



INCORPORATED VILLAGE OF OCEAN BEACH

POST OFFICE BOX 457
OCEAN BEACH, NEW YORK 11770-0457
TEL: (631) 583-5940 FAX: (631) 583-7597
www.villageofoceanbeach.org

JAMES S. MALLOTT *Mayor*
MATTHEW M. BLAKE, *Deputy Mayor*
DAWN L. HARGRAVES, *Trustee*
CHRISTOPHER F. NORRIS, *Trustee*
BRIAN C. POWER, *Trustee*

STEVEN W. BRAUTIGAM, *Clerk/Treasurer*
KEVIN J. SCHELLING, *Superintendent of Public Works*

PUBLIC NOTICE

PLEASE TAKE NOTICE that the Inc. Village of Ocean Beach Board of Trustees will be holding a Public Hearing on Saturday, July 13, 2019 at 11:30AM at the Ferry Terminal Boat House, Bayberry Walk & Bay Walk, Ocean Beach, New York, Suffolk County, to consider the following:

The Village of Ocean Beach Board of Trustees (the "Board") is considering the amendment to Penalties for Offenses. The Board proposes that increased penalties and fines will reduce and/or deter violations and recidivism with respect to laws and ordinances of the Village of Ocean Beach;

The purpose of this meeting will authorize the Board of Trustees of the Incorporated Village of Ocean Beach to implement Local Law No. 03 of 2019, of the Code of the Village of Ocean Beach.

All interested persons are welcome to attend.

Steven W. Brautigam,
Village Clerk/Treasurer

Dated: June 27, 2019

Posted: Village Office Bulletin Board
Inside Village Office Door
Post Office Bulletin Board
Village Green Bulletin Board
Website: www.villageofoceanbeach.org

LOCAL LAW NO. 3 OF 2019

BOARD OF TRUSTEES
VILLAGE OF OCEAN BEACH

A Local Law Adopting Amendments to Chapters 1, 40, 56, 93, 98, 106, 112, 123, 127, 145 and 158 of the Village Code With Regards to Penalties for Offenses

WHEREAS, The Board of Trustees (the “Board”) of the Village of Ocean Beach (the “Village”) wishes to deter violations and recidivism with respect to laws and ordinances of the Village of Ocean Beach; and,

WHEREAS, the Board has determined that increased penalties and fines will reduce violations and recidivism;

BE IT THEREFORE ENACTED, by the Board of Trustees of the Incorporated Village of Ocean Beach, as follows:

Section 1. The following Chapters and sections of the Village Code are hereby amended as follows:

§ 1-14. Penalties for offenses.

- A. Unless otherwise specifically provided for in any chapter of the Code of the Village of Ocean Beach, any person committing an offense against any provision of the Code of the Village of Ocean Beach 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 \$250 **\$2,000** or by imprisonment for a term not exceeding 15 days, or by both such fine and imprisonment.

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§ 40-11 False alarm fines; penalties for offenses.

Any person found violating any provision of the chapter shall be guilty of an offense and shall be adjudged a disorderly person and, upon conviction thereof, shall be punishable by a fine or imprisonment, or both. **Fines for conviction of a first offense shall not be less than \$250 nor more than \$750. Fines for a second conviction of a violation of this chapter shall not be less than \$750 nor more than \$1,500. Fines for a third and subsequent convictions of a violation of this chapter shall not be less than \$1,500 nor more than \$3,000, or imprisonment for not more than 15 days, or both.**

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Chapter 56 – **Use of Bicycles**

§ 56-9 Penalties for offenses.

Any person, firm or corporation violating the provisions of this chapter shall be deemed a disorderly person in violation of this chapter, which shall constitute disorderly conduct; and such person shall be punishable, upon conviction thereof, **by a fine of at least \$25 and not exceeding \$250 \$500** for each offense.

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Chapter 93 – **Freight**

§ 93-6 Penalties for offenses.

