

**INCORPORATED VILLAGE OF SANDS POINT
BOARD OF TRUSTEES**

LOCAL LAW NO. 11 OF 2024

**AMENDING CHAPTER 122, “PROPERTY MAINTENANCE”
OF THE CODE OF THE VILLAGE OF SANDS POINT**

WHEREAS, the Board of Trustees (the “Village Board”) of the Incorporated Village of Sands Point (the “Village”) has recommended the enactment of a Local Law to amend Chapter 122, “Property Maintenance” of the Village Code; and

WHEREAS, Middle Neck Road serves as a main artery to the Village that provides ingress and egress to the Village; and

WHEREAS, the Village Board finds that it is necessary and appropriate to establish the Main Artery Maintenance Area to protect the unique character and nature of the Village as seen when entering and existing the Village; and

WHEREAS, properties in the Main Artery Maintenance Area abut Middle Neck Road, and the proper maintenance of such properties are important to the scenic and aesthetic values of the Village; and

WHEREAS, the Village Board finds that establishing the Main Artery Maintenance Area will protect and enhance the visual environment of the Village; and

WHEREAS, the Village Board finds that establishing the Main Artery Maintenance Area is in the best interest of the health, safety, and welfare of the Village and its residents; and

WHEREAS, this Local Law was introduced by the Village Board on June 18, 2024; and

WHEREAS, it is hereby determined that pursuant to the provisions of the State Environmental Quality Review Act, 8 N.Y.E.C.L. Section 0101 et seq. and its implementing regulations, Part 617 of 6 N.Y.C.R.R., that the adoption of this local law is a “Type II” Action within the meaning of Section 617.5(c)(26) of 6 N.Y.C.R.R.; and

WHEREAS, this Local Law was the subject of a duly noticed public hearing in accordance with New York State Village Law and the Village Code before the Village Board on July 23, 2024, at which all interested persons were heard.

NOW THEREFORE, BE IT ENACTED by the Board of Trustees of the Incorporated Village of Sands Point:

Section 1. Chapter 122 of the Village Code, Property Maintenance, be and is hereby amended to read in its entirety as follows:

§ 122-1 Definitions

Main Artery Maintenance Area

Any real property in the Village that abuts Middle Neck Road.

Owner

Any individual, partnership, company, corporation, association, firm, organization, administration, department, institutional organization, or any other group of individuals or any person or employee thereof that owns, occupies, manages, or controls real property in the Village.

Village

The Incorporated Village of Sands Point

Village Board

The Board of Trustees of the Village

§ 122-1 Failure of property owner to do work; cost of work done by village.

If any Owner of real property located within the Village is required by ordinance or general, special, or local law to make any improvement or repair, perform any work, or do any act on such property or on driveway aprons, paths, or public or private thoroughfares in front of or abutting upon such property or property between the property line and the gutter in the interest of the public safety, health, comfort, and general welfare and such Owner shall fail to make the improvement or to perform the work or act required, the Village Board shall cause such improvement or repair, work, or act to be done on such property or on driveway aprons, paths, or public or private thoroughfares abutting upon such property or on property between the property line and the gutter or a contract shall be awarded therefor by the Village Board, and the cost of such improvement or repair, work, or act may be levied and collected as provided herein.

§ 122-2 Emergency action.

If, because of circumstances arising out of a fire, flood, storm, or other disaster, and in order to protect life or property, the Village Board causes emergency action to be taken on the property of a Owner, the cost of such improvement, repair, work, or act may be assessed, levied, and collected as provided herein.

§ 122-3 Notice to owner or occupant of meeting to assess expenditure; service of notice.

- A. Upon completion of the improvement or repair, work, or act, the Village Board shall serve a notice of at least 10 days upon the Owner of the property affected or improved, stating that such expenditure has been made, its purpose and amount, and that at a specified time and place the Village Board will meet to make an assessment of the expenditure upon the real property so improved.
- B. Such notice shall be in writing and served personally on such Owner by certified mail or by nationally recognized courier that can provide proof of delivery.

§ 122-4 Determination of assessment.

