

VILLAGE OF ISLAND PARK  
LOCAL LAW NO. 1 OF THE YEAR 2008

A local law Rental Dwelling Units

Be it enacted by the Mayor and Board of Trustees of the Village of Island Park as follows:

**Section 1. Purpose and Intent**

The Village Board of the Village of Island Park has determined that serious conditions exist in the Village of Island Park arising from the rental of dwelling units that are substandard or in violation of New York State Building Code, New York State Fire Code, New York State Fuel-Gas Code, New York State Residential Code, New York State Property Maintenance Code, New York State Plumbing Code, New York State Electrical Code. Multiple Residence Law, Building Rehabilitation Code and other codes and ordinances of the Village, are inadequate, that such dwelling units pose hazards to the safety, well—being. And property of residents of the Village and others, create blight and .tend to promote and encourage deterioration of the housing stock of the Village, exacerbate vehicle traffic and parking problems and overburden municipal services. The Board finds that current Code provisions are .inadequate to halt the proliferation of such conditions and that the public health, safety, welfare and good order and governance of the Village will be enhanced by the enactment of the regulations set forth in this Local Law, which regulations are remedial in nature and effect.

**Section 2. Applicability**

- A. Scope. This Local Law shall apply to all rental dwelling units located within the Village of Island Park whether or not the use and occupancy thereof shall be permitted under the applicable use regulations for the zoning district in which such rental dwelling, unit is located, as provided in this Local Law. Any dwelling unit or any other premises subject to this Local Law shall be presumed to be rented for a fee and a charge made if said premises are not occupied by the legal owner thereof.
- B. Applicability. The provisions of this Local Law shall be deemed to supplement applicable state and local laws, ordinances, codes and regulations. Nothing in

this Local Law shall be deemed to abolish, impair, supersede or replace existing remedies of the Village, county or state or existing requirements -of any other provision of local laws. or ordinances of the Village or county or state laws and regulations. In case of conflict between any provisions of this Local Law and any application state or local law, ordinance, code or regulation, the more restrictive or stringent provision or requirement shall prevail. The issuance of any permit or the filing of any form under this Local Law does not make legal any action or state of facts that is otherwise illegal under any other applicable legislation.

### **Section 3. Definitions**

As used in this Local Law, the following terms shall have the meanings indicated.

**ABANDONED HOUSEHOLD CONTENTS** - Furniture, furnishings, housewares, appliances and other personal property customarily found in and used in residential dwellings, which are deposited at or along said dwelling's street frontage, in part or in whole, pursuant to a duly executed warrant of eviction by legally authorized law enforcement officers and/or personnel.

**APARTMENT** - An entirely self-contained dwelling unit containing complete housekeeping facilities, including cooking facilities, for only one family. An apartment shall have no enclosed space in common with any other dwelling or apartment other than vestibules, entrances, hallways or porches.

**APARTMENT HOUSE or GARDEN APARTMENT** - A building or buildings arranged, intended or designed to be occupied by two or more individuals or families living independently of each other in apartments:

**AUTHORIZED AGENT** — Any person, organization, partnership, association,, corporation or other legally recognized entity having actual or apparent authority, to act on behalf of an owner regarding this Local Law and all state and local rules, regulations and ordinance referenced herein. It shall be a rebuttable presumption that any person, organization, partnership, association, corporation or other legally recognized entity that accepts or receives rent or any other consideration from the occupant of a dwelling unit is an authorized agent.

**BUILDING** - A structure having a roof supported by columns or walls. When separated by a party wall without openings, it shall be deemed a separate "building".

**CODE ENFORCEMENT OFFICIAL** - The official who is charged with the administration and enforcement of this Local Law, or any duly authorized representative of such person, including but not limited to the Building Inspector, Chief Building Inspector, Senior Building Inspector, Building Permits Coordinator, Zoning Inspector, Plumbing Inspector, Fire Marshal, Fire Marshal I, Fire Marshal II, Chief Fire Marshal, Village Investigator, Senior Village Investigator, Ordinance Inspector, or the Village Clerk of the Village of Island Park.

