

**NOTICE OF PUBLIC HEARING
TOWN OF BABYLON**

PLEASE TAKE NOTICE, that the Town Board of the Town of Babylon will hold a Public Hearing at Babylon Town Hall, 200 East Sunrise Highway, Lindenhurst, New York, on the 6th day of December, 2023 at 3:00 p.m., prevailing time, to consider amending Chapter 1 (General Provisions), Chapter 99 (Coastal Erosion), Chapter 106 (Dogs and Other Animals), Chapter 108 (Dredging), Chapter 125 (Flood Damage Control), Chapter 133 (Solid Waste Management), Chapter 137 (Historic Preservation), Chapter 153 (Multiple Dwellings), Chapter 156 (Noise), Chapter 157 (Notices and Certificates Of Assessment), Chapter 162 (Pawnbrokers and Secondhand Dealers), Chapter 166 (Personal Property, Sale Of), Chapter 173 (Public Assembly Places), Chapter 180 (Taxicabs and Vehicles For Hire), Chapter 189 (Stormwater Management and Erosion and Sediment Control), Chapter 190 (Storm Sewers: Illicit Discharges, Activities and Connections), and Chapter 213 (Zoning) as set forth in the annexed Exhibit "A".

Exhibit "A"

AMEND as follows:

**CHAPTER 1
GENERAL PROVISIONS
ARTICLE II
GENERAL PENALTIES**

§ 1-16. Civil penalties.

- A. The Bureau of Administrative Adjudication is authorized to conduct adjudicatory proceedings for violations of the Town Code as set forth in Chapter 66 of this Code. Any person or entity found by the Bureau of Administrative Adjudication to have violated a provision of this Code shall be subject to a monetary penalty of not less than ~~\$100~~ \$500 nor more than \$2,500 unless a specific monetary penalty for such violation is set forth for the particular Code provision that has been violated.

**CHAPTER 99
COASTAL EROSION
ARTICLE V
ADMINISTRATION AND ENFORCEMENT**

§ 99-30. Penalties for violations.

Except for a violation of § 99-14 herein, a violation of this chapter is hereby declared to be an offense punishable by a fine of not less than ~~\$100~~ \$500 nor more than ~~\$1,000~~ \$1,500 or imprisonment for a period not to exceed six months, or both. Each day's continued violation of this chapter will constitute a separate additional offense. Any person or entity found by the Bureau of Administrative Adjudication to have violated any provision of this chapter other than § 99-14 shall likewise be subject to a monetary penalty of not less than ~~\$100~~ \$500 nor more than ~~\$1,000~~ \$1,500. Penalties for violation of § 99-14 are provided for in Chapter 81 of the Babylon Town Code. Nothing herein will prevent the proper local authorities of the Town of Babylon from taking such other lawful actions or proceedings as may be necessary to restrain, correct or abate any violation of this chapter.

**CHAPTER 106
DOGS AND OTHER ANIMALS
ARTICLE V
REGULATION OF DANGEROUS DOGS**

§ 106-34. Penalties for violations.

- B. The owner of a dog who, through any act or omission, negligently permits his or her dog, which had previously been determined to be dangerous pursuant to state or local law, to bite a domestic animal, or a person, causing serious physical injury, shall be guilty of a misdemeanor punishable by a fine of not less than ~~\$100~~ \$500 nor more than ~~\$1,000~~ \$1,500, or by a

period of imprisonment not to exceed 90 days, or by both such fine and imprisonment in addition to any other applicable penalties.

CHAPTER 108 DREDGING

§ 108-23. Penalties for violations.

Any person or entity violating this chapter shall be guilty of a misdemeanor, which shall be punishable by a fine of not less than ~~\$100~~ \$500 nor more than \$2,500 or by imprisonment for a period not exceeding six months for each such offense, or by both such fine and imprisonment. Any person or entity found by the Bureau of Administrative Adjudication to have violated this chapter shall likewise be subject to a monetary penalty of not less than ~~\$100~~ \$500 nor more than \$2,500.

CHAPTER 125 FLOOD DAMAGE CONTROL ARTICLE II GENERAL PROVISIONS

§ 125-9. Penalties for non-compliance.

