

**PUBLIC HEARING @ 6:15 PM**

To consider amending **Chapter §8-3.1 (Planning Board)** of the code of the Incorporated Village of Hempstead.

Moved by Trustee \_\_\_\_\_ that this hearing be closed.

Seconded by Trustee \_\_\_\_\_

## LEGAL NOTICE

### INCORPORATED VILLAGE OF HEMPSTEAD 2020/21 ASSESSMENT ROLL

The Annual Assessment Roll of the Inc. Village of Hempstead for the fiscal year 2020/21 will be completed and will be filed on the **1st day of April 2020**, in the office of the Village Clerk. The same will remain open for public inspection in the Assessment Department until **April 30, 2020**.

DON RYAN, Mayor  
STACEY LUCAS, Assessor  
PATRICIA PEREZ, Village Clerk

Dated: March 03, 2020  
D/N: March 06, 2020

## CHAPTER 8 Planning Board

\*\*\*

### § 8-3.1 Applicability; exemptions.

\*\*\*

#### B.

Specifically excluded from the provisions of this chapter are the following items:

\*\*\*

#### (2)

Exterior renovations to an existing building or structure which do not increase, alter or otherwise modify the outer envelope of said building or structure; alteration or renovations of single- and two-family dwellings that are not in excess of 25% or more of the existing lot coverage **structure** such as dormers or extensions. However, facade improvements to business and commercial structures are specifically included within the provisions of this chapter.

\*\*\*

ADDITIONS ARE INDICATED BY BOLD TEXT.

\*\*\* INDICATES NO CHANGE IN PRESENT TEXT

DELETIONS ARE INDICATED BY ~~STRIKETHROUGH~~.

\_\_\_\_\_ **RESOLVED**, that upon the recommendation of **Samantha Fountain, Deputy Village Clerk** the Board of Trustees hereby waives a reading of the minutes of the **Regular meeting of February 18, 2020** and accepts them as reviewed.

Moved by Trustee \_\_\_\_\_ that the reading of the minutes of the **Regular meeting of February 18, 2020** be dispensed with and that they be accepted as reviewed.

Seconded by Trustee \_\_\_\_\_

\_\_\_\_ Clerk wishes to report that Mayor Ryan & Deputy Mayor Renfroe have approved miscellaneous Business licenses as reviewed

**Business License for approval**

Botanica Asombro Mental Hogar Feliz (Religious Articles)  
41 Main St.

Santana Restaurant  
226 S. Franklin St.

Justin Agency Inc. (Insurance & Tax Preparation)  
80A Clinton St.

Busy Bee Del Corp.  
755 Front St.

Lilliam Unisex Beauty Salon  
28 Main St.

Royal Jet Car Corp.  
675 Peninsula Blvd.

Latinas Serviexpress Corp.  
169 Main St.

JER Deli Corp.  
208 S. Franklin St.

Linda G. Nanos PC  
250 Fulton Ave. Suite 200

M & K Auto Care Inc.  
522 Peninsula Blvd.

Randy Style Barber Shop  
238 Front St.

Jamaican Dutchpot (New)  
157 Baldwin Rd.

Law Office of Juan Carlos Bernardo  
250 Fulton Ave. Suite ME1

Naomi's by Glory Fashion Inc.  
255 Fulton Ave.

Vraj Quick Foods Inc. Subway  
168 Fulton Ave.

R & G Brenner Income Tax LLC  
281 Fulton Ave.

Krupa 63 Corp. Hempstead Liquors  
63 Main St.

**Landscaping**

M. Escobar Landscaping  
705 Stowe Ave.  
Baldwin, NY 11510

Elvis Lopez Landscape Gardener  
481 S. Franlin St. 2F  
Hempstead, NY 11550

HC Landscaping  
25 Litchfield Ave. #3  
Elmont, NY 11003

M. Ramirez Landscaping Inc.  
14 E. Greenwich Ave.  
Roosevelt, NY 11575

Best Kept Lawn Care  
209 Maple Ave.  
Uniondale, NY 11553

J. Calabro Landscaping  
1100 Steele Blvd.  
Baldwin, NY 11510

HAO  
16-42 Jasmin Ave.  
New Hyde Park, NY 11040

**RESOLVED**, that upon the recommendation of **Cherice Vanderhall, Village Attorney** the Board of Trustees hereby approves the settlement of Tax Certiorari matter with Remica Property Group Corp. (formerly known as Spartan Petroleum Corp.), for the property known as 655/665 Peninsula Blvd., Hempstead, New York a total of \$46,000.00 for the tax years 2016/17 through 2019/20.

