

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.

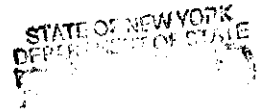
County

City

of CROGHAN

Town

Village



AUG 03 2007

Local Law No. 1 of the year 2007

A local law A Local Law amending the Property Maintenance Law of the Village of Croghan

Be it enacted by

Village Board

of the

(Name of Legislative Body)

County

City

of CROGHAN

as follows:

Town

Village

Purpose. This Local Law is an amendment to Local Law No. 1 of the year 1994 of the Village of Croghan entitled "Property Maintenance Law of the Village of Croghan" to provide for a lien in favor of the Village in the event the Village must take action to clean up or repair properties which are in violation of this Local Law.

Section 19 – Reports

A. The Code Enforcement Officer of the Village of Croghan as designated by the Village Board of such Village, shall make inspections of all buildings or structures which appear to be in violation of this Law. The Code Enforcement Officer shall report to the Board of Trustees concerning the condition of such buildings or structures.

B. The Code Enforcement Officer of the Village of Croghan as used in this Law shall mean the Lewis County Building and Codes Department.

C. For the purposes of preparing such report, the Code Enforcement Officer of the Village of Croghan is hereby empowered to enter upon private property to investigate complaints concerning the condition of property.

Section 20 – Consideration of Reports; Order for Removal or Repair

The Board of Trustees shall thereafter consider the report of the Code Enforcement Officer and by resolution determine, if in the opinion of the Board, the report so warrants, that the building or structure is of a condition which warrants its cleanup, repair or removal if the same can be safely cleaned up, repaired, or removed, and the Board shall further order that a notice shall be given to all persons having an interest in said property in the manner hereinafter provided.

Section 21 – Notice Requirements

- A. Said notice shall contain the following:
1. A description of the premises;
 2. A statement of the particulars in which the building or structure is in violation of this law due to its unsanitary or unsafe condition;
 3. An order requiring the building or structure to be made safe, secure or sanitary;
 4. A statement that the clean up, securing or removal of such building or structure shall commence within 30 days of the service of the notice and is to be completed within 60 days thereafter;
 5. A statement that in the event of neglect or refusal of the persons and/or corporations served with the notice to comply with the same, a survey of the premises will be made by an official of the Village and a builder, engineer, architect or other professional named by the Board of Trustees;
 6. A statement that in the event of the refusal or neglect of the person or corporation so notified to make said clean up or repair and the Village will undertake such clean up, repair or removal and upon completion of such work, that the cost shall be assessed upon the property and shall be a lien and shall be collectible in the manner provided in Section 5-516 and 5-518 of the Village Law of New York State.

Section 22 – Service of Notice

- A. Such notice shall be served in the following manner:
1. By personal service of a copy of thereof upon the owner or some one of the owner's executors, legal representatives, agents, lessees and any other person having a vested or contingent interest in the premises as shown by the records in the Office of the Lewis County Clerk; such service to be complete and the 30 days' time period recited in said notice commenced upon the filing of an Affidavit of Personal Service upon such interested person in the office of the Village Clerk or;
 2. By mailing a copy of said notice to such interested persons by registered mail, return receipt requested, addressed to the last known address of such interested persons, and by affixing a copy of said notice to the premises, such service to be complete and

- the 30 days' time period recited in said notice commenced ten days after the filing of the return receipt and the Affidavit of Posting in the office of the Village Clerk; and
3. By personal service of a copy of said notice upon any adult residing in or occupying said premises or, if no such person can be reasonably found, by posting a copy of said notice upon the premises.

Section 23 – Non-compliance with order; survey

- A. In the event of neglect or refusal of the person so notified to comply with said order of the Board of Trustees, a survey of said premises may be made in the following manner:
 1. The Board of Trustees shall appoint a Village official as inspector and builder, engineer, architect or other such person who shall make a survey and submit a written report in regard to the dangerous, unsafe or unsanitary condition of the building or structures;
 2. A signed copy of such report shall be posted on said structure and a copy mailed to the owner.

