§ 130. Town ordinances. The town board after a public hearing may enact, amend and repeal ordinances, rules and regulations not inconsistent with law, for the following purposes in addition to such other purposes as may be contemplated by the provisions of this chapter or other laws. In order to accomplish the regulation and control of such purposes, the town board may include in any such ordinance, rule or regulation provision for the issuance and revocation of a permit or permits, for the appointment of any town officers or employees to enforce such ordinance, rule or regulation and/or the terms and conditions of any permit issued thereunder, and for the collection of any reasonable uniform fee in connection therewith. The town clerk shall give notice of such hearing by the publication of a notice in at least one newspaper circulating in the town, specifying the time when and the place where such hearing will be held, and in general terms describing the proposed ordinance. Such notice shall be published once at least ten days prior to the day specified for such hearing.

Whenever the constitutionality of any local law, ordinance, rule or regulation of a town is brought into issue upon a trial or hearing of any civil cause of action or proceeding in any court, and the town is not a party to such action or proceeding, notice shall be served upon the town in accordance with section one thousand twelve of the civil practice law and rules.

1. Building code. Regulating the manner of construction, alteration, removal and inspection of buildings and structures of every nature and description erected or proposed to be erected in said town, and the materials to be used therefor, and in the case of buildings used for public assemblage requiring such stairways, doors, halls, exits and other facilities as may be necessary for the safety, security and comfort of persons using the same, and prohibiting any construction, alteration, or removal which does not comply with such regulations. Such regulations shall be known as the building code of the town.

2. Plumbing code. Regulating the manner of construction, alteration, removal and inspection of all plumbing and drainage systems in existing or proposed buildings and structures and the materials to be used

therefor, and the location of cess-pools and sewer systems, the manner of construction and the materials to be used therefor, and the manner in which connections shall be made with main sewers, drains and water mains, and the materials to be used therefor, and prohibiting any construction, alteration or removal or the use of any materials which do not comply with such regulations. The town board may either adopt the standard plumbing code recommended by the state department of health or may formulate other rules and regulations relating to plumbing. Such regulations shall be known as the plumbing code of the town.

3. Electrical code. Regulating the manner of construction, alteration, removal and inspection of all electrical work in existing or proposed buildings and structures and the materials to be used therefor, and prohibiting any construction, alteration or removal or the use of any materials which do not comply with such regulations. Such regulations shall be known as the electrical code of the town.

3-a. Housing code. Regulating and establishing minimum standards governing the condition, occupancy, and maintenance of dwellings, dwelling units, rooming houses, rooming units and premises; establishing minimum standards governing utilities, facilities, and other physical components and conditions essential to make dwellings, dwelling units, rooming houses, rooming units, and premises safe, sanitary and fit for human habitation; fixing certain responsibilities and duties of owners, operators, agents, and occupants of dwellings, and dwelling units, rooming houses, and rooming units; authorizing and establishing procedures for the inspection of dwellings, dwelling units, rooming houses, and rooming units, and the condemnation and vacation of those dwellings, dwelling units, rooming houses, and rooming units unfit for human habitation. The provisions of this subdivision shall apply only to one and two family dwellings, provided, however, that nothing herein contained shall be construed to affect the power of a town to enact or adopt local laws, ordinances or regulations, with respect to multiple dwellings, pursuant to the provisions of section three hundred twenty-nine of the multiple residence law.

4. Sidewalks. Regulating the manner of construction, reconstruction

and repair of sidewalks, the materials to be used, the grades and the widths thereof and prohibiting any construction, reconstruction or repair which does not comply with such regulations; requiring the owner and occupant of premises abutting on any street where a sidewalk has been laid, to keep the sidewalk in front of such premises, free and clear from snow, ice, dirt and other obstructions and upon default thereof provide for the removal thereof at the expense of the owners of such premises and that such charge shall become a lien upon the premises benefited thereby, until paid.

