

LOCAL LAW 2 OF 1993

VILLAGE OF TANNERSVILLE CODE ENFORCEMENT OFFICER/STATE FIRE PREVENTION CODE OFFICER LAW

1. TITLE:

This Local Law shall be known as the Village of Tannersville Code Enforcement Officer /State Fire Prevention Code Officer Law.

2. FINDINGS:

The Village of Tannersville Board of Trustees finds that an orderly and consistent administration and enforcement of the State Fire Prevention Code, and any statute, Local Law, Ordinance, rule or regulation which relates to parking, the licensing of occupations and businesses, or health and sanitation matters within the Village of Tannersville, is necessary to achieve the individual purpose of any such statute, Local Law, Ordinance rule or regulation. The Village of Tannersville Board of Trustees further finds that the appropriate method to achieve such administration and enforcement is the exercise of its power, pursuant to NYS Municipal Home Rule, Section 10-[4(a)],, to authorize issuance of appearance tickets by a public servant, who by virtue of office, title or position is authorized or required to enforce the State Fire Prevention Code and any said statute, Local Law, ordinance, rule or regulation.

3. PURPOSE:

The purpose of this Local Law is to create the appointed office, title and position of the Village of Tannersville Code Enforcement/ State Fire Prevention Code Officer for the enforcement of the State Fire Prevention Code, and the administration and enforcement of any statute, Local Law, ordinance, rule or regulation which relates to parking, the licensing of occupations and businesses, or health and sanitation matters within the Incorporated Village of Tannersville, and further, to authorize said Village of Tannersville Code Enforcement Officer to issue, in number and occasion as necessary, an appearance ticket for the enforcement of the State Fire Prevention Code, and any such statute, Local Law, ordinance, rule or regulation.

4. CREATION OF OFFICE:

Pursuant to NYS Village Law, Section 3-301 (2) (c), the Village of Tannersville Board of Trustees does hereby create the appointed office, title and position of the Village of Tannersville Code Enforcement Officer/State Fire Prevention Code Officer for the purpose of enforcement of the State Fire Prevention Code and the administration and enforcement of any statute, Local Law, ordinance, rule or regulation which relates to parking, the licensing of occupations and businesses, or health and sanitation matters within the Incorporated Village of Tannersville.

5. APPOINTMENT:

Upon creation or vacancy of office, the Village of Tannersville Board of Trustees shall, by majority vote at a regular, special or emergency meeting, appoint a Village of Tannersville Code Enforcement/State Fire Prevention Code Officer to serve until the next annual Village reorganizational meeting. The Village of Tannersville Board of Trustees shall at each reorganizational meeting appoint by majority vote, a Village of Tannersville Code Enforcement/State Fire Prevention Code Officer, said appointment to expire annually.

6. POWERS AND DUTIES:

a. Pursuant to NYS Municipal Home Rule, Section 10-4 (a), the Village of Tannersville Code Enforcement/ State Fire Prevention Code Officer shall and hereby is authorized to enforce the State Fire Prevention Code and to administer and enforce any statute, Local Law, ordinance, rule or regulation which relates to

parking, the licensing of occupations and businesses, or health and sanitation matters within the Incorporated Village of Tannersville.

b. Said authorization shall specifically include authorization for issuance of an appearance ticket, in manner prescribed and pursuant to NYS Criminal Procedure Law, Section 150.20, with respect to any offense of less than felony grade against any statute, Local Law, ordinance, rule or regulation that relates to parking, licensing of occupations and businesses, or health and sanitation matters within the Incorporated Village of Tannersville, provided however, that any peace officer is authorized to issue an appearance ticket relating to the enforcement of any statute, Local Law, ordinance, rule or regulation affecting the public health, safety and welfare.

7. REMOVAL:

The Village of Tannersville Board of Trustees, when and as necessary, and for good cause and after fair hearing, may, by majority vote at a regular, special, or emergency meeting, remove from office or otherwise discharge any appointed Code Enforcement/State Fire Prevention Code Officer.

8. PRIOR LEGISLATION:

Any portion of any pre-existing Village of tannersville Local Law, ordinance, rule or regulation, which directly conflicts with the authority and enforcement duties contained herein, is hereby rescinded and repealed, provided however, that any peace officer is authorized to issue an appearance ticket relating to the enforcement of any statute, Local Law, rule or regulation affecting the public health, safety and general welfare.

9. SEVERABILITY:

If any word, phrase, or part of this Local Law shall be deemed unconstitutional, the same shall be severed and separated from the remainder of this Local Law, and said remainder shall continue in full force and effect.

10. EFFECTIVE DATE:

This Local Law shall take effect immediately upon its being filed with the Secretary of State.