

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County City Town Village
(Select one.)

of HEWLETT BAY PARK

Local Law No. 5 of the year 20²²

A local law TO AMEND CHAPTERS 1, 75 AND 128 OF THE CODE OF THE VILLAGE OF HEWLETT
(Insert Title)
BAY PARK ("VILLAGE CODE"), TO PROVIDE FOR REVISED PENALTIES FOR
VIOLATIONS OF THE VILLAGE CODE

Be it enacted by the BOARD OF TRUSTEES of the
(Name of Legislative Body)

County City Town Village
(Select one.)

of HEWLETT BAY PARK as follows:

(PLEASE SEE ATTACHED PAGES 1-3)

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

A local law to amend Chapters 1, 75 and 128 of the Code of the Village of Hewlett Bay Park ("Village Code"), to provide for revised penalties for violations of the Village Code.

Section one. Chapter 1 is hereby amended, as follows:

A. Section 1-17 is amended to read:

§1-17. Penalties.

Except where a penalty sum is specifically set forth in any chapter of this Code for violation of any of the provisions thereof or otherwise provided by law, any person who shall violate any of the provisions of this Code shall be guilty of a violation and shall, upon conviction by a court of competent jurisdiction, be sentenced to a fine of the following amounts for the Chapters indicated:

A. A maximum fine of \$500 for Chapters:

- 46 (Alcoholic Beverages)
- 49 (Auctions and Auctioneers)
- 68 (Dogs and Other Animals)
- 135 (Tow Cars)

B. A maximum fine of \$1,000 for Chapters:

- 62 (Burning, Outdoor)
- 79 (Gardeners)
- 85 (Hunting and Trapping)
- 106 (Peddling and Soliciting)
- 112 (Poles and Wires)

C. A maximum fine of \$2,000 for Chapters:

- 59 (Bulkheads)
- 121 (Recycling)
- 123 (Sanitation)
- 129 (Streets and Sidewalks)
- 134 (Temporary Outdoor Storage Containers)
- 142 (Waters and Waterways)

D. For the following Chapters, a fine of not less than (i) \$500 and not more than \$1,500 for a first offense, (ii) \$1,000 and not more than \$2,500 for a second offense of the Chapter committed within a period of 3 years, and (iii) \$2,000 and not more than \$5,000 for a third offense, and each subsequent offense, of the Chapter committed within a period of 3 years:

- 92 (Nuisances)
- 103 (Peace and Good Order)
- 115 (Property Maintenance)
- 128 (Stormwater Management)

E. For the following Chapters, a fine of not less than (i) \$500 and not more than \$,500 for a first offense, (ii) \$1,500 and not more than \$5,000 for a second offense of the Chapter committed within a period of 3 years, (iii) \$2,500 and not more than \$10,000 for a third offense of the Chapter committed within a period of 3 years, and (iv) \$7,500 and not more than \$20,000 for a fourth offense, and each subsequent offense, of the Chapter committed within a period of 3 years:

- 53 (Building Code Administration)
- 56 (Buildings, Unsafe)
- 75 (Flood Damage Prevention)
- 109 (Plumbing)
- 126 (Sewers)
- 131 (Subdivision)
- 136 (Trees) (the penalty sum applies to each Tree)
- 146 (Zoning)

F. Each day an offense continues without correction, cure, abatement or remediation shall constitute a separate offense.

G. With regard to violations of Village Code Chapter 146, this section supersedes Village Law §20-2006.

Section two. Section 75-3.5 is hereby amended to read, as follows:

No structure in an area of special flood hazard shall hereafter be constructed, located, extended, converted, or altered and no land shall be excavated or filled without full compliance with the terms of this chapter and any other applicable regulations. Any infraction of the provisions of this chapter by failure to comply with any of its requirements, including infractions of conditions and safeguards established in connection with conditions of the permit, shall constitute a violation. Any person who violates this chapter or fails to comply with any of its requirements shall, upon conviction thereof, be fined as provided in Section 1-17 of this Code. Each day of noncompliance shall be considered a separate offense. Nothing herein contained shall prevent the Village from taking such other lawful action as necessary to prevent or remedy an infraction. Any structure found not compliant with the requirements of this chapter for which the developer and/or owner has not applied for and received an approved variance under § 75-6. will be declared noncompliant and notification sent to the Federal Emergency Management Agency.

Section three. Section 128-13(B) is hereby amended to read, as follows:

Penalties. In addition to or as an alternative to any penalty provided herein or by law, any person who violates the provisions of this chapter shall be guilty of a violation punishable by a fine as provided in section 1-17 of this Code. However, for the purposes of conferring jurisdiction upon courts and judicial officers generally, violations of this chapter shall be deemed misdemeanors and for such purpose only all provisions of law relating to misdemeanors shall apply to such violations. Each week's continued violation shall constitute a separate additional violation.

Section four. Section 136-9(A) is hereby amended to read, as follows:

Any person who violates any of the provisions of this chapter shall be guilty of an offense and shall be punished by a fine as provided in section 1-17 of this Code. Any person found guilty of violating this chapter may also be required by the court to replace any or all trees the habit of which was substantially altered, with trees of a size and type selected by the Village Official, and to plant said replacement trees within a specified period of time. All such replacement trees must be at least four inches in diameter at four feet six inches above the base of the trunk. Where such direction for replacement of trees is made, no building permit, certificate of occupancy or certificate of compliance shall be issued until such replacement has been completed

Section five. If any clause, sentence, paragraph, or section of this local law shall be held invalid by any court of competent jurisdiction, or the application of this local law to any person or set of circumstances shall be held invalid, such invalidity or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section, or operation of this local law directly involved in the controversy in which the judgment shall have been rendered. To further this end, the provisions of this local law are hereby declared to be severable.

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

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 5 of 2022 of the (County)(~~City~~)(Town)(Village) of HEWLETT BAY PARK was duly passed by the BOARD OF TRUSTEES on JULY 18 2022, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ and was deemed duly adopted *(Elective Chief Executive Officer*)* on _____ 20____, in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ on _____ 20____. *(Elective Chief Executive Officer*)*

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 ____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20 _____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 ____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20 _____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph _____ above.

(Seal)

Michelle [Signature]
Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: *July 19, 2022*