The Village Board shall meet at the time and place specified in the notice and shall hear and determine all objections that shall be made to such assessment, including the amount thereof, and shall assess upon the real property the amount which it may deem just and reasonable, not exceeding, in case of default, the amount stated in the notice.

§ 122-5 Action upon nonpayment of assessment.

If the amount so assessed is not paid within 15 days after such assessment, an action to recover the amount due may be maintained by the Village, or a special warrant may be issued by the Village Board for collection of such assessment, or the amount thereof may be included in the next annual tax levy.

§ 122-6 Time limit for action to review assessment.

No action or proceeding to review an assessment made hereunder may be maintained against the Village, its officers, or employees more than 15 days after such assessment is made.

§ 122-7 Statutory provisions not impaired.

Nothing herein shall be construed to prohibit the financing of unpaid assessments pursuant to the Local Finance Law.

§ 122-8 Main Artery Maintenance Area

- A. Purpose and application. The purpose of the Main Artery Maintenance Area is to protect the unique character and nature of the Village as seen when entering, exiting, and traveling through the Village. Properties in the Main Artery Maintenance Area abut major thoroughfares that provide ingress and egress to the Village, and the proper maintenance of such properties are important to the scenic and aesthetic values of the Village.
- B. Main Artery Maintenance Area Regulations. Every Owner in the Main Artery Maintenance Area shall keep their property well-maintained in a clean, safe, and sanitary condition from

the asphalt to 4' feet from the asphalt, and shall be free from weeds in excess of 10 inches. Noxious weeds shall be prohibited. When any tree is removed within the Village's right-of-way of any public or private street or road in the Main Artery Maintenance Area, tree stumps shall be ground down to six inches below ground level and covered flush with the surface.

C. Penalties for offenses.

- (1) Where there is a violation of § 122-8(B), the Village shall be authorized to issue an appearance ticket to an Owner that shall be returnable in Village Justice Court. Any Owner violating any of the provisions of this chapter shall, upon conviction thereof, be subject to a fine not less than \$250 and no more than \$1,000 for each violation regardless of any convictions for prior violations. If the violation is of a continuing nature, each day during which any of these offenses occurs shall constitute an additional, separate, and distinct offense.
- (2) In addition to the issuance of an appearance ticket returnable in Village Justice Court, the Village may cause a separate notice of violation to be issued to an Owner. Said notice shall be in writing and served personally or by certified mail or by nationally recognized courier that can provide proof of delivery. The notice shall:
 - (a) Inform the Owner that there is a violation of § 122-8(B).
 - (b) Specify the reason for the violation.
 - (c) Inform the Owner that should they disagree with the conclusion of the Village as to the violation, they shall have seven days from receipt of the notice to request a hearing on the matter before the Village Board.
 - (d) Inform the Owner that if they fail to cure the violation within seven days of the receipt of the notice, or if the Owner fails to request a hearing before the Village Board on the matter within seven days of receipt of the notice, the Village may perform the work required to cure the violation. The curing of the violation shall be the sole expense of the Owner.
- (3) The issuance of the notice to perform corrective work shall be an additional remedy available to the Village, and shall not preclude the prosecution of the appearance ticket in Village Justice Court.

(4) When the Village cures the Violation, as set forth in § 122-8(B) of this chapter, the costs attendant to such curing shall be assessed against the property involved. These costs shall constitute a lien and charge against the property and shall be collected by the Village in the manner provided by law for the collection of delinquent taxes.

Section 2. Severability. If a court of competent jurisdiction determines that any clause, sentence, paragraph subdivision, or part of this local law or the application thereof to any person, firm or corporation or circumstance is invalid or unconstitutional, the Court's order or judgment shall not affect, impair or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 3. Effective Date. This Local Law shall take effect immediately upon filing with the Secretary of State.

On motion made by Trustee Karabatos, seconded by Trustee Ackerman, the foregoing Local Law was enacted upon the following vote:

Mayor Peter A. Forman voting	-	aye
Deputy Mayor Jeffrey Moslow voting	-	absent
Trustee Elena Karabatos voting	-	aye
Trustee Sloane Ackerman voting	-	aye
Trustee Danny Khazai voting	-	aye

Dated: Sands Point, New York
July 23, 2024

Filed: Sands Point, New York
July 24, 2024