5. Fire prevention. Regulating the erection of buildings where extra hazardous business is to be carried on and the carrying on of such business: Regulating the attendance in public buildings and the use of aisles as standing room for spectators and the erection of fire escapes on all public buildings: Regulating the construction and use of all heating systems and devices employing heat or fire or conducting smoke for any purpose: Establishing fire limits and prohibiting the erection of frame buildings or structures therein: Preventing and extinguishing fires and regulating conduct thereat: Regulating the use, sale, storage and transportation of fire arms, fire works, explosives and inflammables or prohibiting the use, sale, storage and transportation of any of them: Requiring the deposit of ashes and waste in safe receptacles and places: Prohibiting bonfires in the streets and public places and regulating the manner in which they may be permitted in other places: Requiring the cutting, trimming and removal of brush, grass and weeds and the removal of rubbish and the elimination of fire hazards: Protecting and preserving the property and apparatus of any fire company or department: Regulating the parking of automobiles or other conveyances in the locality of fire houses and hydrants: Providing for punishment for insubordination or disorderly conduct at fires or the wilful neglect or refusal to obey or the attempt to prevent or obstruct the lawful orders of a person in charge of the operations of a fire department or fire company: Preventing damage by fire and protecting property exposed to destruction by fire: Providing for the voluntary destruction either in part or in whole of buildings and property to arrest fire or extinguish the same, and for all other things necessary or helpful for the prevention of fire or the extinguishing thereof and for such other

further purposes as shall tend to provide for the general safety of persons and property within the town.

6. Public dump and dumping ground. Prohibiting and/or regulating the use of any lands within the town as a dump or dumping ground.

7. Use of streets, highways, sidewalks and public places. (a) Regulating the use of streets, highways, sidewalks and public places by pedestrians, animals, motor and other vehicles, including local and interurban street cars; restricting parking of all vehicles therein; regulating parades and public assemblages therein; regulating or prohibiting coasting therein; and, subject to the approval of the department of transportation, requiring railroad companies to employ and maintain competent flagmen and erect gates at any street or highway crossing; prohibiting the deposit of any dirt, filth, waste or rubbish in any street, highway, sidewalk, that part of any waterway within its jurisdiction or public place or incumbering thereof by any encroachment of buildings, structures, excavation or otherwise; regulating the manner in which excavation may be made in or under the streets, highways, sidewalks or public places and requiring an indemnity bond as a condition precedent thereto or the town board may require as the condition precedent thereto, the deposit in cash of such an amount as the board may determine necessary to cover the probable expense to the town of the replacement by the town of the street, highway, sidewalk or public place, and the unexpended balance, if any, shall be refunded to the depositor; providing for the removal of snow and ice therefrom; prohibiting the use by owners and occupants of property abutting on public streets or grounds of barbed wire or similar fences along the boundaries of such street or grounds.

(b) If the front or other exterior wall of any building erected on or before the first day of January, nineteen hundred forty, in any town encroaches not more than six inches upon any street or highway, no action or proceeding to compel the removal of such wall shall be instituted or maintained by or on behalf of the town, or by or on behalf of any person claiming an easement in or title to the portion of the street or highway on which such wall encroaches, unless such action or proceeding be commenced within the period of one year from the time this

act takes effect, and unless within such period a notice of the pendency of such action or proceeding, describing the property on which said building stands and indexed against the owner thereof, be filed in the office of the clerk of the county in which the property lies.

(c) If the front or other exterior wall of any building erected after the first day of January, nineteen hundred forty, in any town encroaches not more than six inches upon any street or highway, no action or proceeding to compel the removal of such wall shall be instituted or maintained by or on behalf of the town, or by or on behalf of any person claiming an easement in or title to the portion of the street or highway on which such wall encroaches, unless such action or proceeding be commenced within the period of one year from the time of the serving of a notice as hereinafter provided, and unless within such period a notice of the pendency of such action or proceeding, describing the property on which said building stands and indexed against the owner thereof, be filed in the office of the clerk of the county in which the property lies. Any person having any interest in the property on which such building stands may serve a notice on the town clerk, town supervisor or on such town officer as the town board shall authorize and direct to defend or appear in any action or legal proceeding against said town, of the town in which said property lies, setting forth a brief description of the property, his interest therein, and the existence of an encroachment on the street or highway. Such notice, together with proof or admission of service thereof, shall be filed in the office of the clerk of the county in which such property lies. The clerk shall index and record such notice as if it were a notice of the pendency of an action and shall collect the usual fees for recording and indexing a notice of the pendency of an action.

