

Local Law 13-2024

A local law amending chapter 88 (Brush, Grass and Weeds), section 88-10 (Removal by village), section 88-11 (Assessment and collection of costs; lien), section 88-4 (Removal by village; assessment of costs); section 88-8 (Notice to cut or remove vegetation; time for compliance; manner of notice), section 88-1 (Infested and infected trees, shrubs and bushes), section 88-2 (Owner's duty to remove infected trees, etc.), section 88-3 (Notice to owner to remove); chapter 229 (Streets and sidewalks) section 229-6 (Removal of snow and ice from sidewalks); chapter 133 (Fire hazard inspections), section 133-5 (Compliance with request for inspection required; assessment and collection of fees; lien); chapter 155 (Graffiti), section 155-5 (Removal of graffiti; costs); chapter 225 (Solid waste), section 225-27 (Further action upon noncompliance); chapter 249 (vacant building and storefront registry), section 249-9 (Fees); chapter 227 (Stormwater management and erosion and sediment control), section 227-12 (Enforcement; penalties for offenses); and Chapter 91, section 91-24 (Building Construction; Failure to pay review costs) of the Village of Ossining Code.

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

Section 1. Chapter 88, section 88-10 (Brush, Grass and Weeds; Removal by Village) is amended with new language underlined and deleted language in **[brackets]**.

§ 88-10 Removal by Village.

[[Amended 10-18-2017 by L.L. No. 6-2017]]

If the provisions of this article are not complied with, and if the person upon whom notice is served pursuant to § 88-8, fails or neglects to cut and remove such grass, brush, dead or noxious weeds, ragweed, poison ivy or other rank, poisonous or harmful plant growth within 10 days after notice to do so, or if no person can be found who is or claims to be the owner, tenant, occupant or person legally in possession of such real property or the agent thereof, the Village Manager shall direct the Superintendent of the Department of Public Works or **[a designee thereof] the Building Inspector** to have the grass, weeds, or vegetation as detailed in § 88-8 cut and removed from the property.

Section 2. Chapter 88, section 88-11 (Brush, Grass and Weeds; Assessment and collection of costs; lien) is amended with new language underlined and deleted language in **[brackets]**.

§ 88-11 Assessment and collection of costs; lien.

[[Amended 10-18-2017 by L.L. No. 6-2017]]

Within 10 days of the cutting and removal as described in § 88-10, the Superintendent of the Department of Public Works, **[or his/her designee] or the Building Inspector** shall send to the owner, tenant, occupant or other person legally in possession of the real property by certified mail[, return receipt requested, an invoice for the work performed.] **a notice of proposed assessment of costs detailing the amount and purpose of the proposed assessment for the work performed; the date, time and place the Board of Trustees will meet to hear and determine all objections to the proposed assessment and assess an amount found to be just and reasonable, not exceeding in the event of default the amount stated in the notice.** The **[invoice] notice of proposed assessment** will include the actual cost of cutting and removal as provided for in § 88-10 plus an additional administrative charge of 20%. [Payment is to be made to the Village Treasurer no later than 20 days after the invoice has been sent out. Upon the failure of the owner, tenant, occupant or other person legally responsible for the real

property to pay the aforementioned invoice, the Superintendent of Public Works shall certify the amount to the Village Treasurer.] **The notice will include a statement that if the amount so assessed is not paid to the Village Treasurer within 30 days of the Board of Trustees' determination, an action to recover the amount may be maintained by the Village against the property owner, tenant, occupant or other person legally in possession of the real property; a special warrant may be issued as directed by the Board of Trustees; or the amount of the assessment may be included in the next annual tax levy to be collected and enforced in the same manner as property taxes.** [The amount so certified shall thereupon become and be a lien upon the property and shall be added to and become a part of the taxes next to be assessed and levied on such property, to be collected and enforced in the same manner as taxes.]

Section 3. Chapter 88, section 88-4 (Brush, Weeds and Brass; Removal by Village; assessment of costs) is amended with new language **underlined** and deleted language in **[brackets]**.

