

LOCAL LAW #2 of the year 1992

PROVIDING PENALTIES FOR FAILURE TO COMPLY WITH
SUBDIVISION REGULATIONS

Section 1: *LEGISLATIVE INTENT:* Whereas, the Town of Hunter has heretofore adopted, pursuant to Article 16 of the Town Law, certain regulations regulating the sale and division of land in said Town said regulations being known as the Subdivision Regulations of the Town of Hunter, and whereas said land subdivision regulations do not contain any provision for the enforcement thereof, this Local Law is enacted to provide a means of enforcement of said regulations.

Section 2: *FINE:* Pursuant to the authority vested in the Town Board under Section 268 of the Town Law of the State of New York, it is hereby declared that any person, firm or corporation who shall knowingly fail to comply with the provisions of the Subdivision Regulations of the Town of Hunter as said regulations or any part thereof may apply to any division of land in said Town by any said person, firm or corporation, shall be guilty of an offense punishable by a fine not exceeding Three hundred fifty and 00/100 (\$350.00) Dollars for conviction of a first offense; for conviction of a second offense both of which were committed within a period of five (5) years, punishable by a fine not less than Three hundred fifty and 00/100 (\$350.00) Dollars nor more than Seven hundred and 00/100 (\$700.00) Dollars and, upon conviction for a third or subsequent offense all of which were committed within a period of five (5) years, punishable by a fine not less than Seven hundred and 00/100 (\$700.00) Dollars nor more than One thousand and 00/100 (\$1,000.00) Dollars. All provisions of the Criminal Procedure Law shall apply to proceedings for the enforcement of this Local Law. For the purpose of this Local Law 'person' shall be deemed to include any legal entity which may be required to comply with said Land Subdivision Regulations.

Section 3: *COURT ACTIONS:* Pursuant to the further authority of Section 268 of the Town Law as aforesaid, the Town Board of the Town of Hunter is hereby authorized and empowered to institute an action or proceeding in a court of competent jurisdiction, for an injunction or other appropriate relief against any person, firm or corporation who may use and occupy any land in said Town without having complied with the provisions of said Land Subdivision Regulations.

Section 4: *ADMINISTRATIVE ACTION:* The Town of Hunter Building Department is hereby directed to withhold from issuance any and all permits and certificates which may hereafter be applied for concerning improvement or construction upon lands which have been divided in violation of said Subdivision Regulations, unless and until prior permission to apply has been obtained from the Town of Hunter Planning Board.

Section 5: *SEVERABILITY:* If any clause, sentence, subdivision or section of this Local Law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or section or part thereof directly involved.

Section 6: ***EFFECTIVE DATE:*** This Local Law shall take effect immediately upon filing with the Secretary of State.