

City of Cortland New York

Local Law No. 3 of the year 2013

A local law amending various fines and penalties for violations of the Cortland Code.

Legislative intent: The purpose of this law is to amend the dollar amount of fines and penalties for violation of various City of Cortland laws, ordinances and regulations in order to account for inflation, and to encourage compliance with said laws ordinances and regulations.

Findings: The Common Council of the City of Cortland finds that various fines and penalties for violation of the Code of the City of Cortland (the “Code”) have not been recently updated and therefore finds it proper to adjust fines and penalties to account for inflation and in order to maintain or augment the deterrent against first-time and repeat violations of the Code.

Be it enacted by the Common Council of the City of Cortland as follows:

300-172. Penalties for offenses.

A. Any person who shall violate or fail to comply with any of the provisions of this chapter, with the exception of Section 300-171.B., or who shall violate or fail to comply with any order or regulation made thereunder, or who shall continue to work upon any building, structure or sign, or who shall continue to operate or conduct any use prohibited by this chapter, with the exception of section 300-171.B, shall be guilty of an offense and subject to a criminal penalty of a fine of \$250 or imprisonment of 150 days, or both such fine and imprisonment, or a civil penalty of a fine of \$1,000 for each offense. Each day that such violation continues to exist shall constitute a separate offense. The application of the above penalty shall be effective as the date of the service of the violation upon the property owner on his/its designated agent and not be held to prevent the enforced removal or correction of a prohibited condition as provided in Section 300-174 of this chapter, nor appropriate civil action to restrain the violation of any provision of this chapter.

B. Any person who shall violate or fail to comply with Section 300-171.B of this chapter or who shall violate or fail to comply with any order or regulation made thereunder, or who shall continue to operate or conduct any use prohibited by Section 300-171.B, shall be guilty of an offense and subject to a criminal penalty of a fine of \$500 or imprisonment of 150 days, or both such fine and imprisonment, or a civil penalty of a fine of \$2,500 for each offense. The application of the above penalty shall be effective as the date of the service of the violation upon the property owner of his/its designated agent and not be held to prevent the enforced removal or correction of a prohibited condition as provided in Section 300-174 of this chapter, nor appropriate civil action to restrain the violation of any provision of this chapter.

C. To the fullest extent authorized under the New York State General

City Law and the New York state Real Property Tax Law, the Common Council shall the authority to issue levies against the owner's real property for fines and/or fees due under this chapter.

Be it further enacted that the following existing sections be amended as follows:

Section	Title	Former Fine			Fine		
					1st	2nd	3rd
Amend 1-22	General Penalties	\$0 - \$250 or 15 Days			1st	2nd	3rd
					\$100 or 15 Days	\$175 or 15 Days	\$250 or 15 Days
Amend 74-13	Unlicensed Dog	1st	2nd	3rd	1st	2nd	3rd
		\$10	\$10/\$25	\$25/\$50	\$25	\$25/\$50	\$50/\$100
Amend 74-19a	Physical Restraint of Dog	Same as Above			Same as Above		
Amend 74-22a	Noisy Dog	Same as Above			Same as Above		
Amend 181-3	Littering	\$25 and/or 15 Days			1st	2nd	3rd
					\$50	\$100	\$250
Amend 193-2	General Prohibited	\$100-\$250 or 15 Days			1st	2nd	3rd
					\$100	\$175	\$250
Amend 193-3	Noise Prohibited	Same as Above			Same as Above		
Amend 208-2a	Consumption of Alcohol in Public	\$0 - \$250 or 15 Days			1st	2nd	3rd
					\$100	\$175	\$250
Amend 208-2b	Possession of Alcohol Open Container	Same as Above			Same as Above		
Amend 208-3	Disorderly Conduct	Same as Above			Same as Above		
Amend 220-1	Unsanitary Deposit of Waste	1st	2nd	3rd	1st	2nd	3rd
		\$0-\$50	\$150	\$250	\$100	\$175	\$250