

ENACTMENT: ADOPT LOCAL LAW INTRODUCTORY NO. 10-2024 AMENDING THE CODE OF THE TOWN OF HUNTINGTON, CHAPTER 50 (PUBLIC NUISANCES), ARTICLE II (REMEDIES AND ENFORCEMENT)

Resolution for Town Board Meeting dated: April 11, 2024

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

and seconded by: **SUPERVISOR SMYTH**

WHEREAS, the Town Board finds that buildings and properties being used for illegal activities have a devastating impact on the surrounding communities by promoting other illegal activities and threatening the public health, safety and welfare within the Town of Huntington; and

WHEREAS, the Town Board seeks to amplify the remedies available to the Town of Huntington to abate such public 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. 10-2024 amending the Code of the Town of Huntington, Chapter 50 (Public Nuisances), Article II (Remedies and Enforcement), and due deliberation having been had,

HEREBY ADOPTS

Local Law Introductory No. 10-2024 amending the Code of the Town of Huntington, Chapter 50 (Public Nuisances), Article II (Remedies and Enforcement), as follows:

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

LOCAL LAW NO. 21-2024
AMENDING THE CODE OF THE TOWN OF HUNTINGTON
CHAPTER 50 (PUBLIC NUISANCES)
ARTICLE II (REMEDIES AND ENFORCEMENT)

Section 1. Amendment to the Code of the Town of Huntington, Chapter 50 (Public Nuisances), Article II (Remedies and Enforcement) as follows:

CHAPTER 50
PUBLIC NUISANCES

* * *

ARTICLE II
REMEDIES AND ENFORCEMENT

§ 50-4 Penalties for Violations

Any person or entity that violates § 50-3 by conducting, maintaining or permitting a public nuisance to exist shall be guilty of an offense and upon conviction thereof shall be subject to a fine of not less than one thousand (\$1,000) dollars and not more than [two thousand five hundred (\$2,500)] five thousand (\$5,000) dollars and/or up to fifteen (15) days imprisonment for a first offense, and a fine of not less than two thousand five hundred (\$2,500) dollars and not more than [five thousand (\$5,000)] seven thousand five hundred (\$7,500) dollars, and/or up to fifteen (15) days imprisonment for each additional offense committed within five (5) years of the first offense. Any person or entity found by the Bureau of Administrative Adjudication to have violated § 50-3 shall likewise be subject to a monetary penalty in an amount within the range of fines authorized for a first offense and subsequent offenses respectively.

* * *

Section 2. 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 3. 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	AYE
Councilman Dr. Dave Bennardo	AYE
Councilman Salvatore Ferro	AYE
Councilwoman Brooke A. Lupinacci	AYE
Councilwoman Theresa Mari	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.