



**BOARD OF TRUSTEES'**

**PUBLIC HEARING**

**TUESDAY, JUNE 23, 2020**

**6:00 PM**

**PUBLIC HEARING @ 6:00 AM**

\_\_\_\_\_ Being held to consider entering into an agreement with the Village of Hempstead Fire Department to provide Fire protection and emergency services for the Incorporated Village of Hempstead.

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

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

**NOTICE OF PUBLIC HEARING  
VILLAGE OF HEMPSTEAD**

**PLEASE TAKE NOTICE** that a public hearing will be held in the Village Hall, 99 Nichols Court, Hempstead, New York, on **Tuesday, June 23, 2020**, at **6:00 p.m.** with public participation allow on first come, first serve base to be in compliance with social distancing guidelines, to consider entering into an agreement with the Village of Hempstead Fire Department to provide Fire protection and emergency services for the Incorporated Village of Hempstead.

The proposed local law is on file in the Office of the Village Clerk, Village Hall, 99 Nichols Court, Hempstead, New York, where the same may be inspected during office hours.

**ALL PERSONS INTERESTED** shall have an opportunity to be heard on said proposal at the time and place aforesaid.

BY ORDER OF THE BOARD OF TRUSTEES  
OF THE INCORPORATED VILLAGE OF HEMPSTEAD

DON RYAN, MAYOR  
PATRICIA PEREZ, VILLAGE CLERK

Dated: June 2, 2020  
D/N: June 19, 2020

AGREEMENT made this \_\_\_\_\_ day of \_\_\_\_\_ 2020 by and between the Incorporated Village of Hempstead, a municipal corporation maintaining its principal office at 99 Nichols Court, Hempstead, New York, hereinafter referred to as the VILLAGE, and the Hempstead Village Fire Department, a membership corporation maintaining its principal offices at 75 Clinton Street, Hempstead, New York, hereinafter referred to as the FIRE DEPARTMENT.

NOW, THEREFORE, THE PARTIES DO HEREBY AGREE AS FOLLOWS:

1. The **FIRE DEPARTMENT** agrees to furnish fire protection and emergency services in case of accidents, calamities or other emergencies in connection with which the services of firemen (including rescue squad) would be required on a twenty-four hour per day, seven day per week basis within the entire geographical limits and boundaries of the Incorporated Village of Hempstead for the period **June 1, 2020** through **May 31, 2021**.
2. In consideration for the performance of these services, the VILLAGE agrees to pay the FIRE DEPARTMENT the sum of **\$196,000** and to supply and maintain and keep in proper repair upon notice of the need therefore, adequate and suitable apparatus and equipment as the VILLAGE shall determine, for the use by the FIRE DEPARTMENT in the furnishing of such fire protection within the VILLAGE.
3. It is understood and agreed that all purchases made by the FIRE DEPARTMENT shall be in accordance with applicable laws of the State of New York and the FIRE DEPARTMENT does hereby expressly agree to be bound by and to comply with all such laws pertaining not only to purchases but as to any aspect of its operations.
4. The FIRE DEPARTMENT agrees to **submit in writing** to the VILLAGE CLERK, quarterly reports on the first days of September, December, March, and June, commencing **September 1, 2020**, indicating a complete record of all expenditures, purchases and the present status of any bank balances pertaining to the consideration paid by the VILLAGE hereunder.
5. As further consideration for the payment by the VILLAGE, the FIRE DEPARTMENT agrees to keep all apparatus and equipment supplied to it by the VILLAGE in clean and orderly condition. However, it is understood that title to all equipment, apparatus, etc. presently vested in the VILLAGE and to all such equipment, apparatus, etc. purchased by the FIRE DEPARTMENT hereinafter shall be vested in the VILLAGE.

IN WITNESS WHEREOF the parties hereto have placed their hands this 23<sup>th</sup> day of June 2020.

\_\_\_\_\_  
Incorporated Village of Hempstead  
By: Mayor Don Ryan

\_\_\_\_\_  
Hempstead Volunteer Fire Department  
By: Fire Kyle Boles

**PUBLIC HEARING @ 6:30 AM**

\_\_\_\_\_ Being held to consider entering into an agreement with the Village of Hempstead Fire Department to provide Fire protection and emergency services for the Incorporated Village of Hempstead. 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”

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

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

**NOTICE OF PUBLIC HEARING  
VILLAGE OF HEMPSTEAD**

**PLEASE TAKE NOTICE** that a public hearing will be held in the Village Hall, 99 Nichols Court, Hempstead, New York, on **Tuesday, June 23, 2020**, at **6:30 p.m.** with public participation allow on first come, first serve base to be in compliance with social distancing guidelines, 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”

The proposed local law is on file in the Office of the Village Clerk, Village Hall, 99 James A. Garner Way, Hempstead, New York, where the same may be inspected during office hours.

**ALL PERSONS INTERESTED** shall have an opportunity to be heard on said proposal at the time and place aforesaid.

BY ORDER OF THE BOARD OF TRUSTEES  
OF THE INCORPORATED VILLAGE OF HEMPSTEAD

DON RYAN, MAYOR  
PATRICIA PEREZ, VILLAGE CLERK

Dated: June 2, 2020  
D/N: June 12, 2020

## 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 ~~\$100~~ **\$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.