**WHEREAS**, litigation was instituted against the Incorporated Village of Hempstead in the Supreme Court, County of Nassau, State of New York, under Consolidated Index No. 405928/2018, in case entitled “In the Matter of Remica Property Group Corp. (formerly Spartan Petroleum Corp.), Petitioner, against The Board of Assessors and/or The Assessor of the Village of Hempstead and The Board of Assessment Review, Respondents” to resolve the issue of the true assessment, both retroactively and prospectively, for the 2016/17 through 2019/20 tax years, for real property tax purposes, for the premises described as Section 34, Block G, Lots 50, 55, 583 and 584, known as 655/665 Peninsula Boulevard, Hempstead, New York 11550; and

**WHEREAS**, by proposed Stipulation of Settlement, subject to the approval of this Board, the Village has agreed to refund to Remica Property Group Corp. (formerly Spartan Petroleum Corp.), owner of 655/665 Peninsula Boulevard, a total of \$46,000.00, to resolve the issue of the true tax assessment for the 2016/17 through 2019/20 tax years, payable as follows: the later of two dates by July 1, 2020 or within 90 days of the Village’s receipt of the Order and Judgment with verified claim form and proof of payment of taxes for all tax years.

**NOW, THEREFORE, BE IT RESOLVED**, by the Board of Trustees of the Incorporated Village of Hempstead, that the Village refund to Remica Property Group Corp. (formerly Spartan Petroleum Corp.), owner of 655/665 Peninsula Boulevard, a total of \$46,000.00 to resolve the issue of the true tax assessment for the 2016/17 through 2019/20 tax years, and payable as follows: the later of two dates by July 1, 2020 or within 90 days of the Village’s receipt of the Order and Judgment with verified claim form and proof of payment of taxes for all tax years;

**BE IT FURTHER RESOLVED**, that, upon payment of the total refund, the certiorari tax proceedings brought on behalf of Remica Property Group Corp. (formerly Spartan Petroleum Corp.), owner of 655/665 Peninsula Boulevard, Hempstead, New York 11550, for the tax years 2016/17 through 2019/20 tax years, shall be discontinued with prejudice and that no costs or disbursements shall be awarded to either party; and

**BE IT FURTHER RESOLVED**, that the issue of the prospective tax assessment for the tax years will be \$20,000.00 as to Lots 50, 55 & 583 and \$7,500.00 as to Lot 584 and that no protest will be filed by Remica Property Group Corp. (formerly Spartan Petroleum Corp.), owner of 655/665 Peninsula Boulevard, Hempstead, New York 11550, for the tax years 2020/21, 2021/22 and 2022/23; and

**BE IT FURTHER RESOLVED**, that refund interest is waived unless payment of the refund is delinquent; and

**BE IT FURTHER RESOLVED**, that the Office of the Village Attorney is authorized to execute a Stipulation of Settlement and any related documents consistent with this Resolution.

Moved by Trustee \_\_\_\_\_

Seconded by Trustee \_\_\_\_\_





File # 22492

SUPREME COURT: STATE OF NEW YORK  
COUNTY OF NASSAU

-----X STIPULATION OF SETTLEMENT  
In the Matter of :  
: Tax Yr. Index # Cal #  
REMICA PROPERTY GROUP CORP. :  
(formerly SPARTAN PETROLEUM : 2016/17 405928/18 2018V3712  
CORP.), : 2017/18  
: 2018/19  
Petitioner, : 2019/20  
: :  
-against- :  
: :  
: Section: 34  
THE BOARD OF ASSESSORS AND/OR : Block: G  
THE ASSESSOR OF THE VILLAGE OF : Lots: 50, 55, 583  
HEMPSTEAD AND THE BOARD OF :  
ASSESSMENT REVIEW, : Section: 34  
: Block: G  
Respondents. : Lot: 584  
-----X

WHEREAS, petitioner has brought proceedings to review respondents' real property tax assessment on the property owned by petitioner and shown on the Nassau County Land and Tax Map as Section 34, Block G, Lots 50, 55, 583 and Section 34, Block G, Lot 584 for the 2016/17 through 2019/20 tax years, and

WHEREAS, the attorneys for the parties have had several settlement conferences, and

NOW, THEREFORE, IT IS STIPULATED AND AGREED by and between the attorneys for the parties as follows:

1. The proceedings herein shall be consolidated under Index #405928/18 and Calendar #2018V3712.

2. Any motions affecting the said proceedings now pending be and the same hereby are withdrawn.

3. The within consolidated proceeding shall be settled for a lump-sum refund of Forty-Six Thousand Dollars (\$46,000). The payment shall be made to KOEPEL MARTONE & LEISTMAN, LLC, as attorneys for petitioner, the later of two dates by July 1, 2020 or within 90 days of the Village's receipt of the Order and Judgment that effectuates this settlement with verified claim form and proof of payment of taxes for all tax years. If payment is not made as provided herein then interest shall accrue at the rate of 6% per annum.

