Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
41 STATE STREET, ALBANY, NY 12231

(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 of Starkey
~~Village~~

STATE OF NEW YORK
DEPARTMENT OF STATE
FILED
DEC 28 2007
& STANDARDS

Local Law No. 1 of the year 2007

A local law Unsafe or Dangerous Buildins and Mechanical Equipment.

Be it enacted by the Town Board of the

~~County~~
~~City~~
Town of Starkey as follows:
~~Village~~

See Schedule "A", which is attached hereto and made a part hereof.

(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. 1 of 20 07 of the (County)(City)(Town)(Village) of Starkey was duly passed by the Town Board on 12/6 20 07, 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. _____ 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.

(Name of Legislative Body)

(Elective Chief Executive Officer)*

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.

(Name of Legislative Body)

(Elective Chief Executive Officer)*

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.

(Name of Legislative Body)

(Elective Chief Executive Officer)*

* 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 1, above.

Sue A. Crans

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

(Seal)

Date: December 7, 2007

(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 Onondaga

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

Atty for the Town

Title

County
City of
Town
Village Stuyvesant

Date: 12/27/07

Local Law # 1 2007

Town of Starkey

Unsafe or Dangerous Buildings and Mechanical Equipment Law

Section 1. Purpose and Authority

The purpose of this law is to protect the safety, health, welfare, and general well being of the residents of the Town by requiring that dangerous buildings be either demolished or removed. This Law is adopted pursuant to Town Law Section 130(16)

Section 2. Unsafe or Dangerous Buildings and Mechanical Equipment Defined

Unsafe or Dangerous building and/or equipment means a building, and mechanical equipment associated with the building, structure or portion thereof that presents a reasonable and objective danger to the health, safety and general welfare of the public because the building, and/or equipment, structure or portion thereof;

A. Has a condition that is or is likely to make the building or portion thereof structurally unsound;
B. Is abandoned and is open at the doorways or windows or walls.
C. Is a place of rodent infestation; or
D. Consists of debris, rubble or parts of buildings and/or equipment left after demolition, reconstruction, fire or other casualty.

Section 3. Restrictions

No person shall own or occupy an unsafe or dangerous building and/or equipment in the town.

Section 4. Inspections required

When a potential unsafe or dangerous building and/or equipment is identified as existing in the town, the director of building inspections and code enforcement shall;

A. Request the permission of the property owner or other persons with authority over the potential unsafe or dangerous building and/or equipment to formally inspect the potentially unsafe or dangerous building and/or equipment and to complete such inspection in a timely manner.
B. In the absence of the authority pursuant to subsection A of this section, take the necessary action to complete the required inspection including an application to a court of competent jurisdiction for an administrative search warrant.

C. Upon completion of the inspection, make a determination whether such building, and/or equipment structure or portion thereof is an unsafe or dangerous building and/or equipment.

Section 5. Reports and Notices

A. When a determination has been made pursuant to Section 4 that an unsafe or dangerous building and/or equipment exists, a written report shall be prepared. Such written report shall be filed with the Town Clerk and presented to the Town Board. This written report shall contain the following;
   1. The name of the property owner as it appears on the tax records for the town.
   2. A description of the unsafe or dangerous building and/or equipment and its location;
   3. A statement of the particulars causing the building, structure, or portion thereof to be an unsafe or dangerous building and/or equipment.

B. Upon the receipt of the written report presented pursuant to subsection A of this section, the Town Board shall send a notice to the owner of the unsafe or dangerous building and/or equipment in accordance with subsection C of this section and shall order that a hearing be held in accordance with Section 6.

C. Notice. The written notice issued pursuant to Subsection B of this section shall be filed with the Town Clerk and shall;
   1. Contain the following;
      a. The date, time and place of the hearing set by the Town Board pursuant to subsection B of this section and
      b. A notice that the Town Board may issue an order that the unsafe or dangerous building and/or equipment be repaired within thirty (30) days of the date of the order or such other later date as determined by the Town Board, or
      c. A notice that the Town Board may issue an order that the unsafe or dangerous building and/or equipment be demolished within thirty (30) days of the date of the order or such other later date as determined by the Town Board, and
      d. A copy of the report referenced in subsection A of this section.
   2. Be served on the owner of the subject property as shown by the records of the town receiver of taxes or County Clerk's office or County Register.
      a. Either personally or
      b. By U.S. registered mail, return receipt requested, if after a good faith effort to serve the property owner personally fails or if the property owner is not known or available for personal service in the County of Yates;
   3. Be posted on the property containing the unsafe or dangerous building and/or equipment.

Section 6. Hearing Process

A. The hearing shall be set seven days from the date of the notice issued pursuant to Section 5 (B), unless an imminent danger to health, safety or welfare exists as determined by the Town Board. The property owner or any other interested party may appear to offer evidence or make comment on the notice and orders issued pursuant to Section 5 (C).
B. Within fifteen (15) days after the completion of the hearing held pursuant to Section 5 (B). The Town Board shall file with the Town Clerk a written decision regarding the unsafe or dangerous building and/or equipment.
C. In issuing its decision, the Town Board may order the repair or removal of the unsafe or dangerous building and/or equipment, or make such further order as required under the circumstances.
D. The decision made pursuant to this section shall be served upon the property Section owner pursuant to Section 5(C) (2).

7. Removal of an Unsafe or Dangerous Building and/or Equipment

A. In complying with a repair or removal order issued by the Town Board under this chapter, the property owner shall obtain all requisite permits to perform the work. Such work shall be inspected in accordance with Section 5 of Local law Number 2 2007
B. In the event that the property owner refuses, fails or neglects to comply with a repair or removal order issued under this Local Law, the Town Board shall order that such unsafe or dangerous building and/or equipment be repaired or removed by town employees or may contract for its removal provided the Town Board obtains a court order authorizing the repair or removal.

Section 8. Assessment of Expenses

The expenses incurred by the Town for any action taken pursuant to this chapter including but not limited to, consultant fees, filing fees, hearing costs, attorney fees, administration and any and all cost associated with the repair or removal of an unsafe or dangerous building and/or equipment shall be the responsibility of the property owner. Should the property owner fail to pay the cost as outlined in this Local Law, all such costs and expenses may be;

A. Assessed against the land on which the unsafe or dangerous building and/or equipment is or was located, and shall be included on the property owner's next annual tax assessment and collected thereby; or
B. Collected by special proceeding under General Municipal Law Section 78-b

Section 9. Notice of Pendency.

A. A notice issued pursuant to subsection 5 (C) may be filed in the office of the Yates County Clerk and in the same manner as a notice of pendency pursuant to Article 65 of the Civil Practice Law and Rules
B. Such notice shall have the same effect as a notice of pendency as therein provided, except as otherwise hereinafter provided in this section;
C. A notice so filed shall be effective for a period of one year from the date of filing; provided, however, that it may be vacated upon court order or upon the consent of the Town Board; and
D. The office of the Yates County Clerk shall mark such notice and any record or docket thereof as cancelled upon the presentation and filing of a court order or consent issued pursuant to subsection C of this section.