§ 88-4 Removal by Village; assessment of costs.

If the person upon whom notice is served or mailed to, pursuant to § [88-5] **88-3**, fails, neglects or refuses to destroy and remove by cutting, burning, spraying, killing or by other effectual method, all such caterpillars, tent caterpillars, insects, worms, maggots, parasites, larvae or grub of lepidopterous insects or other creeping segmented animals which cause or tend to cause disease, destruction or damage within **[five]5** days after such service or mailing of such notice, the Superintendent of Public Works or **[other duly appointed officer or employee of the Village] the Building Inspector** shall cause such caterpillars, tent caterpillars, insects, worms, maggots, parasites, larvae or grub lepidopterous insects or other creeping segmented animals to be destroyed and removed by cutting, burning, spraying, killing or by other effectual method., and the actual cost of such, or additional cost in connection therewith shall be certified by the superintendent of public works or other appointed officer or employee of the Village, to the Clerk of the Village and shall thereupon become a lien upon the property on which caterpillars, tent caterpillars, insects, worms, maggots, parasites, larvae or grub of lepidopterous insects or other creeping animals were located and shall be added to and become and form a part of the taxes next to be assessed and levied upon such lot or land and shall bear interest at the same rate as taxes and shall be collected and enforced in the same manner as taxes.] **Within 10 days of the completion of the work described in this section the Superintendent of the Department of Public Works or the Building Inspector shall send a notice of proposed assessment of costs to the owner, tenant, occupant or other person legally responsible for the property by certified mail detailing the amount and purpose of the proposed assessment for the work performed; the date, time and place the Board of Trustees will meet to hear and determine all objections to the proposed assessment and assess an amount found to be just and reasonable, not exceeding in the event of default the amount in the notice. The notice of proposed assessment of costs will include the actual cost for the work performed plus an administrative charge of 20%. The notice will include a statement that if the amount so assessed is not paid to the Village Treasurer within 30 days of the Board of Trustees' determination, an action to recover the amount may be maintained by the Village against the property owner; or a special warrant may be issued as directed by the Board of Trustees; or the amount of the assessment may be included in the next annual tax levy to be collected and enforced in the same manner as property taxes.**

Section 4. Chapter 88, section 88-8 (Brush, Grass and Weeds; Notice to cut or remove vegetation; time for compliance; manner of notice) is amended with new language **underlined** and deleted language in **[brackets]**.

§ 88-8 Notice to cut or remove vegetation; time for compliance; manner of notice.

[Amended 10-18-2017 by L.L. No. 6-2017]

It shall be the duty of any owner, tenant, occupant or person legally in possession of real property in the Village of Ossining or the agent of such owner, tenant, occupant or person legally in possession of such real property having control of the real property, including the public property located between the property line and the curb or edge of the street or highway, to cut and remove all [grassweeds] **grass, weeds** and rank vegetation at an average height greater than [12] **10** inches and to remove all brush, dead or noxious weeds, ragweed, poison ivy or other poisonous vegetation or other harmful plant growth detrimental to health or which then is or may become a fire hazard or dangerous to firefighters in the performance of their duties as such firefighters, within 10 days after **written** notice to cut and remove the same has been served by the Superintendent of the Department of Public Works or the Building Inspector of the Village of Ossining, or their designees, [personally upon the owner, tenant or occupant or the agent thereof,] by certified mail, [return receipt requested,] addressed to the name of the owner as it appears on the assessment rolls of the Village and, where applicable, to the last known address of the tenant, occupant or agent thereof.

Section 5. Chapter 88, section 88-1 (Brush, Grass and Weeds; Infested and infected trees, shrubs and bushes) is amended with new language **underlined** and deleted language in **[brackets]**.

§ 88-1 Infested and infected trees, shrubs and bushes.

