

# 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 of Tannersville
- Town
- Village

Local Law No. 1 of the year 20 09

A local law providing for the repair or removal of unsafe buildings and collapsed structures.  
*(Insert Title)*

STATE OF NEW YORK  
DEPARTMENT OF STATE  
**FILED**

AUG 20 2009

MISCELLANEOUS  
& STATE RECORDS

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

- County
- City of Tannersville
- Town
- Village

as follows:

Please 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 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 09 of the ~~(County)(City)(Town)~~(Village) of Tannersville was duly passed by the Village Board of Trustees on August 11 20 09, 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) *(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.)**

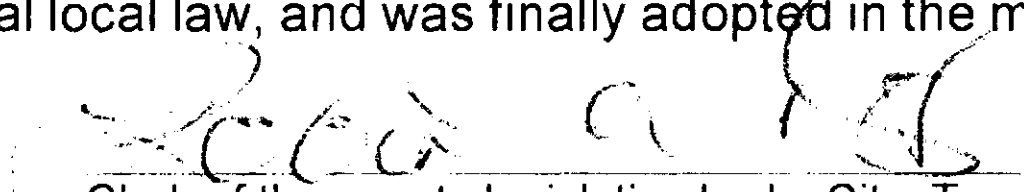
I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20 \_\_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority 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 1 \_\_\_\_\_, above.

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

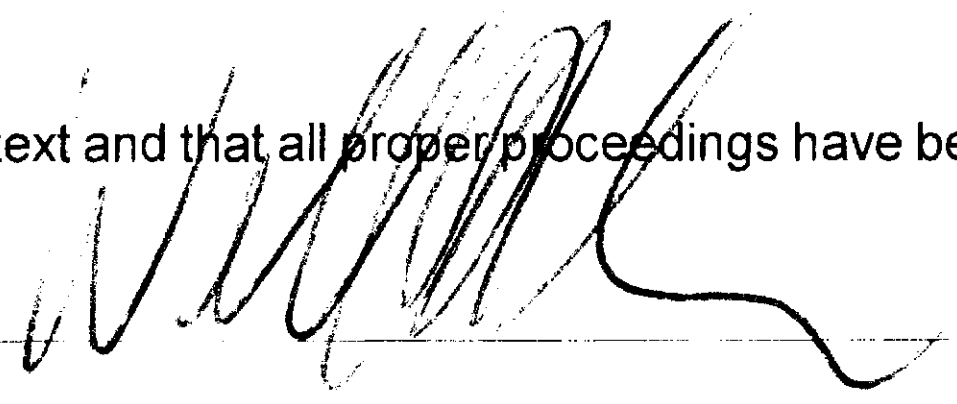
Date: 8/12/09

(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 Greene

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  
Village Attorney  
Title

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

Date: August 12, 2009

**PROVIDING FOR THE REPAIR OR REMOVAL OF UNSAFE BUILDINGS AND COLLAPSED STRUCTURES**

Be it enacted by the Village Board of the Village of Tannersville as follows as follows:

**SECTION 1.                    *PURPOSE***

Unsafe buildings pose a threat to life and property In the Village of Tannersville. Buildings and structures may become unsafe by reason of damage by fire, the elements, age or general deterioration. Vacant buildings not properly secured at doorways and windows also serve as an attractive nuisance for young children who may be injured therein, as well as point of congregation by vagrants and transients. A dilapidated building may also serve as a place of rodent infestation thereby creating a health menace to the community. It is the purpose of this local law to provide for the safety, health, protection and general welfare of persons and property in the Village of Tannersville by requiring such unsafe buildings be repaired or demolished and removed.

**SECTION 2.**

This law shall be known as the unsafe building Law of the Village of Tannersville.

**SECTION 3.                    *DEFINITIONS.***

- (a) "Building" means any building, structure or portion thereof used for residential, business or industrial purpose.
- (b) "Building Inspector" means the building inspector of the Village of Tannersville or such other person appointed by the Village Board to enforce the provisions of this local law.

**SECTION 4.                    *INVESTIGATION AND REPORT.***

When In his own opinion or upon receipt of information that a building (a) is or may become dangerous or unsafe to the general public, (b) is open at the doorways and windows making it accessible to and an object of attraction to minors under eighteen years of age, as well as to vagrants and other trespassers, (c) is or may become a place of rodent infestation, (d) presents any other danger to the health, safety, morals and general welfare of the public, or (e) is unfit for the purposes for which it may lawfully be used, he shall cause or make an inspection thereof and report in writing to the Village Board his findings and recommendations in regard to its repair or demolition and removal.

