

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

STATE OF NEW YORK
DEPARTMENT OF STATE
FILED
SEP 02 2003

County _____
City of CLYDE, NEW YORK
Town _____
Village _____

**MISCELLANEOUS
& STATE RECORDS**

Local Law No. 04 of the year 20 03

A local law ALTERNATIVE ENFORCEMENT PROCEDURES FOR CERTAIN CODE VIOLATIONS
(Insert title)

Be it enacted by the Board of Trustees of the
(Name of Legislative Body)

County _____
City of CLYDE, NEW YORK as follows:
Town _____
Village _____

SEE ATTACHED

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(Complete the certification in the paragraph that applies to the riling of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the (County) (City) (Town) (Village) of _____ was duly passed by, the _____ on _____ 20 _____, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. 04 of 20 03 of the ~~(County) (City) (Town) (Village)~~ of CLYDE, NEW YORK was duly passed by the Board of Trustees on August 22 20 03 and was (approved) ~~(not approved)~~ ~~(repassed after disapproval)~~ by the Mayor (Elective Chief Executive Officer*) and was deemed duly adopted on August 22 20 03, in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the (County) (City) (Town) (Village) of _____ was duly passed by the _____ on _____ 20 _____, and was (approved) (not approved) (repassed after disapproval) by the _____ (Elective Chief Executive Officer*) on _____ 20 _____. Stich local law was submitted to the people by reason of a (mandatory) (permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general) (special) (annual) election held on _____ 20 _____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the (County) (City) (Town) (Village) of _____ was duly passed by the _____ on _____ 20 _____, and was (approved) (not approved) (repassed after disapproval) by the _____ (Elective Chief Executive Officer*) on _____ 20 _____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20 _____, in accordance with the applicable provisions of law.

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with tile power to approve or veto laws or ordinances

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special) (general) election held on _____ 20____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(if any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph ²____, above.

Frances M Burt
Clerk of the county legislative body, ~~City~~, ~~Town~~ or Village Clerk or Officer designated by local legislative body

Date: 8/27/03

(Seal)

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK _____
COUNTY OF Wayne

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

[Signature]
Signature

Village Attorney
Title

County _____
City of Clyde, New York
Town _____
Village _____

Date: 8-26-2003

Sec. 110 : Alternative Enforcement Procedures for Certain Code Violations

It is the intent of this Section to establish alternative methods and procedures for enforcement of certain violations of the Fire Code and Property Maintenance Code of New York State. It is the intent that these alternative procedures will help protect the health, safety, welfare, comfort and convenience of the public and the occupants of buildings by allowing expedient corrective action to be taken by the Village to abate such code violations.

A. AUTHORITY

The Code Enforcement Officer shall have the authority to use the alternative enforcement procedures contained herein, in addition to or substitute of any other enforcement procedures that may be available to him or her through State or Local Law.

B. DEFINITIONS

The following definitions shall be used in the administration and enforcement of this Section:

1. "Code Enforcement Officer" shall mean the person or persons charged with the enforcement of the New York State Uniform Code, and more specifically the Fire Code and/or Property Maintenance Code of New York State.
2. "Corrective Action" shall mean any one or more of the following:
 - a. The mowing, removal or destruction of dry or excessively tall weeds or grass, noxious vegetation, or other hazardous plant growth.
 - b. The removal, repair, or securing in place of any loose, fallen, damaged or deteriorated building component which by reason of location or condition imperils persons or property.
 - c. The removal, collection or disposal of any junk, rubbish, garbage or debris.
 - d. The draining and/or securing of abandoned, illegal, unattended or unsecured swimming pools.

- e. The securing of vacant, abandoned, condemned, unsafe or unattended buildings to prevent unauthorized entry.
- f. The filling, capping or securing of abandoned or unused wells, pits, cisterns or excavations.
- g. The extinguishment of unauthorized fires.
- h. The removal or repair of unsafe or defective conditions on public sidewalks, including but not limited to ice and snow.

