

(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 do not use italics or underlining to indicate new matter.

County

City

of Rockville Centre

Town

Village

Local Law No. 5 of the year 2012

A local law to amend the Code of the Village of Rockville Centre in relation to zoning regulations for swimming pools and fences.

(Insert Title)

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

County

City

of Rockville Centre as follows:

Town

Village

Section one. Section 340-122 of the Code of the Village of Rockville Centre is hereby amended, tor read as follows:

“§ 340-122. Swimming pools.

A. Swimming pools as defined in this chapter and in compliance with the Uniform Fire Prevention and Building Code are permitted in any residential use district as an accessory to a residential dwelling for the private use of the owner of such dwelling and the families and guests of such owner, provided that a permit is obtained in accordance

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

with the provisions of this chapter, other provisions of this Code, and the provisions of the New York State Uniform Fire Prevention and Building Code.

B. Location.

(1) On lots other than corner lots, swimming pools shall be located in the rear third of the lot and shall be set back a minimum of ten feet from all property lines.

(2) On corner lots, swimming pools shall be located within the rear quadrant and/or the rear third of the lot, taken from a 45 degree angle from the adjacent street frontage/corner, and shall be set back at least ten feet from all property lines.

(3) In all cases, swimming pools shall be set back at least eight feet from every part of the principal dwelling on the property, and at least six feet from any accessory building or structure and detached garage on the property.

C. Fence required.

(1) In all cases there shall be erected and maintained a fence approved by the Superintendent of Buildings not less than six feet in height, entirely surrounding and enclosing the swimming pool from all adjoining lots. Such fence shall be constructed of quality materials and shall be designed to contain no openings or projections which would permit hand or toe holds sufficient for climbing as determined by the Superintendent of the Building Department.

(2) On lots other than corner lots, such required fencing shall be located within the rear setback line of the principal dwelling, as determined by the Superintendent of the Building Department.

(3) On corner lots, such required fencing shall be located within the rear setback line of the principal dwelling, except that a estate type fence not less than six feet in height may be located beyond the front setback line along the longest street frontage provided that such fence is set back at least three feet from the property line as determined by the Superintendent of Building Department and further provided that evergreen arborvitae or similar landscaping is planted and maintained as approved by the Superintendent between such fence and such property line.

(4) On all lots, in addition to all other fencing requirements, a fence not less than four feet high shall be installed and continuously maintained to separate the swimming pool from the principal dwelling.

D. Fence gates, openings. Every gate or other opening in the fence surrounding such swimming pool shall be equipped with a self-closing and self-latching device designed to keep and capable of keeping such gate or opening securely closed. Such gate or opening shall be kept locked at all times the swimming pool is not in actual use.

E. Percentage of lot coverage. The area of such swimming pool shall be added to the area of all main buildings, garages and accessory buildings in computing the permitted building area in a use district.

F. Lighting. There shall be installed minimum security lighting surrounding such swimming pool as approved by the Superintendent of Buildings. Lighting devices installed in connection with a swimming pool shall be designed so as to prevent glare or rays therefrom from going beyond the property lines.

G. Water supply connections and drainage facilities. All water supply connections and drainage facilities to and from a swimming pool must be approved by the Superintendent of Public Utilities and Superintendent of Public Works and shall be designed to safeguard and protect the water supply system of the Village in compliance with the rules and regulations of said departments. All swimming pools whether indoor or outdoor shall comply with said rules and regulations.

H. Materials and construction standards. All swimming pools shall be constructed and maintained of materials having adequate strength to retain the water designed to be contained therein.

I. Drainage. All swimming pools shall have proper drainage sufficient in size, capacity and scope to be able to drain the swimming pool on site within a proper time frame, in accordance with generally acceptable standards as determined by the Superintendent of Building Department and the Superintendent of Public Works. No person shall cause or permit a swimming pool to be drained onto public property or onto private property owned by any person other than the owner of the property on which the swimming pool is located.

J. Code Requirements. All electric services, devices, pumps, filters and associated swimming pool appurtenances, including alarms, shall be installed, maintained and operated in accordance with the New York State Uniform Fire Prevention and Building Code, and to the reasonable satisfaction of the Superintendent of Electric Department and the Superintendent of the Building Department, and with certification from an approved electrical inspection agency where applicable. Further, the swimming pool and all electrical components or related equipment shall comply with clearance requirements of the National Electrical Code and the National Electrical Safety Code to the satisfaction of the Superintendent of Electrical Department.”

Section two. Section 340-121 of the Code of the Village of Rockville Centre is hereby amended, to read as follows:

“§ 340-121. Fences and other accessory structures.

A. In residence districts, fences may be erected but shall not be more than four feet in height, except that a six-foot high fence may be erected enclosing the rear yard. Fences shall be situated so that the finished side of the fence faces away from the

property fenced. No fence shall be erected on corner property unless the same shall be set back from the abutting streets in conformity with the provisions of other applicable Village laws. In business districts, the erection and maintenance of fences shall be in conformity with the provisions of the Village Code.”

Section three. Any local law or provision of the Code of the Village of Rockville Centre in conflict with this local law is hereby repealed to the extent of such conflict, except that such repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of such local law, ordinance or resolution prior to the effective date of this local law.

Section four. If any clause, sentence, paragraph, section, article, or part of this local law shall be adjudged to be invalid by any court of competent jurisdiction, such judgment shall not affect, impair or invalidate any other part of this local law, or 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.

Section five. This local law shall take effect immediately upon adoption and filing pursuant to the Municipal Home Rule Law.

(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.)

~~Thereby certify~~ ^{Name of Legislative Body} that the local law annexed hereto, designated as local law No. 5 of 2012 of the ~~(County)(City)(Town)(Village)~~ of Rockville Centre was duly passed by the Board of Trustees on December 3, 2012, 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 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.

Clerk of the County legislative body, City, Town or Village Clerk
or officer designated by local legislative body.

(Seal)

Date: December 3, 2012

(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

Village Attorney_____

Title

~~County~~

~~City~~

of Rockville Centre_____

~~Town~~

~~Village~~

Date: December 3, 2012