**DWELLING** - A building designed exclusively for residential purposes and arranged or intended to be occupied by one individual or one family only. A dwelling shall not have a separate entrance leading to a separated living space which contains a stove, kitchen and/or attached plumbing fixtures.

**DWELLING, MULTIPLE** - A building or portion thereof arranged, designed for or occupied by three or more families living independently of each other with separate cooking facilities. A boardinghouse, furnished—room house, dormitory, rooming house, tourist house or fraternity house is a building in which there are less than 30 sleeping rooms occupied primarily by transients who are lodged with or without meals and in which there are provided such services as are incidental to its use as a temporary residence, and is a "multiple dwelling", a dwelling occupied by one or two families with five or more transient boarders, roomers or lodgers in one or both households.

**DWELLING, TWO-FAMILY** - A building arranged, designed for one or occupied exclusively as a home or residence for not more than two families living independently of each other.

**DWELLING UNIT** - A structure or building, one-, two- or three-family dwelling -apartments, multiunit apartments, apartment houses, condominiums, cooperatives, garden apartments or townhouses, occupied or to be occupied by one or more persons as a home or residence.

**FAMILY** - One or more persons, whether or not related to each other by blood, marriage or adoption, all occupying a single, whole, legal single or one—family dwelling unit as a traditional family or the functional equivalent of a traditional family, having access to and utilizing the whole or such dwelling unit, including but not limited to all rooms and housekeeping facilities in common.

A.. In determining whether individuals are living together as a functional equivalent of a traditional family, the following criteria must be present:

- (1) The group is one which in structure and function resembles a traditional family unit; and,
- (2) The occupants must share the entire single or one-family dwelling unit and live and cook together as a single housekeeping unit. A unit in which the various occupants act as separate roomers may not be deemed to be occupied by the functional equivalent of a traditional family; and,
- (3) The occupants share expenses for food, rent, ownership costs, utilities and other household expenses; and,
- (4) The occupancy is permanent and stable. Evidence of such permanence and stability includes, but is not limited to:
  - (a) The presence of minor children regularly residing in the household who are enrolled in local schools;
  - (b) Members of the household have the same address for purposes of voter registration, drivers licenses, motor vehicle registration, filing of taxes and delivery of mail;
  - (c) Members of the household are employed in the area;
  - (d) The household has been living together as a unit for a year or more whether in the current dwelling unit or in other dwelling units;
  - (e) Common ownership of furniture and appliances among the members of the household; and
  - (f) Any other factor reasonably related to whether or not the occupants are the functional equivalent of a family.

**KITCHEN** - An area within a building which contains a sink, a refrigerator and an element utilized for heating or cooking of consumable goods. .

**MANAGING AGENT** - Any individual, business, partnership, firm, corporation, enterprise, trust, company, industry, association, public utility, or other legal entity responsible for the maintenance or operation of any rental property as defined within this Local Law.

**NEW PERMIT** - A permit which is to be issued to the owner of an intended rental premises where such premises has not been the subject of a rental occupancy permit continuously prior to the date of application for the permit.

**OCCUPANT** - A natural person who leases, uses or occupies a dwelling unit.

**OWNER** - Any person or entity in whose name the real property upon which the dwelling unit is situated is recorded in the office of the Nassau County Clerk. The person or entity in whose name the real property is recorded in the office of the Nassau County Clerk shall be presumed to be the owner thereof.

**RENEWAL RENTAL OCCUPANCY PERMIT** - A permit which is to be issued to the owner of a rental dwelling unit where such premises has been the subject of a rental occupancy permit continuously prior to the date. of application for the permit.

**RENT** - A return, in money, property or other valuable consideration (including payment in kind or for services or other thing of value) for the use and occupancy or the right to the use and occupancy of a dwelling unit, whether or not a legal relationship of landlord and tenant exists between the owner and the occupant or occupants thereof.

