

LOCAL LAW NO. 14 OF THE YEAR 2012

A LOCAL LAW OF THE VILLAGE OF MASTIC BEACH

Adopting Chapter 260 (“Housing Standards”) of the Village Code which shall read as follows:

“Chapter 260– HOUSING STANDARDS

ARTICLE I - General Provisions.

Section 260-1-1. Applicability of provisions.

The Board of Trustees finds that the health, safety and welfare of the residents of the Village of Mastic Beach is advanced through the passage and strict enforcement of housing laws and standards. It is the intent of this chapter to guarantee acceptable living conditions for all Village residents, to protect the character and stability of residential areas and to preserve the value of land and buildings throughout the Village. The failure to monitor and maintain the housing stock of the Village can result in unsafe, blighted, unhealthy and unsanitary conditions, overcrowding and a stress on municipal services. The provisions of this chapter apply to all residential premises, whether or not held for rental, and to the common areas and facilities of such premises.

Section 260-1-2. Conflict with other provisions.

In the event of a conflict between any provision of this chapter and any provision of a zoning, building, electrical, plumbing, fire, safety, health, water supply or sewage disposal law, ordinance or regulation, the provision which is more restrictive and which establishes a higher standard shall prevail.

Section 260-1-3. Restrictions upon transfers.

No owner of any premises subject to the provisions of this chapter, upon whom any

notice of a violation has been served pursuant to the provisions hereof or as to whom there shall be pending any proceeding or action at law arising from the violation or alleged violation of the provisions of this chapter, shall sell, transfer, grant, mortgage, lease or otherwise dispose of the premises concerned until compliance has been had with such notice and until any and all proceedings in any court with respect to the same shall have been finally determined, unless such owners shall furnish to the purchaser, grantee, transferee, mortgagee or lessee, prior to such sale, grant, transfer, mortgage or lease, a true copy of any such notice and a notice indicating the pendency of any such proceeding and at the same time give at least 10 days' notice to the Building Inspector of the Village of Mastic Beach of the proposed sale, grant, transfer, mortgage or lease, together with the names and addresses of all parties thereto.

Section 260-1-4. Definitions.

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

ACCESSORY STRUCTURE; A structure subordinate to the main building on a lot and used for purposes customarily incidental to those of the main building.

ACCESSORY USE; A use or occupancy customarily incidental to the principal use or occupancy of a residential building.

BASEMENT; That space of a building that is partly below grade, which has more than half its height, measured from floor to ceiling, above the average established curb level or finished grade of the ground adjoining the building.

BATHROOM; An enclosed space containing one or more bathtubs or showers, or both, and which may also contain water closets, lavatories or fixtures serving similar purposes.

BEDROOM; A room designed and authorized for use as a bedroom or, as in the case of a studio apartment, a common room used for sleeping purposes. Rooms having other

purposes, such as dens, living rooms or hallways, are not to be interpreted as "bedrooms." A room may not be converted to a bedroom without the permission of the Building Inspector and shall not be deemed authorized for use as a bedroom until written authorization by the Building Inspector shall have been obtained.

BUILDING; A structure wholly or partially enclosed within exterior walls, or within exterior or party walls, and a roof, affording shelter to persons, animals or property.

BUILDING INSPECTOR; The Building Inspector of the Village of Mastic Beach or any person duly appointed as such Inspector.

CELLAR; That space of a building that is partly or entirely below grade, which has more than half of its height, measured from floor to ceiling, below the average established curb level or finished grade of the ground adjoining the building.

DECK; A platform-like structure commonly made of wood and commonly extending from a building or surrounding a pool.

DWELLING, ONE-FAMILY; A building designed and authorized for exclusive occupancy as a home or residence for not more than one family, which building shall have not more than one kitchen.

DWELLING, TWO-FAMILY ; A building designed and authorized for exclusive occupancy as a home or residence for not more than two families living independently of each other, which building shall have at least, but not more than, two kitchens.

DWELLING UNIT; One or more rooms with provisions for living, cooking, sanitary and sleeping facilities arranged for the use of one family, said sleeping facilities to be limited to sleeping rooms only.

EXIT; A way of departure from the interior of a building or structure to the exterior at

street or grade level, including doorways, passageways, hallways, corridors, stairways, ramps, fire escapes and all other elements necessary for egress or escape.

FAMILY; One or more persons related by blood, adoption or marriage, or a domestic partnership, living and cooking together as a single housekeeping unit, or a number of persons, not so related, but the factual and functional equivalent of the same, living and cooking together as a single housekeeping unit and as a relatively permanent household, and not as a framework for transients or transient living.

GENERALLY ACCEPTED STANDARD; A specification, code, rule, guide or procedure in the field of construction or related thereto, recognized and accepted as authoritative.

GRADE, FINISHED; The natural surface of the ground, or the surface of the ground after completion of any change in contour, abutting building or premises.

HABITABLE SPACE; Space occupied by one or more persons for living, sleeping, eating or cooking. Kitchenettes shall not be deemed to be "habitable space."

HEATER ROOM; Space containing central heat-producing or heat-transfer equipment.

HIGH-CAPACITY ; Containing equipment having an individual or combined rated gross capacity of 1,000,000 BTUs per hour or more, or capable of operating at more than 15 pounds per square inch for steam or more than 30 pounds per square inch or 250° F. for hot water.

INFESTATION; The presence, within or contiguous to a dwelling, dwelling unit, lodging house, lodging unit or premises, of insects, rodents, vermin or other pests.

KITCHEN; Any assembly of cabinets, appliances, countertops or plumbing used in connection with the storage, preparation or cooking of food.

KITCHENETTE;A space, less than 60 square feet in floor area, used for cooking or

preparation of food.

MIXED OCCUPANCY; The occupancy of a building used in part for residential use and in part for some other use not accessory thereto.

MODERATE-CAPACITY; Containing equipment having an individual or combined rated gross capacity from 250,000 to 1,000,000 BTUs per hour and operating at less than 15 pounds per square inch for steam or less than 30 pounds per square inch or 250° F. for hot water.

MULTIPLE DWELLING;

A. A building containing three or more dwelling units.

B. A building with one or more sleeping rooms, other than a one- or two-family dwelling, used or occupied by permanent or transient paying guests or tenants.

C. A building with sleeping accommodations for more than five persons used or occupied as a club, dormitory, fraternity or sorority house, or for similar uses.

