escapes, stairs, passageways, doors or windows liable to interfere with the operations of the Fire Department or egress of occupants in case of fire, or in case such inspection shall reveal any building or structure, which, for want of repairs, lack of sufficient fire escapes or by reason of lack of such conditions or from any other cause, is especially liable to fire and is so situated as to endanger life or property and the occupants thereof, or shall find in any building combustible or explosive matter or flammable conditions dangerous to the safety of such building or the occupants thereof, the inspector shall order same to be removed or remedied within 24 hours, and, unless such order is complied with, such inspector shall report such violation to the Superintendent of the Building Department, who shall cause the owner or occupant to be prosecuted in the proper court for violation of any ordinance or local law of the village or Nassau County or any law of the State of New York, of which violation such owner or occupant may be guilty, or, if in the opinion of the Superintendent of the Building Department, the act or neglect of such owner or occupant does not constitute any violation of any ordinance or local law of the village or Nassau County or any law of the State of New York, the Superintendent of the Building Department shall bring to the attention of the Board of Trustees at its next meeting the facts, circumstances and conditions in connection with such act or neglect.
- C. Service of order. The service of any order mentioned in this chapter may be made upon the occupant of the premises to whom it is directed either by delivering a copy of same to such occupant personally or by delivering same and leaving it with any person in charge of said premises or, in case no such person is found upon the premises, by affixing a copy thereof in a conspicuous place on the front door of said premises. If, however, it may be necessary to serve such order upon the owner of the premises, such order may be served either by delivering to and leaving with such owner a copy of such order or, if such owner is absent from the village, by mailing a copy of such order by certified mail, return receipt requested, to the owner's last known address.

§ 20-10. Disconnection of electrical service.

The Bureau of Fire Prevention, after having received notification from the Board of Fire Underwriters or otherwise learning that an electrical violation has been disclosed, shall

notify the electric lighting company to disconnect service to the premises on which such violation exists until said violation has been rectified.

§ 20-11. Report of violations. [Amended 7-12-1976 by L.L. No. 8-1976; 12-7-1981 by L.L. No. 14-1981]

The Bureau of Fire Prevention shall report to the Superintendent of the Building Department forthwith the discovery or report to him of a violation of any of the provisions of this chapter or of any provisions pertaining to the prevention of fires and shall also report to such official the refusal of any owner or occupant of any premises to comply with any order concerning any violation of any of said provisions, and it shall be the duty of such official or the duty of the Chief Fire Inspector to cause the owner or occupant of the premises to be prosecuted in the proper court for violation of any such provision or of any law of the County of Nassau or State of New York of which violation such owner or occupant shall be guilty.

§ 20-12. Duty of Village Attorney. [Amended 7-12-1976 by L.L. No. 8-1976]

The Village Attorney, upon request of the Bureau of Fire Prevention, shall assist any inspector duly appointed as aforesaid in the investigation of any fire which, in the opinion of said inspector, is of suspicious origin.

§ 20-13. Annual report. [Amended 7-12-1976 by L.L. No. 8-1976]

Between the 20th day of February and the first day of March in each year, the annual report of the Bureau of Fire Prevention shall be made and filed in the office of the Clerk of the village. It shall contain a record of all proceedings under this chapter.

Chapter 23

GAS UTILITY, MUNICIPAL

[**HISTORY: Adopted by the Board of Trustees of the Village of Lynbrook 9-22-1997 by L.L. No. 7-1997.**¹¹ Amendments noted where applicable.]

GENERAL REFERENCES

Municipal electric utility — See Ch. 13.

§ 23-1. Enactment; when effective.

- A. Enactment. Pursuant to § 10 of the Home Rule Law, and § 360 of the General Municipal Law, the Incorporated Village of Lynbrook, County of Nassau and State of New York, hereby enacts this chapter to create the Village of Lynbrook Municipal Gas Utility.

