

LOCAL LAW NO. 12 OF 2025 OF THE
INCORPORATED TOWN OF ORANGETOWN, NEW YORK
TOWN BOARD

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

Section 1. Chapter 41A of the Code of the Town of Orangetown regarding violations and penalties is hereby amended as follows:

§ 41A-1. Penalties for offenses. Any individual, corporation, firm, partnership, association, company or entity of any kind who shall violate any provision of the Orangetown Town Code, to which reference is made to this chapter shall subject to the following penalties:

A. Individual: A sentence to pay a fine when imposed on an individual for ~~an offense~~ a violation defined in this chapter, or for ~~an offense~~ a violation defined outside this chapter for which no special fine on an individual is specified, shall be subject to the following:

1) For a first conviction: a maximum fine of ~~Five Thousand (\$5,000.00)~~ Seven Thousand Five Hundred Dollars ~~or by imprisonment for a period not to exceed fifteen (15) days, or both such fine and imprisonment.~~ Each week's continued violation shall constitute a separate additional violation.

2) For a second conviction, after having been convicted within a period of five (5) years of the first conviction, such violation shall be subject to the following penalties: a maximum fine of ~~Seven Ten Thousand Five Hundred (\$7,500.00)~~ (\$10,000.00) Dollars or by imprisonment for a period not to exceed fifteen (15) days, or both such fine and imprisonment. Each week's continued violation shall constitute a separate additional violation.

3) For any third or subsequent conviction, after having been convicted two or more times within a period of seven (7) years, such violation shall be subject to the following penalties: a maximum fine of ~~Fifteen Twenty Thousand (\$15,000.00)~~ (\$20,000.00) Dollars or by incarceration for a period less than one (1) year, or both such fine and imprisonment. Each week's continued violation shall constitute a separate additional violation.

§ 41A-3. Violations.

Except as provided otherwise by law, any violation of any provision of the Orangetown Town Code to which reference is made to this chapter shall not be a crime, as that term is defined in Article 10 of the Penal Law, but shall be, instead, ~~a violation, an offense~~ as that term is defined in Article 10 of the Penal Law, with the penalties as set forth in this Chapter.

Section 2. Chapter 10C of the Code of the Town of Orangetown entitled “Disorderly Offenses” is hereby amended as follows:

§ 10C-5 Violations and penalties.

~~A violation of this chapter shall be punishable by a fine of up to \$250 and/or imprisonment for a term not to exceed 15 days, or both.~~ Any person or entity violating any of the provisions of this chapter shall be deemed guilty of a violation and, upon conviction thereof shall be sentenced in accordance with the penalties as set forth in Chapter 41A of the Town Code.

Section 3. Chapter 11 of the Code of the Town of Orangetown entitled “Dumping and Trespass” is hereby amended as follows:

§ 11-4 Violations and penalties.

A. ~~Punishment. Any person who commits or permits any violation of the provisions of this ordinance shall be guilty of a violation of this ordinance and upon conviction shall be subject to a fine of not more than \$1,000 or imprisonment not exceeding 15 days, or both such fine and imprisonment.~~ Any person or entity violating any of the provisions of this chapter shall be deemed guilty of a violation and, upon conviction thereof shall be sentenced in accordance with the penalties as set forth in Chapter 41A of the Town Code.

Section 4. Chapter 14B of the Code of the Town of Orangetown entitled “Flood Damage Prevention” is hereby amended as follows:

§ 14B-9 Penalties for offenses. Violations and penalties.

A. ~~Punishment. Any person who commits or permits any violation of the provisions of this ordinance shall be guilty of a violation of this ordinance and upon conviction shall be subject to a fine of not more than \$1,000 or imprisonment not exceeding 15 days, or both such fine and imprisonment.~~ Any person or entity violating any of the provisions of this chapter shall be deemed guilty of a violation and, upon conviction thereof shall be sentenced in accordance with the penalties as set forth in Chapter 41A of the Town Code.

Section 5. Chapter 14C of the Code of the Town of Orangetown entitled “Filming” is hereby amended as follows:

§ 14C-5 Violations and penalties.

~~Any person violating this chapter or rules and regulations contained herein shall be subject to a fine not to exceed \$5,000 and/or to imprisonment for a term not to exceed 90 days, or both.~~ Any person or entity violating any of the provisions of this chapter shall be deemed guilty of a violation and, upon conviction thereof shall be sentenced in accordance with the penalties as set forth in Chapter 41A of the Town Code.

