

TOWN OF NORTH CASTLE

Local Law No. 5 For The Year 2008 (Adopted April 23, 2008)

A Local Law to amend Chapter 213 entitled Zoning of the Code of the Town of North Castle.

Be It Enacted by the Town Board of the Town of North Castle as follows:

1. Article XII, entitled Administration and Enforcement, Section 213-64 entitled Penalties for Offenses, is hereby amended as follows:

In accordance with Municipal Home Rule Law § 10(1)(ii)(d)(3), the Town has resolved to supersede New York State Town Law § 268 for violations of the Zoning Code as follows:

- A. Any person who shall violate any provision of this chapter or who shall violate any other regulation made under authority conferred thereby or who shall knowingly assist therein or who shall use any land, building or premises in violation thereof, or who shall design any building or other structure to be used in violation of this chapter or such regulations made supplemental thereto, shall be guilty an unclassified misdemeanor pursuant to the Penal Law and liable for a fine as set forth below:
 - (1) for a first violation not to exceed \$1,000.00;
 - (2) for a second violation within five (5) years a minimum fine of \$350.00 and maximum fine of \$2,000.00; and
 - (3) for a third or subsequent violation within five (5) years, a minimum fine of \$750.00 and a maximum fine of \$5,000.00, or by imprisonment or by imprisonment for a period not to exceed six months, or both.
- B. Any firm, corporation or other entity shall violate any provision of this chapter or who shall violate any other regulation made under authority conferred thereby or who shall knowingly assist therein or who shall use any land, building or premises in violation thereof, or who shall design any building or other structure to be used in violation of this chapter or such regulations made supplemental thereto, shall be guilty of an unclassified

misdemeanor pursuant to §80.10 of the Penal Law and liable for a fine in the amount of \$2,500.00, or in an amount up to double the amount of the corporation's gain from the commission of the offense, whichever greater. For purposes of this subsection, gain is defined in §80.00 of the Penal Law.

- C. For purposes of this section, subsequent violations consist of violations of any section of Chapter 213.
- D. Each week's continued violation thereof shall constitute a separate additional violation. In addition to the foregoing punitive and remedial provisions, the Town shall have such other remedies for any violation or threatened violation of this chapter, as now or hereafter may be provided by law.
- E. [THIS SUBSECTION WOULD BE UNCHANGED – CURRENTLY CONTAINED IN SUBSECTION B. DEALS WITH ILLEGAL APARTMENTS AND ILLEGAL MULTIFAMILY HOMES]
- F. [THIS SUBSECTION WOULD BE UNCHANGED – CURRENTLY CONTAINED IN SUBSECTION C. DEALS WITH OTHER LAWFUL REMEDIES AVAILABLE TO TOWN AND NOTICE REQUIREMENTS]

2. Effective Date: This Local Law shall be effective immediately upon filing of same with the Secretary of State of the State of New York.