

**VILLAGE OF MONROE
INTRODUCTORY LOCAL LAW NO. 5 OF 2024
AMENDMENT TO CHAPTER 155A, PROPERTY MAINTENANCE LAW**

BE IT ENACTED by the Village Board of Trustees of the Village of Monroe, County of Orange, State of New York, as follows:

Section 1. Legislative Findings, Purpose and Intent.

The Village Board of the Village of Monroe hereby determines that clarification of the Property Maintenance Law is necessary for the efficient and lawful enforcement of the Chapter.

Section 2. Authority.

This local law is enacted by the Village Board of Trustees of the Village of Monroe pursuant to its authority to adopt local laws pursuant to the New York State Constitution and Section 10 of the Municipal Home Rule Law.

Section 3. Chapter 155A, titled, "Property Maintenance," is modified as follows.

Subsection § 155A-10, titled, "Penalties for offenses, Justice Court," is modified to delete text marked with strike-out, and add text that is underlined.

A. The Code Enforcement Officer is hereby authorized to issue an appearance ticket pursuant to Criminal Procedure Law § 150.10 of the State of New York to secure the enforcement of this Chapter. The issuance of appearance tickets shall be at the discretion of the Code Enforcement Officer, however, Said an appearance ticket shall be issued with the third notice of violation issued to the same property owner within a twelve-month period and shall include a copy of the prior two notices and all supporting documentation.~~, this local law,~~

B. Civil penalty. In addition to and not in lieu of any other remedy, any person failing to comply with a lawful order pursuant to this Chapter or committing an offense against any provision of this Chapter in addition to the cost of remedy imposed by the Village Board, shall be issued an appearance ticket to appear before the Village Magistrate and be subject to a civil penalty enforceable and collectible by the Village in an amount not less than ~~not exceeding~~ \$250.00 upon conviction for a first offense, ~~\$350.00~~ \$500.00 upon conviction for a second offense committed within any twelve-month period after a first offense has been committed, ~~\$500.00~~ \$1000.00 upon conviction for any further subsequent offense committed within any twelve-month period after a first offense has been committed. A copy of the appearance ticket accompanied by an affidavit of service and all supporting documentation shall be delivered to the Justice Court Clerk prior to the appearance date.

C. Criminal penalty. In addition to and not in lieu of any other remedy, ~~Any person~~ who shall violate any of the provisions of this Chapter, in addition to the civil penalties contained herein, shall, upon conviction, be guilty of a ~~misdemeanor~~ violation subject to a fine not exceeding \$1,000.00 and up to 15 days in prison.

D. The continuation of an offense against the provisions of this chapter shall constitute, for each week the offense is continued, a separate and distinct offence hereunder.

E. Civil penalties and injunction. In addition to and not in lieu of any other remedy or remedies, the Village Board may also maintain an action or proceeding in the name of the Village in a court of competent jurisdiction to obtain civil monetary penalties and compel compliance with or to restrain, by injunction, the violation of this chapter or any order

promulgated hereunder.

F. Nothing contained herein shall limit the Village's remedies under the law.

Section 4. Supersession, of Inconsistent Laws, if any.

The Village Board of Trustees hereby declares its legislative intent to supersede any provision of any local law, rule, or regulation and any provision of the state Village Law or other special law that may be declared inconsistent or in conflict with this local law. The courts are specifically requested to take notice of this legislative intent and apply such intent in the event the Village has failed to specify any provision of law that may require supersession. The Village Board hereby declares that it would have enacted this local law and superseded such provision had it been apparent.

Section 5. Severability.

If any section, part or provision of this local law or the application thereof to any person, property or circumstance is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the section, part, provision or application directly and expressly adjudged invalid and shall not affect or impair the validity of the remainder of this local law or the application thereof.

Section 6. Effective Date.

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