No structure in an area of special flood hazard shall hereafter be constructed, located, extended, converted, or altered and no land shall be excavated or filled without full compliance with the terms of this chapter and any other applicable regulations. Any infraction of the provisions of this chapter by failure to comply with any of its requirements, including infractions of conditions and safeguards established in connection with conditions of the permit, shall constitute a violation. Any person who violates this chapter or fails to comply with any of its requirements shall be guilty of an offense and shall, upon conviction thereof, be fined not less than ~~\$250~~ \$500, and not more than ~~\$1,000~~ \$1,500, or imprisoned for not more than 15 days or both. Each day of noncompliance shall be considered a separate offense. Any person found by the Bureau of Administrative Adjudication to have violated this chapter shall likewise be subject to a monetary penalty of not less than ~~\$250~~ \$500 nor more than ~~\$1,000~~ \$1,500. Nothing herein contained shall prevent the Town of Babylon from taking such other lawful action as necessary to prevent or remedy an infraction. Any structure found not in compliance with the requirements of this chapter for which the developer and/or owner has not applied for and received an approved variance under Article V will be declared noncompliant and notification sent to the Federal Emergency Management Agency.

CHAPTER 133
SOLID WASTE MANAGEMENT
ARTICLE VII
PENALTIES FOR VIOLATIONS; RESTRICTIONS

§ 133-31. Penalties for violations.

- A. Any owner, lessee, occupant, person or entity who shall fail or refuse to comply with the provisions of any written notice herein provided for or who shall refuse to remove any motor vehicle, appliance, solid waste, rubbish or debris, shall be guilty of an offense punishable by a fine of not less than ~~\$250~~ \$500 nor more than \$2,500 or by imprisonment for a period not exceeding 15 days, or by both fine and imprisonment. The mandatory minimum fine must be imposed and there shall be no discretion in imposing the mandatory minimum fine; no unconditional discharge or any other sentence which does not include the mandatory minimum fine or term of imprisonment may be imposed, except upon application of the Special Assistant District Attorney and consent of the court. Each day that such violation shall be permitted to continue shall constitute a separate offense hereunder.

- D. Upon conviction for any action by any person, firm, corporation or other entity which violates or does not comply with any provision of Article V or any regulation thereof, a fine of not less than ~~\$150 nor more than \$250 must be imposed for a first offense, not less than \$250 nor more than \$500 must be imposed for a second offense committed within five years of the first offense, and not less than \$500 nor more than \$1,000~~ \$2,500 must be imposed upon a third or subsequent offense committed within five years of the first offense.

- F. Any person or entity found by the Bureau of Administrative Adjudication to have violated any provision of this chapter shall likewise be subject to a monetary penalty in an amount within the range of fines set forth in Subsections [A](#), [B](#), [C](#), [D](#) and [E](#) for the respective violations referenced therein for a first offense and subsequent offenses. Liability findings by the Bureau of Administrative Adjudication, either alone or in combination with criminal convictions, can likewise form the predicate for license suspension or revocation pursuant to Subsections [C](#) and [E](#).

CHAPTER 137
HISTORIC PRESERVATION

§ 137-13. Penalties for violations.

- A. Any person, association, corporation, organization or member, officer, agent or employee of any such entity who shall be found by a court of competent jurisdiction to be in violation of any of the provisions of this chapter shall be guilty of a misdemeanor and shall be subject to a fine of not less than ~~\$250~~ \$500 nor more than ~~\$1,000~~ \$1500 or a period of incarceration not to exceed one year, or both. Any person or entity found by the Bureau of Administrative Adjudication to have violated any of the provisions of this chapter shall likewise be subject to a monetary penalty of not less than ~~\$250~~ \$500 nor more than ~~\$1,000~~ \$1,500.

CHAPTER 153
MULTIPLE DWELLINGS
ARTICLE II
ACCESSORY APARTMENTS IN ONE-FAMILY DWELLINGS

§ 153-21. Penalties for violations.

A first offense based on a violation of this article shall be punishable by a fine of not less than ~~\$250~~ \$500 and not more than ~~\$1,000~~ \$1,500 imposed or imprisonment for a period not to exceed six months, or both. A second offense based on a violation of this article committed within five years of the first offense shall be punishable as a misdemeanor and by a fine of not less than \$1,000 and not more than ~~\$1,500~~ \$2,000 or imprisonment for a period not to exceed one year, or both. A third or subsequent offense based on a violation of this article committed within five years of the first offense shall be punishable as a misdemeanor and by a fine of not less than \$1,500 and not more than \$2,500 or imprisonment for a period not to exceed one year, or both. Any person or entity found by the Bureau of Administrative Adjudication to have violated this article shall likewise be subject to a monetary penalty in an amount within the range of fines authorized herein for a first offense and subsequent offenses.