D. A building used or occupied as a convalescent, old age or nursing home, but not including private or public hospitals or public institutions.

NONHABITABLE SPACE; Space used as kitchenettes, pantries, bath, toilet, laundry, rest, dressing, locker, storage, utility, heater, boiler and recreation rooms, closets and other space for service and maintenance of the building, and those spaces used for access and vertical travel between stories and specifically excluding any rooms used for sleeping, eating and cooking, other than kitchenettes. The presence of a bed or bed frame in a room is presumptive evidence that the room is being used for sleeping purposes.

OPERATOR; Any person, partnership, corporation or other entity who has charge, care and/or control of a dwelling or premises, or a part thereof, whether with or without the knowledge and/or consent of the owner, including but not limited to a managing agent.

OWNER; Any person, partnership, corporation or other entity who, alone or jointly, shall have legal title to any premises, with or without accompanying actual possession thereof; or who shall have charge, care or control of any dwelling unit as a cooperative shareholder or as executor, administrator, trustee, receiver or guardian of the estate or as a mortgagee in possession, title or control; including but not limited to a bank or lending institution, regardless of how such possession, title or control was obtained.

PLUMBING SYSTEMS; The water supply system, the drainage system, the vent system and fixtures and traps, including their respective connections, devices and appurtenances within the property lines of the premises.

POTABLE WATER; Water which is approved for drinking, culinary and domestic purposes.

PUBLIC SPACE; Space within a residential building for public use.

ROOMING UNIT; Any room or group of rooms forming a single habitable unit used, intended, arranged or designed to be used for living and sleeping, but not for cooking or eating, purposes.

SEWAGE; Liquid waste containing animal or vegetable matter in suspension or solution, and which may include industrial wastes and liquids containing chemicals.

SPACE HEATERS; Any and all devices used for producing heat in an unheated space which are not part of the regular heating system of a dwelling.

STRUCTURE; Anything constructed or erected which requires location in or upon the ground or which is attached to something having location in or upon the ground, including all types of signs, but not including fences which are six feet or less in height or anything constructed or erected which is less than 100 square feet in area and which is used as a shed. The

word "structure" shall be construed as though followed by the words "or part thereof."

TOILET ROOM; An enclosed space, containing one or more water closets, which may also contain one or more lavatories, urinals and other plumbing fixtures.

VENTILATION; The supply and removal of air to and from a space by natural or mechanical means.

VENTILATION, MECHANICAL; Ventilation by power-driven devices.

VENTILATION, NATURAL; Ventilation by an opening to the outer air through windows, skylights, doors, louvers or stacks, with or without wind-driven devices.

WALL COMPONENTS; All parts of a wall including doors, windows, locks and wall coverings, including paint, wallpaper, vinyl wall covering, wood or composite paneling or any other material used to cover or construct a wall.

ARTICLE II - Occupancy.

260-2-1. Maximum occupancy.

A. The maximum number of occupants permitted in any unit shall be determined as follows:

1. In any rooming or dwelling unit, the maximum number of occupants permitted in any one bedroom shall be determined as follows: one occupant per bedroom having a floor area of at least 80 square feet but less than 120 square feet; two occupants per bedroom having a floor area of at least 120 square feet but less than 180 square feet; and three occupants per bedroom having a floor area of 180 square feet or more. Where more than three persons occupy any room used for sleeping purposes, the required

floor area shall be increased at the rate of 60 square feet for each occupant in excess of three.

2. It shall be an offense for an owner, operator, renter, manager or other person in charge or in control of any rooming or dwelling unit to allow occupancy in excess of the provisions hereof.

3. It shall be a separate offense for an owner, operator, renter, manager or other person in charge of any rooming or dwelling unit to convert any room into a bedroom without the written permission of the Building Inspector.

B. The maximum number of occupants in buildings occupied as clubs, dormitories or sorority or fraternity houses and providing sleeping accommodations for more than five persons shall be no more than one occupant per 50 square feet of any habitable room, other than a kitchen.

Section 260-2-2. Prohibited uses.

No kitchen, non-habitable space or public space shall be used for sleeping purposes. No cellar space shall be used or occupied as habitable space.

Section 260-2-3. Habitable space.

No space shall be considered to be habitable space unless it complies with the following size requirements:

A. The minimum ceiling height shall be seven feet six inches over 50% of the floor area. For the purpose of computing the floor area, no such area shall be taken into account over which the ceiling height is less than five feet.

B. Each dwelling unit shall contain at least one habitable room having a minimum

floor area of 150 square feet and a minimum horizontal dimension of 10 feet.

C. Kitchens shall have a minimum floor area of 60 square feet, and other habitable spaces shall contain not less than 80 square feet of floor area and shall have a minimum horizontal dimension of seven feet.

D. Every alcove less than 60 feet square in area, except a cooking space or foyer, shall be deemed to be part of a habitable room. The area of the opening in the dividing partition between the alcove and the room shall be at least 80% of the wall area of such partition, measured on the alcove side, but not less than 40 square feet. The depth of such alcove shall not exceed half its width. The floor area of the alcove shall be added to the floor area of the room in determining light and ventilation requirements for the room. An alcove with an area of 60 square feet or more, but less than the required area of a habitable room, shall be separately lighted and ventilated as required for habitable space.

Section 260-2-3. Basements.

Basements shall not be deemed habitable space where required windows are located only on one wall and the depth of the basement space exceeds four times its clear height.

ARTICLE III - Requirements for Habitable Space.

Section 260-3-3. Light and ventilation.

Habitable space shall meet the following light and ventilation requirements:

- A. All habitable space must be provided with natural light through one or more windows, skylights, transparent or translucent panels, or any combination thereof, that face directly on legal open spaces at least six inches above the adjoining finished grade or area above any roofline. The amount of light shall be equivalent to that transmitted through clear glass equal in area to 10% of the floor area of the habitable space.

- B. Habitable space shall be provided with artificial light.
- C. Habitable space shall be provided with natural ventilation through openable parts of windows or other openings in exterior walls that face legal open spaces above the adjoining finished grade or above a roof, or through openable parts of skylights, providing total clear ventilation area equal to not less than 5% of the total floor area of each habitable space.
- D. Habitable space may also be provided with mechanical ventilation, in addition to natural ventilation.

Section 260-3-4. Separation of units.

