

**LOCAL LAW NO. \_\_\_\_ OF 2018**

**CITY COUNCIL  
CITY OF BEACON**

**PROPOSED LOCAL LAW TO REPEAL  
CHAPTER 135 AND AMEND CHAPTER 1 OF THE CODE OF THE CITY  
OF BEACON**

A LOCAL LAW to repeal Chapter 135 and to amend Chapter 1, Article I, Section 3 of the Code of the City of Beacon to remove reference to Housing Standards in the City Code.

BE IT ENACTED by the City Council of the City of Beacon as follows:

**Section 1.** Chapter 135 of the Code of the City of Beacon entitled “Housing Standards” is hereby repealed in its entirety.

**Section 2.** Chapter 1 Article I, Section 3 of the Code of the City of Beacon entitled “General Penalty” is hereby amended

§1-3. General penalty.

- A. Whenever, in this Code or in any ordinance or resolution of the City, any act is prohibited or is made or declared to be unlawful or an offense or whenever, in such Code, ordinance or resolution, 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 violation of any such provision of this Code or any ordinance or resolution shall constitute a violation and shall be punished by a fine not exceeding \$1,000 or by imprisonment not exceeding 15 days, or both. Each day any violation of any provision of this Code or of any such ordinance or resolution shall continue shall constitute a separate offense.

- B. In addition to the penalty hereinabove provided, any condition caused or permitted to exist in violation of any of the provisions of this Code or any such ordinance or resolution shall be deemed a public nuisance and may be, by the City, abated as provided by law, and each day that such condition continues shall be regarded as a new and separate offense.
- C. Where a violation of Chapter **119**, Fire Prevention and Building Code, Uniform **or** Chapter **223**, Zoning is found by a court of competent jurisdiction, the court must impose a fine of not less than \$25 per day from the compliance date set forth in the Building Department's order to remedy.
- D. In the event that an individual, partnership or corporation does not pay a fine duly imposed by a court pursuant to § **1-3A** of the Code or an administrative penalty as authorized by the City Charter or Code of the City of Beacon by December 31 of the year said fine or penalty was imposed, then this amount shall be a lien on any premises owned by said individual, partnership or corporation for the following year and may be assessed against the same on the City tax roll.

### **Section 3. Ratification, Readoption and Confirmation**

Except as specifically modified by the amendments contained herein, Chapter 1 of the City of Beacon is otherwise to remain in full force and effect and is otherwise ratified, readopted and confirmed.

### **Section 4. Numbering for Codification**

It is the intention of the City of Beacon and it is hereby enacted that the provisions of this Local Law shall be included in the Code of the City of Beacon; that the sections and subsections of this Local Law may be re-numbered or re-lettered by the Codifier to accomplish such intention; that the Codifier shall make no substantive changes to this Local Law; that the word "Local Law" shall be changed to "Chapter," "Section" or other appropriate word as required for codification; and that any such rearranging of the numbering and editing shall not affect the validity of this Local Law or the provisions of the Code affected thereby.

### **Section 5. Severability**

The provisions of this Local Law are separable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid or unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words or parts of this Local Law or their petition to other persons or circumstances. It is

hereby declared to be the legislative intent that this Local law would have been adopted if such illegal, invalid or unconstitutional provision, clause, sentence, subsection, word or part had not been included therein, and if such person or circumstance to which the Local Law or part hereof is held inapplicable had been specifically exempt there from.

**Section 6. Effective Date**

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