

RESOLUTION TO SCHEDULE PUBLIC HEARING ON A LOCAL LAW AMENDING LOCAL LAW NO. 4 OF 2016 REGULATING CONSTRUCTION TO CLARIFY THE DEFINITION OF CONSTRUCTION WORK

RESOLVED, that the Board of Trustees of the Village of Dering Harbor hereby directs that a public hearing shall be held on **Saturday, October 13, 2018 at 9:00 a.m.** prevailing time, at the Dering Harbor Village Hall, Locust Point Road, Dering Harbor, New York, to hear any and all persons either for or against the following local law entitled: “Local Law amending Local Law No. 4 of 2016 regulating construction to clarify the definition of construction work.”

LOCAL LAW NO. ____ OF 2018

A LOCAL LAW amending Local Law No. 4 of 2016 regulating construction to clarify the definition of construction work.”

BE IT ENACTED by the Board of Trustees of the Village of Dering Harbor as follows:

Section 1. Legislative Intent. For the purpose of protecting the safety and well-being of the resident of the Village of Dering Harbor, Local Law No. 4 of 2016 sets forth regulations governing the dates and times in which construction work can be undertaken. Construction work is defined as “any work done on a building for which a building permit or demolition permit has been issued . . .” The Village, however, has experienced activities involving work that does not require a building permit that have caused noise and other impacts negatively effecting the atmosphere and peace and tranquility of the Village during the times construction work is otherwise prohibited. It is the intent and purpose of this Local Law to clarify the definition of construction work to include work and activities customarily associated with construction that may not require a building permit, including but not limited to any work of construction, erection, alteration, repair, addition to, excavating, grading, landscaping, lawn maintenance and leaf blowing or other improvement of any realty, building or structure if the noise or other sound produced by such work is of such intensity or quality that it disturbs the peace and quiet of any person of normal sensitivity.

Section 2. Amendment. Section 2.0 (Definition) of Local Law No. 4 of 2016 is hereby amended by deleting strikethrough words and adding underlined words as follows:

2.0 Definition. Construction work is defined as ~~any work done on a building for which a building permit or demolition permit has been issued until the work done under such permit has been completed~~ any work of construction, erection, alteration, repair, addition to, excavating, grading, landscaping, lawn maintenance and leaf blowing, or other improvement of any realty, building or structure if the noise or other sound produced by such work is of such intensity or quality that it disturbs the peace and quiet of any person of normal sensitivity.

Section 3. Amendment. The first paragraph of Section 2.1 of Local Law No. 4 of 2016 is hereby amended by deleting strikethrough words and adding underlined words as follows:

2.1 Construction During designated Times Prohibited.

It shall be and hereby is prohibited for any person or party to perform construction work or make deliveries for construction work on any realty, building or structure ~~for which a building permit, demolition permit or similar municipal approval has been issued~~ except as follows:

- A. From May 1 until Columbus Day (Except Saturday, Sunday, Holidays and July 4 weekend as defined below):

Construction work and deliveries for construction work are permitted Monday – Thursday 8:00 a.m. – 6:00 p.m. and Friday 8:00 a.m. – 5:00 p.m. during this period.

All construction work and deliveries for construction work are prohibited on Saturday during this period.

July 4th Weekend: When July 4 falls on a Tuesday, construction work and deliveries for construction are prohibited on July 3. When July 4 falls on a Thursday, construction work and deliveries for construction are prohibited on July 5.

- B. From Columbus Day until May 1 (except Sunday, holidays and Thanksgiving weekend as defined below):

Construction work and deliveries for construction work are permitted Monday – Saturday: 8:00 a.m. – 6 p.m. during this period.

- C. All construction work and deliveries for construction are prohibited on Sundays and the following holidays: Memorial Day, July 4, Labor Day, Columbus Day, Thanksgiving, Christmas and New Year's Day.

- D. The use of any music playing device such as a radio, cd player or phone during construction work in a manner that the sound can be heard beyond the property line of the property being worked on is prohibited.

Section 4. Authority. The proposed local law is enacted pursuant to Village Law §4-412 and Municipal Home Rule Law §§10(1)(i), 10(1)(ii)(a)(11), 10(1)(ii)(a)(12), and 10(1)(ii)(e) (3).

Section 5. Severability. If any section or subsection, paragraph, clause, phrase, or provision of this law shall be adjudged invalid or held unconstitutional by any court of competent jurisdiction, any judgment made thereby shall not affect the validity of this law as a whole, or any part thereof other than the part or provision so adjudged to be invalid or unconstitutional.

Section 6. Effective Date. This local law shall take effect upon filing with the Secretary of State pursuant to Municipal Home Rule Law.

AND BE IT FURTHER RESOLVED, that the Village Clerk is hereby authorized and directed to publish the following Notice of Public Hearing:

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE, that the Board of Trustees of the Village of Dering Harbor hereby directs that a public hearing shall be held on **Saturday, October 13, 2018 at 9:00 a.m.** prevailing time, at the Dering Harbor Village Hall, Locust Point Road, Dering Harbor, New York, to hear any and all persons either for or against a local law entitled: “Local Law amending Local Law No. 4 of 2016 regulating construction to clarify the definition of construction work.”

Copies of the proposed law, sponsored by the entire Board of Trustees, are on file in the Village Hall, Tuesday, from 9:00 a.m. to 12:00 noon and Thursday 9:00 a.m. to 12:00 noon, or by appointment, and on the Village’s website.

BY ORDER OF THE BOARD OF TRUSTEES

VILLAGE OF DERING HARBOR, NEW YORK