

Bill WDS 2002

A local law to amend the Chapter 1 of the Code of the Village of Woodsburgh, entitled "General Provisions" to modify penalties for violations of the Village Code.

Section one. Chapter 1 of the Code of the Village of Woodsburgh, entitled "General Provisions" is hereby amended to amend sections 1-15 and 1-16, to read as follows:

§1-15. Zoning Offenses.

With respect to any violation of any provision of Chapter 150 of the Code of the Village of Woodsburgh, entitled "Zoning", any owner, general agent or contractor of a building or premises where such violation has been committed or shall exist and the lessee or tenant of an entire building or entire premises where such violation has been committed or shall exist and the owner, general agent, contractor, lessee or tenant of any part of a building or premises in which part such violation has been committed or shall exist and the general agent, architect, building contractor or any other person who commits, takes part or assists in such violation or who maintains any building or premises in which such violation shall exist shall be punishable by a fine of not more than \$350 or imprisonment for a period not to exceed fifteen days, or both such fine and imprisonment, for conviction of a first offense. For conviction of a second offense, both of which were committed within a period of one year, such violation shall be punishable by a fine not less than \$350 nor more than \$700 or imprisonment for a period not to exceed fifteen days, or both such fine and imprisonment. For conviction of a third or subsequent offense, all of which were committed within a period of one year, such offense shall be punishable by a fine not less than \$700 nor more than \$1,000 or imprisonment for a period not to exceed fifteen days, or both such fine and imprisonment. Each day's continued violation shall constitute a separate additional offense.

§1-16. General Offenses.

A. Except where such penalty is provided for in section 1-15 of the Village Code or where a different penalty would apply to the operation or parking of a motor vehicle, each person or entity who violates any provision of any law, ordinance or regulation of the Village of Woodsburgh or fails to timely comply with a properly issued notice, shall, for each and every day that said offense exists or continues, be subject to a penalty as prescribed herein, upon conviction. For a continuing offense, each day's violation shall constitute a separate additional offense.

B. A first offense shall be punishable by a fine not to exceed \$1,000 per offense or per day, as the case may be. For a continuing offense, each day, for the first six days after the date of the original offense, shall be punishable by a fine not to exceed \$1,000 per offense, per day.

C. A second offense, which was committed within a period of one year of the first offense, shall be punishable by a fine of not less than \$750 nor more than \$1,500.

D. For a conviction of a third and/or subsequent offense committed within one year of the first offense, such offense shall be punishable by a fine not less than \$1,000 nor more than \$2,500. For a continuing offense, each day after the first seven days (which are otherwise subject to penalty under section 1-16(B)) shall be punishable by a fine of not less than \$1,000 nor more than \$2,500, per offense, per day.

Section two. Any local law, ordinance, or resolution of the Village of Woodsburgh in conflict with this local law is hereby repealed to the extent of such conflict, except that such repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of such local law, ordinance or resolution prior to the effective date of this local law.

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

Section four. This local law shall take effect immediately upon adoption and filing of such law pursuant to the Municipal Home Rule Law.