11. Editor's Note: This local law was approved by mandatory referendum on 11-4-1997.

- B. When effective. This chapter shall take effect on the filing of the approved local law with the Secretary of State of New York, which shall be within five days after its approval by a simple majority of the voters by mandatory referendum at an election or special election to be held to approve this chapter, pursuant to § 360 of the General Municipal Law.

§ 23-2. Intent.

Whereas the Incorporated Village of Lynbrook is a village duly incorporated under the laws of the State of New York and whereas the Trustees of the Village of Lynbrook are duly empowered pursuant to § 360 of the General Municipal Law of the State of New York to form a Municipal Gas Utility for the village and whereas it is essential for the well-being, livelihood and safety of the residents and businesses of the village and of the other consumers of gas power in the village, including the village itself, and of their families and guests, for the economic climate of the village and for the protection of private and public property within the village and the value of that property that the supply and distribution of gas to the residents, businesses and other consumers of gas power in the village and the village itself be provided in a reliable manner and at a fair and reasonable cost and whereas the Trustees have determined that the most reliable, fair and economical way for gas and gas supply to be provided to the Village of Lynbrook, its residents, businesses and institutions is by the creation of the Village of Lynbrook Municipal Gas Utility, the Trustees of the Village of Lynbrook hereby enact this chapter for the intent and purpose of establishing a Municipal Gas Utility pursuant to § 360 of the General Municipal Law and all of the powers and duties thereunder.

§ 23-3. Plant and facilities; maintenance and service; supply.

The Village of Lynbrook Municipal Gas Utility shall acquire the necessary facilities and either establish necessary functions for or procure contracts for the maintenance, service and billing of the gas energy system and a supply of gas such as are necessary for the creation of the Lynbrook Municipal Gas Utility. The proposed method of constructing, leasing, purchasing or acquiring the facilities necessary for the operation of the Lynbrook Municipal Gas Utility, if any, together with both the maximum and the estimated costs thereof; the method of furnishing such service, and the method of obtaining gas supply shall be as follows:

A. Plant and facilities.

- (1) The Village of Lynbrook Municipal Gas Utility will obtain access to or acquire the portion of the gas distribution system within the village, if any, that it is necessary for the village to operate the Municipal Gas Utility by purchase, lease or condemnation from that which is currently owned by the Long Island Lighting Corporation ("Lilco") or by obtaining other facilities as necessary. The Municipal Gas Utility will only acquire, construct or obtain that equipment and facilities, if any, which are necessary to provide gas supply and segregate and operate the Municipal Gas Utility and as may be needed to separate itself from the Lilco system or to meter the gas supplied to or used by the Village of Lynbrook Municipal Gas Utility.

- (2) The maximum and estimated cost of the items set forth in Subsection A(1) hereof is expected to be not more than \$50,000.
- (3) The cost of the necessary facilities, if any, and distribution and any other costs that are necessary for the implementation of the Village of Lynbrook Municipal Gas Utility and the entire costs of the implementation and operation of the Village of Lynbrook Municipal Gas Utility will be paid from the revenues generated by the Village of Lynbrook Municipal Gas Utility only.
- (4) None of the costs of the implementation or operation of the Village of Lynbrook Municipal Gas Utility shall be included in or have any affect on the village general budget or the assessment of village property taxes.

B. Service and maintenance of plant, facilities and distribution system.

- (1) The Village of Lynbrook Municipal Gas Utility will obtain service and maintenance for the equipment and infrastructure of the Lynbrook Municipal Gas Utility and the other remaining gas distribution and other equipment that is within the village from Lilco or the existing gas utility for the time that the Utility is mandated to provide those services or it remains in the best interests of the village to receive the maintenance from that source; and will otherwise contract out the service and maintenance to other suitable contractors as necessary or when in the best interests of the village and the Municipal Gas Utility. The Village of Lynbrook Municipal Gas Utility will obtain billing and management services by obtaining contracts with suitable and acceptable maintenance, service and billing companies. The contracts will be supported wherever possible by a performance bond of an amount acceptable to the village.
- (2) The village will also consider and retain the ability and power to create its own maintenance and service and billing department, including the equipment, materials and supplies required for that department, in order to provide billing, service and maintenance to the Village of Lynbrook Municipal Gas Utility if the village deems it to be in the best interests of the village to do so.