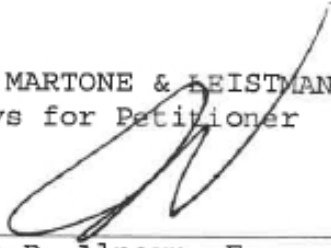
4. It is further stipulated and agreed that the assessed valuation for tax years 2020/21, 2021/22 and 2022/23 shall be reduced as follows and petitioner will not file an RPTL Article 7 proceeding for these tax years provided that the assessment is so corrected, unless the subject property is destroyed or damaged by fire or other casualty, demolished, altered, or subject to other significant factors set forth in RPTL 727 (2):

<u>Lots</u>	<u>Original Assessed Value</u>	<u>Reduction</u>	<u>Final Assessed Value</u>
50, 55, 583	\$ 30,000	\$ 10,000	\$ 20,000
584	11,150	3,650	7,500

5. The proceedings for the tax years 2016/17 through 2019/20 are withdrawn without costs upon payment of the refund and reduction of the assessed value for the 2020/21 tax year.

Dated: Mineola, New York  
November 25, 2019

KOEPPEL MARTONE & LEISTMAN, LLC  
Attorneys for Petitioner

By   
\_\_\_\_\_  
Jamie P. Alpern, Esq.

CHERICE P. VANDERHALL, ESQ.  
Attorney for Respondents  
Village of Hempstead

By \_\_\_\_\_  
Jacqueline Zore-Smrek, Esq.  
Deputy Village Attorney

\_\_\_\_**RESOLVED**, that upon the recommendation of **Cherice Vanderhall, Village Attorney** that the Board of Trustees hereby approves the contractual agreement with the New York City Department of Finance, 30-10 Starr Ave., Long Island City, New York 11101 to utilize the Village of Hempstead Police Department Outdoor Firing Range commencing January 1, 2020 and expiring on December 31, 2020.

Moved by Trustee \_\_\_\_\_

Seconded by Trustee \_\_\_\_\_

\_\_\_\_**RESOLVED**, that upon the recommendation of **Cherice Vanderhall, Village Attorney** that the Board of Trustees hereby approves enter into an agreement with Rivkin Radler to represent the Village in connection with federal and/or state litigation matters as needed.

Moved by Trustee \_\_\_\_\_

Seconded by Trustee \_\_\_\_\_

\_\_\_\_**RESOLVED**, that upon the recommendation of Mayor Don Ryan, that the Board of Trustees hereby approves for **Empresarios por el Cambio**, to hold a Festival on Sunday, August 2, 2020 from 12:00 pm to 7:00 p.m. with a total cost of \$46,625.00 and after calculations of 80% , the total cost is \$37,300.00 to be paid on or before Thursday, July 2, 2020. The Festival will be held in Parking Field #1. Said permission is contingent upon: compliance with the rules and regulations of the Hempstead Police Department and all liability in connection with the holding of this event and observance of the Code of the Village of Hempstead as it applies to group gatherings of this type; the filling of all appropriate insurance as determined by the Board herein; and indemnification and the execution of a hold harmless agreement on such terms and conditions as may be acceptable to the Village Attorney.

Moved by Trustee \_\_\_\_\_

Seconded by Trustee \_\_\_\_\_

Clerk wishes to report that the **2020/21 Assessment Roll** will be open for viewing as of **April 1, 2020**, subsequent to the grievance hearing which was held on **February 18, 2020**, and with any additional adjustments as recommended by Village Assessor Hargraves.

\_\_\_\_\_ Clerk offers the following resolution for adoption:

Moved by Trustee \_\_\_\_\_ that the **2020/21** Assessment Roll be finalized with recommendations and/or adjustments, if any, as made by Assessor Lucas.