(d) If no action be brought within the period hereby limited therefor the owners and encumbrancers of such property shall be deemed to have an easement for the maintenance of the encroaching wall so long as the said wall shall stand, and no longer.

(e) If the front or other exterior wall of any building erected on or before the first day of January, nineteen hundred sixty-five in any town encroaches not more than six inches upon any town street or town highway, the local legislative body of any town may authorize the maintenance of such encroachment by ordinance during the period of time

the encroaching wall is in existence; provided, however, that such authorization shall not confer any right or claim to be asserted against such town or the state.

(f) The owner of real property upon which the front or exterior wall of any building thereon encroaches upon any town street or highway, may submit a request, in writing, to the town board of such town for authorization to maintain such front or exterior wall during the time such wall is in existence.

(g) Upon presentation of such request, notice thereof shall be given to the town highway superintendent, who shall recommend to the town board the proposed action on such request. Within thirty days of the presentation of such request, the town board shall determine if the granting of such request shall adversely impact upon the users of the town street or highway. In the event a determination is made that such encroachment does adversely impact upon the use of the town street or highway, such request shall be denied. In the event a preliminary determination is made that such encroachment may have no adverse impact upon the use of the town street or highway, the town board shall within thirty days after the issuance of such preliminary finding, hold a public hearing upon such request, which public hearing shall be conducted upon not less than ten days notice to the public. In addition to such public notice, the owners of property, as determined from the last completed assessment roll, within five hundred feet of the property as measured from the intersections of the property lines with the town street or highway shall be given notice by certified mail of such public hearing.

(h) If, upon the completion of the public hearing, the town board determines that such front or exterior wall does not interfere or impede the right of the public to use such town street or highway, the town board may grant to the owner of such property a license to continue to maintain such front or exterior wall during the period such wall is in existence; provided however, such town shall have the authority to revoke such license at any time in the event the town board determines that such town street or highway will be improved and as a result of such improvement the front or exterior wall will then impede, interfere with or obstruct traffic or the use of the town street or highway; provided, further, that such license shall not confirm any right or

claim against such town. In such event the owner of the property shall be given notice of the proposed action and shall, within the time set forth in the notice, remove such front or exterior wall from the town street or highway.

(i) Upon the abandonment of the building or in the event such building, because of a lack of care enters a state of disrepair, the owner thereof shall remove such front or exterior wall upon notice from the town board.

(j) The authority granted to a town pursuant to paragraphs (f), (g), (h) and (i) of this subdivision may, by local law, be assigned to any department or agency of the town.

7-a. Location and construction of driveways. Regulating the location and manner in which driveway entrances and exits may be constructed by owners and occupants of property abutting on town highways; provided, however, that such regulations shall not deny access from abutting property upon town highways, when such abutting property is a legal lot in accordance with existing statutes and ordinances.

8. Smoke, gases and wastes. Regulating and prohibiting the unnecessary emission of smoke, noxious gases, deposits, dusts, trade wastes and other pollutions from buildings, engines, locomotives and other sources, and regulating, restricting and prohibiting the unnecessary use of bituminous coal within the town or any portion thereof, when such use would affect the public health.

9. Animals. Regulating the keeping of calves; regulating and prohibiting the keeping of swine and mink, restraining the running at large of horses, cattle, sheep, unmuzzled dogs, whether licensed or not, fowls and other animals and authorizing the impounding and sale of the same for the costs of keeping, proceedings and penalty, or the killing of unmuzzled dogs.