C. Gas supply. The Village of Lynbrook Municipal Gas Utility will obtain its supply of gas by contracting with another utility or supplier to provide the supply of gas to the Municipal Gas Utility.

§ 23-4. Mandatory referendums.

- A. This chapter shall be subject to approval by a mandatory referendum of the residents of the Incorporated Village of Lynbrook, pursuant to and as set forth in § 360 of the General Municipal Law of the State of New York, the Election Law and Village Law of the State of New York, at an election or special election as may be required.
- B. The Village of Lynbrook Municipal Gas Utility shall be effective and granted the

full powers entitled to it by law on the date of the approval by a simple majority of the referendum and the filing of this chapter with the Secretary of State of New York.

Chapter 25

DEFENSE AND INDEMNIFICATION OF EMPLOYEES

[HISTORY: Adopted by the Board of Trustees of the Village of Lynbrook 1-8-1990 as L.L. No. 1-1990.¹² Amendments noted where applicable.]

§ 25-1. Legislative intent.

The purpose of this chapter is to provide legal and financial protection from losses for those individuals serving the Village of Lynbrook, on account of civil actions or proceedings which may be brought against them in their individual capacity for actions taken while in the performance of their official duties and responsibilities. In enacting this chapter, the Lynbrook Board of Trustees finds that the State of New York has enacted similar provisions for the legal and financial security of its officers and employees and further finds that such security is also required for local personnel. By enactment of this chapter, the Lynbrook Board of Trustees does not intend to limit or otherwise abrogate any existing right or responsibility of the village or its employees with regard to indemnification or legal defense.

§ 25-2. Definitions.

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

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

§ 25-3. Provisions for defense by village.

- A. Upon compliance by the employee with the provisions of § 25-5 of this chapter, the village shall provide for the defense of the employee in any civil action or proceeding in any state or federal court arising out of any alleged act or omission which occurred or is alleged in the complaint to have occurred while the employee was acting within the scope of his public employment or duties, or which is brought to enforce a provision of Section 1981 or 1983 of Title 42 of the United States

¹². Editor's Note: This local law supersedes former Ch. 25. Liability of Village Officials, adopted 5-21-1979 as L.L. No. 2-1979.

Code. This duty to provide for a defense shall not arise where such civil action or proceeding is brought by or on behalf of the Village of Lynbrook.

- B. Subject to the conditions set forth in Subsection A of this section, the employee shall be entitled to be represented by the Village Attorney; provided, however, that the employee shall be entitled to representation by private counsel of his choice in any civil judicial proceeding whenever the Village Attorney determines, based upon his investigation and review of the facts and circumstance of the case, that representation by the Village Attorney would be inappropriate or whenever a court of competent jurisdiction, upon appropriate motion or by a special proceeding, determines that a conflict of interest exists and that the employee is entitled to be represented by private counsel of his choice. The Village Attorney may require, as a condition to payment of fees and expenses of such representation, that appropriate groups of such employees be represented by the same counsel. If the employee or group of employees is entitled to be represented by private counsel under the provisions of this section, the Village Attorney shall so certify to the Village Board. Reasonable attorney's fees and litigation expenses shall be paid by the village to such private counsel from time to time during the pendency of the civil action or proceeding, subject to certification by the head of the department, commission, division, office or agency in which such employee is employed that the employee is entitled to representation under the terms and conditions of this section and upon the audit of the Board of Trustees and warrant of the Village Treasurer. Any dispute with respect to representation of multiple employees by a single counsel or the amount of litigation expenses or the reasonableness of attorney's fees shall be resolved by the court upon motion or by way of special proceeding.
- C. Where the employee delivers process and a request for a defense to the Village Attorney as required by § 25-5 of this chapter, the Attorney shall take the necessary steps, including the retention of private counsel under the terms and conditions provided in Subsection B of this section, on behalf of the employee to avoid entry of a default judgment pending resolution of any question pertaining to the obligation to provide for a defense.