Seconded by Trustee \_\_\_\_\_

**RESOLVED**, that upon the recommendation of Cherice Vanderahall to hold a Public Hearing to consider amending §§ 1-11, 1-16, 11-5, 52-4, 57-19, 95-21, 95-25, 103-9, 106-15, 119-16, 123-7, 131-14, 131-36, 135-18, 139-160 & 139-218 of the Code of the Incorporated Village of Hempstead Chapter One entitled “General Provisions”, Chapter Eleven entitled “Living Wage”, Chapter Fifty-Two entitled “Building Occupancy”, Chapter Fifty-Seven entitled “Dogs and Other Animals”, Chapter Ninety-Five entitled “Peace and Good Order”, Chapter One Hundred Three entitled “Public Assemblies; Cabarets”, Chapter One Hundred Six entitled “Rental Registration”, Chapter One Hundred Nineteen entitled “Taxation”, Chapter One Hundred Twenty-Three entitled “Telephones, Public Pay”, Chapter One Hundred Thirty-One entitled “Vehicles and Traffic”, Chapter One Hundred Thirty-Five entitled “Water” and Chapter One Hundred Thirty-Nine, entitled “Zoning”

**WHEREAS**, §§ 1-11, 1-16, 11-5, 52-4, 57-19, 95-21, 95-25, 103-9, 106-15, 119-16, 123-7, 131-14, 131-36, 135-18, 139-160 & 139-218 of the Code of the Incorporated Village of Hempstead Chapter One entitled “General Provisions”, Chapter Eleven entitled “Living Wage”, Chapter Fifty-Two entitled “Building Occupancy”, Chapter Fifty-Seven entitled “Dogs and Other Animals”, Chapter Ninety-Five entitled “Peace and Good Order”, Chapter One Hundred Three entitled “Public Assemblies; Cabarets”, Chapter One Hundred Six entitled “Rental Registration”, Chapter One Hundred Nineteen entitled “Taxation”, Chapter One Hundred Twenty-Three entitled “Telephones, Public Pay”, Chapter One Hundred Thirty-One entitled “Vehicles and Traffic”, Chapter One Hundred Thirty-Five entitled “Water” and Chapter One Hundred Thirty-Nine, entitled “Zoning” requires amendments to discourage violations of the Code, generate additional income from increased fines and seek parity with other Code Enforcement provisions.

**NOW, THEREFORE  
THE VILLAGE BOARD OF TRUSTEES**

**HEREBY SCHEDULES** a public hearing to be held on the 17<sup>TH</sup> day of March, 2020, at 6:15 p.m., at the Hempstead Village Hall, 99 James A. Garner Way, Hempstead, New York, to consider amending §§ 1-11, 1-16, 11-5, 52-4, 57-19, 95-21, 95-25, 103-9, 106-15, 119-16, 123-7, 131-14, 131-36, 135-18, 139-160 & 139-218 of the Code of the Incorporated Village of Hempstead Chapter One entitled “General Provisions”, Chapter Eleven entitled “Living Wage”, Chapter Fifty-Two entitled “Building Occupancy”, Chapter Fifty-Seven entitled “Dogs and Other Animals”, Chapter Ninety-Five entitled “Peace and Good Order”, Chapter One Hundred Three entitled “Public Assemblies; Cabarets”, Chapter One Hundred Six entitled “Rental Registration”, Chapter One Hundred Nineteen entitled “Taxation”, Chapter One Hundred Twenty-Three entitled “Telephones, Public Pay”, Chapter One Hundred Thirty-One entitled “Vehicles and



Traffic”, Chapter One Hundred Thirty-Five entitled “Water” and Chapter One HundredThirty-Nine, entitled “Zoning”

Moved by Trustee \_\_\_\_\_

Seconded by Trustee \_\_\_\_\_

CHAPTER 1 General Provisions

Article I. Adoption of Code

\*\*\*

§ 1-11 Penalties for tampering with Code.

Any person who, without authorization from the Village Clerk, changes or amends, by additions or deletions, any part or portion of the Code of the Village of Hempstead, or who alters or tampers with such Code in any manner whatsoever which will cause the legislation of the Village of Hempstead to be misrepresented thereby, or who commits an offense against any other provision of this local law, shall be punishable by a fine of not more **no less** than \$250 or by imprisonment for not exceeding 15 days, or by both such fine and imprisonment.

\*\*\*

Article II. General Penalties

§ 1-16 General penalty.

A.

Penalty.