- A. Dwelling units shall be separated from each other and from other spaces outside the dwelling unit and sleeping rooms within any dwelling unit shall be separated from each other and from other spaces outside each sleeping room by a full permanent wall and a working door.
- B. Nothing in this section shall prohibit the use of an efficiency living unit or studio apartment meeting the following requirements:
 - 1. The unit shall have a living room of not less than 400 square feet of floor area.
 - 2. The unit shall be provided with a separate closet.
 - 3. The unit shall be provided with a kitchen sink, cooking appliance and refrigeration facilities.
 - 4. The unit shall be provided with a separate bathroom containing a water closet, lavatory and bathtub or shower.

- C. In all two-family, multiple-family, rooming houses and boardinghouses, it shall

be prohibited to access a toilet room from a conventional bedroom by passing through any other conventional bedroom.

ARTICLE IV - Requirements for Non-habitable Space.

Section 260-4-1. Public Space.

Public space shall meet the following requirements:

- A. Height. The minimum height of any public space shall be seven feet six inches, measured from finished floor to finished ceiling.
- B. Light and ventilation. Public spaces shall be provided with artificial light and ventilation as follows:
 - 1. All public spaces shall be provided with artificial light.
 - 2. In public stairs, stairways and passageways, such artificial light shall be electric lighting available at all times so as to afford safe passage for occupants and users. Such lighting shall conform to the following:
 - a. A sufficient number of fixtures shall be provided so that the distance between fixtures is not more than 30 feet, and so that no wall is more than 15 feet distant from a fixture.
 - b. Incandescent lighting shall be based on not less than 1/4 watt per square foot of floor area, except that each fixture shall have a lamp or lamps of a total of not less than 15 watts.

- c. Fluorescent lighting shall be based on not less than 1/10 watt per square foot of floor area, except that each fixture shall have a lamp or lamps of a total of not less than 15 watts.
- d. Where under these formulas the calculated wattage does not correspond to that of a standard lamp, the next larger size shall be used.

- 3. Public spaces shall be provided with either natural ventilation conforming to the requirements for habitable space, or with mechanical ventilation.

Section 260-4-2. Non-habitable space.

Non-habitable space shall conform to the following requirements:

- A. Height. Non-habitable space, except crawl spaces and attics, in multiple dwellings shall have a minimum height of seven feet, measured from floor to ceiling.
- B. Toilet rooms and bathrooms. Toilet rooms and bathrooms shall meet the following requirements:
 - 1. Toilet rooms and bathrooms shall have provisions for privacy.
 - 2. Bathrooms and toilet rooms shall be provided with floors of moisture-resistant material and natural ventilation to the exterior, or mechanical ventilation.
- C. Light and ventilation. Non-habitable space shall have the following light and ventilation requirements:
 - 1. Kitchenettes, bathrooms and toilet rooms shall be provided with ventilation by

natural means as required for habitable space, except that openable areas shall not be less than 1 1/2 square feet for bathrooms or toilet rooms and not less than three square feet for kitchenettes. In the alternative, such rooms may be provided with mechanical ventilation exhausting not less than 25 cubic feet per minute for bathrooms and toilet rooms and not less than 100 cubic feet per minute for kitchenettes.

2. Ventilation shall be provided in unheated attics, spaces below flat roofs and crawl spaces. The location and net areas of ventilation openings shall be such as to minimize the deterioration of structural members from condensation or other causes, in conformity with generally accepted standards.
3. Spaces in multiple dwellings which contain central heat-producing, air-conditioning and other equipment shall be ventilated to the outer air, and air from these spaces shall not be recirculated to other parts of the building, and such spaces shall be fire resistant as follows:
 - a. High-capacity heater rooms shall be located in a separate building or be enclosed by noncombustible construction having a fire-resistance rating of not less than two hours.
 - b. Moderate-capacity heater rooms shall be located in a separate room enclosed by construction having a fire-resistance rating of at least one hour.
 - c. Low-capacity heater rooms shall not be required to be enclosed. Where an enclosure is provided for such equipment, the enclosure shall have a fire-

resistance rating of at least 3/4 of an hour.

Section 260-4-3. Stairs and Railings.

Stairs, both interior and exterior, shall be of sufficient width in conformity with generally accepted standards so as to serve the occupants, and shall be at a height of six feet six inches, measured vertically from the surface of the tread and maintained in good repair. Railings shall be provided on open portions of stairs, balconies, landings and stairwells and on one side of all stairwells. All hand rails and landing railings must be secured to the wall or floor on which it is mounted.

Section 260-4-4. Exits.

Safe, continuous and unobstructed exits shall be provided from the interior of the building to the exterior at street or grade level.

- A. Exits shall be arranged, constructed and proportioned in conformity with a generally accepted standard and in such manner that occupants may escape from said building in case of emergency.
- B. In one- and two-family dwellings, in addition to a primary exit from the building, there shall be provided a secondary exit or, in lieu thereof, one or more exit openings for emergency use no higher than three feet six inches.
- C. Where any windowsill is at a height of more than 14 feet above grade, exterior stairs must be provided to the dwelling unit or rooming unit in which such window is located.
- D. All exits in rooming houses and boarding houses must be marked and must be equipped with operating panic bars.
- E. The area leading to and from all exits must have a pathway of at least three feet

maintained for safe and unobstructed access to said exit.

ARTICLE V- Structural Requirements.

Section 260-5-1. General provisions; firesafety.

- A. Buildings and parts thereof shall be maintained so as to be capable of sustaining safely their own weight and the loads to which they may be subjected.
- B. Buildings shall be maintained so that loads are transmitted to the soil without undue differential settlement, unsafe deformation or movement of the building or any structural part thereof.
- C. Buildings shall be maintained so that protection is provided for all structural members which may become structurally unsound if left unprotected. Causes of such deterioration include, among others, the action of freezing and thawing, dampness, corrosion, wetting and drying, and termites and other destructive insects.
- D. Buildings built in soil which is water bearing at any season of the year shall be maintained so that ground- and surface water will not penetrate into any habitable space.

Section 260-5-2. Exterior protection.

- A. Foundation walls shall be maintained so as to be structurally sound and to prevent the entrance of termites and vermin. Such protection shall consist of shoring, where necessary, and grouting of masonry cracks and other suitable means.
- B. Exterior walls and wall components shall be maintained so as to prevent deterioration due to the elements and destructive insects. Such maintenance shall consist of painting, installing or repairing walls, copings and flashings, waterproofing joints, waterproof coatings, installing or repairing termite shields, poison treatment of the soil, or other suitable means.
- C. Roofing shall be maintained in a watertight condition so as to prevent leakage into

the building. Such maintenance shall consist of repairing roofing, flashings, waterproof coatings, or other suitable means.