§ 25-4. Indemnification.

- A. The village shall indemnify and save harmless its employees in the amount of any judgment obtained against such employees in any state or federal court or in the amount of any settlement of a claim, provided that the act or omission from which such judgment or settlement arose occurred while the employee was acting within the scope of his public employment or duties.
- B. An employee represented by private counsel shall cause to be submitted to the Lynbrook Board of Trustees any proposed settlement which may be subject to indemnification by the village, and if not inconsistent with the provisions of this chapter, the Mayor shall certify, after approval of such settlement by the Board of Trustees, and submit such settlement and certification to the Village Attorney. The Attorney shall review such proposed settlement as to form and amount and shall give his approval if, in his judgment, the settlement is in the best interest of the

village. Nothing in this section shall be construed to authorize the village to indemnify or save harmless an employee with respect to a settlement not so reviewed and approved by the Village Attorney and Board of Trustees.

- C. Upon entry of a final judgment against the employee or upon the settlement of the claim, the employee shall cause to be served a copy of such judgment or settlement, personally or by certified or registered mail, within 30 days of the date of entry or settlement, upon the Mayor, and if not inconsistent with the provisions of this section, such judgment or settlement shall be certified for payment by such Mayor. If the Attorney concurs in such certification, the judgment or settlement shall be paid upon the audit of the Board of Trustees and warrant of the Village Treasurer.

§ 25-5. Obligation of employee.

The duty to defend or indemnify and save harmless provided by this chapter shall be conditioned upon delivery by the employee to the Village Clerk or his assistant, at his office, of the original or a copy of any summons, complaint, process, notice, demand or pleading within 10 days after he is served with such document and the full cooperation of the employee in the defense of such action or proceeding and in defense of any action or proceeding against the village based upon the same act of omission and in the prosecution of any appeal. Such delivery shall be deemed a request by the employee that the village provide for his defense pursuant to this chapter.

§ 25-6. Rights of other parties.

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

§ 25-7. Rights of insurer.

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

§ 25-8. Punitive damages.

Nothing in this chapter shall authorize the village to indemnify or save harmless an employee with respect to punitive or exemplary damages, fines or penalties.

§ 25-9. Effect on pending proceedings.

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

§ 25-10. Existing rights and immunities.

Except as otherwise specifically provided in this chapter, the provisions of this chapter shall not be construed, in any way, to impair, alter, limit, modify, abrogate or restrict any immunity available to or conferred upon any unit, entity, officer or employee of the

village or any right to defense and/or indemnification provided for any governmental officer or employee by, in accordance with or by reason of any other provision of state or federal statutory or common law.

Chapter 28

LOCAL LAWS, ADOPTION OF

[HISTORY: Adopted by the Board of Trustees of the Village of Lynbrook 2-1-1954 as L.L. No. 1-1954. Amendments noted where applicable.]

§ 28-1. Scheduling of public hearing; time and contents of notice. [Amended 7-12-1976 by L.L. No. 6-1976]

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

§ 28-2. Attendance at hearing.

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

§ 28-3. Proof of publication.

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

Chapter 39

POLICE, RETIREMENT OF

[HISTORY: Adopted by the Board of Trustees of the Village of Lynbrook 1-18-1960 as L.L. No. 1-1960. Amendments noted where applicable.]

§ 39-1. Retirement age established. [Amended 7-12-1976 by L.L. No. 9-1976]

No member of the police force of the Incorporated Village of Lynbrook shall continue to serve as a member after he shall have attained the age of 59 years, and upon his attaining such age, each such member shall be retired; provided, however, that any such member who attains the age of 59 years prior to June 1, 1977, may, if otherwise eligible under applicable law and regulations of the Police Department of the Incorporated Village of Lynbrook, continue to serve as such member until he reaches the age of 65, whereupon he shall be retired.