(1)

Whenever in this Code or in any local law of the Village any act is prohibited or is made or declared to be unlawful or an offense or whenever in such Code or local law the doing of any act is required or the failure to do any act is declared to be unlawful, where no specific penalty is provided therefor, the person, firm or corporation who or which violates the same shall be guilty of a violation and shall be subject to punishment as follows:

(a)

First offense, by a fine not less than ~~\$50~~ **\$100**, not to exceed ~~\$2,000~~ **\$2,500**, or by imprisonment not exceeding 15 days, or both. Each day that any such violations shall continue or exist shall constitute a separate offense.

(b)

For a second offense within three years after a conviction of a first offense, by a fine not less than ~~\$250~~ **\$500**, not to exceed ~~\$3,000~~ **\$4,000**, or by imprisonment not exceeding 15 days, or both. Each day that any such violations shall continue or exist shall constitute a separate offense.

(c)

For a third offense within three years after a conviction of a second offense, which took place within three years after a conviction of the first offense, by a fine not less than ~~\$500~~ **\$750**, not to exceed ~~\$5,000~~ **\$6,000**, or by imprisonment not exceeding 15 days, or both. Each day that any such violation shall continue or exist shall constitute a separate offense.

(2)

Each day that any violation continues shall constitute a separate offense.

(3)

The minimum fine to be imposed for any conviction shall be ~~\$50~~ **\$100**.

\*\*\*

## CHAPTER 11. Living Wage

\*\*\*

### § 11-5. Nonresponsive employers; enforcement.

A.

Covered employers who fail to submit documents, declaration or information required to demonstrate compliance with this chapter shall be deemed nonresponsive and subject to disqualification and other sanctions set forth herein. Where a covered employer has been determined to have violated any provision of this title, such covered employer shall be given written notice thereof by the Village. If, within 30 days after such covered employer receives such notice, he or she fails to cure such breach, the Village shall have the right to pursue any rights or remedies available under the terms of its contract or lease agreement with such employer, or under applicable law, including, but not limited to:

(1)

Suspension and termination of such contract or financial assistance;

(2)

Payback of any or all of the contract awarded by the Village;

(3)

Declaration of the employer as ineligible for future Village service contracts and leases until all penalties and restitution have been paid in full;

(4)

A fine payable to the Village of Hempstead in the amount of ~~\$500~~ **\$750** for each week for each employee found not to have been paid in accordance with this title; and

(5)

Wage restitution for each such employee.

\*\*\*

## CHAPTER 52. Building Occupancy

\*\*\*

### § 52-4. Penalties for offenses.

\*\*\*

#### B.

Notwithstanding any provision of this Code inconsistent herewith, for each Code violation involving a nonpermitted occupancy of a one- or two-family dwelling, or of an approved multifamily dwelling, the owner and any person who is in charge of the subject property at the time of the violation shall be liable to a fine of not ~~more than \$3,500~~ **less than \$3,000 and not exceeding \$6,000** for the first violation; for a second ~~and any~~ subsequent violation, the fine shall be not **less than \$6,000 and no** more than ~~\$5,000~~ **\$12,000, for a third and any subsequent violation, the fine shall be not less than \$20,000 and no more than \$40,000** all of which were committed within a period of five years.

\*\*\*

## CHAPTER 57. Dogs and Other Animals

\*\*\*

### Article III. Dangerous and Vicious Dogs

\*\*\*

#### § 57-19. Penalties for offenses.

Any person violating any of the provisions of this article, as the same may be from time to time amended, shall be punishable by ~~imprisonment for not more than 15 days or by a fine of not more than \$250, or by both such fine and imprisonment.~~ **a fine and/or imprisonment in accordance with § 1-16 of the Village Code. Every dangerous dog or vicious dog that is not compliance with the provisions of the article shall constitute a separate additional offense.**

\*\*\*

## CHAPTER 95. Peace and Good Order

\*\*\*

### Article XII. Alcohol and Drug Consumption by Minors

\*\*\*

§ 95-21. Consumption by minors on private property prohibited; **penalties for offenses.**

\*\*\*

#### C.

**Any person in violation of this article shall be punished as follows:**

**(1).**

**First Offense. A fine of no less than \$1,000 and no more than \$2,500, a period of imprisonment of up to 15 days, or a combination of both fine and imprisonment.**

**(2).**

**Second Offense. A fine of no less than \$1,500 and no more than \$4,000, a period of imprisonment of up to 15 days, or a combination of both fine and imprisonment.**

**(3).**

**Third and Subsequent Offenses. A fine of no less than \$3,000 and no more than \$6,000, a period of imprisonment of up to 15 days, or a combination of both fine and imprisonment.**

\*\*\*

### Article XIII. Graffiti

§ 95-25. Sale of graffiti implements.