Any person who shall knowingly, willfully or intentionally fail to pay any freight charge due or fail to provide any information required by the person designated by the Board pursuant to §§ [93-4](#) and [93-5](#) herein or make false statements to any person designated by the Board or to the Board shall be subject to all or any number of the following penalties:

A. Revocation of any and all village permits or licenses issued by the village to the person.

B. **A fine of no less than \$25 and not to exceed \$250 \$500.**

C. Imprisonment for a period not exceeding 15 days for any offense.

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Chapter 98 – **Harbor Management**

§ 98-19 Penalties for offenses.

In addition to or as may be limited by the laws of the State of New York, a violation of any provision of this chapter shall be punishable by immediate revocation of any applicable permit. In addition to or as may be limited by the laws of the State of New York, a violation of any provision of this chapter shall be punishable by **not more than 15 days' incarceration or a fine of no less than \$25 and not to exceed \$250 \$500** for each violation. Each day of violation shall be deemed a new violation and shall be treated accordingly.

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Chapter 106 - Licenses

§ 106-32 Penalties for offenses.

A person who shall violate the provisions of this chapter relating to the requirement of obtaining a license (§ 106-14) or relating to the operation requirements (§ 106-19) shall be guilty of a violation punishable by a fine of at least \$150 and not exceeding ~~\$250~~ **\$2,000**, or an alternative sentence pursuant to Penal Law § 80.05, Subdivision 5. Notwithstanding the aforesaid, the Board of Trustees may enforce this chapter by any and all civil remedies in a court of the appropriate jurisdiction.

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Chapter 112 - Noise

§ 112-14 Penalties for offenses.

Any person found violating any provision of this chapter or any conditions imposed by the Board of Trustees upon an approved special variance shall be guilty of an offense and shall be adjudged a disorderly person and, upon conviction thereof, shall be punishable by a fine or imprisonment, or both. **Fines for each offense shall be not less than \$50 nor more than ~~\$1,000~~ \$2,000**, or imprisonment for not more than 15 days, or both. Fines for any subsequent offense shall be not less than \$100.

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Chapter 123 - Peace and Good Order

§ 123-13 Use of tennis courts: penalties for offenses.

[Added 11-12-83 by L.L. No. 11-1983]

A. No person shall make use of a tennis court owned or leased by the Village of Ocean Beach unless such person, prior to such use, shall have prepaid the required fees for such use.

B. A violation of this section shall be punishable by a fine **not less than \$25 nor more than \$500** ~~in an amount not to exceed \$50~~.

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§ 123-20. Penalties for offenses **(SMOKING BAN)**.

Any person who commits or permits any act in violation of section 123-19 of this article shall be deemed to have committed an offense against this article and shall be liable for such violation and the penalty therefore and shall, upon final judgment thereof, be subject to a **fine or penalty of not less than \$50 \$25 and not more than \$250 \$500**.

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Chapter 127 - **Rental Properties**

§ 127-5 Enforcement: penalties for offenses.

A. Any person who violates the provisions of this chapter shall, upon conviction, be guilty of a violation pursuant to the Penal Law of the State of New York, punishable by **a fine not less than \$250 nor exceeding \$3,000** or by imprisonment for a term not exceeding 15 days, or by both such fine and imprisonment. Each day of such violation shall constitute a separate offense.

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Chapter 145- Streets & Sidewalks (includes littering & drinking in public)

§ 145-14 Penalties for offenses.

The violation of any provision of this article shall be an offense against the article, which shall be punishable by **a fine of no less than \$25 and not to exceed \$500 \$2,000 or imprisonment for a period not exceeding 15 days for each such offense, or by both such fine and imprisonment**. Each and every day such violation continues shall constitute a separate offense, and the penalties prescribed above shall be applicable to each such separate offense, except that no further penalties shall be imposed for the period during which any appeal from a conviction of such offense is pending.

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Chapter 158 - Wagons

§ 158-5 Penalties for offenses.

A. Any person, firm or corporation violating the provisions of this chapter shall be deemed a disorderly person in violation of this chapter, which shall constitute disorderly conduct; and such person shall be punishable, upon conviction thereof, by the prescribed **minimum fine of \$25, not to exceed \$100 \$500**, for each offense.

Section 2. This local law shall take effect immediately upon filing with the Office of the Secretary of State.