**SECTION 5.                    *VILLAGE BOARD ORDER.***

The Village Board shall there after consider such report and by resolution determine, if in its Opinion the report so warrants, that such building is unsafe and dangerous and order its repair if the same can be safely repaired or its demolition and removal, and further order that a notice be served upon the persons and in the manner provided herein.

**SECTION 6.                    *NOTICE; CONTENTS.***

The notice shall contain the following:

- (a) A description of the premises.
- (b) A statement of the particulars in which the building is unsafe or dangerous.
- (c) An order outlining the manner in which the building is to be made safe and secure, or demolished and removed.
- (d) A statement that the securing or removal of such building shall commence within thirty (30) days of the service of the notice and shall be completed within sixty (60) days thereafter, unless for good cause shown such time shall be extended.
- (e) A date, time and place for a hearing before the Village Board in relation to such dangerous or unsafe building, which hearing shall be scheduled not less than five (5) business days from the date of service of the notice.
- (f) A statement that In the event of neglect or refusal to comply with the order to secure or demolish and remove the building, the Village Board is authorized to provide for its demolition and removal, to assess all expenses thereof against the land on which it is located and to institute a special proceeding to collect the costs of demolition, including legal expenses. And or that failure to comply with this notice is a violation of law and will subject the owner in addition to the civil penalties to a fine of one hundred dollars per day for each day the violation continues unabated from the date of serving of the notice.

**SECTION 7.                    *SERVICE OF NOTICE.***

The said notice shall be served (a) by personal service of a copy thereof upon the owner executor, administrator, agent, lessee or any person having vested or contingent interest in such unsafe building as shown by the records of the receiver of taxes (or tax collector) or of the County Clerk ; or if no such person can be reasonably found by mailing such owner by registered mail a copy of such notice directed to his last known address as shown by the above records, and (b) by personal service of a copy of such notice upon any adult person residing in or occupying said premises if such person can be reasonably found, and (c) by securely affixing a copy of such notice upon the unsafe building.

**SECTION 8.**

A copy of the notice served as provided herein shall be filed in the Office of the County Clerk of the County of Greene.

**SECTION 9.                    *REFUSAL TO COMPLY.***

In the event of the refusal or neglect of the person so notified to comply with said order of the Village Board and after the hearing, the Village Board shall provide for the demolition and removal of such building or structure either by Village employees or by contract. Except In emergency as provided In Section 11 hereof, any contract for demolition and removal of a building in excess of \$ 5,000.00 shall be awarded through competitive bidding.

**SECTION 10.                    *ASSESSMENT OF EXPENSES.***

All expenses incurred by the Village in connection with the proceedings to repair and secure or demolish and remove such building, including the cost of actually removing such building, shall be assessed against the land on which such building is located and shall be levied and collected in the same manner as provided in for the levy and collection of a special ad valorem levy.

**SECTION 11.                    *EMERGENCY CASES.***

Where it reasonably appears that there is present a clear and imminent danger to the life, safety or health of any person or property, unless an unsafe building is immediately repaired and secured or demolished, the Village Board may by resolution authorize the building inspector to immediately cause the repair or demolition of such unsafe building. The expenses of such repair or demolition shall be a charge against the land on which it is located and shall be assessed, levied and collected as provided in Section 10 hereof.

**SECTION 12.**

The surveyor appointed as provided herein shall be paid reasonable compensation as shall be fixed by the Village Board.

**SECTION 13.** The building inspector after the time for a hearing has expired or the hearing has been held under section six (e) herein, shall be authorized and empowered to issue an appearance ticket in connection with any violation of this local Law. Any person convicted of a violation of this local law shall be guilty of a "Violation" and subject to a penalty of a fine for each day that the violation has been found to exist not to exceed one hundred dollars per day. Nothing contained in this law shall prevent the Village from proceeding to prosecute a violation of this law in addition to or simultaneously with any Civil proceeding or any other remedial action that is permitted under this law.

**SECTION 14.**

This local law shall take effect immediately upon filing thereof in the Office of the Secretary of State.