10. Malicious mischief. Punishing the wilful and malicious breaking, marring, injuring, removing or defacing of any building or structure, fence, awning, sign board, tree, crop, shrubbery or other property; the tearing down of notices lawfully posted; the removal or alteration or

any unlawful interference with stakes set out by engineers, surveyors or otherwise to indicate boundaries or other lines.

11. Peace, good order and safety. Preserving the public peace and good order; preventing and suppressing vice, immorality, disorderly and gambling houses and houses of ill-fame, riots and tumultuous assemblages, unnecessary crowds upon the streets, or in doorways or stairways adjacent thereto, or loitering about such places, preventing unreasonably loud or disturbing noises, determined by the board to be of a character, intensity or duration as to be detrimental to the peace, welfare or good order of the people, and preventing all disorderly, noisy, riotous or tumultuous conduct within the town, disturbing the peace and quiet of the town or any meeting or assembly therein; except when prohibited by reason of the laws of the United States, regulating the use of beaches in or adjacent to the town and regulating swimming and bathing in open water exposed to the public including the use of underwater diving devices for swimming and fishing, within or bounding the town or such beaches to a distance of fifteen hundred feet from the shore and requiring the owners or operators of any bathing beaches, bath houses or other places charging a fee to the public for the use of any such facilities to provide adequate safeguards for the protection of persons bathing in waters adjacent to such premises; prohibiting profane, vulgar or obscene language or conduct in any street or public place in the town.

12. Amusements. Regulating public dance halls and all places where dancing is permitted; specifying the hours during which such dancing may continue, the supervision thereof, the minimum age of persons allowed to attend, and all other matters relating to the conduct thereof; regulating the conduct of circuses, theatres, pool and billiard parlors, bowling alleys, athletic contests or exhibitions, and all similar places of amusement for money or hire.

13. Beverages and eating places. Regulating all places selling or offering for sale at retail for consumption on the premises any beverage or food stuff; providing for sanitation and cleanliness and the inspection thereof and defining the opening and closing hours and all

other matters related thereto.

14. Slaughtering houses and rendering works. Regulating the location, operation, cleaning and removal of slaughter houses, fat, offal or other rendering or reduction works or establishments and unwholesome and noisome buildings or places.

15. Promotion of public welfare. Promoting the health, safety, morals or general welfare of the community, including the protection and preservation of the property of the town and of its inhabitants, and of peace and good order, the benefit of trade and all other matter related thereto, insofar as the same shall not be inconsistent with existing law.

15-a. Excavated lands. Any town may adopt an ordinance giving to the appropriate officials of such town, upon the direction of the town board, the right and power to fill in excavated lands and property if, after a hearing, the existence of such lands and property are deemed by the town board to constitute a hazard to public safety and if, after giving thirty days' notice by certified mail addressed to the owner of record of such lands and property at the address shown on the last preceding assessment roll, such excavated lands and property are not filled in by or on behalf of such owner. Where the excavated lands are filled in by the town, the cost thereof shall be assessed against such lands and property by such town officer as may be designated by such ordinance. The town officer so designated shall serve personally or by certified mail upon the owner of such property at the same address a written notice, stating that at a time and place specified therein, he will assess such cost against such property. Such notice shall be served at least eight days previous to the time specified therein. If directed against a corporation, it may be served upon the corporation at its principal place of business, place of business upon an agent of the corporation within the town, or upon the secretary of state. Notice served upon the secretary of state shall be served at least twelve days previous to the time specified therein. At the time and place so specified, he shall hear the parties interested, and shall thereupon complete the assessment, stating therein, the name of each owner and the

amount so assessed, and shall return such assessment to the town clerk who shall present the same to the town board. Such town board shall certify such assessment to the board of supervisors who shall cause the amount stated therein to be levied against such property and any uncollected assessment shall be a lien upon the land affected. Such amount shall be levied and collected at the same time and in the same manner as other town taxes, and shall be paid to the supervisor of the town, to be applied in reimbursing the fund from which such cost was defrayed.