Section 24 – Application for Court Order

- A. In the event that the building or other structure shall be reported to be unsanitary dangerous or unsafe under such survey, the Board of Trustees may pass a resolution directing the Mayor to make an application to Supreme Court for an order to determine the building or other structure to be a public nuisance and directing that it shall be repaired, made secured or taken down and removed.

Section 25 – Compensation of Surveyors

- A. Said surveyor shall be paid reasonable compensation for the service performed by them in making the survey and preparing the report thereof. The surveyor's fee shall constitute direct cost from enforcement and may be assessed against the property pursuant to Section 26 of this Local Law.

Section 26 – Assessment and Lien

- A. If the work as required by Section 21(A)(3) above is accomplished by the Village, then upon completion of such work, the Village appointee pursuant to paragraph 23(A)(1) of the Village shall file with the Board of Trustees a verified statement of all of the direct costs, including attorney's fees incurred in completing such work. Upon receipt of such statement, the Board shall serve a notice of at least ten days upon the owner of such property, stating said expenditures have been made, its purpose and amount and that at a specified time and place, the Board of Trustees will meet to make an assessment of the expenditures upon such property. Such notice shall be served personally or by mail. The Board shall meet at the time and place specified and shall herein determine all objections that may be made to such

assessment, including the amount thereof, shall assess upon the property the amount that it may deem just and reasonable, not exceeding the amount stated in the notice. Such assessment shall be a lien and shall be collectible in the manner provided in Section 5-516 and 5-518 of the Village Law of New York State.

Section 27 – Transfer of Title

A. The transfer of title by the owner or other interested persons to the land upon which a building or structure not in compliance with this Local Law is located shall be no defense to a proceeding under this Chapter.

Section 28 – Emergency Cases.

A. Where it reasonably appears 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 thereof.

Effective Date. This Local Law shall take effect immediately upon its filing in the Office of the Secretary of State of the State of New York as provided in the Municipal Home Rule Law.

(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 2007 of the ~~(County)(City)(Town)~~(Village) of CROGHAN was duly passed by the Village Board on August 1, 2007, in accordance with the applicable ~~(Name of Legislative body)~~ 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 2007 of the (County)(City)(Town)(Village) of was duly passed by the on 2007, and was (approved)(not approved)
(Name of Legislative Body)

(repassed after disapproval) by the _____ and was deemed duly adopted

(Elective Chief Executive Officer)

on _____ 2007 , 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 2007 of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ , and was (approved)(not

(Name of Legislative Body) approved) (repassed after disapproval) by the _____ on _____

(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 _____, 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 2007 of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 2007, and was (approved)(not approved) (repassed after disapproval)

(Name of Legislative Body) by the _____ on _____ 2007 .

(Elective Chief Executive Officer*)¹

Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 2007 , in accordance with the applicable provisions of law.

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 2007 of the Town 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 town voting thereon at the (special)(general) election held on _____ 2007 , became operative.

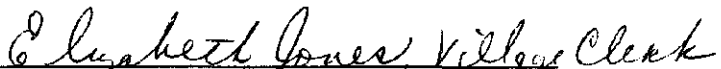
6. (County local law concerning adoption of Charter.)

¹ * 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.
DOS-239 (Rev. 11/99)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 2007 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
Elizabeth Jones, Village Clerk

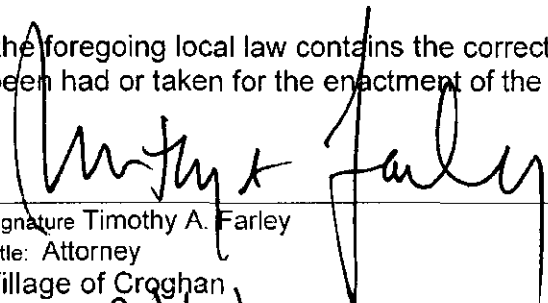
(Seal)

Date: August 3, 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 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 Timothy A. Farley
Title: Attorney
Village of Croghan
Date: 8/6/07