

# 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 use italics or underlining to indicate new matter.

STATE OF NEW YORK  
DEPARTMENT OF STATE  
**FILED**  
DEC 22 2003  
MISCELLANEOUS  
& STATE RECORDS

Village of Carthage

Local Law No. 4 of the year 2003

A local law to oversee the demolition of buildings.  
*(Insert Title)*

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

~~County~~  
~~City~~  
of  
~~Town~~  
Village

Carthage

as follows:

Article 1. - Authority. The Board of Trustees of the Village of Carthage pursuant to the authority granted under Article 4 of the Town Law and Sections 10 and 20 that Municipal Home Rule Law of the State of New York hereby enacts as follows:

Article 2. - Statement of Purpose and Finding. The Board of Trustees the Village of Carthage hereby finds that numerous issues involving safety and public welfare arise in conjunction with the demolition of buildings. To oversee this process The Village finds that the issuance of a permit is necessary to ensure proper and safe demolition of structures. The Village will incur certain administrative fees and expenses, which are necessary in order to ensure that the process of demolition or removal of buildings is handled in a proper and safe manner. It is the purpose of this local law to establish a policy for the removal and demolition of buildings including the obtaining of permits and establishing fees and penalties.

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

Article 3. - Enactment. The Board of Trustees of the Village of Carthage hereby enacts a new Chapter 51 to the Village of Carthage Code known as Building Demolition and Removal as follows:

Section 51-1 permit required. All persons who wish to demolish a structure in the Village of Carthage must obtain a demolition permit from the Village's Code Officer prior to commencing such demolition.

Section 51-2 permits requirements.

Prior to obtaining a permit applicant must establish that they have called Dig Safely New York at 1-800-962-7962.

All gas, electric, sewer, water and other existing service connections shall be discontinued by the appropriate utility company.

Applicant may demonstrate the provisions have been made for salt and run off control.

If deemed necessary the Code Enforcement Officer may require an asbestos survey be done. Such survey shall meet DEC and OSHA requirements and if asbestos is found it must be removed in a manner consistent with DEC and OSHA requirements.

If the structure has an existing basement, cellar or crawl space below ground level the perimeter walls must be demolished two (2) feet below grade to allow finish grading. In sloped or hilly areas grade shall be established so that it continues grade line connects from lower to higher grade. Any existing basement or cellar floors must be fractured and cracked as to allow for natural drainage and to prevent pooling of water.

Only masonry material may be used as fill on demolition other than single and double family homes as per New York State Department of Environmental Conservation regulations.

Final grading must be accomplished with a granular material no larger than 3 inches for topsoil and seed.

Demolition must be completed within 30 days of issuing a permit unless extenuating circumstances necessitate an extension to be approved by the Code Officer.

Section 51-3 Penalties. Any person who engages in demolition work without first obtaining a permit or does not complete demolition work in accordance with the provisions of any permit issued shall be guilty of a violation as defined under the penal law of the State of New York and shall be declared to pay a fine of not less than \$100.00 but no more than \$250.00 for each such violation. In this respect each such day that a violation occurs shall be considered a separate violation.

Section 51-4 Fees. The Village Board of the Village of Carthage may establish fees for demolition permit which fees may be established from time to time by resolution by the Village Board. The initial fee shall be \$10.00 per 1000 square feet of space to be demolished.

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Article 4. - Severability Should any sections or provisions of this local law be declared invalid, such decision shall not affect the validity of the remaining portions of this local law.

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Article 5. Eligibility Date This local law shall become effective after the filing in the office of the Secretary of State of the State of New York.

(Complete the certification in the paragraph that applies to the filing 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. 4 of 20 03 of the ~~(County)(City)(Town)~~ (Village) of Carthage was duly passed by the Village Board on 12/15 2003, in accordance with the applicable provisions of law.

**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. \_\_\_\_\_ 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 \_\_\_\_\_ and was deemed duly adopted on \_\_\_\_\_ 20 \_\_\_\_\_, 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 \_\_\_\_\_ on \_\_\_\_\_ 20 \_\_\_\_\_. Such 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 \_\_\_\_\_ 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 the power to approve or veto local 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 \_\_\_\_\_, above.

*Doris N. Wei*

Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

(Seal)

Date: December 16, 2003

(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 Jefferson

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

Carthage

Village

Date: December 16, 2003