

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.

County City Town Village
(Select one:)

of HERKIMER

STATE OF NEW YORK
DEPARTMENT OF STATE
FILED

APR 09 2013

Local Law No. 2 of the year 2013

MISCELLANEOUS
& STATE RECORDS

A local law Registration and Posting of Owner and Manager
(Insert Title)

Information and Designation of Agent

Be it enacted by the BOARD OF TRUSTEES of the
(Name of Legislative Body)

County City Town Village
(Select one:)

of HERKIMER

as follows:

(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 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. 2 of 2013 of the (County)(City)(Town)(Village) of Herkimer was duly passed by the BOARD OF TRUSTEES on April 2 2013, 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) (Name of Legislative Body) (repassed after disapproval) by the _____ and was deemed duly adopted (Elective Chief Executive Officer*) 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) (Name of Legislative Body) (repassed after disapproval) by the _____ on _____ 20____. (Elective Chief Executive Officer*)~~

~~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) (Name of Legislative Body) (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.)

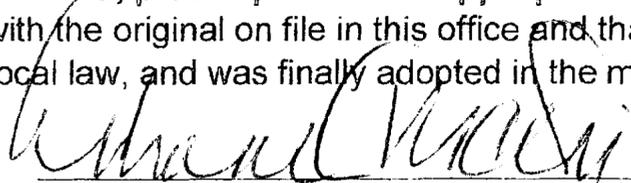
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified 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.



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

Date: 4/4/13

(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 HERKIMER

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

Title Village Attorney

County

City of Herkimer

Town

Village

Date: 4-3-13

LOCAL LAW 2 OF 2013

VILLAGE OF HERKIMER, COUNTY OF HERKIMER

A LOCAL LAW ENTITLED "REGISTRATION AND POSTING OF OWNER AND
MANAGER INFORMATION AND DESIGNATION OF AGENT"

Section 1. Legislative Intent

It is recognized by the Village Board that a number of properties in the Village are owned by persons who do not live in the Village of Herkimer or in the County of Herkimer. As a result, it has been difficult for Village Departments, such as the fire department, department of public works, water department, police department, as well as the code enforcement and zoning officer, to contact the absentee officers when necessary. The Village Board recognized the need for such departments and officials to contact the owner and/or manager of a property located within the Village, particularly in emergency situations. In order to facilitate such contact with the owners and/or property managers, these provisions are being enacted to require the registration with the Village and posting in the building on such properties of the names, addresses and telephone numbers of such property and property managers so as to provide the Village and its various departments with accessible and accurate information concerning the property and the person or persons to contact should there be a problem or emergency at the property.

Section 2. Definitions

For the purpose of this local law, the terms used herein are defined as follows:

ACTION or PROCEEDING. Any action or proceeding which may be instituted in the Village Court of the Village of Herkimer in connection with an alleged violation of any of the local laws, rules or regulations of the Village of Herkimer.

BUILDING. Any improved real property located within the Village of Herkimer which, in whole or in part, is non-owner occupied.

OWNER. Any individual or individuals, partnership or corporation, whether for profit or otherwise, in whose name title to a building stands.

PROCESS. A summons or any notice, mandate or other paper or process issued under any provision of the Building Code and/or ordinances of the Village of Herkimer.

VILLAGE CLERK. Either the Village Clerk or the Deputy Village Clerk of the Village of Herkimer.

Section 3. Registration of owner and designation of agent

A. Every owner of a building, as herein defined located within the Village of Herkimer shall file:

1. A notarized statement of designation signed by the said owner setting forth the name and address, by street and number also, if applicable a mailing address if different, in the County of Herkimer, or otherwise within thirty five (35) miles of the Village of Herkimer, of an agent upon whom process may be served in any action or proceeding which may be commenced or instituted against said owner. A post office box number alone is not

sufficient to comply with this provision.

2. A notarized statement by the said owner setting forth the name, telephone and address, by street and number, as well as the mailing address if different of the owner, owners, of the property.

3. A notarized designation signed by the said owner naming the Village Clerk, as the agent upon whom process against the owner may be served, and the post office address, within or without the Village of Herkimer to which the Village Clerk may mail a copy of any process against such owner served upon the Clerk.

B. Whenever process is served upon the Village Clerk, the Clerk shall promptly mail, by certified mail, addressed to the agent named in said designation at the address therein set forth, a true copy of said process.

Section 4. Certificate of Ownership.

Attached to such statement and designation shall be a certificate properly certified by the owner that he is the owner of the premises with respect to which such statement or designation is filed.

Section 5. Posting of Notice.

Every owner of a building within the Village of Herkimer shall post, and keep posted in a conspicuous place in a main public area in said building, a notice, at least six by eight (6x8) inches in size, setting forth:

1. The name, address and telephone number of the owner of

said building.

2. The name, address and telephone number of the person, firm or corporation responsible for the management of the building.

3. The name, address, apartment number and telephone number of the resident superintendent of the building, if any.

B. Exception. In the event that a building is:

1. A one family house, such notice need not be posted. The owner shall furnish tenant with the information required in Section 3A1 & 3A2 above.

2. A two or three family house and the owner of the building resides in the building, such notice need not be posted, but the owner shall furnish each tenant with the information required in Subsection A2 above.

C. In the event of a change of ownership, a change of the designated agent or a change of the resident superintendent of such building, the owner of the property shall file with the Village Clerk new designations of agent and also naming the Village Clerk to receive process and shall post a revision of the required notice in the building and file a copy of same with the Village Clerk within thirty (30) days of any such change.

6. Penalties for offenses.

Any person, firm or corporation who violates, disobeys, neglects or refuses to comply with any of the terms of this chapter shall be guilty of a violation and be subject to a fine of not less than one

hundred (\$100.00) dollars and not more than five hundred (\$500.00) dollars. Each week a violation continues shall be deemed a separate offense.

7. **Severability.**

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

8. **Repealer.**

All local laws or ordinances, or parts of local laws or ordinances, in conflict with any part of this Local Law are hereby repealed.

9. **Effective date.**

This local law shall take effect upon filing in the office of the New York State Secretary of State or as otherwise provided by law.