ARTICLE III
NON-OWNER OCCUPIED DWELLINGS

§ 153-30. Penalties for violations.

- A. Any person found by the Bureau of Administrative Adjudication to have violated § 153-28A of this article shall be subject to a monetary penalty of not less than ~~\$500~~ \$2,500 nor more than \$10,000. Any person found by the Bureau of Administrative Adjudication to have violated § 153-28B of this article shall be subject to a monetary penalty of not less than \$750 nor more than \$10,000.

CHAPTER 156
NOISE

§ 156-11. Penalties for violations.

Any person who violates an order issued pursuant to § 156-10 shall be guilty of an offense and, upon conviction, subject to a fine of not less than ~~\$100~~ \$500 and not more than ~~\$500~~ \$1,500. Each day the violation continues shall be deemed a separate offense. Any person found by the Bureau of Administrative Adjudication to have violated such an order shall likewise be subject to a monetary penalty in an amount within the range of fines authorized herein for an offense or continuing offense.

CHAPTER 157
NOTICE AND CERTIFICATES OF ASSESSMENT

§ 157-7. Penalties for violations.

It shall be unlawful for any person, within the provisions of this chapter, to fail to post the notice as required by § 157-3 hereof, to change any of the information contained on the notice or to fail to post a notice as required by § 157-5 hereof. The Building Inspector shall enforce the provisions of this chapter and, from time to time, shall cause inspections to be made of model houses in order to determine that notices are posted in conformance with this chapter. A violation of this chapter shall be an offense punishable by a fine of not less than ~~\$100~~ \$500 nor more than ~~\$500~~ \$1,500 for the first such offense and in a sum not less than ~~\$250~~ \$1,000 nor more than ~~\$1,000~~ \$2,500 for any subsequent offense. Each day that a violation continues shall be deemed a separate offense. Any person found by the Bureau of Administrative Adjudication to have violated the provisions of this chapter shall likewise be subject to a monetary

penalty in an amount within the range of fines set forth herein for a first offense, subsequent offenses and continuing offenses. Except as provided otherwise by law, such a 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 impair the credibility as a witness or otherwise of any person convicted thereof.

**CHAPTER 162
PAWNBROKERS AND SECONDHAND DEALERS**

§ 162-16. Penalties for violations.

- A. Any person who violates the provisions of § [162-10](#) of this chapter shall be guilty of a Class A misdemeanor, punishable by a fine not less than ~~\$250~~ \$500 nor more than \$2,500 or by imprisonment for a period not exceeding one year, or by both such fine and imprisonment.
- B. Any person who violates the provisions of any other section of this chapter shall be guilty of an offense, punishable by a fine not less than ~~\$100~~ \$500 nor more than ~~\$1,000~~ \$1,500 or by imprisonment for a period not exceeding 15 days, or by both such fine and imprisonment. Each day's violation shall constitute a separate and distinct offense against this chapter.
- C. Any person found by the Bureau of Administrative Adjudication to have violated the provisions of this chapter shall likewise be subject to a monetary penalty in an amount with the range of fines set forth in Subsections [A](#) and [B](#) for the respective violations referenced therein.

**CHAPTER 166
PERSONAL PROPERTY, SALE OF**

§ 166-5. Penalties for violations.

A violation of this chapter shall be an offense punishable by a fine of not less than ~~\$100~~ \$500 nor more than ~~\$500~~ \$1,500 which must be imposed for conviction of a first offense; for a conviction of a second offense committed within a period of five years, a fine not less than ~~\$500~~ \$1000 nor more than ~~\$1,000~~ \$2,000 must be imposed; and upon conviction for a third or subsequent offense, all of which were committed within a period of five years, a fine not less than ~~\$1,000~~ \$1,500 nor more than \$2,500 must be imposed. Each day's continued violation shall constitute a separate additional offense. Any person found by the Bureau of Administrative Adjudication to have violated any provision of this chapter shall likewise be subject to a monetary penalty in an amount within the range of fines authorized herein for a first offense and subsequent offenses.

**CHAPTER 173
PUBLIC ASSEMBLY PLACES**

§ 173-5 Penalties for violations.