C. APPLICABLE VIOLATIONS.

The Code Enforcement Officer may use the alternative enforcement procedures contained in this Section for violations of the following sections of the Fire Code or Property Maintenance Code of New York State:

- 1. Fire Code of New York State:
 - a. Sec. 110 - Unsafe Structures and Equipment
 - b. Sec. 304 - Combustible Waste Material
 - c. Sec. 305 - Ignition Sources
 - d. Sec. 307 - Open Burning
 - e. Sec. 311 - Vacant Premises
- 2. Property Maintenance Code of New York State:
 - a. Sec. 108 - Unsafe Structures and Equipment
 - b. Sec. 302 - Exterior Property Areas
 - c. Sec. 303 - Exterior Structure
 - d. Sec. 305 - Rubbish and Garbage

D. NOTICE OF VIOLATION.

When it is intended that this local law should be used to enforce violations, the Notice of Violation shall comply with the requirements of this Section.

- 1. The notice of violation shall, in addition to any other information required by law, contain the following statement: "In case of failure or refusal to comply with this notice on or before the expiration of five (5) business days from the date of this notice, as the case may be, the Village of

Clyde, acting through its duly authorized agents, servants, contractors, officers and employees, will enter upon your land and take corrective action to abate the violation(s). The expense incurred by the Village, plus an administrative fee of 50 percent or twenty-five dollars (\$25.00), whichever is greater, will be billed to you, and if not paid within 45 days, will be assessed against the above-described land, and shall constitute a lien thereon and shall be added to the next real property tax levied against the property by the Village and collected as provided by law. You are hereby responsible for all charges incurred due to the abatement of the violation(s). You may make a signed, written request for an appeal of this matter before the Village Board of Trustees. Any such appeal must be received by the Village Clerk before the expiration of the aforesaid five (5) business days. Any such appeal will stay corrective action being taken until such time as your appeal has been heard.

2. The notice of violation may be served personally, or by certified mail, and by posting of the violation notice in a conspicuous place on the property affected.
3. The Code Enforcement Officer shall not be required to issue a notice of violation and may take immediate corrective action for any applicable violation which causes imminent danger to public health or safety (including unauthorized open fires), or for any violation existing within any public right-of-way for over 24 hours. Any such conditions shall be documented by photographs whenever practicable, prior to corrective action being taken.

E. HEARING BEFORE BOARD OF TRUSTEES

1. Any person feeling aggrieved by a notice of violation may, within five (5) business days of the date of such notice, request a hearing before the Village Board of Trustees. Such request shall be in writing, and signed by the person seeking the hearing, and must be served upon the Village Clerk.
2. A request for hearing before the Board of Trustees shall stay corrective action under the terms of this Section until such time as the Board of Trustees has held a hearing on the matter.
3. If a hearing is requested, it shall be scheduled not more than 30 business days from the date the

request was received by the Village Clerk.

4. Upon commencement of a hearing allowed under this Section, the aggrieved party shall have the opportunity to address the board and state their case for modification of the Code Enforcement Officer's order. The Board of Trustees shall have the authority to overrule or uphold the Code Enforcement Officer's order. Any overruling of the Code Enforcement Officer's order shall apply only to corrective action as defined in this local law, and shall not be deemed to prohibit any other enforcement action as may be taken in accordance with applicable laws. Furthermore, no overruling of the Code Enforcement Officer's order shall be construed as evidence of code compliance, and shall not be deemed to allow the continuation of non-compliant conditions. It shall be appropriate for the Board of Trustees to allow an extension of the timeframe for compliance of an upheld order, not to exceed forty-eight (48) hours from the time of hearing.

F. CORRECTIVE ACTION UPON NON-COMPLIANCE.

Upon failure of any owner, person or agent to comply with a notice of violation within the timeframe given, or in the event the aggrieved party requests a hearing and the Board of Trustees upholds the Code Enforcement Officer's order, the Code Enforcement Officer shall have the authority to take corrective action against the property to abate the violation(s). Corrective action may be taken by either Village employees or contractors, and the total costs, plus an administrative fee of 50 percent or twenty-five (\$25.00), whichever is more, shall be billed to the owner of the real property. If not paid within 45 days, said bill shall be assessed upon the real property at which the corrective action was taken, and shall constitute a lien and charge upon the real property on which it was levied, until paid or otherwise satisfied or discharged, and shall be collected by the Village Treasurer in the manner provided by law for the collection of real property taxes.

G. VALIDITY SAVING CLAUSE.

If invalidity of any clause, sentence, paragraph or provision of this Local Law shall not invalidate any other provision, sentence, paragraph or part thereof.