

Bill WDS-3-2023.

A local law to amend sections 1-15, 77-9 and 85-12 of the Code of the Village of Woodsburgh regarding penalties for certain offenses.

Section 1. Section 1-15 of the Code of the Village of Woodsburgh is hereby amended, to read as follows:

“§1-15. Zoning and Construction Related Offenses.

With respect to any violation of any provision of Chapters 55, 77, 85, 136 and 150 of the Code of the Village of Woodsburgh, 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, 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 as follows:

- A. Where the Building Department has informed the person or entity, in writing or orally, that the action or work charged as an offense required any Village board or department approval prior to the commencement of such action or work, by a fine of not less than \$2,000 nor more than \$3,500 for conviction of a first offense.
- B. Where the Building Department has not informed the person or entity, in writing or orally, that the action or work charged as an offense required any Village board or department approval prior to the commencement of such action or work, by a fine of not less than \$1,000 nor more than \$3,000 for conviction of a first offense.
- C. For conviction of a second violation of any provision of Chapter 55, 77, 85, 136 or 150, regardless of whether any notice preceded the first offense, committed within a period of one year after the first offense, such violation shall be punishable by a fine not less than \$2,500 nor more than \$5,000.
- D. For conviction of a third violation of any provision of Chapter 55, 77, 85, 136 or 150, regardless of whether any notice preceded the first offense, committed within a period of one year after the second offense, such violation shall be punishable by a fine not less than

\$5,000 nor more than \$7,500. Each day's continued violation shall constitute a separate additional offense.”

Section 2. Section 77-9 of the Code of the Village of Woodsburch is hereby amended, to read as follows:

“§77-9. Penalties for Noncompliance.

No structure in an area of special flood hazard shall hereafter be constructed, located, extended, converted, or altered and no land shall be excavated or filled without full compliance with the terms of this chapter and any other applicable regulations. Any infraction of the provisions of this chapter by failure to comply with any of its requirements, including infractions of conditions and safeguards established in connection with conditions of the permit, shall constitute a violation. Any person who violates this chapter or fails to comply with any of its requirements shall, upon conviction thereof, be guilty of a violation punishable by a fine as prescribed in section 1-15 of the Code. Each day of noncompliance shall be considered a separate offense. Nothing herein contained shall prevent the Village from taking such other lawful action as necessary to prevent or remedy an infraction. Any structure found not compliant with the requirements of this chapter for which the developer and/or owner has not applied for and received an approved variance under Article **VI** will be declared noncompliant and notification sent to the Federal Emergency Management Agency.”

Section 3. Section 85-12(C) of the Code of the Village of Woodsburch is hereby amended, to read as follows:

“§85-12(C). Penalties. In addition, 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 fine as prescribed by section 1-15 of the Code.”

Section 4. Severability. If a court 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 5. Effective date. This local law shall take effect immediately upon filing with the Secretary of State.