- A. Any person who shall violate any provision of this chapter or any of the rules and regulations adopted by the Building Inspector pursuant thereto shall be guilty of an offense punishable by a fine of not less than ~~\$100~~ \$500 nor more than ~~\$500~~ \$1,500 or imprisonment for a period not to exceed 15 days, or both. Each day's continued violation shall constitute a separate offense.
- B. Any person found by the Bureau of Administrative Adjudication to have violated the provisions of this chapter or any rule or regulation adopted thereunder shall likewise be subject to a monetary penalty of not less than ~~\$100~~ \$500 nor more than ~~\$500~~ \$1,500.

**CHAPTER 180
TAXICABS AND VEHICLES FOR HIRE
ARTICLE VIII
FEES, PENALTIES AND MISCELLANEOUS PROVISIONS**

§ 180-36. Penalties for violations.

- A. Any person or persons, associations, corporations or entities that violate this chapter or any section or provision thereof are guilty of an offense punishable by a fine as indicated hereinbelow or imprisonment for a period not to exceed 15 days, or by both fine and imprisonment, and each day's continued violation shall constitute a separate offense:
 1. First offense: not less than ~~\$250~~ \$500 nor more than \$2,500.
 2. Second offense committed within five years of the first offense: not less than ~~\$500~~ \$1000 nor more than \$5,000.
 3. Third or subsequent offense committed within five years of the first offense: not less than ~~\$1,000~~ \$1,500 nor more than \$10,000 and, additionally, in the case of vehicle operators, revocation of permit for a minimum of one year, after which reinstatement shall be based on a complete new application process, including fingerprints.
- B. Any person or entity found by the Bureau of Administrative Adjudication to have violated this chapter is likewise subject to a monetary penalty in an amount within the range of fines authorized in Subsection A for a first offense and subsequent offenses, and is likewise subject to permit revocation after a third violation as set forth therein, whether adjudicated in a criminal proceeding or in a proceeding before the Bureau of Administrative Adjudication.

**CHAPTER 189
STORMWATER MANAGEMENT AND EROSION AND SEDIMENT CONTROL**

§ 189-9. Construction inspection; guarantees; reports enforcement and penalties for violations.

- G. Violations.
 1. Any person who shall violate any of the provisions of this chapter or who shall fail to comply therewith or with any of the requirements thereof or who shall build or alter or use any building or land in violation of any detailed statement or plan submitted and approved hereunder shall be guilty of an offense, and upon conviction thereof, a fine of not less than ~~\$250~~ \$500 nor more than ~~\$1,000~~ \$1,500 must be imposed and a term of imprisonment for a period not to exceed 15 days may be imposed, 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, a fine not less than ~~\$1,000~~ \$1,500 nor more than \$2,500 must be imposed and a term of imprisonment for a period not to exceed 15 days may be imposed, or both; and, upon conviction for a third or subsequent offense, all of which were committed within a period of five years, shall be guilty of a misdemeanor and a fine not less

than \$2,500 nor more than \$5,000 must be imposed and a term of imprisonment for a period not to exceed six months, or both. Each day's continued violation shall constitute a separate additional offense.

- 2 Upon application of the Town Attorney's office an offense based on a violation of this chapter may be reduced to an "attempted offense," as established by the New York State Penal Law § 110. ***
- 3 Any person found by the Bureau of Administrative Adjudication to have violated any provision of this chapter shall be subject to a monetary penalty of not less than ~~\$100~~ \$500 nor more than ~~\$1,000~~ \$1,500 for a first violation, not less than ~~\$500~~ \$1,500 nor more than \$2,500 for a second violation committed within five years of the first violation, and not less than ~~\$1,000~~ \$2,500 nor more than \$5,000 for a third or subsequent violation, all of which were committed within a period of five years.

CHAPTER 190
STORM SEWERS: ILLICIT DISCHARGES, ACTIVITIES AND CONNECTIONS

§ 190-16. Penalties for violations.

