

2024-559

ENACTMENT: ADOPT LOCAL LAW INTRODUCTORY NO. 39-2024 TO AMEND THE CODE OF THE TOWN OF HUNTINGTON CHAPTER 87 (BUILDING CONSTRUCTION), ARTICLE IV (CERTIFICATES OF OCCUPANCY AND OF PERMITTED USE)

Resolution for Town Board Meeting dated: October 8, 2024

The following resolution was offered by: **COUNCILMAN FERRO**

and seconded by: **SUPERVISOR SMYTH**

WHEREAS, Town Code Chapter 87, in relevant part here, provides that it is unlawful to use a building, or any part thereof, in a manner for which a certificate of permitted use has not been issued; and

WHEREAS, the Town Board seeks to ensure that owners and/or tenants are using the property in conformance with the certificate of permitted use, and, if not, establish grounds for suspension and/or revocation of a certificate of permitted use; and

WHEREAS, pursuant to the SEQRA regulations, updating administrative processes in the Code of the Town of Huntington is a Type II action pursuant to 6 NYCRR Part 617.5(c)(26), and no further SEQRA review is required at this time; and

THE TOWN BOARD having held a public hearing on September 10, 2024 at 7:00 p.m. to consider adopting Local Law Introductory No. 39-2024 amending the Code of the Town of Huntington, Chapter 87 (Building Construction), Article IV (Certificates of Occupancy and of Permitted Use), and due deliberation having been had,

HEREBY ADOPTS

Local Law Introductory No. 39-2024 amending the Code of the Town of Huntington, Chapter 87 (Building Construction), Article IV (Certificates of Occupancy and of Permitted Use), as follows:

BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF HUNTINGTON AS FOLLOWS:

LOCAL LAW NO. 44 -2024
AMENDING THE CODE OF THE TOWN OF HUNTINGTON
CHAPTER 87 (BUILDING CONSTRUCTION)
ARTICLE IV (CERTIFICATES OF OCCUPANCY AND OF PERMITTED USE)

Section 1. Chapter 87 (Building Construction), Article IV (Certificates of Occupancy and of Permitted Use) of the Code of the Town of Huntington is hereby amended as follows:

CHAPTER 87
BUILDING CONSTRUCTION
ARTICLE IV
CERTIFICATES OF OCCUPANCY AND OF PERMITTED USE

§ 87-30 Revocation of certificate.

The Director of Engineering Services or his designee may revoke a certificate of occupancy or certificate of permitted use in the following instances:

* * *

F. Where he finds a change in the use or occupancy of any land, premises or building which is not in conformance with the certificate of permitted use.

* * *

Section 2. Severability.

If any clause, sentence, paragraph, subdivision, section or other part of this local law shall for any reason be adjudged by any court of competent jurisdiction to be unconstitutional or otherwise invalid, such judgment shall not affect, impair, or invalidate the remainder of this local law, and it shall be construed to have been the legislative intent to enact this local law without such unconstitutional or invalid parts therein.

Section 3. Effective Date.

This Local Law shall take effect immediately upon filing in the Offices of the Secretary of State of New York.

*** INDICATES NO CHANGE TO PRESENT TEXT
ADDITIONS ARE INDICATED BY UNDERLINE
DELETIONS ARE INDICATED BY [BRACKETS]

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

Supervisor Edmund J. Smyth AYE
Councilman Dr. Dave Bennardo AYE
Councilman Salvatore Ferro AYE
Councilwoman Brooke A. Lupinacci AYE
Councilwoman Theresa Mari AYE

THIS RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.