§ 39-2. Provisions of statute otherwise applicable.

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

Chapter 40

POLICE CHIEF, DELEGATION OF AUTHORITY TO

[HISTORY: Adopted by the Board of Trustees of the Village of Lynbrook 6-29-1981 as L.L. No. 9-1981. Amendments noted where applicable.]

§ 40-1. Certain powers delegated to Police Chief.

The powers vested in the Mayor, pursuant to Article 10 of the General Municipal Law, whenever he deems that the public interest requires it, to request the chief executive officer of any other local government to detail, assign and make available for duty and use in the Village of Lynbrook any part of the forces, equipment and supplies of the police department, police force or parkway police force of such other local government and to grant similar requests made by such other chief executive officers for like assistance are hereby delegated to the Chief of Police of the Lynbrook Police Department whenever the Mayor is absent or disabled.

Chapter 43

SALARIES AND COMPENSATION

[HISTORY: Adopted by the Board of Trustees of the Village of Lynbrook: Art. I, 6-7-1965 as L.L. No. 1-1965. Amendments noted where applicable.]

ARTICLE I

Salary of Mayor and Trustees

[Adopted 6-7-1965 as L.L. No. 1-1965]

§ 43-1. Annual salary established; method of payment. [Amended 3-30-1981 by L.L. No. 5-

1981]

In the Incorporated Village of Lynbrook, the annual compensation of the Mayor and Trustees shall be established annually by resolution of the Board of Trustees at the public hearing on the tentative budget pursuant to Village Law, § 5-508(3). The annual compensation of the Mayor and Trustees shall be payable in equal monthly installments.

§ 43-2. Effective date. [Amended 3-30-1981 by L.L. No. 5-1981]

The rate of annual compensation of the Mayor and of the Trustees of the Incorporated Village of Lynbrook, as provided in § 43-1, shall take effect at the commencement of the following fiscal year, subject to the provisions of the Municipal Home Rule Law § 24.

§ 43-3. Provisions of statute otherwise applicable.

Except as herein amended and superseded, all other provisions of § 86 of the Village Law¹³ shall remain in full force and effect.

Chapter 47

TRAFFIC VIOLATION BUREAU

[HISTORY: Adopted by the Board of Trustees of the Village of Lynbrook as Ch. 15, Art. I, of the 1967 Code of Ordinances. Amendments noted where applicable.]

GENERAL REFERENCES

Appearance tickets — See Ch. 4.
Vehicles and traffic — See Ch. 240.

§ 47-1. Establishment authorized.

For the purpose of assisting the Village Justice of the village in the disposition of offenses in relation to traffic violations pursuant to the provisions of Article 14-B, §§ 370, 371 and 372 of the General Municipal Law, the Village Justice is hereby authorized to establish a Traffic Violation Bureau.

§ 47-2. Supervision of Bureau; hours of operation.

The Traffic Violation Bureau shall be under the charge of such person and shall be open at such hours as the Village Justice of said village may designate.

§ 47-3. Disposition of certain parking infractions; fines. [Amended 1-28-1969 by Ord. No. 69-22; 3-1-1976 by L.L. No. 5-1976; 6-4-1984 by L.L. No. 5-1984; 10-15-1984 by L.L. No. 9-1984; 1-6-1992 by L.L. No. 1-1992; 6-5-1995 by L.L. No. 6-1995].

13. Editor's Note: Section 86 of the Village Law was omitted in the 1972 revision.

The Traffic Violation Bureau shall dispose of violations of traffic regulations affecting parking by permitting a person charged with an offense, within the limitations herein stated, to answer within a specified time at such Traffic Violation Bureau, either in person or by written power of attorney, in such form as may be prescribed therein, by paying fines for parking offenses, parking permit offenses, inspection certificate offenses or registration certificate offenses in such amounts as established by resolution of the Village Board.