**RENTAL DWELLING** - A dwelling unit established, occupied, used or maintained for rental occupancy.

**RENTAL OCCUPANCY** - The occupancy or use of a dwelling unit by one or more persons as a home or residence under an arrangement whereby the occupant or occupants thereof pay rent for such occupancy and use.

**RENTAL OCCUPANCY PERMIT** - A permit which is issued upon application to the Island Park Village Clerk or her designee, and shall be valid for two years from the date of

issuance.

#### **Section 4. Rental occupancy permit required.**

A. It shall be unlawful and a violation of this Local Law for any person or entity who owns a dwelling unit in the Village to use, establish, maintain, operate, let, lease, rent or suffer or permit the occupancy and use thereof as a rental occupancy by someone other than the owner without first having obtained a valid rental occupancy permit. Failure or refusal to procure a rental occupancy permit hereunder shall be deemed a violation. This local law shall not apply to mother/daughter — father/son dwelling situations for owners in compliance under Local Law 13 of 2006.

B. A rental occupancy permit issued under this Local Law shall only be issued to the owner(s) of the real property at issue.

C. As a rental occupancy permit issued under this Local Law is not transferable, in the event that the ownership of a rental property within 30 days of the closing of title pursuant to the requirements set forth in this Local Law. If the rental dwelling is not registered as required by this Local Law, there will be a presumption that said property is being utilized as rental property by the new owner(s) in violation of this Local Law.

#### **Section 5. Application for rental occupancy permit.**

A. An application for a rental occupancy permit for a rental dwelling unit shall be made in writing to the Island Park Village Clerk or her designee, by using an obtainable Village form. Such application shall be filed and shall include the following:

- (1) The name, address and telephone number of the owner of the dwelling unit intended for rental occupancy. In the event that said dwelling unit is owned by more than one individual or entity, each owner's name, address and telephone number shall be provided. In the event that the owner, of the dwelling unit intended for rental occupancy is a corporation, partnership, limited-liability Company or other business entity, the name, address and telephone number of each owner, officer, principal, shareholder, partner and/or member of such business entity shall be provided. In the event that the owner has an authorized agent acting on his behalf, that person's name,

address and telephone number shall also be provided.

- (2) Proof of residency of each owner.
- (3) The street address and Nassau County Tax Map designation (section, block and lot or lots) of the premises intended for rental occupancy or the premises in which the rental dwelling units intended for occupancy are located.
- (4) A description of the structure, including the number of rental dwelling units in the structure.
- (5) A floor plan depicting the location, use and dimension of each room situated within the dwelling unit.
- (6) The number of persons intended to be accommodated by, and to reside in, each such rental dwelling unit.
- (7) The name of each person that is and/or will be occupying the premises intended for rental occupancy. The name of each person that is and/or will be occupying the premises intended for rental occupancy shall not be required if:
  - (a) Said rental dwelling unit is a commercial hotel/motel business operating exclusively and catering to transient clientele, that is, customers who customarily reside at these establishments for short durations for the purpose of vacationing, travel, business, recreational activities, conventions, emergencies and other activities that are customary to a commercial hotel/motel operation. For the purposes of this Local Law, a "short duration" shall be defined as not more than 21 consecutive days.
- (8) A copy of the most recent deed and real property tax bill, confirming the ownership of record of the dwelling unit. .
- (9) A copy of the certificate of occupancy or certificate of compliance for the dwelling unit.