Section 260-5-3. Interior protection.

A. Crawl spaces shall be maintained free of moisture, and the flow of air from such spaces into walls above shall be effectively barred so as to prevent the deterioration of structural members. Such provisions shall consist of maintaining openings in foundation walls, providing adequate circulation of air in the crawl space, covering the ground in the crawl space with a moisture barrier, installing drains outside the structure if the crawl space is below the surrounding grade, blocking openings in stud walls to prevent the flow of air and moisture into walls, frequent destruction of termite tubes from the soil to wood floor members above, poison treatment of soil, and other suitable means.

B. Structural members shall be maintained so as to be structurally sound and to prevent the leakage of gases into the structure. Such maintenance shall consist of clearing flue stoppages, sealing open joints, repairing masonry, where necessary, and other suitable means.

C. Floors, ceilings and walls shall be maintained so that parts which become loose or defective do not constitute a hazard to occupants. Such maintenance shall consist of removing and replacing loose or defective sections.

D. Toilet room and bathroom floors shall be maintained so as to prevent the leakage of water through the floor under normal conditions of use and floor washing and resultant deterioration or defects in structural members and ceilings below. Maintenance shall consist of repairs which effectively provide the moisture-proof and waterproof qualities required for the particular floor.

Section 260-5-4. Fire Safety requirements.

- A. It shall be prohibited to accumulate or store on residential premises, except in approved locations, any highly flammable or explosive matter, such as paints, volatile oils, cleaning fluids and similar materials, or any combustible refuse susceptible to spontaneous combustion, such as wastepaper, boxes or similar materials.
- B. It shall be prohibited to accumulate or store materials on fire escapes or stairs, in stairways or passageways, at doors or windows, or in any other locations where, in the event of fire, such materials may obstruct the egress of occupants or interfere with fire-fighting operations.
- C. Walls and ceilings shall be maintained free of cracks and openings which would permit flames or excessive heat to enter the concealed space.
- D. In buildings of mixed occupancy, nonresidential space shall be separated from residential space by fire separations which will retard the spread of fire and are approved by the authority having jurisdiction.
- E. Garages in or attached to a residential building shall be separated from other spaces in the building by approved fire separations which will retard the spread of fire and prevent flammable or toxic vapors originating within the garage from being transmitted to other parts of the building.
- F. Fireplaces and similar construction used or intended to be used for burning fuel in open fires shall be connected to approved chimneys and shall be installed so that nearby or adjacent combustible material and structural members shall not be heated to unsafe temperatures.
- G. Hearths and linings or other parts of fireplaces exposed directly to flames shall be of materials that will not melt, disintegrate, spall or shatter at high temperatures and shall be maintained in good repair.
- H. Wood mantels and trim on fireplaces shall be placed and attached so that they

cannot be heated to unsafe temperatures or ignited by sparks or embers from the fire.

ARTICLE VI - Requirements for Fixtures, Equipment and Systems.

Section 260-6-1. General provisions.

- A. Plumbing, heating, electrical, ventilation, air-conditioning, refrigeration, cooking, fire-protection and radiation-producing equipment, elevators, dumbwaiters, escalators and other mechanical additions, installations or systems for the use of the building shall be installed, located and maintained so that under normal conditions of use such equipment and systems will not be a danger to health or welfare, a danger because of structural defects, or a source of ignition or a radiation hazard, and will not create excessive noise or otherwise become a nuisance. Equipment and fixtures include but are not limited to apparatus, devices, fixtures, piping, pipe hangers, pipe covering, wiring, fitting and materials used as a part of or in connection with such installations.
- B. All equipment and systems shall be adequately protected against freezing.
- C. Moving parts of equipment which may be a potential hazard shall be guarded to protect against accidental contact.

Section 260-6-2. Plumbing.

- A. Plumbing systems shall be maintained in a sanitary and serviceable condition.
- B. Plumbing systems shall be maintained so as not to weaken structural members, nor cause damage or deterioration to any part of the building through fixture usage.
- C. All plumbing fixtures, i.e., faucets, valves, etc., shall operate so as to form a watertight seal when not in use.

Section 260-6-3. Water supply.

- A. Potable water from an approved source shall be available at all times in residential buildings. The domestic water supply system of the building shall be connected to such approved source and shall not be subject to contamination. When supplied from a public source, the potable water supply system shall not be connected to private or unsafe water supplies.
- B. Water supply systems shall be installed and maintained so as to provide at all times a supply of water to plumbing fixtures, devices and appurtenances in sufficient volume and at a pressure adequate to enable them to function satisfactorily and without undue noise under all normal conditions of use.
- C. Water supply systems shall be installed and maintained so that water used for purposes of cooling or heating shall not be reintroduced into the domestic water supply system, nor be distributed through such equipment to plumbing fixtures.

Section 260-6-4. Sewage drainage system.

- A. Plumbing fixtures shall be drained to a sewage drainage system, and such system shall be connected to a public sewer or to an adequate and approved system of sewage disposal.
- B. Where a public sewer is not available, a system shall be provided to receive and dispose of sewage without health hazards or nuisances, and at no time shall sewage be expelled to the surface of the ground.
- C. Each fixture directly connected to the sewage drainage system shall be equipped with a water seal trap.
- D. Adequate clean-outs shall be provided and maintained so that the pipes may be readily cleaned.
- E. The drainage system and its attendant vent piping shall be maintained so as to

provide adequate circulation of air in all pipes in order that a siphonage, aspiration or pressure will not cause a loss of the trap seal under ordinary conditions of use.

- F. Each vent terminal to the outer air shall be installed and maintained so as to minimize the possibilities of clogging, frost closure, the return of foul air to the building or the creation of a nuisance to adjacent premises.

Section 260-6-5. Storm drainage.

Roofs and paved areas, including yards and courts, shall be drained. Storm drainage shall be conveyed to an adequate and approved system of storm-water disposal.

Section 260-6-6. Plumbing systems.

