

Local Law Filing

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 Nassau County
" City of
" Town
" Village Inc. Village of Farmingdale

Local Law No. 3 of the year 2023

(Insert Title)

TITLE: A local law to amend Sections §§ 243-2, 396-16, 476-13, 480-9, 577-27, 582-17, and 600-247 of the code of the Inc. Village of Farmingdale

§ 243-2 Penalties for offenses.

- A. Any person or persons, associations or corporation who shall knowingly and willfully violate any of the provisions of this chapter or fail to comply therewith or with any of the requirements thereof, or who shall erect, construct, alter or repair, or has erected, constructed, altered or repaired, a building or structure in violation of any statement or plan submitted and approved thereunder or of a permit or certificate issued thereunder, shall be guilty of a violation punishable by a fine of not exceeding \$350 or imprisonment for a period not to exceed six months, or both, for conviction of a first offense; for conviction of a second offense, both of which were committed within a period of five years, punishable by a fine not less than \$350 nor more than \$700 or imprisonment for a period not to exceed six months, or both; and, upon conviction for a third or subsequent offenses, all of which were committed within a period of five years, punishable by a fine not less than \$700 nor more than \$1,000 or imprisonment for a period not to exceed six months, or both. Each week's continued violation shall constitute a separate additional violation.[1]

Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

- B. The Village may also bring an action or proceeding to enjoin the violation and to recover the costs incurred by the Village for remedying conditions brought about by the violation.
- C. The owner of a building, structure or premises or part thereof where anything in violation of this chapter shall be placed or shall exist, and

any architect, engineer, builder, contractor, agent, person or corporation employed in connection therewith and who may have assisted in the commission of such violation, shall each be guilty of a separate offense and upon conviction thereof shall be dealt with as herein provided.

§ 396-16 Penalties for offenses.

The violation of any of the provisions of this article or any part thereof shall be a violation, punishable by a fine not exceeding \$250 or 15 days' imprisonment, or by both such fine and imprisonment.

[1] Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

§ 476-13 Enforcement.

A. Notice of violation. When the municipality's SMO finds that a person has violated a prohibition or failed to meet a requirement of this article, he/she may order compliance by written notice of violation to the responsible person. Such notice may require, without limitation:

- 1) The elimination of illicit connections or discharges;
- 2) That violating discharges, practices, or operations shall cease and desist;
- 3) The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property;
- 4) The performance of monitoring, analyses, and reporting;
- 5) Payment of a fine; and
- 6) The implementation of source control or treatment BMPs. If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by a designated governmental agency or a contractor and the expense thereof shall be charged to the violator.

B. Penalties. In addition to or as an alternative to any penalty provided herein or by law, any person who violates the provisions of this article shall be guilty of a violation punishable by a fine not exceeding \$350 or imprisonment for a period not to exceed six months, or both for conviction of a first offense; for conviction of a second offense, both of which were committed within a period of five years, punishable by a fine not less than \$350 nor more than \$700 or imprisonment for a period not to exceed six months, or both; and upon conviction for a third or subsequent offense, all of which were committed within a

period of five years, punishable by a fine not less than \$700 nor more than \$1,000 or imprisonment for a period not to exceed six months, or both. Each week's continued violation shall constitute a separate additional violation.

§ 480-9 Enforcement; penalties for offenses.

- A. Notice of violation. When the Village of Farmingdale determines that a land development activity is not being carried out in accordance with the requirements of this chapter, it may issue a written notice of violation to the landowner. The notice of violation shall contain:
- 1) The name and address of the landowner, developer or applicant;
 - 2) The address, when available, or a description of the building, structure or land upon which the violation is occurring;
 - 3) A statement specifying the nature of the violation;
 - 4) A description of the remedial measures necessary to bring the land development activity into compliance with this chapter and a time schedule for the completion of such remedial action;
 - 5) A statement of the penalty or penalties that shall or may be assessed against the person to whom the notice of violation is directed;
 - 6) A statement that the determination of violation may be appealed to the Village of Farmingdale by filing a written notice of appeal within 15 days of service of notice of violation.
- B. Stop-work orders. The Village of Farmingdale may issue a stop-work order for violations of this chapter. Persons receiving a stop-work order shall be required to halt all land development activities, except those activities that address the violations leading to the stop-work order. The stop-work order shall be in effect until the Village of Farmingdale confirms that the land development activity is in compliance and the violation has been satisfactorily addressed. Failure to address a stop-work order in a timely manner may result in civil, criminal, or monetary penalties in accordance with the enforcement measures authorized in this chapter.
- C. Violations. Any land development activity that is commenced or is conducted contrary to this chapter may be restrained by injunction or otherwise abated in a manner provided by law.
- D. 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 not exceeding \$350 or imprisonment for a period not to exceed six months, or both, for conviction of a first offense; for conviction of a second offense, both of which were committed within a period of five years, punishable by a fine not less than \$350 nor more than \$700 or