- (10) A building permit application, properly prepared, for all proposed buildings, improvements and alterations to existing buildings on the premises, if any.
  - (11) Each application shall be executed by and sworn to under oath by the owner of the dwelling unit.
  - (12) If the owner or authorized agent of a dwelling unit resides or has his principal place of business located outside the Village of Island Park, he is required to designate an agent who resides in the Village of Island Park for the service of process of any notices set forth in this Article or for the service of process of a violation of this Local Law. The failure to provide the name and address of an agent for service of process shall be deemed a violation of this Local Law.
  - (13) A property survey of the premises drawn to scale not greater than 40 feet to one inch or, if not shown on the survey, a site plan, drawn to scale, showing all buildings, structures, walks, driveways and other physical features of the premises and the number, location and access way for existing and proposed on-site vehicle parking facilities. If this property survey is not available this requirement shall be waived.
- B. A new application for a rental occupancy permit shall be filed whenever a dwelling unit or portion thereof has become vacant and the owner intends to permit a new tenant or other person to take up residence. No additional fee will be required if the owner is registering a change in tenancy only under an existing valid rental occupancy permit.
- C. Each application for a rental occupancy permit shall be accompanied by an affidavit signed by each owner and tenant named in the application, confirming that they have received copies of all Village laws and ordinances affecting rentals, noise, vehicle parking restrictions on residential lots and refuse disposal and agree to abide by the same.
- D. Notwithstanding the above, no rental occupancy registration or permit shall be required for a residential care facility established under Federal, New York State or Nassau County guidelines or for units where occupants are in an established



care program.

#### **Section 6. Compliance with Village, County and State laws required.**

- A. No rental occupancy permit or renewal thereof shall be issued under any application unless the property shall be in compliance with all the provisions of the laws, rules, ordinances, regulations and codes of any applicable governmental authority, including but not limited to the Village of Island Park, the County of Nassau and the State of New York.

#### **Section 7. Review of application; issuance of permit.**

- A. The Island Park Village Clerk or her designee shall review each rental permit application, or rental renewal application for completeness and accuracy and prior to issuing any permit or renewal permit, shall at the election of the property owner, and with the consent of any occupant if there is one; if the Section 7A. (l) method listed below is elected; have one of the two following actions taken:
  - (1) Have a Code Enforcement official make an on-site inspection of the proposed rental dwelling unit or units as long as the owner agrees, and if there is an occupant, as long as the occupant agrees; or
  - (2) Have the owner submit complete digital photographs on a CD-Rom or DVD of the complete building and the complete outside area of the property taken within the prior 5 days along with a detailed description of each photograph explaining what each photograph shows and:
    - (a) The owner shall also submit an affidavit stating that the digital photographs and the description are true and accurate and represent the complete current condition of the premises during the prior 5 days; and
    - (b) The owner shall also meet with the Code Enforcement official at the Island Park Village Hall or at a mutually agreeable place to discuss each photograph, the description of the property and the condition of the buildings, and property to see if the

property qualifies to obtain a permit.

- B. If satisfied that the proposed rental dwelling unit or units, as well as the property on which the same are located, comply fully with all applicable laws, ordinances, rules, codes and regulations of the County, State, Village and any other applicable governmental authority and that such rental dwelling unit or units would not create an unsafe or dangerous condition or create an unsafe and substandard structure as defined in either the Village of Island Park's, the County of Nassau's, the State of New York's or any other applicable governmental authorities laws, rules, codes, regulations, and ordinances, or create a nuisance to nearby properties, then the Island Park Village Clerk or her designee, shall issue the rental occupancy permit or permits.

#### **Section 8. Term, Fees and Renewal. .**

- A. All rental occupancy permits issued pursuant to this Local Law shall be valid for a period of two years from the date of issuance. The rental fee for any permit will be \$100.00 per rental unit or as otherwise maybe determined from time to time by the Village Board of Island Park.

#### **B. Renewals.**

- (1) A renewal rental occupancy permit application signed by the owner on a form provided by the Island Park Village Clerk shall be completed and filed with the Island Park Village Clerk no later than 60 days before the expiration of any prior valid rental occupancy permit. . A renewal rental occupancy permit application shall contain a copy of the prior valid rental occupancy permit issued by the Island Park Village Clerk.
- (2) A renewal rental occupancy permit application shall contain a signed sworn statement setting forth the following
  - (a) That there are no existing or outstanding violations of any federal, state or county laws, ordinances, codes, rules or regulations, or of any Village of Island Park law, code, rule, regulation, law or ordinance pertaining to the property; and

- (b) That there are no changes to any information as provided on the prior valid rental occupancy permit registration and application. If there are changes then these changes must be made on the renewal rental occupancy permit registration and application.

