

# Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE  
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(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 of Kings Point  
Village

Bill 4 of 2019

Local Law \_\_\_\_\_ of the year 2019

*(Insert Title)*

A local law Chapter 116, Penalties and Liability Through Accessorial Conduct, of the Code of the Village of Kings Point, is hereby amended to clarify that the failure to comply with a condition of a Village board is a violation of the Village Code.

Be it enacted by the Board of Trustees \_\_\_\_\_ of the  
*(Name of Legislative Body)*

County  
~~City~~  
Town of Kings Point  
Village

Section 1. Chapter 116, Penalties and Liability Through Accessorial Conduct, of the Code of the Village of Kings Point, is hereby amended by changing the name of the chapter, to read as follows:

“PENALTIES, LIABILITY THROUGH ACCESSORIAL CONDUCT,  
AND FAILURE TO COMPLY WITH A BOARD’S CONDITION”

Section 2. Said Chapter 116 is further amended by adding a new § 116-3, Failure to comply with a condition of a board, to read as follows:

“§ 116-3. Failure to comply with a condition of a board.

A. It shall be a violation of this Code for any Obligated Person to fail to comply with a Condition of a Board within the time period set by that Board, or, if none, within the time period set by an Authorized Village Official.

B. As used in this section, the following terms shall have the meanings indicated:

**AUTHORIZED VILLAGE OFFICIAL** – includes the following Village officers and employees: Superintendent of the Building Department, Superintendent of the Department of Public Works, Building Inspector, Commissioner of Police, Police Officer, and Mayor, and the Chairman of a Board with regard to that Board’s condition.

**BOARD** – includes the following Village boards and commission: Board of Trustees, Planning Board, Board of Appeals, Architectural and Preliminary Site Plan Review Board, and Landmarks Preservation Commission.

**CONDITION OF A BOARD** – includes any condition, directive, or other requirement of a Board.

**OBLIGATED PERSON**– includes the following: as to all of the premises that benefitted by the Board’s action when the Board imposed the condition, unless such condition was limited to only certain premises, all of the present owners, tenants, and lessees of those premises.”

Section 2. Effective date. This local law shall take effect immediately.

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**NOTE:** THE PRESENT PROVISIONS OF CHAPTER 116:

## **Chapter 116**

### **PENALTIES AND LIABILITY THROUGH ACCESSORIAL CONDUCT**

#### **§ 116-1. Penalties for offenses.**

A. Except as otherwise provided or supplemented, in whole or in part, in §§ 1-10, 13-6, 63-7, 84-20, 88-8, 91-13, 102-11, 147-10, and 154-6 of the Village Code, and in the New York State Vehicle and Traffic Law, any offense against any provision of the Village Code, or any other local law or ordinance of the Village, or of any resolution, rule, regulation, condition, or other determination or requirement of any Village Board, Village Commission, or Village Department, or

direction or order of the Village Building Inspector or Village Engineer, shall be punishable by a fine not exceeding \$1,000, imprisonment for not more than 15 days, or both such fine and imprisonment.

- B. Each day that an offense shall continue shall be deemed a separate and distinct offense.
- C. In addition, the Board of Trustees may maintain an action or proceeding in the name of the Village in a court of competent jurisdiction to compel compliance or to restrain by injunction any violation of the provisions of the Village Code, or of the local laws or ordinances of the Village, or of the resolutions, rules, regulations, conditions, or other determinations or requirements of any Village Board, Village Commission, or Village Department, or directions or orders of the Village Building Inspector or Village Engineer.
- D. The penalties and injunctive relief set forth in this chapter are meant to add to and not to replace or diminish any such other rights and remedies that are otherwise provided by law to the Village and its boards, commissions, departments, and Village officials.

**§ 116-2. Criminal liability for conduct of another.**

When one person engages in conduct which constitutes a violation of this Code, another person is criminally liable for such conduct when, acting with the mental culpability required for the commission thereof, he solicits, requests, commands, importunes, or intentionally aids such person to engage in such conduct. This section has been included for clarity and, in substance, is merely a paraphrased restatement of the substance of Penal Law § 20.00, which applies to the entire Village Code.