15-c. Screening facilities in the towns of the counties of Nassau, Rockland and Westchester and certain towns in the county of Suffolk required by zoning boards of appeals or zoning ordinances. Any town in the counties of Nassau, Rockland and Westchester and the towns of Huntington, Babylon, Brookhaven, Islip, Southampton and Smithtown in Suffolk county may adopt an ordinance giving to the appropriate officials of such town, upon the direction of the town board, the right and power to erect, replace, repair or maintain fences, trees, plantings, shrubbery or other screening on land located in such town where such screening facilities are required by direction of a town board of zoning appeals or by zoning ordinance and there is a failure to comply with such direction, and if, after giving thirty days' notice by registered mail addressed to the owner of record of such land at the address shown on the last preceding assessment roll, such fences, trees, plantings, shrubbery or other screening are not so erected, replaced, repaired or maintained by or on behalf of such owner; and the town board may provide for the assessment of all costs and expenses so incurred by the town, in connection with any action taken as above, against the land on which such screening facilities are located.

16. Unsafe buildings and collapsed structures. Providing for the removal or repair of buildings in business, industrial and residential sections that, from any cause, may now be or shall hereafter become dangerous or unsafe to the public; providing as follows:

a. For an inspection and report by an official duly appointed by the town board;

b. For a notice to be served on the owner or some one of the owner's executors, legal representatives, agents, lessees or any other person having a vested or contingent interest in same, either personally or by registered mail, addressed to the last known address, if any, of the owner or some one of the owner's executors, legal representatives, agents, lessees or other person having a vested or contingent interest in same, as shown by the records of the receiver of taxes and/or in the office of the county clerk or county register, containing a description of the premises, a statement of the particulars in which the building or structure is unsafe or dangerous and an order requiring same to be made safe and secure or removed; and if such service be made by registered mail, for a copy of such notice to be posted on the premises.

c. For time within which person served with such notice may commence the securing or removal of buildings or structures;

d. For the filing of a copy of such notice in the office of the county clerk of the county within which such building or structure is located, which notice shall be filed by such clerk in the same manner as a notice of pendency pursuant to article sixty-five of the civil practice law and rules, and shall have the same effect as a notice of pendency as therein provided, except as otherwise hereinafter provided in this paragraph. A notice so filed shall be effective for a period of one year from the date of filing, provided, however, that it may be vacated upon the order of a judge or justice of a court of record or upon the consent of the town attorney. The clerk of the county where such notice is filed shall mark such notice and any record or docket thereof as cancelled of record upon the presentation and filing of such consent or of a certified copy of such order.

e. For a hearing before the town board, notice of which and the time and place thereof to be specified in the notice to repair or demolish; served upon the owner and such persons having an interest in the property or structure as is herein prescribed.

f. For the removal of such building or structure by the town in the

event such owner fails or refuses to repair or remove the same within the time provided.

g. For the assessment of all costs and expense incurred by the town in connection with the proceedings to remove or secure, including the cost of actually removing said building or structure, against the land on which said buildings or structures are located.

17. Regulation of vessels, personal watercraft and specialty prop-craft. Except when prohibited by the laws of this state or of the United States; (1) a. Regulating the speed and regulating and restricting the operation of vessels, personal watercraft and specialty prop-craft and, in the counties of Westchester, Saratoga, Warren and Suffolk the size and horse power of inboard and outboard motors, while being operated or driven upon any waters within or bounding the town to a distance of fifteen hundred feet from the shore except that in Nassau and Suffolk counties, towns may regulate and restrict the speed and regulate and restrict the operation of vessels in all tidal waters upon lands within the geographic boundaries of such town and those tidal waters contiguous with the town to a distance of fifteen hundred feet from shore and not within any other town. With respect to personal watercraft and specialty prop-craft, regulations may include a prohibition of their use provided such prohibition does not prevent access to federally maintained and designated channels and, notwithstanding any other provision of law, such prohibition shall not be adopted unless the town complies with the public hearing requirements and the requirements for signage as set forth in section forty-six of the navigation law.