**Section 9. Register of permits.**

It shall be the duty of the Island Park Village Clerk, or her designee, to maintain a register of the rental occupancy permits issued pursuant to this Local Law. Such register shall be kept by Tax Map number, license number, receipt number and street address showing the name and address of the permittee, the number of rental dwelling units at such street address, the number of rooms in each such rental dwelling unit and the date that said rental occupancy permit expires for such unit, or in an organized manner as the Island Park Clerk so establishes.

**Section 10. Authorization for inspections.**

The Code Enforcement Official is authorized to make, or cause to be made, inspections as provided for in this Local Law to determine the condition of rental dwelling units to safeguard the health, safety and welfare of the public. The Code Enforcement Official is authorized to enter, upon consent of the owner if the unit is unoccupied, or upon consent of the occupant. If the unit is occupied, any rental dwelling unit and the premises in which the same is located, at any reasonable time, or at such other time as may be necessary in an emergency, without consent of the owner, authorized agent and/or tenant for the purpose of performing his duties under this Local Law.

**Section 11. Application for search. warrant.**

The Code Enforcement official is authorized to make application to the Village Justice Court of the Village of Island Park or the District Court of Nassau. County or any Court of competent jurisdiction for the issuance of a search warrant to be executed by a police officer, in order to conduct an inspection of any premises covered by this article where the owner or occupant refuses or fails, after due notice by certified mail, to allow a physical inspection where one is deemed necessary by the Code Enforcement official of the rental dwelling unit or premises, and where there is reasonable cause to believe that there is a violation of the codes, laws, ordinances, rules, or regulations of the Village of

Island Park, or the County of Nassau or the State of New York. The application for a search warrant shall, in all respects, comply with applicable laws of the State of New York.

### **Section 12. Search without warrant restricted.**

Nothing in this Local Law, except for provisions concerning emergency inspections, shall be deemed to authorize the Code Enforcement Official to enter any property to conduct an inspection of any premises without the consent of the owner and the consent of the occupant, if there is one. Otherwise, a warrant duly issued by a court of competent jurisdiction is required.

### **Section 13. Change of occupancy prohibited. .**

No change of occupancy or use shall be made in a building hereafter erected or altered that is not consistent with the last—issued certificate of occupancy for such building unless a new certificate of occupancy is secured. In the case of an existing building, no change of occupancy that would bring it under some special provision of this Local Law shall be made unless the Island Park Village Clerk, or her designee, upon physical inspection of the premises, finds that such building conforms substantially to the provisions of all applicable laws, regulations, rules, ordinances and codes including those of the Village of Island Park, the County of Nassau and the State of New York with respect to the proposed new occupancy and use. Additionally no new certificate of occupancy may be issued without following the other normal practices and procedures established in the Village of Island Park.

### **Section 14. Abandoned household contents.**

- A. Duty to keep frontage of dwelling unit property free and clear of abandoned household contents and Village's authority to remove. The owner, authorized agent, managing agent and/or occupant of a dwelling unit which is or was being used as a rental dwelling shall maintain such property frontage, including but not limited to the front yard and/or the contiguous right-of-way, free of abandoned household contents as defined in this Local Law. In the event that abandoned household contents as defined in this Local Law are located upon or contiguous with the frontage and/or abutting right-of-way of a lot or parcel of land, for a period in excess of 48 hours, the Village is hereby

authorized, as provided for herein, to enter upon such property, if necessary, to remove said abandoned household contents so located, to assess the cost and expense of such undertaking against the property and to establish a lien as herein provided.

