

Local Law Filing

(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 Village
(select one:)

of New Lebanon

Introductory Local Law No. 5 of the year 2023

**A LOCAL LAW TO AMEND CHAPTER 101 OF THE TOWN CODE OF THE TOWN
OF NEW LEBANON**

Be it enacted by the Town Board of the Town of New Lebanon as follows:

See attached.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

TOWN OF NEW LEBANON

INTRODUCTORY LOCAL LAW NO. 5 OF THE YEAR 2023

**A LOCAL LAW TO AMEND CHAPTER 101 OF THE TOWN CODE OF
THE TOWN OF NEW LEBANON**

SECTION 1

This local law shall be referred to as “A Local Law to Amend Chapter 101 of the Town Code of the Town of New Lebanon”.

SECTION 2

Chapter 101 of the Town Code of the Town of New Lebanon is hereby amended as follows:

- A. Subparagraph (5) of Paragraph B of Section 101-4 is hereby amended to read in its entirety as follows:

(5) The Memorial Day parade and/or ceremony;

- B. A new subparagraph (7) of Paragraph B of Section 101-4 is hereby added to read in its entirety as follows:

(7) Events occurring at a lawfully existing and permitted Commercial Event Venue, as that term is defined in Chapter 205 of the Code of the Town of New Lebanon, that comply in all respects with all applicable provisions of Chapter 205 of the Code of the Town of New Lebanon and all conditions, limitations, and requirements of any permit or approval issued for such Commercial Event Venue.

- C. Paragraph C of Section 101-6 is hereby amended to read in its entirety as follows:

C.
Criminal and civil penalties.

(1) Criminal Penalties. Any person violating any provision of this chapter or a special event license issued pursuant to this chapter, and any owner of real property on which any such violation occurs,

shall be guilty of an offense, and upon conviction thereof shall be subject to a fine of not more than \$2,500, imprisonment not to exceed 15 days, or both, for one offense committed within a period of twenty years; a fine of not less than \$2,500 and not more than \$10,000, imprisonment not to exceed 15 days, or both, for a second offense, both of which were committed within a period of twenty years; a fine of not less than \$10,000 and not more than \$25,000, imprisonment not to exceed 15 days, or both, for a third offense, all of which were committed within period of twenty years; and a fine of not less than \$25,000 and not more than \$100,000, imprisonment not to exceed 15 days, or both, for each additional offense(s), all of which were committed within a period of twenty years. The Code Enforcement Officer is authorized to issue appearance tickets for any violation of this chapter or of any special event license issued hereunder.

(2) Civil Penalties. Any person violating any provision of this chapter or a special event license issued pursuant to this chapter, and any owner of real property on which any such violation occurs, shall be subject to a civil penalty enforceable and collectible by the Town of New Lebanon in the amount of \$2,500 for one violation committed within a period of twenty years; \$10,000 for a second violation committed within a period of twenty years; \$25,000 for a third violation committed within a period of twenty years; and \$100,000 for each additional violation committed within a period of twenty years. Such civil penalty shall be payable upon written demand therefor. Upon default in payment thereof within 30 days of such written demand, any such civil penalty may be awarded in an action instituted therefor in any court of competent jurisdiction upon authorization by the Town Board of the Town of New Lebanon, and shall be recoverable without regard to whether any criminal proceeding has been instituted for the same violation or whether any conviction of an offense for the same violation has occurred.

SECTION 3

If any word, phrase, sentence, part, section, subsection, or other portion of this Law or any application thereof to any person or circumstance is declared void, unconstitutional, or invalid for any reason, then such word, phrase, sentence, part, section, subsection, or other portion, or the proscribed application thereof, shall be severable, and the remaining provisions of this Law, and all applications thereof, not having been declared void, unconstitutional, or invalid, shall remain in full force and effect.

SECTION 4

This Local Law is enacted pursuant to the New York Municipal Home Rule Law.

SECTION 5

This Law shall become effective upon filing with the New York Secretary of State.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as Local Law No. ___ of 2023 of the (County)(City)(Town)(Village) of New Lebanon was duly passed by the Town Board of the Town of New Lebanon on _____, 2023 in accordance with the applicable provisions of law.

~~**2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)**~~

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ and was deemed duly adopted on _____ 20____ in accordance with the applicable provisions of law.

(Name of Legislative body)
(Elective Chief Executive Officer*)

~~**3. (Final adoption by referendum.)**~~

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ on _____ 20____.

(Name of Legislative body)
(Elective Chief Executive Officer*)

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

~~**4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)**~~

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ on _____ 20____.

(Name of Legislative body)
(Elective Chief Executive Officer*)

Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. ~~(City local law concerning Charter revision proposed by petition.)~~

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.

6. ~~(County local law concerning adoption of Charter.)~~

I hereby certify that the local law annexed hereto, designated as local law No. ____ of 20____ of the County of _____, State of New York, having been submitted to the electors at the General Election of _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1, above.

Marcie Robertson, Town of New Lebanon Town Clerk
Clerk of the county legislative body, City, Town or Village
Clerk or officer designated by local legislative body

(Seal)

Date: _____