

ARTICLE I
Penalties and Assessments

§ 1-1. Violations and Penalties

A. Any owner, lessee, contractor, agent or individual, whether a person, partnership or corporation, shall be guilty of an offense if he:

(1) Occupies, uses or maintains, or causes or permits to be occupied, used or maintained; or erects, enlarges, alters or converts, or causes, or permits to be erected, enlarged, altered or converted any building, structure or part thereof or any land in the Village not in conformity with the provisions of the Village Zoning Code, the Uniform Code or Energy Code or any other Village local law;

(2) In any manner violates, or allows, causes, permits, takes part or assists in a violation of any provision of the Village Zoning Code, the Uniform Code or Energy Code or any other Village local law or of any regulation, order or ruling promulgated thereunder, including, but not limited to, the terms or conditions of any building permit, certificate of occupancy, temporary certificate, certificate of continued use, stop-work order, operating permit, or a decision of the Board of Zoning Appeals or Planning Board; or

(3) Violates any written stop-work order.

B. A person convicted of an offense shall be guilty of a violation.

§ 1-1.1. Penalties for offenses.

- A. The penalty for violations of any existing local law governing and/or regulating vehicles, traffic and/or parking; animals, including but not limited to dogs; antennas; boats; noise and/or nuisance; peace and good order; public health; signage and trees, or of Chapters 61, 64, 73, 147, 155, 164, 165, 176, 206 and 212 shall be a minimum of \$100 for each offense, and after notice thereof, for each day the offense persists. There shall be a maximum penalty of \$500 for each offense or each day thereof, exclusive of surcharges imposed by the State.
- B. Any person, corporation or officer thereof who shall violate any of the existing local laws governing and/or regulating building construction; unsafe buildings; dumping of waste and/or rubbish; erosion of soil and/or stormwater management; flood prevention; property maintenance; retaining walls; solid waste; streets and sidewalks, including but not limited to installation and/or maintenance; swimming pools and similar construction; and zoning, or of the provisions of Chapters 78, 84, 88, 96, 104, 121, 161, 169, 185, 189, 196 and 225 of this Code, or who fail to comply therewith, or who shall fail to comply with written notice of violation or order issued by the Building Department and/or appropriate code enforcement officer, shall be guilty of a violation within the meaning of the New York Penal Law and, upon conviction, shall be liable to a fine of not less than \$1,000 nor more than \$2,000 ~~or to imprisonment for a period not to exceed 15 days, or both~~; and, upon a second conviction for the same offense committed within five years of the day of the first offense, shall be liable to a fine of not less than \$2,000 nor more than \$3,500 ~~or to imprisonment for a period not to exceed 15 days, or both~~; and, upon a third conviction for the same offense committed within five years of the date of the second offense, shall be liable to a fine of not less than \$3,500 nor more than \$5,000 ~~or to imprisonment for a period not to exceed 15 days, or both~~. Each week that any such violation continues shall constitute a separate and distinct violation. The owner or owners of any building or premises or part thereof where a violation of any of the provisions of this Code shall exist or any lessee, tenant, builder, contractor, subcontractor, agent, person or corporation employed in connection therewith, and any person who assisted in the creation and/or commission of any such violation, shall each be guilty of a separate

offense and, upon conviction thereof, shall be punishable as herein provided.

- C. Except as specified in Subsection A or B above, unless a specific penalty is provided elsewhere in this Code or in any other local law for a particular violation, any person committing an offense against any provision of any chapter of this Code or of any other local law which refers to this article shall, upon conviction, be guilty of a violation pursuant to the Penal Law of the State of New York, punishable by a fine not exceeding \$500 ~~or by imprisonment for a term not exceeding 15 days, or by both fine and imprisonment.~~

§ 1-2. Assessment other than for local improvements.

Whenever an owner of property or a person in possession or control thereof is required under this Code to make an improvement, perform any work or do any act on such property in the interest of public safety, health, comfort or the general welfare and such person shall fail to make the improvement or perform the work or act required and the Board of Trustees shall cause such improvement, work or act to be done on such property or a contract has been awarded therefor by the Board, the cost of such improvements, work or act may be assessed, levied and collected as against such property or owner in the same manner as a tax. Before making such assessment, levy and collection, the Village shall serve written notice upon the owner of property of the improvement, work or act to be done, and a reasonable time for performance shall be given therefor. Upon the failure to comply within the time given, a hearing shall be scheduled before the Board of Trustees, upon notice, giving the owner of such property or a person representing such owner reasonable opportunity to be heard prior to the Board making or providing for such improvement, work or act to be done and the cost thereof assessed, levied and collected.

§ 1-3. Civil penalties.

The Village Board may, after a hearing, for which reasonable notice shall be given to any alleged offender against the provisions of this Code, assess a civil penalty not exceeding \$2,500 for any offense against the provisions of this Code. The alleged offender shall be served with a brief outline of the alleged offense charged and may be represented by counsel at any hearing held by the Board thereon. The Village may pursue any other remedy permitted by law, which remedy shall be deemed cumulative and not exclusive. The civil penalty assessed by the Board shall be deemed prima facie evidence of the amount thereof in any action or proceeding seeking its recovery or to enforce the rights of the Village.

§ 1-4. Liability for violations on properties.

Whenever in this Code an activity is proscribed or prohibited to be performed, permitted, made, aided, countenanced, encouraged, assisted or the like on any property within the Incorporated Village of Plandome Manor, or where the creation, establishment, erection, placement or maintenance of any object, thing, attachment, disturbance, noise or nuisance shall constitute a violation of a provision of this Code, the owner, tenant, operator or person in control of any property on which such activity, object, thing, attachment, disturbance, noise, nuisance or the like shall occur shall be deemed to have full knowledge thereof and to have consented to, performed, permitted, made, aided, countenanced, encouraged, assisted or established, erected, placed or maintained the same. Nothing herein contained shall be construed as to impose exclusive liability upon any such owner, tenant, operator or person in control.

§ 1-5. Continuing violations.

Except where otherwise provided, the continuation of an offense for each successive week shall constitute a separate violation, and the person or persons allowing or permitting the same may be punished as provided in this article by either criminal or civil penalties, or both, for each such separate violation.

§ 1-6. Additional remedies.

The imposition of a penalty as provided herein, or as specifically provided in any other chapter of this Code

or other law of the Village, shall be in addition to any injunctive or remedial relief which is authorized under the laws of the State of New York with the same force and effect as though provided for herein. Such penalty shall not be deemed to be in lieu of any provision for revocation or suspension of any license or permit.