§ 47-4. Disposition of parking infractions involving municipal parking fields; fines. [Amended 3-1-1976 by L.L. No. 5-1976; 8-18-1997 by L.L. No. 3-1997]

The Traffic Violation Bureau shall dispose of violations regarding the municipal parking fields by permitting a person charged with such offense, within the limits herein stated, to answer within a specified time at such Traffic Violation Bureau, either in person or by written power of attorney, in such form as may be prescribed by said Bureau, by paying a fine in an amount as established by resolution of the Village Board for each and every such offense and, in writing, to waive a hearing in court, pleading guilty to the charge and authorizing the person in charge of the Bureau to make such plea upon behalf of such offender and to pay such fine in court.

§ 47-5. Acceptance of conditions and payment of fine to constitute complete satisfaction.

Acceptance of a fine and power of attorney by the Bureau shall be deemed complete satisfaction for the violation, and the violator shall be given a receipt there for which so states.

§ 47-6. (Reserved) ¹⁴

§ 47-7. Procedure to be optional. ¹⁵

The Traffic Violation Bureau shall not be authorized to deprive a person of his right to counsel or to prevent him from exercising his right to appear in court to answer, to explain or defend any charge of a violation of any traffic law, ordinance, rule or regulation.

§ 47-8. Payment of fines to Bureau.

The designated fines to be paid for offenses may be satisfied at the Bureau as hereinafter stated, provided that such fines are within the limits established as penalties for such offenses.

§ 47-9. Records. [Amended 3-4-1969 by Ord. No. 69-27]

The Traffic Violation Bureau shall keep a record of all violations, whether guilt was

14. Editor's Note: Former § 47-6, Procedure upon failure to answer, was repealed 8-18-1997 by L.L. No. 3-1997.

15. Editor's Note: Section 15-23 of the 1967 Code of Ordinances, which preceded this section, was repealed 1-28-1969 by Ord. No. 69-23.

established in court or in the Bureau, and also a record of all fines collected and the disposition thereof. It shall also perform such other or additional duties and keep such other or additional records as shall be prescribed by the Village Justice or the Board of Trustees.

§ 47-10. Form of power of attorney. [Amended 3-7-1977 by L.L. No. 4-1977¹⁶]

The power of attorney referred to in §§ 47-3 and 47-4 hereof shall be in a form approved by the Village Justice.

§ 47-11. Penalties for failure to answer. [Amended 1-28-1969 by Ord. No. 69-24; 12-20-1971 by Ord. No. 72-37; 8-18-1997 by L.L. No. 3-1997]

For failure to answer an appearance ticket charging a parking violation within 30 days of the date of the offense, a penalty will be imposed resulting in the fine being doubled. For failure to answer said ticket within 60 days of the date of violation, the sum of the original fine plus penalty will double. Fines are not to exceed \$250.

Chapter 50

TRAVEL EXPENSES

[HISTORY: Adopted by the Board of Trustees of the Village of Lynbrook 11-16-1966 as L.L. No. 1-1966. Amendments noted where applicable.]

§ 50-1. Payment of certain expenses authorized.

An applicant for a position in any department of the Incorporated Village of Lynbrook who has submitted his qualifications, and the same having been found acceptable by the Board of Trustees of said Incorporated Village of Lynbrook, may have his travel expenses to and from the Village Hall of the Incorporated Village of Lynbrook, together with the cost of one night's lodging, paid for out of village funds.

§ 50-2. Approval required.

The disbursement and payment of funds for such travel expenses and lodging shall be made upon the approval thereof by the Board of Trustees.

¹⁶. Editor's Note: Local Law No. 4-1977 also provided for the repeal of Sec. 15-29 of the 1967 Code of Ordinances which was added 1-28-1969 by Ord. No. 69-25.