b. Restricting and regulating the anchoring or mooring of vessels in any waters within or bounding the town to a distance of fifteen hundred feet from the shore.

c. Restricting and regulating the anchoring or mooring of vessels in such waters when used or occupied as living or sleeping quarters and, providing time limits on duration of the stay of such vessels in such waters and requiring inspection and registration of such vessels when so

used.

d. Restricting and regulating sewage disposal and garbage removal from said vessels and use of toilets thereon. The term "sewage" as used in this subdivision shall mean all human body wastes.

e. Designating public anchorage area or areas and regulating the use thereof.

(2) The provisions of this subdivision shall not apply to waters within or bounding an incorporated village to a distance of fifteen hundred feet from the shore, jurisdiction with respect to which is vested in the board of trustees of a village by the provisions of subdivision one of section forty-six-a of the navigation law.

18. Shellfish. a. Regulating the taking and the manner of taking clams, oysters, scallops and other shellfish from the lands of or from waters over the lands of

(1) a town vested with the title to, or holding a lease on, lands under tidewater in any harbor, bay or creek, and vested with the right of fishing, or

(2) the trustees of the freeholders and commonalty of a town in which such trustees are vested with title to such lands and the right of fishing, provided that such trustees shall file with the town clerk an application in writing therefor.

b. Such ordinance in either case shall not be less restrictive than the environmental conservation law or, where such law authorizes the department to establish lesser restrictions, the regulations made pursuant to such law, and may provide

(1) that no dredge or scrape shall be used for such purpose except by a lessee upon lands held by such lessee under lease;

(2) that no dredge or scrape shall be on board of any boat except that of a lessee while upon water covering lands held by such lessee under lease and while navigating between the dock, anchorage or moorage used by such lessee and such leased land;

(3) that no dredge or scrape shall be on board of any boat while used for taking shellfish from such lands except by a lessee of lands as in

this subdivision provided;

(4) that each person upon a boat upon which there is a dredge or scrape except as in such ordinance permitted by a lessee shall be a violator of such ordinance;

(5) That no person shall take any shellfish from such lands, except a lessee from lands held by such lessee under lease, unless such person shall have received from the proper and duly constituted authority a written license or permit permitting such person to take such shellfish, and a license or permit granted to any person shall upon such person's conviction of a violation of such ordinance, be terminated and void; and

(6) that any person making unlawful entries upon such lands may be proceeded against by injunction to restrain a continuing trespass as well as for violation of said ordinance.

c. Such ordinance shall not apply to the use of a dredge or scrape by the owner, the town or such trustees, for the purpose of removing diseased or blighted shellfish from such lands or to any operation by a town or such trustees incident to transplanting shellfish within such town.

19. Trespass. Prohibiting trespass to public and private property, for the purpose of protection and preservation of the property of the town and of its inhabitants and of peace and good order.

20. Hotels, inns, boarding houses, etc. Regulating hotels, inns, boarding houses, rooming houses, lodging houses, associations, clubs or any building or part of a building used in the business of renting rooms, individual or several, and also private sanatoriums, convalescent homes, homes for aged or indigent persons, day nurseries, hospitals, rest homes or any building or part of a building used for similar purposes, containing a total number of beds, cots or similar equipment providing sleeping accommodations for more than five persons; specifying the type of construction, the manner of their running and operation and prescribing regulations assuring proper sanitation, cleanliness and fire protection.