Section 6. Chapter 17B of the Code of the Town of Orangetown entitled “Garbage Removal” is hereby amended as follows:

§ 17B-17 Violations and penalties.

A. ~~Any person, firm or corporation violating any of the provisions of this local law, including any rules and regulations adopted pursuant hereto, shall be guilty of a violation and, upon conviction, shall be punishable by a fine of not more than \$200.~~

Any person or entity violating any of the provisions of this chapter shall be deemed guilty of a violation and, upon conviction thereof shall be sentenced in accordance with the penalties as set forth in Chapter 41A of the Town Code.

Section 7. Chapter 18 of the Code of the Town of Orangetown entitled “Hawking and Peddling” is hereby amended as follows:

§ 18-14 Violations and penalties.

Any person or entity who shall act as a hawker or peddler as herein defined without a license or who shall violate any of the provisions of this chapter or who shall continue to act as a hawker or peddler subsequent to the revocation of his license shall be considered to be in violation of the provisions of this Chapter., subject to a penalty as follows:

- A. ~~For a first offense, a fine of not less than \$500 and not more than \$1,500;~~
- B. ~~For a second offense within 24 months, as measured from occurrence to occurrence, a fine of not less than \$1,500 and not more than \$3,500; and~~
- C. ~~For a third, or more, offense within 24 months, a fine of not less than \$3,500 and not more than \$10,000, or imprisonment not to exceed 30 days, or both.~~

Any person or entity violating any of the provisions of this chapter shall be deemed guilty of a violation and, upon conviction thereof shall be sentenced in accordance with the penalties as set forth in Chapter 41A of the Town Code.

Section 8. Chapter 20 of the Code of the Town of Orangetown entitled “Junk Dealers’ Licensing” is hereby amended as follows:

§ 20-6 Violations and penalties.

- A. ~~A penalty of \$10 is hereby imposed for each violation of this ordinance, and in the event that any licensee fails to comply with any of the terms and conditions thereof, his license can be revoked and cancelled by resolution of the Town Board.~~
- B. ~~Each day that a person, association, partnership or corporation operates without the license or licenses required herein, or after a license or licenses heretofore issued have been revoked, shall constitute a separate offense, and subject the offender upon conviction to a separate penalty.~~
- C. ~~Each violation of the foregoing ordinance is hereby declared to be an offense against the Junk Dealers’ Ordinance of the Town of Orangetown and shall be punishable by a fine not exceeding \$500 and not more than one year in jail, or both.~~

Any person or entity violating any of the provisions of this chapter shall be deemed guilty of a violation and, upon conviction thereof shall be sentenced in accordance with the penalties as set forth in Chapter 41A of the Town Code.

Section 9. Chapter 22 of the Code of the Town of Orangetown entitled “Noise” is hereby amended as follows:

§ 22-4 Penalties for offenses.

~~Any person violating any of the provisions of this chapter shall be deemed guilty of a violation and, upon conviction thereof, shall be fined in an amount not exceeding \$250 or be imprisoned for a period not exceeding 15 days or be required to perform up to 50 hours of community service, or any combination of said penalties.~~

Any person or entity violating any of the provisions of this chapter shall be deemed guilty of a violation and, upon conviction thereof shall be sentenced in accordance with the penalties as set forth in Chapter 41A of the Town Code.

Section 10. Chapter 23A of the Code of the Town of Orangetown entitled “Parking Areas” is hereby amended as follows:

§ 23A-6 Violation and penalties.

- A. ~~Any violation by a person, firm or corporation of any provision of this local law shall be deemed an offense punishable by a fine not to exceed \$250 or imprisonment for a period not to exceed six months, or both. [Amended 5-10-1993 by L.L. No. 11, 1993]~~
- B. ~~Any person who takes part in or assists in any violation of this local law shall also be subject to the penalties provided herein.~~
- C. ~~Each day that a violation of this local law is committed or is permitted to exist shall constitute a separate offense.~~

Any person or entity violating any of the provisions of this chapter shall be deemed guilty of a violation and, upon conviction thereof shall be sentenced in accordance with the penalties as set forth in Chapter 41A of the Town Code.

Section 11. Chapter 30 of the Code of the Town of Orangetown entitled “Sewers-Rules and Regulations” is hereby amended as follows:

§ 30-33 Violations and penalties.