- B. Inspection and report. Upon notification that abandoned household contents are located on or along the property frontage of a rental dwelling unit and/or the right-of-way contiguous thereto, the Code Enforcement Official may make an inspection from off the premises and report his findings concerning the same to the Village Board or Village Clerk.
- C. Notice. If the Code Enforcement Official shall find that abandoned household contents are located on or contiguous to the frontage of rental dwelling unit property, he may make an order, directing notice to be served upon the owner of said property as appears in the records of the Receiver of Taxes of the Village.
- D. Contents of notice. The notice shall contain a general description of the property, a statement of the particulars with regard to the violative condition(s) existing at the rental dwelling unit property and an order requiring that the abandoned household contents existing on or contiguous with the property, and/or its frontage be removed. The notice shall specify a time, not less than 48 hours after the service thereof, within which the owner served with such notice shall complete the removal of the abandoned household contents from the property or along the frontage or the contiguous right-of-way as specified in the notice. The notice shall further state that, in the event that the cited condition is not eliminated within the time specified in the notice, the Village shall undertake to enter upon the property, if necessary, to remove the abandoned household contents and assess the cost of such removal against said property.
- E. Service of notice. The notice may be served either personally or by certified mail, addressed to the last known address, if any, of the owner as the same may appear on the records of the Receiver of Taxes of the Village, provided however, that if such service is made by certified mail, a copy thereof shall also be posted on the property where the abandoned household contents are located. Service of the notice by mail and posting shall be deemed completed on the day on which both the mailing and the posting will have been accomplished.

- F. Failure to comply. Upon failure of the owner of the rental dwelling unit to comply with the notice within the time provided therein, the Village may provide such labor and materials as are necessary for removing the abandoned household contents from said property or its frontage or contiguous right-of-way and may cause such work to be performed as will remove the abandoned household contents from the property.
  
- G. Assessment of costs and expenses. All costs and expenses incurred by the Village in connection with the removal of the abandoned household contents from said property or its frontage or contiguous right-of-way shall be assessed against the subject land or lot. An itemization of such costs shall be provided to the Village Board by the Code Enforcement Official. The total costs and expenses shall then be determined by the Village Board and shall be reported to the Assessor for the Village as the amount to be liened and assessed against the property, and the expense so assessed shall constitute a lien and charge on the property on which it is levied until paid or otherwise satisfied or discharged and shall be collected in the same manner and at the same time as other Village charges.

#### **Section 15. Confidentiality of rental registration.**

Under New York State Public Officers Law §87(2) (b), rental registration forms, and that portion of the rental occupancy permit application required, shall be exempt from disclosure under the Freedom of Information Law on the grounds that such disclosure would constitute an unwarranted invasion of personal privacy. The Code Enforcement Official will institute strict policies to ensure that such information is available only to Village personnel who are engaged in the enforcement of the provisions of this Local Law.

#### **Section 16. Broker's responsibility prior to listing. .**

It shall be unlawful and a violation of this Local Law for any person, broker or agent to list, show or otherwise offer for lease, rent or sale on behalf of the owner or authorized agent any dwelling unit for which there is not in effect a valid current rental occupancy permit issued by the Village Clerk or her designee, in any situation where a rental occupancy permit is required by this Local Law. The aforesaid person, broker or agent has a duty to verify the existence of a valid rental occupancy permit where one is required.

