

## LOCAL LAW NO. 3 OF 2023

A LOCAL LAW amending various sections of Chapter 73 (Building, Construction & Fire Prevention); Chapter 77 (Bulkheads & Docks); Chapter 95 (Flood Damage Prevention); Chapter 135 (Public Gatherings & Entertainment); Chapter 146 (Sand Dunes & Ocean Management Program) and Chapter 196 (Zoning) to make reference to the adoption of a fee schedule by the Board of Trustees.”

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

**SECTION 1. Amendment.** Section §73-8 of Chapter 73 (Building, Construction & Fire Prevention) is amended by adding a new subsection E. as underlined words as follows:

E. Each application for a building permit or certificate of occupancy/certificate of compliance, demolition permit or other permit authorized under this Chapter must be accompanied by a fee or fees established by the Board of Trustees under a separate resolution.

**SECTION 2. Amendment.** Section §77-1 of Chapter 77 (Bulkheads & Docks) is amended by adding a new subsection B. as underlined words as follows:

A. No person shall erect or construct a bulkhead or a dock on any lands in the Village of Quogue, New York, in or adjoining any waters within or bounding the Village of Quogue without first obtaining a permit therefor from the Board of Trustees, which shall grant such permit if, in the judgment of the Board of Trustees, the issuance of said permit shall not be contrary to the public health, safety or interests of the people of the Village of Quogue and, in the case of a bulkhead, will aid in arresting and preventing damage to property in the Village resulting from floods or erosion.

B. Each application for a bulkhead or dock or other permit authorized under this Chapter must be accompanied by a fee or fees established by the Board of Trustees under a separate resolution.

**SECTION 3. Amendment.** Section §135-1 of Chapter 135 (Public Gatherings & Entertainment) is amended by deleting strikethrough words and adding underlined words as follows:

No person, firm or corporation shall conduct any circus or menagerie, carousel, merry-go-round, children's ride, adult ride, carnival, tent show, music festival, exhibition or performance or any shooting gallery or open-air exhibition or performance of any kind whatsoever within the corporate limits of the Village of Quogue without first applying to the Board of Trustees, by filing a written application with the Village Clerk at least 30 days prior to the earliest date for which the license is to be effective, for a license to conduct the activity and without first having received such license from the Board of Trustees, a filing fee of ~~\$25~~ having been paid to the Village Clerk and an application having been filed. Each application under this Chapter must be accompanied by a fee or fees established by the Board of Trustees under a separate resolution.

**SECTION 4. Amendment.** Section §146-2 of Chapter 146 (Sand Dunes & Ocean Management Program) is amended by adding a new subsection C. as underlined words as follows:

C. Each application for a permit to move sand or fill or other permit authorized under this Chapter must be accompanied by a fee or fees established by the Board of Trustees under a separate resolution.

**SECTION 5. Amendment.** Chapter 196 (Zoning) is amended by adding a new Article XII entitled Fees as underlined words as follows:

ARTICLE XII  
FEES

§196-78 Application, review and inspection fees.

A. A fee or fees shall be paid by applicants for the following applications for permits or approvals authorized under this Chapter:

(1) Zoning map or code amendments by the Board of Trustees.

(2) Special Exception review by the Board of Trustees, Planning Board or Board of Appeals.

(3) Site Plan review by the Planning Board.

(4) Variance, interpretation or other zoning relief by Board of Appeals.

(5) Design review by the Design Review Board.

(6) Amendment of a covenant, easement or other restriction imposed as a condition of a zoning action.

(7) Building permits, demolition permits, sign permits, change of use permits, review of tennis court landscape plans, certificates of occupancy/compliance or other zoning review by the Building Inspector.

B. The application fees or fees authorized under this Chapter shall be established by the Board of Trustees under a separate resolution, which may be amended from time to time.

C. In addition to all other fees, an inspection fee or fees established by the Board of Trustees under a separate resolution shall be paid prior to each field inspection of improvements in connection with the applications under this Chapter.

D. The Board of Trustees, Planning Board, Design Review Board and Board of Appeals may charge a review fee in an amount which will recover the cost of the reasonably necessary consultant fees incurred on behalf of the board incident to review of the proposed application. The cost to be recovered shall consist of the consultant fees which are reasonable in amount and which are necessary to the accomplishment of the board's legitimate functions.

**SECTION 6. Authority.** The proposed local law is enacted pursuant to §4-412 of the NYS Village Law and the Municipal Home Rule Law §10(1)(ii)(a)(9-a) and §10(2).

**SECTION 7. 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 8. Effective Date.** This local law shall take effect upon filing with the Secretary of State pursuant to Municipal Home Rule Law.