21. House trailer camps, tourist camps and house trailers. Regulating

house trailer camps, tourist camps or similar establishments; requiring approval of suitable plans for house trailer camps and tourist camps and prescribing regulations therefor including provision for sewer connection, water supply, toilets, bathing facilities, garbage removal, registration of occupants, inspection of camps. The town board may either adopt the provisions of the sanitary code established by the public health and health planning council or may formulate other rules and regulations relating to house trailer camps, tourist camps or similar establishments not inconsistent with the provisions of such state sanitary code. Regulating the parking, storage or otherwise locating of house trailers when used or occupied as living or sleeping quarters in any part of the town outside an established house trailer camp, tourist camp or similar establishment; providing time limits on duration of the stay of such house trailers and requiring registration of such house trailers when so used.

22. Air-ports and flying fields. Regulating air-ports and flying fields, and property or spaces adjacent thereto occupied or used in connection therewith or in the operation thereof for the purpose of the parking or accommodation of automobiles or other vehicles; locating and regulating the flow of vehicular traffic in, to and from such used or occupied spaces; requiring that such used or occupied spaces be kept free of stagnant pools of water and other disagreeable odor producing causes; requiring proper and adequate sanitary facilities, including toilets, water supply, and garbage or waste containers at suitable locations thereon and providing for the proper removal of the contents thereof, and that such spaces be otherwise kept in a clean and sanitary condition; requiring that any such used portions thereof be kept and maintained free from dust by the use of oil or other preventative, or by other means; requiring that the owner thereof adequately police such properties to prevent the commission of crime and/or injury to person or property while thereon.

23. Sand pits, quarries, top soil and other excavations. Regulating the manner of construction on, removal of material from, filling up, draining, cleaning, operating and using any lands or other premises for sand or gravel pits, stone quarries, stripping of top soil, or for other

excavation purposes and prohibiting the use of any lands or other premises for the aforesaid purposes which do not comply with such regulations.

23-a. The town board of the town of Southold in the county of Suffolk, is authorized to regulate by ordinance consistent with the provisions of the public health law and any other general law the raising and keeping of ducks within such town.

24. Riding stables and riding academies. Regulating, controlling, or prohibiting riding stables, riding academies, or similar establishments; requiring approval of plans for the construction and location of stables; prescribing regulations for the care of horses; regulating bridle paths and bridle trails; prohibiting or regulating night riding of horses; and otherwise providing for the care and safety of horses and riders.

25. Building lines. Establishing building lines in a public highway or highways and requiring all buildings hereafter erected to be within such lines.

26. Air guns. Regulating or prohibiting the possession, sale and use of air guns, spring guns or other instruments or weapons in which the propelling force consists of springs or air.

27. Firearms. In the towns of Huntington, Babylon, Smithtown, Islip, Brookhaven, Riverhead and Southampton, in the county of Suffolk, in the town of Niskayuna in the county of Schenectady, in the town of Ramapo in the county of Rockland, in the towns of Irondequoit, Greece, Pittsford, Brighton, Penfield, Perinton, Webster and Gates in the county of Monroe, in the town of Colonie in the county of Albany, and in the towns of Vestal and Union in the county of Broome prohibiting the discharge of firearms in areas in which such activity may be hazardous to the general public or nearby residents, and providing for the posting of such areas with signs giving notice of such regulations, which ordinances, rules and regulations may be more, but not less, restrictive than any other provision of law. Thirty days prior to the adoption of any ordinance

changing the five hundred foot rule, a notice must be sent to the regional supervisor of fish and game of the environmental conservation department, notifying him of such intention.

28. Billiard rooms. In towns, subject to a permissive referendum, setting the minimum age of minors to be allowed upon the premises provided, however, that an ordinance shall only allow such minor upon the premises when accompanied by adult supervision as part of an organized youth activity. For purposes of this subdivision an organized youth activity shall not include activities sponsored primarily by persons under eighteen years of age.

29. Loitering. Prohibiting and punishing loitering; provided however, that such ordinance or law shall only prohibit loitering for a specific illegal purpose or loitering in a specific place of restricted public access and shall therein set forth guidelines for application of such prohibitions by law enforcement officers so as to prevent arbitrary or discriminatory enforcement of such prohibitions.