

**§ 310-94. Penalties for offenses. [Amended 10-9-1962; 3-14-1989 by L.L. No. 6-1989; 7-9-2024 by L.L. No. 7-2024]**

- A. Any owner, lessee, contractor, corporation, architect, builder, engineer, surveyor, agent, employee, or other natural or non-natural person, or the agent or employee of any of them, who uses or maintains or causes to be used or maintained any building or premises or any part thereof in the Village for any purpose other than the uses permitted therefor in this chapter or who erects, enlarges, alters, or maintains or causes to be erected, enlarged, altered, or maintained any building or any part thereof in the Village, except in conformity with the provisions of this chapter, or who uses or maintains or causes to be used or maintained any building or any part thereof in the Village which has been erected, enlarged, or altered other than in conformity with the provisions of this chapter or who otherwise violates or causes to be violated any provision of this chapter shall, upon conviction thereof, be guilty of a violation under this Code (and not pursuant to the Penal Law of the State of New York) and subject to punishment as follows:
- (1) First offense, by a fine not less than \$500, not to exceed \$1,000, or by imprisonment not exceeding 15 days, or both. The penalty for a corporate offender's first offense, by fine not less than \$2,500, not to exceed \$5,000, or any higher amount not exceeding double the amount of the corporation's gain from the commission of the offense. Each day that any such violation shall continue or exist shall constitute a separate and distinct offense hereunder.
  - (2) For a second offense within five years after a conviction of a first offense, by a fine not less than \$1,500, not to exceed \$2,500, or by imprisonment not exceeding 15 days, or both. The penalty for a corporate offender's second offense, by fine not less than \$7,500, not to exceed \$15,000, or any higher amount not exceeding double the amount of the corporation's gain from the commission of the offense. Each day that any such violation shall continue or exist shall constitute a separate and distinct offense hereunder.
  - (3) For a third offense within five 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 \$4,000, not to exceed \$6,000, or by imprisonment not exceeding 15 days, or both. The penalty for a corporate offender's third offense, by fine not less than \$25,000, not to exceed \$50,000, or any higher amount not exceeding double the amount of the corporation's gain from the commission of the offense. Each day that any such violation shall continue or exist shall constitute a separate and distinct offense hereunder.
- B. In addition to those penalties prescribed above, any person who violates any provision of this chapter shall be liable to a civil penalty not to exceed \$50,000. The civil penalty provided by this subsection shall be recoverable in an action instituted in the name of the Village of Scarsdale.
- C. If any person fails to abate any violation of this chapter within five calendar days after written notice has been served personally upon said person or within 10 days after written notice has been sent to such person by registered mail at such person's home or business address, the Building Inspector may revoke any building permit or certificate of occupancy for any building or structure on the premises on which such violation occurs, and such person shall be subject to a civil penalty in a minimum amount of \$1,000 not to exceed \$2,500 for each

and every day that such violation continues, recoverable by suit brought by the Village and to be retained by it.

- D. A civil action may also be commenced in the name of the Village of Scarsdale seeking to disgorge profits realized by any person who violates any provision of this chapter.
- E. Any violation of this chapter may also be enjoined pursuant to law.
- F. The remedies provided for herein shall be cumulative and shall be in addition to any other remedies provided by law.