

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County City Town Village
(Select one:)

of SOUTHEAST

Local Law No. 2 of the year 2025

A local law to amend Chapters 54, 55, 69, 71, 78, 83, 87, 96, 131 and 138, to update penalties for
(Insert Title)
offenses for violating provision of the various chapters

Be it enacted by the TOWN BOARD of the
(Name of Legislative Body)

County City Town Village
(Select one:)

of SOUTHEAST as follows:

SECTION I: Chapter 54 (Building Construction and Fire Prevention), Section 54-14 entitled Penalties for Offenses, paragraphs A and D, are amended to read as follows:

A. Any owner, lessee, architect, builder or occupant or the agent of any of them who violates or is an accessory to the violation of any provision of this chapter, including failure to apply for a building permit prior to commencement of construction or a certificate of occupancy upon completion, shall be guilty of a violation of this chapter and shall be subject to a fine of not less than \$500 nor more than \$1,500 for each such violation. Each week's violation shall constitute a separate offense.

D. Violations of the New York State Uniform Fire Prevention and Building Code shall be subject to the penalties set out in § 382 of the Executive Law, except that if such violations are charged under this § 54-13D of this chapter then such charges shall be violations and shall subject the violators to a fine of not less than \$250 nor more than \$500 or imprisonment for a period not to exceed 15 days, or to both such fine and imprisonment. Each day the violation continues shall constitute a separate offense.

SECTION II. Chapter 55 (Buildings, Unsafe), Section 55-13, entitled Penalties for offenses, is amended to read as follows:

A. The violation of any of the provisions of this chapter shall be punishable by a fine not exceeding \$500

(If additional space is needed, attach pages the same size as this sheet, and number each.)

or imprisonment not exceeding 15 days, or both.

SECTION III. Chapter 69 (Excavations and Gradings), Section 69-17, entitled Penalties for offenses, is amended to read as follows:

Any person who violates any provision of this article, upon conviction, shall be punishable by a fine of not more than \$500 or imprisonment for a period of not exceeding 15 days, or both. Each day's continued violation shall constitute a separate additional violation, and there shall be a fine of not more than \$200 for each additional violation therefor. Except as otherwise provided by law, such violation shall not be a crime, and the penalty or punishment imposed therefor shall not be deemed for any purpose a penal or criminal penalty or punishment and shall not impose any disability upon or affect or empower the creditability as a witness or otherwise of any person convicted thereof.

SECTION IV. Chapter 71 (Explosives and Blasting), Section 71-10 A., entitled Penalties for offenses; enforcement, is amended to read as follows:

- A. Any person or corporation violating any of the provisions of this chapter, upon conviction thereof, shall be subject to a mandatory fine of \$500 for each offense. Every violation of any provision of this chapter shall be a separate and distinct offense, and, in case of continuing violation, every days continuance thereof shall be deemed to be a separate and distinct offense.

SECTION V. Chapter 78 (Freshwater Wetlands), Section 78-6 E., entitled Administration and enforcement, is amended to read as follows:

E. Remedies. The Code Enforcement Officer is authorized to order, in writing, the cessation of any regulated activity being conducted in violation of this chapter; he shall withdraw such order when he determines the activity is compliant. The Code Enforcement Officer is authorized to order, in writing, the remedying of any condition which is found to be in violation of this chapter. Any person who willfully violates this chapter shall be guilty of a misdemeanor, punishable by a fine of not less than \$500 nor more than \$1,000. The Town Board may impose, by order after a hearing, a civil penalty not to exceed \$500 for each violation of this chapter. Each day of continued violation shall constitute a separate and additional violation. An order imposing a civil penalty shall be deemed a final determination for purposes of judicial review, and the Town of Southeast may bring an action to recover such civil penalty in any court of competent jurisdiction. Such action shall be brought on behalf of the Town, and any amount recovered shall be paid into the general revenue funds of the Town. Such right of action or recovery may be released, compromised or adjusted by the Town Board. The proper authorities of the Town of Southeast may institute any appropriate action or proceeding to prevent, restrain, correct or abate any violation of this chapter and to achieve restoration of the affected wetland or watercourse to its condition prior to the violation.

SECTION VI. Chapter 83 (Historic Sites and Historic Districts), Section 83-13 entitled Penalties for offenses, is amended to read as follows:

Any person who violates any of the provisions of this chapter shall be guilty of a violation and, upon conviction thereof, shall be fined not more than \$500 or imprisoned for not more than 15 days, or both. Each day that a violation continues to exist shall constitute a separate offense.

SECTION VII. Chapter 87 (Junkyards), Section 87-10 entitled Penalties for offenses, is amended to read as follows:

The violation of any of the provisions of this chapter shall, upon conviction, be punishable by a fine of not more than \$1,000 or imprisonment for not more than 15 days, or both.

SECTION VIII. Chapter 96 (Noise), Section 96-10 entitled Penalties for offenses, is amended to read as follows:

Any person who shall violate any provision of this chapter shall be guilty of an offense and upon conviction thereof shall be subject to a fine of not more than \$500, or by imprisonment not exceeding 15 days, or both such fine and imprisonment.

SECTION IX. Chapter 131 (Vehicles and Traffic), Section 131-11 E. entitled Penalties for offenses, is amended to read as follows:

Penalties for offenses. Every person convicted of a violation of any provision of this section which is not a violation of any provision of the Vehicle and Traffic Law of the State of New York shall, for a first conviction thereof, be punished by a fine of \$50; for a second such conviction within 18 months thereafter, such person shall be punished by a fine of \$75; upon a third or subsequent conviction within 18 months after the first conviction, such person shall be punished by a fine of \$150.

SECTION X. Chapter 138 (Zoning), Section 138-89 entitled Penalties for offenses, is amended to read as follows:

Any violation of this chapter is hereby declared to be a misdemeanor, punishable by a fine not to exceed \$1000 or imprisonment for a period not to exceed six months, or both. Each week of continued violation shall constitute a separate and additional violation. The proper authorities of the Town of Southeast may institute any appropriate action or proceedings to prevent, restrain, correct or abate any violation of this chapter.

[BALANCE OF PAGE INTENTIONALLY LEFT BLANK]

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 2 of 2025 of the (County)(City)(Town)(Village) of SOUTHEAST was duly passed by the TOWN BOARD on March 20, 2025, in accordance with the applicable provisions of law.
(Name of Legislative Body)

~~**2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)**~~

~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) _____ (repassed after disapproval) by the _____ and was deemed duly adopted on _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer)*~~

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) _____ (repassed after disapproval) by the _____ on _____ 20____.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) _____ (repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.
(Elective Chief Executive Officer)*

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph ¹ above.

Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: _____

(Seal)