

**TOWN OF NORTH HEMPSTEAD
LOCAL LAW NO. __ OF 2019**

**A LOCAL LAW AMENDING CHAPTER 2 OF THE TOWN CODE
ENTITLED “ADMINISTRATION AND ENFORCEMENT”**

BE IT ENACTED by the Town Board of the Town of North Hempstead as follows:

Section 1. Legislative Intent

The Board finds that individual contractors, corporations, and homeowners often times ignore stop work orders issued by the Town’s Department of Building Safety, Inspections and Enforcement. The Board finds it imperative to implement a penalty for violating a stop work order. Therefore, the Board finds it is in the best interest of the residents of the Town of North Hempstead to make amendments to Chapter 2 of the Town Code entitled “Administration and Enforcement” in order to add a penalty for violating a stop work order.

Section 2.

Section 2-15 of Chapter 2 of the Town Code is hereby amended as follows:

§ 2-15 Stop orders.

[Amended 4-2-2002 by L.L. No. 4-2002]

A. Whenever the Building Commissioner has reasonable grounds to believe that work on or in any building or structure is being [~~prosecuted~~] **performed** in violation of the provisions of the applicable building laws, ordinances or regulations, or not in conformity with the provisions of an application, plans or specifications on the basis of which a building permit was issued, or in an unsafe and dangerous manner, he shall notify the owner of the property, the owner's agent, **the lessee of the property, the tenant of the property,** or the person performing the work to suspend all building activities until the stop order has been rescinded. Such order and notice shall be in writing, shall state the conditions under which the work may be resumed and may be served upon a person whom it is directed either by delivering it personally to him, or by posting the same upon a conspicuous portion of the building under construction and sending a copy of same by registered or certified mail.

B. Penalties for offenses.

(1) Any person, association, firm, or corporation which violates this section or assists in the violation of this section shall be guilty of a violation, punishable:

(a) By a fine of not less than \$1,000 and not exceeding \$5,000 or by imprisonment for a period not to exceed 15 days, or both, for conviction of a first offense.

(b) By a fine of not less than \$5,000 nor more than \$10,000 or by imprisonment for a period not to exceed 15 days, or both, for conviction of the second offense.

(c) By a fine of not less than \$10,000 nor more than \$20,000 or by imprisonment for a period not to exceed 15 days, or both, for conviction of the third or subsequent offense of a series of offenses, all of which were committed within a period of five years.

Section 3.

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this article or in its application to the person or circumstance directly involved in the controversy in which such judgment or order shall be rendered.

Section 4.

This Local Law shall take effect immediately upon filing with the Secretary of State.