It shall be unlawful for any owner, **tenant, occupant or other person legally in possession** of any occupied or unoccupied lot or land or any part thereof in the Village to permit or maintain on any such lot or land, any trees, shrubs or bushes or parts thereof which are or may become infected or infested with caterpillars, tent caterpillars, insects, worms, maggots, parasites, larvae or grub of lepidopterous insects or other creeping segmented animals which cause or tend to cause disease, destruction or damage to such trees, shrubs or bushes by devouring the bark or foliage thereof; and which spread by passing from such trees, shrubs or bushes to other trees, shrubs or bushes, thereby causing destruction and damage to the property of others and becoming an unsightly and public nuisance.

Section 6. Chapter 88, section 88-2 (Brush, Grass and Weeds; Owner's duty to remove infected trees, etc.) is amended with new language **underlined** and deleted language in **[brackets]**.

§ 88-2 [Owner's duty] Duty to remove infected trees, etc.

It shall be the duty of any owner, **tenant, occupant or other person legally in possession** of any lot or land to destroy and remove by cutting, burning, spraying, killing or by other effectual method, all such caterpillars, tent caterpillars, insects, worms, maggots, parasites, larvae or grub of lepidopterous insects or other creeping segmented animals which cause or tend to cause disease, destruction or damage to such trees, shrubs or bushes or parts thereof as often as may be necessary to comply with the provisions of § [88-3.] **88-1.**

Section 7. Chapter 88, section 88-3 (Brush, Grass and Weeds; Notice to owner to remove) is amended with new language **underlined** and deleted language in **[brackets]**.

§ 88-3 Notice to [owner] to remove.

If the provisions of §§ [88-3 and 88-4] **88-1 and 88-2** are not complied with, the [Clerk of the Village] **Superintendent of Public Works or the Building Inspector** shall [serve or cause to be served] **send by**

certified mail a written notice [upon] **to the owner, tenant, occupant or person legally in possession** of any such lot or land requiring such [owner] **person** to comply with the provisions of such sections **within 10 days after the written notice is mailed.** **Notice shall be mailed to the owner at the** [If the owner of such lot or land is a nonresident of the Village, the Clerk of the Village shall mail or cause to be mailed such written notice to such owner, addressed to his] last known address as the same [may appear] **appears on the assessment rolls of the Village** [upon any record in the office of the Clerk or in the office of the Treasurer of the Town of Ossining and Village.] **and, where applicable, to the last known address of any tenant, occupant or other person legally in possession of the real property.**

Section 8. Chapter 229, section 229-6 (Streets and sidewalks; Removal of snow and ice from sidewalks) is amended with new language **underlined** and deleted language in **[brackets]**.

§ 229-6 Removal of snow and ice from sidewalks.

A. Duty of owners, occupants, etc., to remove from sidewalks.

- (1) Every owner, lessee, tenant, occupant or other person having charge of any building or lot of ground in the Village abutting upon any street, avenue or public place shall, within six hours after the cessation of every fall of snow or the formation of any ice on the sidewalk or public way abutting such building or lot of ground, remove or cause the snow or ice to be removed or cleaned entirely from the sidewalk or public way abutting such building or lot of ground; provided however, that the time between the hours of 7:00 p.m. and 7:00 a.m. shall not be included in the period of six hours, and also provided that in case the snow or ice on any sidewalk abutting such building or lot of ground shall be frozen so hard that it cannot be removed without injury to the pavement, the owner, lessee, tenant, occupant or other person having charge thereof shall within the times and places hereinabove specified cover or cause such abutting sidewalk to be covered and strewn with either fine sifted hard coal ashes or sand or some similar material and shall, as soon thereafter as the weather permits, thoroughly clean such sidewalk and remove the ice and snow therefrom.
- (2) Any owner, lessee, tenant, occupant or other person having charge of any building or lot of ground abutting upon any street, avenue or public place for a continuous linear distance of 500 feet or more shall be considered to have complied with this section if such person shall have begun to remove the snow and ice from the sidewalk or public way before the expiration of the times hereinabove mentioned and shall without suspending work, thereon, continue such removal and shall complete the same within a reasonable time.