## Section 17. Presumptive evidence of violations of this Local Law.

- A. It shall be presumed that a single or one-family dwelling unit is occupied by more than one family if the Code Enforcement Official authorized to enforce or investigate violation of this Local Law; or any laws, codes, rules, ordinances and regulations of the State of New York finds that it contains more than one kitchen or if two or more of the following features are found to exist on the premises:
- (1) More than one mailbox, mail slot or post office address;
  - (2) More than one doorbell or doorway on the same side of the dwelling unit;
  - (3) More than one gas meter;
  - (4) More than one electric meter;
  - (5) More than one connecting line for cable television service;
  - (6) More than one antenna, dish antenna or related receiving equipment;
  - (7) Separate entrances for segregated parts of the dwelling unit, including but not limited to bedrooms;
  - (8) Partitions or internal doors with locks which may serve to bar access between segregated portions of the dwelling unit among its owner(s) and occupants;
  - (9) Separate written or oral leases or rental arrangements, payments or agreements for portions of the dwelling unit among its owner(s) and occupants;
  - (10) The inability of any occupant to have lawful access to all parties of the dwelling unit; or
  - (11) A separate entrance leading directly to a separated living space containing a bathroom.

- B. All of the foregoing may be rebutted by evidence presented to the Code Enforcement Official or any court of competent jurisdiction.

**Section 18. Presumptive evidence dwelling unit is rented.**

- A. The presence or existence of any of the following shall create a presumption that a dwelling unit is rented:
  - (1) The dwelling unit is occupied by someone other than the owner and the owner of the dwelling unit represents in writing or otherwise to any person, establishment, business (institution or government agency that he resides at an address other than the dwelling unit in question.
  - (2) Persons residing in the dwelling unit represent that they pay rent to the owner of the premises.
  - (3) Utilities, cable, telephone or other services are in place or are requested to be installed or used at the dwelling unit in the name of same one other than the owner.
  - (4) Testimony by a witness that is common knowledge in the community that a person other than the owner resides in the dwelling unit.
- B. All of the foregoing may be rebutted by evidence presented to the Code Enforcement Official or any court of competent jurisdiction.

**Section 19. Presumptive evidence of owner's residence.**

- A. It shall be presumed that an owner of a dwelling unit does not reside within said dwelling unit if one or more of the following sets forth an address which is different than that of the dwelling unit:
  - (1) Voter registration;



- (2) Motor vehicle registration;
- (3) Driver's license; or
- (4) Any other document filed with a public agency.

B. All of the foregoing may be rebutted by evidence presented to the Code Enforcement Official or any court of competent jurisdiction.

**Section 20. Revocation of permit.**

- A. The Code Enforcement official may revoke a rental dwelling permit where it appears that the permit holder has caused, permitted, suffered or allowed to exist and remain upon the premises for which such permit has been issued, for a period of 10 days or more after written notice has been provided to the permit holder or the managing agent of such rental dwelling unit, of a violation of the Multiple Residence Law, the New York State Uniform Fire Prevention and Building Codes, the Nassau County Fire Prevention Ordinance, or a violation of the laws, rules, codes, ordinances or regulations of the Village of Island Park, the County of Nassau or the State of New York.
- B. An appeal from such revocation may be taken by the permit holder to the Board of Trustees, by written request, made within 30 days from the date of such revocation. The Board of Trustees shall hold a public hearing on such appeal within 30 days after receipt of written notice of such appeal and after such hearing may make written findings, conclusions, and a decision either sustaining such permit revocation or reinstating such permit within 30 days after close of such public hearing.

**Section 21. Penalties for offenses.**

- A. Any person, association, firm or corporation that violates any provision of this Local Law or assists in the violation of any provision of this Local Law shall be guilty of a violation punishable:

- (1) By a fine not exceeding \$2,000, or by imprisonment for a period not to exceed 15 days, or both, for conviction of a first offense.
- (2) By a fine not exceeding more than \$3,000, or by imprisonment for a period not to exceed 15 days, or both, for conviction of the second of two offenses, both of which were committed within a period of five years.
- (3) By a fine not exceeding more than \$5,000, or by 12 imprisonment for a period not to exceed 15 days, or both, for conviction of the third or subsequent offenses of a series of offenses, all of which were committed within a period of five years.

**Section 22. Administration.**

If any clause, sentence, paragraph, section or part of this Local Law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in said judgment.

**Section 23. Effective dates.**

The new Local Law shall take effect on April 1, 2008 after having first been filed with the New York Secretary of State.