- A. Buildings and portions thereof shall be provided with plumbing systems designed to dispose of the sewage from all fixtures and to furnish cold water to every water closet and urinal and hot and cold water to every sink, lavatory, bathtub and shower required therein.
- B. There shall be provided within each dwelling unit plumbing fixtures consisting of at least one kitchen sink, one water closet, one bathtub or shower and one lavatory.
- C. Privies, privy vaults and outhouses shall be prohibited on residential premises.
- D. In every multiple dwelling defined under Subsections B and D of the definition of "multiple dwelling" under section 260-1-4 hereof, there shall be one bathtub or shower, one water closet and one lavatory for each six of the occupants of said building.

Section 260-6-7. Electrical wiring and equipment.

- A. Electrical wiring and equipment shall be installed in conformity with generally accepted standards and maintained so as not to be a potential source of ignition of

combustible material or a potential source of electrical hazard.

- B. Electrical wiring and equipment shall be firmly secured to the surface on which it is mounted.
- C. Electrical wiring and equipment installed in damp or wet locations or where exposed to explosive or flammable gases or to excessive temperatures shall be of a type approved for the purpose and location.
- D. Electrical wiring and equipment shall be protected against excessive current by properly rated overcurrent devices.
- E. Electrical wiring and equipment shall be grounded or otherwise protected by insulation, isolation or guarding so as to minimize the danger of high voltage from lightning or other causes.
- F. Electrical equipment, which in ordinary operation produces arcs or sparks, shall be enclosed unless separated and isolated from all combustible material.
- G. Service equipment and overcurrent protection devices shall be installed and maintained in a readily accessible location.
- H. The number of electrical outlets for each rooming unit and each dwelling unit shall be determined by Article 210 of the National Electrical Code.
- I. No fuse or circuit breaker panel shall be kept in a locked room or cellar so that access to such fuse or circuit breaker box may not be freely had in case of an emergency.
- J. In all rooming houses and boardinghouses, it shall be prohibited to store or use any portable cooking equipment, electrical or otherwise.

Section 260-6-8. Artificial lighting.

Lighting equipment shall be installed throughout each unit and building to provide

adequate illumination for the intended use of each space. Electric wiring systems shall be connected to an adequate source of supply. There shall be a switch or other means for controlling a light in each dwelling unit and rooming unit near the point of entry to such unit.

Section 260-6-9. Exit and directional signs.

- A. Exits in multiple dwellings shall be provided with exit and directional signs visible from the approach to the exits, except that such signs shall not be required in those portions of a building which contain dwelling units only, or in which exits from sleeping rooms are directly to the outside.
- B. Directional signs shall be provided at locations from which the exit doorway is not readily discernible.
- C. Signs shall be worded in plainly legible block letters with the word "EXIT" for exit signs and the words "TO EXIT," with a suitable pointer or arrow indicating the direction of the exit, for directional signs. Letters for signs shall be conspicuous, readily discernible and at least six inches high, except that for internally illuminated signs the height of such letters shall be at least 4 1/2 inches.
- D. Exit and directional signs shall be illuminated either externally or internally by electric lights, and shall be kept illuminated at all times when the building is occupied.
- E. Emergency lighting shall be provided in hallways and stairways of buildings over two stories in height.

Section 260-6-10. Cooking and refrigeration equipment.

- A. Each dwelling unit shall be provided with appropriate cooking equipment.
- B. Cooking and refrigeration equipment shall be maintained in full operating

condition.

- C. Gas-burning cooking equipment shall be permanently fastened and connected in place. Gas supply connections to such equipment shall be made with pipes or tubing of solid metal, and a shutoff shall be provided at each fixture.
- D. Solid-fuel-burning cooking equipment shall be appropriately vented.
- E. All gas-burning appliances shall be installed in accordance with the standards of the American Gas Association, the National Fire Protection Association and the Long Island Power Authority. In cases of conflict, Long Island Power Authority standards shall apply.

Section 260-6-11. Fire protection in dwellings and certain other buildings.

- A. Fire alarm systems, where required by law, shall be maintained in proper operating condition at all times. In multiple dwellings, smoke detection equipment shall be maintained in all public halls, and all heating rooms shall be provided with heat detectors.
- B. Any and all sprinkler equipment which is required by law or which has been installed otherwise shall be maintained in proper operating condition at all times. Storage of materials shall cause a minimum amount of interference to the effective discharge of water. Valves controlling the water supply to sprinklers shall be secure in the open position, and sprinkler heads shall be maintained free of corrosion and paint.
- C. Each oil burner for a boiler, furnace or central hot-water heater shall be provided with an approved hand fire extinguisher. Portable extinguishers required for fire protection shall be in their designated locations and in a condition which will permit efficient operation without delay.

D. At least one single-station smoke-detecting alarm device shall be provided

adjacent to sleeping spaces in each apartment and shall be located on or near the ceiling.

1. Such device shall be designed and installed so as to avoid dead air space, detect smoke and activate the alarm, be reasonably free from false alarm and provide visible indication that the alarm is energized.
2. The alarm shall be clearly audible in adjacent sleeping spaces with intervening doors closed.
3. The device shall be directly connected to the lighting circuit unit with no intervening wall switch. Cord-connected installations shall not be permitted.

E. All dwellings must maintain at least one operating smoke detector outside of each and every conventional bedroom. Said smoke detectors must be operational at all times.

F. All dwellings must maintain at least one approved carbon monoxide detector on each floor level containing habitable space.

ARTICLE VII - Heat, Hot Water and Fuel Usage.

Section 260-7-1. Fuel gas.

A. Fuel gas piping systems shall be installed and maintained so as to remain gastight, safe and operative under conditions of use.

B. Fuel gas piping systems shall provide a supply of gas sufficient to meet the maximum expected demand of the installed gas-burning appliance connected thereto.

- C. Gas piping systems shall have at least one accessible means for shutting off all gas supplies, and such means shall be maintained in good operating condition and shall be so marked.
- D. An easily accessible shutoff valve or cock shall be provided in the piping in close proximity to and ahead of every outlet for a gas appliance.
- E. All gas-burning appliances shall be installed in accordance with the standards of the American Gas Association, the National Fire Protection Association and the Long Island Power Authority. In cases of conflict, Long Island Power Authority standards shall apply.

Section 260-7-2. Heating and hot water requirements.

All premises shall be provided with heating equipment capable of maintaining an indoor temperature in habitable spaces, kitchenettes, bathrooms and toilet rooms at 70° F. at a distance of three feet or more from exterior walls and at a level of five feet above the floor in all habitable spaces, kitchenettes, bathrooms and toilet rooms, when the outside temperature falls below 55°.