- A. Any person who shall violate any of the provisions of this chapter shall be guilty of an offense and, upon conviction thereof, a fine of not less than ~~\$350~~ \$500 nor more than ~~\$1,000~~ \$1,500 must be imposed and a term of imprisonment for a period not to exceed 15 days may be imposed, 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, shall be guilty of a misdemeanor, and upon conviction a fine of not less than \$1,000 nor more than \$2,500 must be imposed and a term of imprisonment for a period not to exceed six months may be imposed, or both; and, upon conviction for a third or subsequent offense, all of which were committed within a period of five years, shall be guilty of a misdemeanor and a fine of not less than \$2,500 nor more than \$5,000 must be imposed and a term of imprisonment for a period not to exceed six months, or both. Each day's continued violation shall constitute a separate additional offense.
- B. Upon application to the Town Attorney or his or her designee, an offense based on a violation of this chapter may be reduced to an attempted offense as established by the New York State Penal Law § 110. Penalties for the reduced charge of attempt shall be: ***
- C. Any person found by the Bureau of Administrative Adjudication to have violated any of the provisions of this chapter shall be subject to a monetary penalty of not less than ~~\$100~~ \$500 nor more than ~~\$1,000~~ \$1,500 for a first violation, not less than ~~\$500~~ \$1,000 nor more than \$2,500 for a second violation committed within five years of the first violation, and not less than ~~\$1,000~~ \$2,500 nor more than \$5,000 for a third or subsequent violation, all of which were committed within a period of five years.

**CHAPTER 213
ZONING
ARTICLE I
GENERAL PROVISIONS**

§ 213-8. Penalties for violations.

Legislative intent. The Town Board finds that the proliferation of violations of the provisions of the Town Code of the Town of Babylon and of conditions of or imposed on zoning-related grants and/or approvals by the Town Board, Planning Board and Zoning Board of Appeals has caused a serious threat to the safety and welfare of the residents of the Town and has eroded the quality of life of all who live and work in the Town. The Town Board therefore finds it necessary and proper to increase the fines and related penalties for violations of the Town Code. ***

- A. ~~Any~~ Unless a specific penalty is provided for such violation elsewhere in this chapter, any person who shall violate any of the provisions of this chapter or who shall fail to comply therewith or with any of the requirements thereof or who shall build or alter or use any building or land in violation of any detailed statement or plan submitted and approved hereunder shall be guilty of an offense, and upon conviction thereof, a fine of not less than \$250 nor more than \$1,000 must be imposed and a term of imprisonment for a period not to exceed 15 days may be imposed, or both, for a first offense; for conviction of a second offense, both of which were committed within a period of five years, a fine not less than \$1,000 nor more than \$2,500 must be imposed and a term of imprisonment for a period not to exceed 15 days may be imposed; and upon conviction for a third or subsequent offense, all of which were committed within a period of five years, a fine not less than \$2,500 nor more than \$5,000 must be imposed and a term of imprisonment for a period not exceed 15 days may be imposed. Each day's continued violation shall constitute a separate additional offense.

- D. ~~Any~~ Unless a specific penalty is provided for such violation elsewhere in this chapter, any person found by the Bureau of Administrative Adjudication to have violated this chapter shall be subject to a monetary penalty of not less than ~~\$100~~ \$500 nor more than ~~\$1,000~~ \$1,500 for a first violation, not less than ~~\$500~~ \$1,000 nor more than \$2,500 for a second violation committed within five years of the first violation, and not less than ~~\$1,000~~ \$1,500 nor more than \$5,000 for a third or subsequent violation, all of which were committed within a period of five years.

- E. Notwithstanding anything in § 213-8(D), the penalties for the following violations of this chapter are as provided below:

1. Any person found by the Bureau of Administrative Adjudication to have violated Article III of this chapter shall be subject to a monetary penalty of not less than \$750 nor more than \$1,500 for a first violation, not less than \$1,500 nor more than \$2,500 for a second violation committed within five years of the first violation, and not less than \$2,000 nor more than \$5,000 for a third or subsequent violation, all of which were committed within a period of five years.
2. Any person found by the Bureau of Administrative Adjudication to have allowed, permitted or suffered the existence of a rooming house on any property within the Town of Babylon in violation of this chapter shall be subject to a monetary penalty of not less than \$1,000 nor more than \$2,500 for a first violation, not less than \$2,000 nor more than \$3,500 for a second violation committed within five years of the first violation, and not less than \$3,000 nor more than \$5,000 for a third or subsequent violation, all of which were committed within a period of five years.

ADDITIONS ARE INDICATED BY UNDERLINE
DELETIONS ARE INDICATED BY ~~STRIKETHROUGH~~

Dated: November 16, 2023, Town of Babylon

BY ORDER OF THE TOWN BOARD, TOWN OF BABYLON
GERALDINE COMPITELLO, TOWN CLERK