- A. ~~In addition to or as an alternative to any penalty provided herein or by law, any person who violates the provisions of this chapter shall be guilty of a violation punishable by a fine not exceeding \$350 for conviction of a first offense; for conviction of a second offense, both of which were committed within a period of five years, punishable by a fine of not less than \$350 nor more than \$700 or imprisonment for a period not to exceed 15 days, or both; and upon conviction for a third or subsequent offense, all of which were committed within a period of five years, punishable by a fine of not less than \$700 nor more than \$1,000 or imprisonment for a period not to exceed 15 days, or both.~~
- any person or entity violating any of the provisions of this chapter shall be deemed guilty of a violation and, upon conviction thereof shall be sentenced in accordance with the penalties as set forth in Chapter 41A of the Town Code.

Section 12. Chapter 30C of the Code of the Town of Orangetown entitled “Stormwater Management” is hereby amended as follows:

§ 30C-13 Enforcement; penalties for offenses.

B. Penalties. In addition to or as an alternative to any penalty provided herein or by law, any person convicted for violating the provisions of this local law shall be guilty of a violation punishable by a fine not exceeding \$1,000 or imprisonment for a period not to exceed 15 days, or both, for conviction of a first offense; for conviction of a second offense both of which were committed within a period of five years, punishable by a fine not less than \$1,000 nor more than \$2,500 or imprisonment for a period not to exceed 15 days, or both; and upon conviction for a third or subsequent offense, all of which were committed within a period of five years, punishable by a fine not less than \$2,500 nor more than \$5,000 or imprisonment for a period not to exceed 15 days, or both. However, for the purposes of conferring jurisdiction upon courts and judicial officers generally, violations of this local law shall be deemed offenses. Each week's continued violation shall constitute a separate additional offense. any person or entity violating any of the provisions of this chapter shall be deemed guilty of a violation and, upon conviction thereof shall be sentenced in accordance with the penalties as set forth in Chapter 41A of the Town Code.

Section 13. Chapter 31B of the Code of the Town of Orangetown entitled “Sidewalk Cafes and Vending” is hereby amended as follows:

§ 31B-10 Penalties for offenses.

~~Any person who shall violate any of the provisions of this chapter shall be liable to prosecution in the Town Justice Court and shall, upon conviction thereof, be liable to a fine that shall not exceed \$250.~~ Any person or entity violating any of the provisions of this chapter shall be deemed guilty of a violation and, upon conviction thereof shall be sentenced in accordance with the penalties as set forth in Chapter 41A of the Town Code. If a fine imposed pursuant to this section or resulting from the maintenance, use or operation of a sidewalk cafe or vending is not paid within five business days after the fine is imposed, except as otherwise ordered by the Court, the Town may immediately revoke the permit.

Section 14. Chapter 33 of the Code of the Town of Orangetown entitled “Swimming Pools” is hereby amended as follows:

§ 33-10 Violation and penalties.

~~Any person who shall violate this ordinance shall be guilty of an offense against the ordinance, and upon conviction shall be subject to a fine of not more than \$50. Each week's violation shall constitute a separate and additional violation.~~ Any person or entity violating any of the provisions of this chapter shall be deemed guilty of a violation and, upon conviction thereof shall be sentenced in accordance with the penalties as set forth in Chapter 41A of the Town Code. Notwithstanding the penalty hereinbefore provided, the Town of Orangetown may enforce obedience of this ordinance or any part thereof by injunction to restrain such violation.

Section 15. Chapter 35 of the Code of the Town of Orangetown entitled “Trees and

Shrubbery” is hereby amended as follows:

§ 35-6 Violations and penalties.

~~Any person, firm or corporation violating any of the provisions of this ordinance shall be guilty of an offense against this ordinance and subject to fine not exceeding \$100 for each offense. The magistrate before whom conviction is had shall fix the amount of said penalty not in excess of the maximum herein provided. Each 24 hours of a continued violation of this ordinance after a complaint is made, shall constitute a separate offense.~~ Any person or entity violating any of the provisions of this chapter shall be deemed guilty of a violation and, upon conviction thereof shall be sentenced in accordance with the penalties as set forth in Chapter 41A of the Town Code.

Section 16. Authority

This proposed Local Law is enacted and adopted pursuant to NYS Municipal Home Rule Law §10, and in accordance with the procedures prescribed in NYS Municipal Home Rule §20.

Section 17. Severability

If any section, subdivision, paragraph, clause or phrase of this Local Law shall be adjudged invalid, or held to be unconstitutional, by any court of competent jurisdiction, any judgment or order made thereby shall not affect the validity of this Local Law as a whole, or any part thereof, other than the part or provision so adjudged to be invalid or unconstitutional.

Section 18. Effective Date

This Local Law shall become effective immediately upon being filed with the Secretary of State.