

ENACTMENT: ADOPT LOCAL LAW INTRODUCTORY NO. 9-2024 AMENDING THE CODE OF THE TOWN OF HUNTINGTON, CHAPTER 156 (PROPERTY MAINTENANCE; NUISANCES), ARTICLE I (HAZARDOUS CONTAINERS, STRUCTURES, AND CONDITIONS) AND ARTICLE V (OTHER CONDITIONS AND NUISANCES)

Resolution for Town Board Meeting dated: April 11, 2024

The following resolution was offered by: **COUNCILWOMAN MARI**

and seconded by: **SUPERVISOR SMYTH**

WHEREAS, it is the intent of the Huntington Town Board to maintain a clean, wholesome, attractive community and environment and to guard against the creation of nuisances and conditions which may endanger the health, safety and welfare of Town residents; and

WHEREAS, the Town Board seeks to amplify the remedies available to the Town of Huntington to abate such nuisances so as to improve the quality of life throughout the Town; and

THE TOWN BOARD having held a public hearing on the 12th day of March, 2024 at 2:00 p.m. to consider adopting Local Law Introductory No. 9-2024 amending the Code of the Town of Huntington, Chapter 156 (Property Maintenance; Nuisances), Article I (Hazardous Containers, Structures, and Conditions) and Article V (Other Conditions and Nuisances), and due deliberation having been had,

HEREBY ADOPTS

Local Law Introductory No. 9-2024 amending the Code of the Town of Huntington, Chapter 156 (Property Maintenance; Nuisances), Article I (Hazardous Containers, Structures, and Conditions) and Article V (Other Conditions and Nuisances), as follows:

BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF HUNTINGTON AS FOLLOWS:

LOCAL LAW NO. 22-2024  
AMENDING THE CODE OF THE TOWN OF HUNTINGTON  
CHAPTER 156 (PROPERTY MAINTENANCE; NUISANCES)  
ARTICLE I (HAZARDOUS CONTAINERS, STRUCTURES, AND CONDITIONS)  
ARTICLE V (OTHER CONDITIONS AND NUISANCES)

Section 1. Amendment to the Code of the Town of Huntington, Chapter 156 (Property Maintenance; Nuisances), Article I (Hazardous Containers, Structures, and Conditions) as follows:

CHAPTER 156  
PROPERTY MAINTENANCE; NUISANCES

\* \* \*

ARTICLE I  
HAZARDOUS CONTAINERS, STRUCTURES, AND CONDITIONS

\* \* \*

§ 156-11 Penalties for Violations.

Any person or business entity who commits or permits any acts in violation of any provision of this article shall be deemed to have committed an offense and shall upon conviction thereof, be subject to a fine of not less than [two hundred fifty (\$250)] five hundred (\$500) dollars and not more than five thousand (\$5,000) dollars for a conviction of a first offense; upon the conviction of a second offense, where the offense was committed within five (5) years of the first offense, a fine of not less than one thousand (\$1,000) dollars and not more than ten thousand (\$10,000) dollars; and upon conviction of a third or subsequent offense, where the offense was committed within five (5) years of the first offense, a fine of not less than one thousand five hundred (\$1,500) dollars and not more than fifteen thousand (\$15,000) dollars. Each day such violation continues or is permitted to exist following notification by the Town or service of a notice of violation, appearance ticket, or summons shall constitute a separate offense, punishable in like manner. Any person or entity found by the Bureau of Administrative Adjudication to have violated any provision of this article shall likewise be subject to a monetary penalty in an amount within the range of fines authorized herein for any offense or continuing offense.

\* \* \*

Section 2. Amendment to the Code of the Town of Huntington, Chapter 156 (Property Maintenance; Nuisances), Article V (Other Conditions and Nuisances) as follows:

CHAPTER 156  
PROPERTY MAINTENANCE; NUISANCES

\* \* \*

ARTICLE V  
OTHER CONDITIONS AND NUISANCES

\* \* \*

§ 156-50 Penalties for Violations.

(A) A person or business entity who commits or permits any acts in violation of any provision of this article shall be deemed to have committed an offense and shall, upon conviction thereof, be subject to a fine of not less than [two hundred fifty (\$250)] five hundred (\$500) dollars and not more than five thousand (\$5,000) dollars for a conviction of a first offense; upon the conviction of a second offense, where the offense was committed within five (5) years of the first offense, a fine of not less than one thousand

(\$1,000) dollars and not more than ten thousand (\$10,000) dollars; and upon conviction of a third or subsequent offense, where the offense was committed within five (5) years of the first offense, a fine of not less than one thousand five hundred (\$1,500) dollars and not more than fifteen thousand (\$15,000) dollars. Each day, or part thereof, such violation continues or is permitted to exist shall constitute a separate offense, punishable in like manner. Any person or entity found by the Bureau of Administrative Adjudication to have violated any provision of this article shall likewise be subject to a monetary penalty in an amount within the range of fines authorized herein for any offense or continuing offense.

\* \* \*

**Section 3. Severability.**

If any clause, sentence, paragraph, subdivision, section or other part of this local law shall for any reason be adjudged by any court of competent jurisdiction to be unconstitutional or otherwise invalidated, such judgment shall not affect, impair or invalidate the remainder of this local law, and it shall be construed to have been the legislative intent to enact this local law without such unconstitutional or invalid parts therein.

## Section 4. Effective Date.

This Local Law shall take effect immediately upon filing in the Office of the Secretary of State of the State of New York.

ADDITIONS ARE INDICATED BY UNDERLINE.

\* \* \* INDICATES NO CHANGE IN PRESENT TEXT.

DELETIONS ARE INDICATED BY [BRACKETS].

VOTE: AYES: **5** NOES: **0** ABSTENTIONS: **0**

Supervisor Edmund J. Smyth	<b>AYE</b>
Councilman Dr. Dave Bennardo	<b>AYE</b>
Councilman Salvatore Ferro	<b>AYE</b>
Councilwoman Brooke A. Lupinacci	<b>AYE</b>
Councilwoman Theresa Mari	<b>AYE</b>

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.