- A. Such heat shall be maintained at all times when said outside temperature falls below 55° F.
- B. Hot water shall be furnished at a temperature range of 130° to 140° F. from 6:00 a.m. to midnight. In every building containing more than one dwelling unit, there shall be provided and maintained at all times a separate thermostatic control regulating the supply of heat to each and every dwelling unit in said premises.

Section 260-7-3. Location of water heaters.

Fuel-burning water heaters shall not be located in sleeping rooms, bathrooms or toilet rooms.

Section 260-7-4. Fuel supply connections.

Fuel-burning equipment shall be permanently fastened and connected in place. Fuel supply connections to such equipment shall be made with pipe or tubing of solid metal.

Section 260-7-5. Installation and location of heat-producing equipment.

Where heat-producing equipment is installed on or adjacent to combustible materials, the location, insulation, clearance and control of the equipment shall be such that the temperature on the surface of the combustible materials will not exceed a safe temperature.

Section 260-7-6. Air supply.

Direct-fired heat-producing equipment and the enclosure in which it is located shall be provided with a supply of air adequate both for complete combustion at the rated gross output of the equipment and for the ventilation of the enclosure to prevent the accumulation of heat. Rooms containing fuel-burning equipment shall have such air supply provided by means of one or more openings to the exterior, or by means of fixed openings to interior spaces which open to the exterior.

Section 260-7-7. Certain space heaters prohibited.

Portable and/or liquid fuel-burning space heaters are prohibited in all premises.

Section 260-7-8. Removal of products of combustion.

- A. Equipment for burning solid or liquid fuel shall be connected to suitable chimneys or flues and shall not be connected to gas vents. Unvented heaters burning liquid fuel are prohibited.
- B. Gas-fired equipment shall be connected to a suitable chimney, flue or gas vent when the discharge of products of combustion into the space where the equipment is installed would be a hazard.

Section 260-7-9. Safety devices.

- A. Equipment capable of developing hazardous pressures or temperatures shall be provided with means to relieve safely such pressures and temperatures.
- B. Controls for the safe operation of automatically operated heat-producing equipment shall be provided to function as follows:
1. When failure or interruption of flame or ignition occurs, the fuel supply shall be cut off.
 2. When a predetermined temperature or pressure is exceeded, the input of additional heat shall be prevented or reduced to a safe rate.
 3. When the water level in a steam boiler drops below a predetermined level, the fuel supply shall be cut off.
 4. When the failure or interruption of a pilot light or main burner of liquefied petroleum gas equipment occurs, the fuel supply to each pilot light and main burner shall be cut off.

Section 260-7-10. Heating of garages.

Fuel-burning equipment for garages servicing multiple dwellings shall be located in heater rooms, and equipment burning gas or liquid fuel shall not be located in the vehicle storage space.

Section 260-7-11. Chimneys, flues and gas vents.

- A. Chimneys, flues, gas vents and their supports shall be installed and maintained so as to be structurally safe, durable, smoke-tight, noncombustible and capable of withstanding the action of flue gases without softening, cracking, corroding or spalling.
- B. Such facilities shall effectively convey the products of combustion to the outer

air.

- C. Masonry chimneys, except approved prefabricated chimneys, shall have noncombustible foundations.
- D. Flue linings shall be capable of withstanding the action of flue gas without softening, cracking, corroding or spalling at the temperature to which they will be subjected.
- E. Openings for smoke pipe or gas vent connections shall be provided with means for easy connection without restriction of the flue.
- F. No flue shall have smoke pipe or gas vent connections in more than one story of a building.
- G. Fuel-burning equipment and fireplaces located in different tenancies shall not be connected to the same flue.
- H. Chimneys, flues and gas vents shall be installed and maintained so that under conditions of use the temperature of any combustible material adjacent thereto, insulated therefrom or in contact therewith does not exceed a safe temperature.

Section 260-7-12. Fuel oil storage and use.

- A. Fuel oil shall be received, stored and conveyed by means of fixed liquid-tight equipment.
- B. Fuel oil storage tanks shall be provided with a means for venting.
- C. Automatically operated boilers and furnaces using fuel oil shall be provided with remote control to stop the flow of oil during a fire or other emergency.
- D. Filling, emptying and venting of tanks shall be by means of fixed piping. Pipes to underground tanks shall be pitched toward tanks. Terminals of fill and vent pipes

shall be located outside buildings at a safe distance from building openings.

Section 260-7-13. Storm windows and doors.

At all times, all rental and dwelling units to which this chapter applies shall be equipped with storm windows or thermal-pane-type windows on each and every window and storm doors on each and every door of said premises. Said storm doors and windows or thermal-pane-type windows shall at all times be installed, manufactured and maintained according to generally accepted standards.

ARTICLE VIII - Property Maintenance.

Section 260-8-1. General

All residential premises throughout the Village, whether or not covered by other provisions of this chapter, shall be maintained in conformity with the provisions of this section so as to assure the desirable residential character of the property and all residential neighborhoods.

- A. Surface and subsurface water shall be appropriately drained to protect buildings and structures and to prevent the accumulation of water. Gutters, culverts, catch basins, drain outlets, stormwater sewers, approved combined storm and sanitary sewers or other satisfactory drainage systems shall be utilized where deemed necessary by the Building Inspector.
- B. Fences and other minor constructions shall be maintained in good repair at all times.
- C. Steps, walks, driveways, parking areas and other paved areas shall be maintained so as to afford safe passage at all times.
- D. Yards and courts shall be kept clean and free of physical hazards and debris.
- E. Lawns, shrubs and trees:

1. All lawns, common areas and recreation areas shall be maintained in a clean and neat condition and grass shall be cut periodically to restrict growth in excess of eight inches in total height.
2. No portion of an established lawn area shall be damaged or destroyed by overuse or by the parking or driving of motor vehicles on such established lawn area. In addition, it shall be unlawful to cover such established lawn areas with carpet, tarps, sand, gravel or other material in a manner that damages or destroys the lawn without written permission of the Building Inspector.
3. No portion of any established lawn area shall be used for the parking of motor vehicles.
4. All landscaping shall be maintained so hedges, bushes and trees shall be kept trimmed and free from becoming overgrown and unsightly and trimmed so that they do not extend into the public right of way and shall not be otherwise permitted to obstruct traffic, or the visibility of streets or right of ways.
5. All hedges, shrubbery and other vegetation shall be maintained to a maximum height of three feet (3') within eight feet (8') of any intersecting points of the sides of the roads forming an intersection.
6. Lawns, hedges, bushes or trees that die or are otherwise destroyed shall be replaced or removed.