B. Removal by Village upon owners', occupants', etc., failure to remove. In case the snow or ice on the sidewalk or public way abutting any building or lot of ground as described in Subsection A shall not be cleared or cleaned of ice or snow or covered with sifted ashes or sand or some suitable material (excepting soft coal ashes) as provided in such section after the expiration of the time provided in such section for cleaning or covering the same, then and in that event, the [Director of Operations of the Village] **Village Manager shall direct the Superintendent of Public Works or the Building Inspector** [shall forthwith proceed] to **promptly** clean or cover the sidewalk or public way as provided by such section., and the **The** cost or expense of doing such work on the sidewalk or public way abutting any building or lot of ground shall be ascertained by the [Director of Operations] **Superintendent of Public Works or Building Inspector.** [and a report thereof shall be forthwith filed in the office of the Village Clerk.]

- C. Recovery of cost of removal. [The cost of work and materials furnished pursuant to Subsection B, as the same shall appear from the report of the Director of Operations, on file in the office of the Village Clerk, may be sued for and recovered from the owner, lessee, tenant, occupant or other person having charge of the building or lot of ground abutting a sidewalk or public way from which snow or ice has been removed pursuant to such section by the Village and shall be a lien upon the premises reported to have been cleaned or covered pursuant to such section, and may be assessed against the same in the Village tax roll.] **Within 10 days of the snow/ice removal from the sidewalk, the Superintendent of Public Works or the Building Inspector will send to the owner, lessee, tenant, occupant or other person having charge of the building or lot abutting the sidewalk a notice of proposed assessment of costs by certified mail. That notice will provide the amount and purpose of the proposed assessment for the work performed; the date, time and location where the Board of Trustees will meet to hear and determine all objections to the proposed assessment; and that the Board of Trustees will determine an assessment that is just and reasonable not exceeding, in the event of default the amount in the notice. The proposed assessment will include a 20% administrative charge. The notice will include a statement that if the amount so assessed is not paid to the Village Treasurer within 30 days of the Board of Trustees' determination, an action to recover the amount may be maintained by the Village against the property owner, tenant, occupant or other person having charge of the building or lot; a special warrant may be issued as directed by the Board of Trustees; or the amount of the assessment may be included in the next annual tax levy to be collected and enforced in the same manner as property taxes.**

Section 9. Chapter 133, section 133-5 (Fire hazard inspections; Compliance with request for inspection required; assessment and collection of fees; lien) is amended with new language **underlined** and deleted language in **[brackets]**.

§ 133-5 Compliance with request for inspection required; assessment and collection of fees; lien.
[[Amended 9-1-2021 by L.L. No. 9-2021]]

It shall be unlawful for any person willfully to refuse to permit an inspection as provided herein. The Board of Trustees as part of its annual approval of the Village's fee schedule will include fees for the required fire inspection. Where a fee has been incurred for the fire inspection as a result of an inspection or missed appointment, within [ten] **10** calendar days of that inspection and/or missed appointment, the Building Inspector or designee shall send to the owner, tenant, occupant or other person legally in possession of the real property **a notice of proposed assessment of costs** by certified mail.[, return receipt requested, an invoice for the inspection/missed appointment pursuant to the Village's annual fee schedule. Payment is to be made to the Village Treasurer no later than twenty calendar days after the invoice has been sent out. Upon the failure of the owner, tenant, occupant or other person legally responsible for the real property to pay the aforementioned invoice, the Building Inspector or designee shall certify the amount to the Village Treasurer. The amount so certified shall thereupon become and be a lien upon the property and shall be added to and become a part of the taxes next to be assessed and levied on such property, to be collected and enforced in the same manner as taxes.] **The notice shall include the assessment for the fee incurred for the inspection or missed appointment including a 20% administrative charge; the date, time and location when the Board of Trustees will meet to hear and determine all objections to the proposed assessment; and that the Board of Trustees will determine an assessment that is just and reasonable not exceeding, in the event of default the amount in the notice. The notice also will include a statement that if the assessment is not paid to the Village Treasurer within 30 days of the Board of Trustees'**

determination, an action to recover the amount may be maintained by the village against the property owner, tenant, occupant or other person legally responsible for the real property; a special warrant may be issued as directed by the Board of Trustees; or the amount of the assessment may be included in the next annual tax levy to be collected and enforced in the same manner as property taxes.