#### A.

Sale and display of graffiti implements; violations.

(1)

No person shall sell, offer to sell or give aerosol spray paint, broad-tipped indelible markers or any other graffiti implements to any person under 18 years of age unless accompanied by an adult parent or guardian.

(2)

No person offering aerosol spray paint and/or broad-tipped indelible markers or other graffiti implements for sale shall display said materials except in a secure, enclosed, inaccessible display which will require vendor assistance for the handling, purchase and/or sale of said items.

(3)

Any person who shall violate the terms of this provision shall, for a first offense, be subject to a minimum fine of ~~\$250~~ **\$500** and a maximum fine of ~~\$500~~ **\$750**. For each and every subsequent offense within five years of the date of offense on the accusatory instrument, such graffiti vendor shall be subject to a fine of not less than ~~\$500~~ **\$1000**, to a maximum of \$2,500, and/or **up to** 15 days' imprisonment.

#### B.

Signage required.

(1)

Every person who operates a retail commercial establishment selling graffiti implements shall:

(a)

Place a sign in clear public view at or near the display of such products stating: "Graffiti is against the law. Any person who defaces real or personal property with paint or any other liquid or device is guilty of an offense punishable by imprisonment for up to 15 days and/or a fine up to \$2,500."

(b)

Place a sign in the direct view of such persons responsible for accepting customer payment for graffiti implements stating: "Selling spray paint, paint sticks, or broad-tipped markers to persons under 18 is an offense punishable by imprisonment for up to 15 days and/or a fine up to \$2,500."

(2)

Failure to properly display such sign shall result in a fine of not less than ~~\$250~~ **\$500** for a first offense. For any second or subsequent offense within five years of the date of offense on the accusatory instrument, there shall be a fine of ~~\$500~~ **not less than \$1000** ~~to~~ **and no more than \$2,500** and/or **up to** 15 days' imprisonment.

**§ 103-9 Penalties for Offenses.**

**A.**

**Any person, association, firm or corporation which violates § 103.1-2[A] or § 103-2 or assists in the violation of § 103.1-2[A] or § 103-2 or knowingly submits and application where the contents thereof are not accurate shall be guilty of a violation, punishable:**

**(1)**

**By a fine of not less than \$3,000 and not exceeding \$6,000 or by imprisonment for a period not to exceed 15 days, or both, for conviction of a first offense.**

**(2)**

**By a fine of not less than \$6,000 and not more than \$12,000 or by imprisonment for a period not to exceed 15 days, or both, for conviction of the second offense within five years of the first conviction.**

**(3)**

**By a fine of not less than \$20,000 and not more than \$40,000 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.**

**B.**

**Every day that there is a continued violation shall constitute a separate additional violation.**



## Chapter 106. Rental Registration

\*\*\*

### § 106-15. Penalties for Offenses.

A.

Any person, association, firm or corporation which violates any provision of this chapter or assists in the violation of any provision of this chapter or knowingly submits and application where the contents thereof are not accurate shall be guilty of a violation, punishable:

(1)

By a fine of not less than ~~\$2,500~~ **\$3,000** and not exceeding ~~\$5,000~~ **\$6,000** or by imprisonment for a period not to exceed 15 days, or both, for conviction of a first offense.

(2)

By a fine of not less than ~~\$5,000~~ **\$6,000** and not more than ~~\$10,000~~ **\$12,000** or by imprisonment for a period not to exceed 15 days, or both, for conviction of the second offense within five years of the first conviction.

(3)

By a fine of not less than ~~\$10,000~~ **\$20,000** and not more than ~~\$20,000~~ **\$40,000** 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.

\*\*\*

## Chapter 119. Taxation

\*\*\*

### Article II. Tax on Utility Companies

#### § 119-16. Secrecy Provisions.

\*\*\*

#### B.

Any offense against the foregoing secrecy provisions shall be punishable by a fine **no less than not exceeding \$1,000 and not exceeding \$2,000** or by imprisonment not exceeding one year, or both, and if the offender be an officer, agent, clerk or employee of the Village of Hempstead, he shall be dismissed from office and shall be incapable of holding any office or employment in the Village of Hempstead for a period of five years thereafter.

\*\*\*

Chapter 123. Telephones, Public Pay

\*\*\*

§ 123-7. Penalties for Offenses.

A.

Any violation of this chapter shall subject the violator to a fine of not less than \$400 **\$200** and not more than \$5,000. Each noncompliance, and in the case of continuing violation, each day's continuance, shall be a separate and distinctive offense.