F. Exterior surfaces of buildings and structures, including but not limited to fences

that are not inherently resistant to deterioration, shall be periodically treated with a protective coating of paint or other suitable preservative. All surfaces shall be maintained free of deterioration, including but not limited to broken or missing glass, loose or missing shingles or siding, crumbling brick, stone and mortar and peeling, scaling or deteriorated paint.

- G. In rental units and buildings only, floors, walls, ceilings and fixtures shall be maintained in a clean and sanitary condition.
- H. Accessory structures shall be maintained so as to be free of conditions detrimental to safety or health and shall be kept in good repair. Painted surfaces shall be painted as required to maintain the original finish.
- I. Grounds, buildings and structures shall be maintained free of insects, vermin, rodent harborage and infestation. Methods used for exterminating insects, vermin and rodents shall conform to generally accepted practice.
- J. From May 1 to October 1, entrances to all residential rental buildings and units shall be provided with self-closing-type devices or screens, and windows and other openings used for ventilation shall be appropriately screened.
- K. Adequate sanitary facilities and methods shall be used for the collection, storage, handling and disposal of garbage and refuse.
- L. In multiple dwellings, it shall be prohibited to store or accumulate garbage or refuse in public halls and stairways.
- M. All dwelling units in multiple dwellings and all rooming units in boardinghouses shall be permanently identified by affixing numbers and/or letters to the door or door frame of each such unit. Such numbers and/or letters shall be not less than three inches in height; and said numbers or letters may be painted, plastic or

metal.

- N. All materials used for the purpose of roofing any dwelling must be of a type approved by the New York State Uniform Fire Prevention and Building Code. No plywood, OSB or plastic covering shall be used as a permanent finished roofing except in an emergency and then only for a period not to exceed 90 days.

ARTICLE IX - Rental Properties.

Section 260-9-1. Permit Required.

Every owner of rental property located within the Village of Mastic Beach shall file:

- A. A statement of designation, signed and verified in the office of the Village Clerk, setting forth the name and address, by street and number within the Village of Mastic Beach, of an agent upon whom process may be served in any action or proceeding which may be commenced or instituted against said owner; or
- B. A designation, signed and verified, of the Village Clerk, as the agent upon whom process against the owner may be served, and the post office address, within or without the Village of Mastic Beach, to which the Village Clerk may mail a copy of any process against such owner served upon the Village Clerk.

Section 260-9-2. Service of Process.

Whenever process is served upon the Village Clerk, she shall promptly mail, by certified mail, addressed to the agent named in said designation at the address therein set forth, a true copy of said process and, upon mailing thereof, process shall be deemed complete.

Section 260-9-3. Unlawful to Offer Property for Rent without Permit.

It shall be unlawful and a violation of this chapter for any person to:

- A. List, solicit, advertise or offer, exhibit or show to any person a rental dwelling

unit located within the Village of Mastic Beach, for the purpose of bringing about the rental thereof, where no agent has been designated as required under this chapter.

- B. Accept a deposit of rent or security, or a commission, in connection with the rental of a rental dwelling unit located within the Village of Mastic Beach where no agent has been designated as required under this chapter.
- C. In the event that a person convicted of a violation of this section shall have been a real estate broker or sales person licensed by the State of New York, at the time such violation was committed, the Village Clerk or the Clerk of the Village Justice Court shall transmit a record of such conviction to the Division of Licensing Services of the Department of State and make complaint thereto against such licensee on behalf of the Village, pursuant to the provisions of Article 12-A of the Real Property Law.
- D. All rental properties containing eight or more rental units shall provide for a designated on-site manager who shall be available to address and resolve any issues with the property 24 hours a day. The owner of the property must file the manager's address, telephone

ARTICLE X - Compliance; Enforcement; Penalties.

Section 260-10-1. Responsibility for compliance.

Owners, operators, managers and occupants shall be jointly and severally liable for compliance with the provisions of Chapter 260 as set forth herein, regardless of any agreement as to which party shall assume such responsibility.

Section 260-10-2. Enforcement; penalties for offenses.

A. Enforcement.

1. This chapter shall be enforced by the Building Inspector, his assistants or by any person designated specifically for such purpose by the Building Inspector or the Board of Trustees of the Village or by any duly constituted police authority.
2. Any person responsible for enforcing the provisions of this chapter shall have the right of access to and entry upon and into private property or any building covered by this chapter or reasonably believed to be covered by this chapter, but such entry shall not be made into a private building over the objection of any occupant thereof or, in his absence, without such officer first having secured and executed a proper search warrant. However, there shall be no obligation upon the part of such officer to obtain a search warrant and, if access to the premises is denied to such officer, such denial shall constitute prima facie evidence that a violation exists in any legal proceeding in any court thereafter.
3. In any criminal proceeding, however, the burden of proof shall remain upon the people as in any other criminal proceeding, but in determining whether or not such burden has been met, the trier of the facts may consider the denial of access to be prima facie evidence of the existence of the violation. Notwithstanding anything aforesaid to the contrary, nothing in this Code shall be deemed to provide for or permit the search of the interior of any owner-occupied premises, no part of which is held for let or for rental purposes; and the denial of access to any such premises shall not constitute prima facie evidence of the existence of a violation as set forth

in this section. However, if a portion of such premises is held for let or for rental purposes, an inspection and/or search of the owner-occupied portion shall be permitted in order to determine whether or not conditions in such portion exist which have or may have a detrimental or hazardous effect upon the rental portion.

- B. Unsafe Structures: The Building Inspector may designate as unfit for human habitation and post appropriate notices upon any dwelling units, rooming house or rooming unit having any of the following defects:
1. The structure lacks illumination, ventilation, sanitation, heat or other facilities adequate to protect the health and safety of the occupants or the public.
 2. The structure is damaged, decayed, dilapidated, unsanitary, unsafe or vermin-infested in such a manner as to create a serious hazard to the health and safety of the occupants or the public.
 3. The structure, because of the location, general conditions, state of the premises or number of occupants, is so unsanitary, unsafe, overcrowded or otherwise detrimental to health and safety that it creates a serious hazard to the occupants or the public.
 4. The structure, because of the failure of the owner or occupant to comply with this Code, is unfit for human habitation.
- C. Order to vacate. Where required in order to safeguard life or property, the Building Inspector may order any dwelling, dwelling unit, rooming unit or rooming house to be vacated forthwith.
1. A copy of such order to vacate shall be served on the occupant and owner,

manager, agent or operator. Such premises shall then be vacated within such reasonable time as the Building Inspector may specify in his order.