Section 10. Chapter 155, section 155-5 (Graffiti; Removal of Graffiti; costs) is amended with new language **underlined** and deleted language in **[brackets]**.

§ 155-5 Removal of graffiti; costs.

- A. Requirement to remove graffiti. The occupant, owner, lessee, sublessee, agent and/or landlord of any commercial, personal or residential property located within the Village of Ossining on which any form of graffiti has been written, painted, drawn, etched, or otherwise applied shall remove the graffiti from public view by either moving the property, removing the graffiti, or repainting, restoring, or recovering the surface on which the graffiti has been applied using the same colors and textures as existed previously on the surface, within **[seven] 7** days after written notice from the **[Village] Building Inspector**. The **[Village] Building Inspector** may serve said written notice on the occupant, owner, lessee, sublessee, agent and/or landlord by personal service, **[in which case the seven day curative period shall begin to run from the date of said service,]** or by certified mail, **[return receipt requested,]** to the **owner at the address that appear on the assessment rolls of the village and, where applicable, to the last known address of any occupant, lessee, sublessee of the property.** **[address at which the property is located, in which case the seven day curative period shall run from the date that said notice is received as set forth in that receipt or, if that receipt is not returned, 14 days from the date of mailing].**
- B. Remedy of Village. If any graffiti is not removed from public view within **[seven] 7** days after notice from the Village as set forth in § 155-5A, then the Village may issue a criminal summons or appearance ticket returnable in the Justice Court of the Town of Ossining, and may enter the premises or hire a private contractor to enter the premises and remove the graffiti from public view as set forth in § 155-5A, at the cost and expense of the occupant, owner, lessee, sublessee, agent and/or landlord of property. **[The actual cost of that removal, plus the cost of the inspection of said property and other costs incidental to such removal, shall become a lien upon any real property upon which the graffiti was found and shall be added to and become a part of the taxes next to be assessed and levied on such real property, and the same shall be collected and enforced in the same manner as general Village taxes. [Amended 12-20-2011 by L.L. No. 6-2011]]** **Within 10 days of the completion of the graffiti removal by the village, the Building Inspector shall send to the owner, occupant, lessee, sublessee, or agent of the property from where the graffiti was removed a notice of proposed assessment of costs by certified mail. The notice shall include the village's expenditure for the work including a 20% administrative charge; the date, time and location when the Board of Trustees will meet and determine the objections to the proposed assessment; and that the Board of Trustees will determine an assessment that is fair and reasonable not to exceed in the event of default the amount in the notice. The notice also will include a statement that if the assessment is not paid to the Village Treasurer within 30 days of the Board of Trustees' determination, the Village may commence an action to recover the amount of the assessment; a special warrant may be issued as directed by the Board of Trustees; or that the amount of the assessment may be included in the next annual tax levy to be collected and enforced in the same manner as real property taxes.**

Section 11. Chapter 249, section 249-9 (Vacant building and storefront registry; Vacant building or storefront fees and insurance) is amended with new language underlined and deleted language in [brackets].