\*\*\*

Chapter 131. Vehicles and Traffic  
Part 1. Vehicle Regulations

\*\*\*

Article II. Operation of Vehicles

§ 131-14. Stopping, standing or parking prohibited in specified places.

\*\*\*

D.

Tow-away zones for the purpose of street sweeping. The Board of Trustees hereby finds that the illegal parking of automobiles on the public streets of the Village has so interfered with the sweeping of the streets by the Department of Public Works so as to create an unsafe and unsanitary condition of emergency proportions. Accordingly, pursuant to the authorization contained in § [131-4](#), the Board of Trustees establishes this subsection to provide for the orderly and regular sweeping of all Village streets. The Police Department, in conjunction with the Department of Public Works, with the advice and consent of the Board of Trustees, is authorized to establish alternate-side-of-the-street parking on such streets and at such times as it may deem necessary. Signs indicating tow-away zones shall be posted in compliance with appropriate regulations indicating that towing charges have been fixed at ~~\$100~~ **\$175** per tow and fines may be imposed up to ~~\$250~~ **\$450**.

**E.**

**Parking spaces for the handicapped.**

**It shall be a violation of this section for any person to stop, stand or park a vehicle in any area designated as a place for handicapped parking unless the vehicle bears a permit issued under section 1203-a of the New York State Vehicle and Traffic Law or a registration issued under section 404-a of the New York State Vehicle and Traffic Law and such vehicle is being used for the transportation of a severely disabled or handicapped person.**

\*\*\*

Part 2. Loading Regulations

Article IV. Loading Near Public Parking Places

\*\*\*

§ 131-36 Penalties for offenses.

Any person who shall violate or refuse to comply with any of the provisions of this article shall be punished by a fine of not more than ~~\$50~~ **\$300**, and in addition thereto such violation shall constitute and is hereby declared to be disorderly conduct, and any person who shall violate or refuse to comply with any of the provisions of this article shall be and hereby is declared to be a disorderly person and may be punished as such.

\*\*\*

Chapter 135. Water

\*\*\*

§ 135-18. Control of backflow and cross-connections.

\*\*\*

F.

Penalties for a violation. Upon a finding, by the Superintendent, of a violation of this regulation, the owner or authorized agent shall be required to pay a penalty for noncompliance pursuant to Subsections (1) and (2) of this subsection. The Superintendent shall then set a reasonable time for the owner to have the violation removed or protected by installation of an approved backflow prevention device. Upon failure of the owner to have the defect corrected by the end of the specified time interval, the Superintendent may cause the water service to the building or premises to be terminated or recommend such additional action as he may deem appropriate, including but not limited to code violation penalties as set forth in Subsection (1) of this subsection.

(1)

Code violation penalty for failure to have backflow devices tested annually will be ~~three times the sum of filing fees set forth from each the County of Nassau and the Incorporated Village of Hempstead as stated in Subsection E of § 135-18.~~ **fined as follows:**

(2)

~~Fines will be as follows:~~

(a)

One-inch device, residential: ~~\$300~~ **\$400.**

(b)

Up to two-inch, nonresidential: ~~\$525~~ **\$650.**

(c)

Two-and-a-half-inch device and above, nonresidential: ~~\$1,200~~ **\$1,500.**

~~(3)~~ **(2)**

An annual backflow test must be completed, and the expense of the test is the responsibility of the building g owner or occupant. The Village of Hempstead Water Meter Department or a private entity can test the backflow device. If the Village of Hempstead Water Meter Department conducts the test, the cost for the test will be determined by the Village Board by resolution.

\*\*\*

## Chapter 139. Zoning

\*\*\*

### Article XXIII. Public Nuisances

\*\*\*

#### § 139-160. Permanent Injunction **and Penalties**

\*\*\*

##### B.

A judgment awarding a permanent injunction pursuant to this article may direct the closing of the building, residence, premises or place by the County Sheriff to the extent necessary to abate the nuisance and shall direct the County Sheriff to post a copy of the judgment and a printed notice of such closing conforming to the requirements of § 139-156D of this article. Mutilation or removal of such a posted judgment or notice while it remains in force, in addition to any other punishment prescribed by law, shall be punishable, on conviction, by a fine of not more than ~~\$500~~ **\$750** or by imprisonment not exceeding six months, or by both, provided that such judgment contains therein a notice of such penalty. The closing directed by the judgment shall be for such period as the court may direct, but in no event shall the closing be for a period of more than one year from the posting of the judgment provided for in this subsection. If the owner shall file a bond in the value of the property ordered to be closed and submits proof to the court that the nuisance has been abated and will not be created, maintained or permitted for such period of time as the building, residence, premises or place has been directed to be closed in the judgment, the court may vacate the provisions of the judgment that direct the closing of the building; residence, premises or place. Any closing by the Sheriff pursuant to the provisions of this section shall not constitute an act of possession, ownership or control by the Sheriff of the closed premises.