2. No such dwelling, dwelling unit, rooming unit or rooming house shall again be used for human habitation and no notice thereupon shall be removed until written approval is secured from the Building Inspector.
3. Any person who shall deface or remove any notice referred to in this chapter from any such building or unit which has been designated as unfit shall be guilty of a violation of this chapter, regardless of whether or not such person is an occupant or owner of the premises.
4. In the event that any occupant of such premises shall fail to vacate within the time specified by the Building Inspector in his order, the Village of Mastic Beach may apply to a term of the Supreme Court of the State of New York, to be held in and for the County of Suffolk, for an order directing the removal of said occupant, and further directing that, upon said occupant's failure to remove, the Sheriff of Suffolk County be directed to eject said occupant as upon a proceeding for the recovery of real property as set forth in the Real Property Actions and Proceedings Law of the State of New York. All of the costs and expenses of such application and all of the proceedings pertaining thereto, including but not limited to reasonable attorney's fees, shall be assessed against the premises and shall be a lien against said property in the same manner as all other assessments levied by said Village of Mastic Beach.

D. Duty and Authority to Secure: The owner, agent or operator of any dwelling,

dwelling unit, rooming unit or rooming house which has been designated as unfit for human habitation and vacated shall make such dwelling, dwelling unit, rooming unit or rooming house safe and secure in whatever manner the Building Inspector shall deem necessary, including but not limited to the securing of all doors and windows against unauthorized entry.

E. Action by the Village to Obtain Compliance.

1. When it shall be determined by the Building Inspector or his assistant or the designee of the Building Inspector or Board of Trustees that a property is not being properly maintained in violation of this Chapter or is otherwise in violation of this Chapter, the Building Inspector, his assistant, or any other person so designated by the Building Inspector or Board of Trustees shall promptly serve a Notice on the owner, manager, operator or occupant of the property, on the agent designated by the owner, and any other person responsible for the property. The owner of the property for purposes of this section shall be the owner indicated on the last filed assessment roll of the Village of Mastic Beach.
2. The Notice shall be served by certified mail and regular mail and a copy of the notice shall be posted on the front door or the door used for entry, of the premises. The Notice shall identify the property address and the owner, shall state the condition in violation of this Chapter, the action that is required to cure, remove or correct the condition that is in violation of

this Chapter, and that if the condition is not cured, removed or corrected within seven (7) days of the date of the Notice, that the Village may take the action required to cure, remove or correct the violation or condition and the owner, manager, operator, or occupant shall be responsible for the cost and expenses of the Village in such action including but not limited to administrative, engineering and professional fees.

3. In the event that the violation or condition in violation of this Chapter is not cured, removed or corrected within seven (7) days of the service and posting of the Notice, the Village may enter the property to cure, remove or correct the violation or condition.
4. All costs of the Village associated with the action taken to cure, remove or correct the violation or condition shall be the responsibility of the owner, manager, operator and/or occupant of the premises, and shall be billed accordingly.
5. In the event that the Village is not paid for the expenses within thirty days of the date of the billing of those amounts, the amounts shall be added as an assessment to the next Village tax bill for that property and collected in the same manner as a real estate tax on the property.
6. The Village may also commence a civil proceeding to obtain the monies from the owner, and the election of the Village to commence a civil proceeding shall not be exclusive and shall not waive or preclude the right

of the Village to pursue any other available remedy or to assess the property for the Village costs and expenses.

7. The Village Board of Trustees, in its discretion, may elect to commence a civil action to apply to the Supreme Court of the State of New York for an order directing that any violation or condition in violation of this Chapter be remedied, repaired, secured or demolished and removed, for a judgment in favor of the Village and against the owner, manager, operator or occupant of the property for the costs including but not limited to all professional, administrative and legal fees incurred in the cure, removal, or correction of the violation or condition in violation of this Chapter, and or incurred by the Village in the application for and enforcement of the Court order.

8. The election by the Village to act to cure, remove or correct the violation or condition or to seek a court order is not exclusive and shall not constitute a waiver of any other right or remedy available to the Village including but not limited to the right to prosecute the violation of this Chapter.

F. Penalties for offenses.

1. General provisions.
 - a. For every violation of section 260-5, the responsible party:
 - (i) Upon conviction of a first offense, shall be guilty of a violation as defined in the Penal Law and be punishable by a fine

of not more than \$1,000 or imprisonment for not more than 15 days, or both;

(ii) Upon conviction of a second offense within a five-year period, shall be guilty of a violation as defined in the Penal Law and be punishable by a fine of not more than \$2,500 or imprisonment for not more than 15 days, or both; and

(iii) Upon conviction of a third offense within a five-year period, shall be guilty of an unclassified misdemeanor as defined in the Penal Law and shall be punishable by a fine of not less than \$5,000 or imprisonment for not more than six months, or both. Each day's continuing infraction shall constitute a separate offense.

b. For every violation of any other provision of Chapter 260, the responsible party shall be guilty of a violation as defined in the Penal Law and be punishable by a fine of not more than \$250 except that a violation of Section 260-9-3 shall be subject to the penalties contained in Chapter 380 of the Mastic Beach Village Code with a fine of \$5,000.

c. Each day that a violation should exist shall constitute a separate violation and offense.

2. Any occupant who shall be in violation of those provisions of this chapter,

compliance with which he is responsible for under the provisions thereof, shall be subject to eviction and damages for a breach of lease pursuant to the provisions of the Real Property Actions and Proceedings Law of the State of New York.

3. Where an owner of any premises is responsible for a violation of those provisions of this chapter which fall within his primary responsibilities for compliance under the provisions of this chapter, and which responsibilities are not referred to in this Chapter as being those of the occupant, the premises shall be subject to a rent abatement, which may be fixed by any court having jurisdiction, for the period during which any such violation shall exist, and said owner shall be responsible to the occupant in damages, including but not limited to any expense to which the occupant may have been put to cure any such violation.

Effective Date:

This Local Law shall take effect immediately.