

**INCORPORATED VILLAGE HUNTINGTON BAY
BOARD OF TRUSTEES**

**PROPOSED LOCAL LAW NO. 3 OF 2014 AMENDING
CHAPTER 11 OF THE CODE OF THE INCORPORATED
VILLAGE OF HUNTINGTON BAY AS IT RELATES TO
PENALTIES FOR OFFENSES**

Be it enacted by the Board of Trustees of the Incorporated Village of Huntington Bay as follows:

Section 1. Amendment.

Chapter 11 of the Code of the Village of Huntington Bay shall be amended to read as follows:

* * *

§ 11-19. Penalties for offenses.

A. Fines; continued violations.

- (1) Each offense against the provisions of this chapter or article shall constitute a violation pursuant to the Penal Law of the State of New York and shall be punishable as such. The giving of written notice is not a prerequisite for action under this section unless the subject of the prosecution is the noncompliance with such notice. Any person or persons violating any provisions of this chapter or article shall be liable for and shall pay a fine as follows:
 - (a) Not more than \$350 for conviction of a first offense, or imprisonment for not more than fifteen (15) days, or both.
 - (b) Not less than \$350 nor more than \$1,500 for a conviction of a second offense within five years of the first conviction, or imprisonment for not more than fifteen (15) days, or both.
 - (c) Not less than \$1,500 nor more than \$2,500 for a conviction of a third offense and any subsequent offense where three or more offenses have occurred within a five-year period, or imprisonment for not more than fifteen (15) days, or both.
- (2) Each week's continued violation shall constitute a separate additional violation. Such fines shall be collected as like fines are now collected by law.

B. The imposition of the penalties herein described shall not preclude the Village from instituting an appropriate action or proceeding in law or in equity to prevent an unlawful erection, construction, alteration, moving, repair, conversion or maintenance of use, or to restrain, correct or abate a violation, or to prevent an illegal act or use in or about the premises.

- C. No oversight or dereliction of duty on the part of the Building Inspector, or his subordinates, shall legalize the erecting, constructing, altering, removing, use or occupancy of a building that does not conform to the provisions of law.

* * *

Section 2. Severability.

If any clause, sentence, paragraph, section, or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder hereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part hereof directly involved in the controversy in which judgment should have been rendered.

Section 3. Effective date.

This local law shall take effect immediately upon filing with the New York Secretary of State.