##### C.

Intentional disobedience or resistance to any provision of a judgment awarding a permanent injunction pursuant to this article, in addition to any other punishment prescribed by law, shall be punishable as a violation with a fine of not more than ~~\$500~~ **\$750** or by imprisonment not exceeding six months, or both.

\*\*\*

### Article XXVI. Downtown Overlay Zones

#### § 139-218. Inspection, violations and enforcement

\*\*\*

##### D.

Penalties.

(1)

A violation of this article is an offense punishable by fine not exceeding ~~\$350~~ **\$500**, or imprisonment for a period not to exceed 15 days, or both for conviction of a first offense. Conviction of a second offense, committed within five years of the first offense, is punishable by a fine not less than ~~\$350~~ **\$500** nor more than ~~\$1,000~~ **\$1,500** or imprisonment for a period not to exceed 15 days, or both. Conviction of a third or subsequent offense committed within a period of five years is punishable by a fine of not less than ~~\$700~~ **\$1,000** nor more than ~~\$1,000~~ **\$2,000**, or imprisonment for a period not to exceed 15 days, or both. Each week's continued violation shall constitute a separate additional violation. A violation which creates an imminent hazard to health and safety shall be punishable by the same fine as above, as well as by imprisonment for a period not to exceed six months per violation.

\*\*\*

ADDITIONS ARE INDICATED BY BOLD TEXT.

\*\*\* INDICATES NO CHANGE IN PRESENT TEXT

DELETIONS ARE INDICATED BY STRIKETHROUGH.

\_\_\_\_\_ Clerk offers the following resolution for adoption:

**WHEREAS**, The Village Clerk desires to deny the renewal of the business license for business known as **YO CARL OS, INC**, 64 Wellington St. Hempstead, NY 11550. Pursuant to Section 86-5 of the Village of Hempstead Code.

**WHEREAS**, it has come to the Village’s attention that **YO CARL OS, INC.**, conducting business at 64 Wellington St., Hempstead, NY 11550, as Tavern/ Pool Hall desires to appeal the Village Clerk’s denial pursuant Section 86-10 of the Village of Hempstead Code.

**THE VILLAGE CLERK**

**HEREBY SCHEDULES** a public hearing to be held on the 7<sup>th</sup> day of April 2020 at 6:00 p.m. at the Hempstead Village Hall, 99 James A. Garner Way, Hempstead, New York, to consider denial of renewing the Business License to YO CARL OS, INC., by the Incorporated Village of Hempstead.

Moved by Trustee \_\_\_\_\_

Seconded by Trustee \_\_\_\_\_



\_\_\_\_**RESOLVED**, that upon the recommendation of **Mayor Ryan** that the Board of Trustees hereby approves the appointment of Heather D. Crosley as a Special Prosecutor at a rate of \$65 per hour.

Moved by Trustee \_\_\_\_\_

Seconded by Trustee \_\_\_\_\_

\_\_\_\_\_ **RESOLVED**, that upon the recommendation of **Mayor Ryan** that the Board of Trustees hereby approves the appointment of **Lenique Bligen** as a member of the Traffic and Safety board to fulfill the unexpired term vacated by Esther Ford Gilbert commencing on **March 3, 2020**.

Moved by Trustee \_\_\_\_\_

Seconded by Trustee \_\_\_\_\_

**Traffic Safety Board** shall now be comprised of:

Mary Burns (Chairperson)  
Barbara Gant  
**Lenique Bligen**  
William H. Fowlkes Jr.  
Troy Martinez

**Term Expires**

April 4, 2022  
April 4, 2022  
**April 4, 2022**  
April 6, 2020  
April 6, 2020

**Traffic Safety Board** meets every 4<sup>th</sup> Monday of each month except July and August, 6:30 p.m., Village Hall

**RESOLVED**, that upon the recommendation of **Joe Gill, Village Treasurer** all meeting bills, audited by the Board of Trustees on check warrant dated **March 3, 2020** be approved as previously reviewed.

Moved by Trustee \_\_\_\_\_

Seconded by Trustee \_\_\_\_\_