§ 249-9 Vacant building or storefront fees and insurance

A. Fees

1. Vacant building and vacant storefront registration fees shall be established by the Board of Trustees and published in the village's annual fee schedule.
2. The first annual registration fee shall be paid no later than 30 days after the building or storefront becomes vacant.
3. Any arrearages for the registration fee shall be paid in full before the issuance of a building permit, certificate of occupancy or certificate of compliance. This provision will not apply to demolition permits.
4. Any arrearages shall be paid by the property owner prior to transfer of ownership of a vacant building or storefront. If outstanding registration fees are not paid prior to transfer of ownership of the vacant building or vacant storefront, the Building Department shall send [forward an invoice] an assessment notice to the current property owner by certified mail [return receipt requested] requesting payment for the outstanding fees no later than [20] **10** days after the [invoice] notice is sent out. **The notice will include the amount of the outstanding registration fee including a 20% administrative charge; the date, time and location when the Board of Trustees will meet and decide any objections to the assessment; and that the Board of Trustees will determine an assessment that is just and reasonable not to exceed in the event of default, the amount in the notice. The notice also will include a statement that if the assessment is not paid to the Village Treasurer within 30 days of the Board of Trustees' determination the Village may commence an action to recover the amount of the assessment; a special warrant may be issued as directed by the Board of Trustees; or that the amount of the assessment may be included in the next annual tax levy to be collected and enforced in the same manner as real property taxes.** [If payment of the invoice is not timely made the amount will be certified to the Village Treasurer and be a lien upon the property and shall be added to and become a part of the taxes to be next assessed and levied on such property, to be collected and enforced in the same manner as taxes.]
5. A new property owner shall pay the annual registration fee no later than 30 days after the transfer of ownership is completed. Subsequent annual registration fees shall be due on the anniversary date of the filing of the registration form.

B. Insurance

The property owner shall maintain commercial general liability insurance with minimum policy limits of \$1,000,000 per person and \$2,000,000 aggregate for vacant buildings and vacant storefronts. A certificate of insurance shall be submitted with the vacant building or vacant storefront registration and annual renewal. The village shall be named as a certificate holder and shall be provided with a minimum of 20 days' prior written notice of any cancellation,

material modification or non-renewal of the insurance.

C. Escrow

The property owner of every registered vacant building or storefront shall submit to the Building Department an escrow not to exceed \$5,000 as determined by the Building Inspector or Assistant Building Inspector. The escrow may be used to reimburse the village for expenses incurred to secure and maintain the vacant building or storefront upon the property owner's failure to do so pursuant to the approved vacant building or storefront plan.

Section 12. Chapter 225, section 225-27 (Solid waste; Further action upon noncompliance) is amended with new language underlined and deleted language in **[brackets]**.

§ 225-27 Further action upon noncompliance.

Without intent to [supercede] supersede or limit the right of the Village to fine or collect fines under a strict liability standard, upon the failure of any property owner to perform the acts required herein, the Village shall be entitled to compliance with this chapter by action set forth in this article. The Village, after giving due notice to such property owner in accordance with this chapter, shall also be authorized to perform such work herein required. [, and any costs incurred by the Village in the performance of such work shall constitute and be collectible as a tax lien on such property.] Within 10 days after the Village performs the work a notice of proposed assessment shall be sent to the property owner by certified mail from the Superintendent of Public Works. The notice of proposed assessment will advise the property owner of the village's expenditures for performing the work including a 20% administrative charge; a description of the work; the date, time and location that the Board of Trustees shall hear and determine all objections to the proposed assessment; that the Board of Trustees will determine an assessment that is just and reasonable and shall not exceed in the event of a default the amount in the notice. The notice of proposed assessment also will include a statement that if the assessment is not paid to the Village Treasurer within 30 days of the assessment, the Village may commence an action to recover the amount of the assessment; a special warrant may be issued as directed by the Board of Trustees; or that the amount of the assessment may be included in the next annual tax levy to be collected and enforced in the same manner as real property taxes. Where the Superintendent has determined that the violation is a danger to the public health, safety or welfare or is a nuisance or where said violation interferes with a public thoroughfare such as a sidewalk, and upon the failure of any property owner notified as set forth herein to dispose of said litter within 24 hours after the date of the mailing and posting of the notice, the Superintendent or a duly designated agent may cause such litter to be removed from the subject property or public thoroughfare.

Section 13. Chapter 227, section 227-12 (Stormwater management and erosion and sediment control; Enforcement; penalties for offenses) is amended with new language underlined and deleted language in **[brackets]**.

§ 227-12 Enforcement; penalties for offenses.