imprisonment for a period not to exceed six months, or both; and upon conviction for a third or subsequent offense, all of which were committed within a period of five years, punishable by a fine not less than \$700 nor more than \$1,000 or imprisonment for a period not to exceed six months, or both.

- E. Withholding of certificate of occupancy. If any building or land development activity is installed or conducted in violation of this chapter, the Stormwater Management Officer may withhold the issuance of the certificate of occupancy and prevent the occupancy of said building or land.
- F. Restoration of lands. Any violator may be required to restore land to its undisturbed condition. In the event that restoration is not undertaken within a reasonable time after notice, the Village of Farmingdale may take necessary corrective action, the cost of which shall become a lien upon the property until paid.

§ 577-27 Unauthorized opening of fire hydrants deemed violations; reward for information causing conviction.

Any person who, without authority of the Village, opens any fire hydrant except for the purpose of extinguishing a fire, or who willfully injures or impairs any fire hydrant, is guilty of violation. A reward in an amount as set from time to time by resolution of the Board of Trustees will be paid by the Board to any person furnishing evidence causing the conviction of a person guilty of such violation.

[1] Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

§ 582-17 Penalties for offenses.

- A. Any person who violates any sections of this chapter, including anyone who attempts to erect, erects or substantially modifies a wireless telecommunications facility without having first obtained the necessary permits or permissions described in this chapter, shall be deemed in violation of this chapter. Any responsible party or other persons convicted by a court of competent jurisdiction of violating any provision of this chapter shall be punished by a fine not to exceed \$5,000 or by imprisonment not to exceed 30 days, or both. The court

may require payment of restitution or impose other punishment allowed by law. Each week such violation continues may be deemed a separate offense and punishable as such.

- B. If any structure is erected, constructed, reconstructed, altered, repaired, converted or maintained in violation of this chapter or without obtaining any required permits or permissions, or if any building, structure or land is used in violation of this chapter, the Village Attorney, in addition to any other remedies, may institute proceedings to prevent such unlawful violation or to correct or abate such violations.

§ 600-247 Penalties for offenses.

Pursuant to § 20-2006 of the Village Law of the State of New York, as amended, any person who shall violate any provision herein or regulation thereof or fail to comply therewith or with any of the requirements thereof or who shall build or alter or use any building, structure or land in violation of any statement or plan submitted and approved thereunder shall be guilty of an offense punishable by a fine not exceeding \$350 or imprisonment for a period not to exceed six months, or both, for conviction of a first offense; for conviction of a second offense, both of which were committed within a period of five years, punishable by a fine not less than \$350 nor more than \$700 or imprisonment for a period not to exceed six months, or both; and upon conviction for a third or subsequent offense, all of which were committed within a period of five years, punishable by a fine not less than \$700 nor more than \$1,000 or imprisonment for a period not to exceed six months, or both. Each day's continued violation shall constitute a separate additional violation.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

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

I hereby certify that the local law annexed hereto, designated as local law No.3 of 2023 of the Village of Farmingdale was duly passed by the Board of Trustees On December 4, 2023, in accordance with the applicable provisions of law.

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

~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 2006 of the _____ was duly passed by the _____ on _____ 2006, and was (approved)(not approved) (repassed after disapproval) by _____ and was deemed duly adopted on _____ 2006, 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 2006 of the _____ was duly passed by the _____ on _____ 2006, and was (approved)(not approved) (repassed after disapproval) by _____ on _____

~~_____2006.~~
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 2006 of the _____ was duly passed by the _____ on _____2006, and was (approved)(not approved) (repassed after disapproval) by on _____2006. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____2006, 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. DOS-239 (Rev. 05/05)

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 2006 of the _____ 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 _____2006, 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 2006 of the County of Nassau 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.



Village Clerk / Treasurer

12/8/23


Date:

(Seal)

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.



Signature
Title Village Attorney
Village of Farmingdale
Date: 12/8/23

DOS-239 (Rev. 05/05)