

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and underlining to indicate new matter.

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MISCELLANEOUS
& STATE RECORDS

County _____
City of East Hills
Town _____
Village

Local Law No. 4 of the year 2003

A local law Amending Chapter 214 of the Code of The Incorporated Village of East Hills as it Relates to Athletic Courts
(Insert Title)

Be it enacted by the Board of Trustees of the
(Name of Legislative Body)

County _____
City of East Hills
Town _____
Village as follows:

see pages 1A- 1D attached

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 4 of 20 03 of the (County)(City)(Town)(Village) of East Hills was duly passed by the Board of Trustees on November 17 20 03, in accordance with the applicable provisions of law.

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20 _____, and was (approved)(not approved) (repassed after disapproval) by the _____ and was deemed duly adopted on _____ 20 _____, in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20 _____, and was (approved)(not approved) (repassed after disapproval) by the _____ on _____ 20 _____. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general) (special)(annual) election held on _____ 20 _____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20 _____, and was (approved)(not approved) (repassed after disapproval) by the _____ on _____ 20 _____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20 _____, in accordance with the applicable provisions of law.

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20 _____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20 _____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1 _____, above.

Donna Gooch Village Clerk
Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: November 24, 2003

(Seal)

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF Nassau

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

[Signature]
Signature
Village Attorney
Title

County
City of East Hills
Town
Village

Date: 11/24/03

FIRST: Purpose

The Board of Trustees has determined that it is necessary to amend and update Section 214-7, Sections 214-162 through 214 – 167, Sections 214-169 through 214-172 and Section 214 of the Village Code relating to the construction or addition of athletic courts in the village.

SECOND:

Section 214-7B of the Code of the Incorporated Village of East Hills is amended by the addition of the following paragraph:

ATHLETIC COURT – A tennis court or other structure involving the installation of a surface material to be used for recreational and/or athletic purpose.

THIRD:

The following sections of the Code of the Incorporated Village of East Hills are repealed in their entirety and replaced by the new Sections as follows:

1. Title to Chapter 214, Article XVII
2. § 214-162
3. § 214-163
4. § 214-164
5. § 214-165
6. § 214-166
7. § 214-167
8. § 214-169
9. § 214-170
10. § 214- 171
11. § 214 -172
12. § 214 -174

The title to Chapter 214, Article XVII is replaced to read as follows:

**ARTICLE XVII
Athletic Courts**

§ 214-162. When permitted.

In a residence district, a plot or parcel of land improved with a single family residence may be used for the construction, use and maintenance of one (1) athletic court, as a special exception, only when permitted by the Board of Appeals, after a public hearing and subject to all of the following.

§ 214-163. Application Procedure.

Every application for an athletic court shall be accompanied by a plot plan, drawn to scale, together with plans in duplicate, in sufficient detail to show:

- A. Location and size of the plot.
- B. Location of the site of the proposed athletic court in relation to adjoining properties.
- C. Computation showing percentage of land proposed to be used for athletic court and existing improvements.
- D. Breakdown of estimated cost used in application.
- E. Location and size of all existing improvements on the plot.
- F. Nature and type of materials to be used for the playing surface of the athletic court.
- G. A fee of two hundred-fifty dollars (\$250.) plus the additional fees payable for the construction of a structure as set forth in Article XIV of this chapter.
- H. A surety bond in the sum of one thousand dollars (\$1,000.) shall be posted by the applicant to guarantee reimbursement to the village for any damage sustained to its highways or other property arising out of or in connection with the construction of the athletic court.
- I. At the time when an application is made to the Board of Appeals for a special exception permit to construct an athletic court, the applicant shall provide to the Board a survey of the property prepared by a licensed land surveyor or professional engineer showing the location of the athletic court as it has been or shall be marked or staked out. The survey shall include dimensions of the athletic court and distances from all property lines and structures then located on the plot or parcel of land. The applicant shall further state on the application that the athletic court as located on the survey does not require any change to be made due to the existence of any natural or man-made objects, including but not limited to trees, or the existence of any exceptional topographical conditions that would require the location of the proposed athletic court to be moved or otherwise relocated.

§ 214 – 164. Criteria for issuance of approval.

The Board of Appeals, in considering an application for an athletic court, shall not grant the application unless it finds, in each instance, that the proposed use of the plot or parcel of land and the fence to be erected will:

- A. Not adversely affect the public health, safety, and general welfare.
- B. Not depreciate the value of the property in the area immediately adjoining the land being so used.
- C. Not alter the essential character of the neighborhood.
- D. Be used solely for the use of the applicant, his family and guests.
- E. Not interfere with the use and enjoyment of the adjoining properties by the owners or occupants thereof.

§ 214-165. Limitation on the number of athletic courts.

Only one (1) athletic court shall be permitted on the subject premises.

§ 214-166. Location.

The athletic court and any fence enclosing any part of the athletic court shall be located entirely within the rear yard. Where any parcel or plot has frontage on more than one (1) street, any yard facing that street shall be deemed to be a front yard.

§ 214-167. Setbacks from rear or side lot lines.

No part of the athletic court or any fence enclosing any part of it shall be located within twenty (20) feet of any rear or side lot line.

§ 214 – 169. Landscaping.

The athletic court and all fencing surrounding the athletic court shall be completely screened from adjoining properties by a living screen of evergreen trees which shall have a height of at least eight (8) feet when planted and shall be planted five (5) feet on center between the fencing enclosing the athletic court, and all the lot lines of the plot on which the athletic court is located, except only that side of the athletic court which faces the dwelling. The trees shall be maintained and replaced so long as the fencing remains on the premises.

§ 214 -170. Drainage.

The height of the playing surface of the athletic court shall not be above the existing mean level of the ground immediately adjoining the athletic court area prior to its construction, and the athletic court shall be so constructed and maintained so as to prevent any drainage or surface water from flowing onto any adjacent properties or streets.

§ 214-171. Restrictions on use.

The athletic court shall be used only by the residents of the dwelling on the subject property and their guests. Said athletic court shall not be used prior to 9:00 a.m. of any day nor later than sunset of any day. No lights or other illumination of any kind shall be installed, used or maintained in connection with the use or maintenance of the athletic court, nor shall any loudspeaker or sound-amplification device or system be permitted.

§ 214 -172. Enclosure of courts prohibited.

The athletic court shall be an outdoor athletic court only, and no part of the same shall be housed or enclosed by any enclosure, covering, roof or any other device, whether of a temporary or permanent nature.

§ 214-174. Proof of notice to adjacent owners required.

Not later than seven (7) days prior to the public hearing, the applicant shall file with the Village Clerk proof of service of written notice to the owners of all parcels of land within a radius of two hundred (200) feet from all the boundary lines of the applicant, which notice shall be given by registered or certified mail, return receipt requested, and shall state the date of the hearing and the nature of the application.

Fourth:

If any section or provision of this local law shall be adjudged to be invalid by any court of competent jurisdiction, the judgment shall not affect, impair or invalidate any other part of this local law or its remainder, but shall be confined in its operation to the section or provision or part thereof directly involved in the controversy in which the judgment shall have been rendered.

Fifth:

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