A. Notice of violation. When the enforcement agency, upon a recommendation from the SMO, determines that a land development or redevelopment 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. In addition, the enforcement agency is hereby authorized to issue an appearance ticket as such term is defined in the Criminal Procedure Law of the State of New York. A 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 or redevelopment 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;
- B. Stop-work orders. The enforcement agency 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 or redevelopment activities, except those activities that address the violations leading to the stop-work order. The stop-work order shall be in effect until the enforcement agency, in cooperation with a recommendation from the SMO, confirms that the land development or redevelopment 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 or redevelopment 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.
- (1) Violation of any provision or requirement of this chapter or violation of any statement, plan, application, permit or certificate approved under the provisions of this chapter, shall constitute a violation pursuant to penal law.
 - (2) The owner, general agent or contractor of a building, premises or part thereof where such a violation has been committed or does exist shall be guilty of such an offense.
 - (3) The owner, general agent or contractor of a building, premises or part thereof where such a violation has been committed or does exist shall be guilty of such an offense.
 - (4) Any agent, contractor, architect, builder, corporation or other person who commits, takes part or assists in such violation shall also be guilty of such an offense.
 - (5) 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 minimum fine of \$100 and a maximum fine of \$5,000 or imprisonment not exceeding 15 days, or both such fine and imprisonment. Each day's continued violation shall constitute a separate additional violation.
- E. Withholding of certificate of occupancy. If any building or land development or redevelopment activity is installed or conducted in violation of this chapter, the SMO may 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 may take necessary corrective action, [the cost of which shall become a lien upon the property until paid.] **Should the Village take necessary corrective action as described in this chapter, the SMO shall send a notice of proposed assessment of costs to the property owner by certified mail. That notice shall advise the property owner of the amount of the proposed assessment for the work performed including a 20% administrative charge; the date, time and location when the Board of Trustees will hear and determine any objections to the proposed assessment; that the Board of Trustees will determine an assessment that is just and reasonable and that in the event of a default, the assessment will not be greater than the amount in the notice. The proposed assessment notice also will include a statement that if the assessment is not paid to the Village Treasurer within 30 days of the assessment by the Board of Trustees, the Village may commence an action to recover the amount of the assessment; issue a special warrant as directed by the Board of Trustees; or that the amount of the assessment may be included in the next annual tax levy to be collected and enforced in the same manner as real property taxes.**

Section 14. Chapter 91, section 91-24 is amended with new language **underlined** and deleted language in **[brackets]**.

§ 91-24 Failure to pay review costs.

- A.** If, after final action is taken on the land use application and the Planning Department has received and approved all statements for professional services with respect to the application, where the escrow amount held by the Treasurer is less than the charges for the approved professional services, the resolution or certificate of the reviewing board shall not be filed with the Village Clerk until all outstanding fees have been paid. In addition, **the Planning Department will send to the applicant by certified mail a notice of proposed assessment of costs.** [the applicant shall be advised by the Planning Department of the outstanding fees by certified mail.] **The notice will advise the applicant of the amount of the outstanding charges including a 20% administrative fee; the date, time and location where the Board of Trustees will meet to hear and determine all objections to the proposed charges; that the Board of Trustees will determine an assessment that is just and reasonable and that in the event of a default, the assessment will not be greater than the amount in the notice. The notice also will include a statement that if the assessment is no paid to the Village Treasurer within 30 days of the determination by the Board of Trustees, the Village may commence an action to recover the amount of the assessment; issue a special warrant as directed by the Board of Trustees; or that the amount of the assessment may be included in the next annual tax levy to be collected and enforced in the same manner as real property taxes.** [If the outstanding fees are not paid within thirty (30) days of the notice from the Planning Department, the Treasurer will cause the unpaid amount to be added to the next Village tax bill for the property that is the subject of the application.]
- B.** If, after final action is taken on the land use application and the Planning Department has received and approved all statements for professional services with respect to the application, the escrow amount held by the Treasurer is greater than the charges for the approved professional services, the Treasurer will refund the balance to the applicant within 30 days.
- C.** Withdrawal of a land use application before action is taken does not relieve the applicant of the

applicant's obligation to pay the cost of professional services incurred in connection with the review of the application prior to its withdrawal.

Section 15. Effective date.

This local law shall become effective upon filing with the Secretary of State pursuant to section 27 of the Municipal Home Rule Law.