

Local Law Filing

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

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Text of the law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

Town of Little Falls

Local Law No. 1 **of the year** 2002

A local law Providing Penalties for Violations For The Town of Little Falls to Supplement the New York State Property Maintenance Code

Be it enacted by the Town Board **of the**

Town of Little Falls **as follows:**

PURPOSE: This law is to supplement the NYS Property Maintenance Code, which shall be effective January 1, 2003 by providing/ penalties for violation of said Code.

Section 1. INSPECTION

Whenever it shall appear that the provisions of the Property Maintenance Code are violated, the Code Enforcement Officer or any other officer or Employee authorized by the Town to have jurisdiction thereof, shall make an inspection of the property involved and shall prepare a written report of the conditions found, which report shall be filed with the Town Board.

Section 2. NOTICE OF VIOLATION

1. If conditions existing on the inspected property violate the provisions of this chapter, the Code Enforcement Officer or other designated officer or employee shall serve or cause to be served a written notice of such violation, either personally or by certified mail, upon the owner or owner's agent as well as upon the lessee or occupant of said premises.
2. Said notice shall contain substantially the following: the name of the owner, lessee or occupant of the premises; the address or location of the premises; the identification of the premises as the same as appears on the current assessment roll; a statement of the conditions on the

property deemed upon inspection to be in violation of this chapter; demand that the motor vehicle, solid waste, rubbish or debris determined to be in violation of this chapter be removed from the property on or before 10 days after the service or mailing of such notice; a statement that a failure or refusal to comply with the provisions of this chapter and the notice given pursuant thereto within the time specified may result in a duly authorized officer, agent or employee of the Town entering upon the property and removing such motor vehicle, solid waste, rubbish or debris and causing the same to be disposed of or otherwise destroyed; and that the cost and expense of such removal and disposal or destruction shall be assessed against the described property and shall constitute a lien thereon to be collected as provided by law.

3. Said notice shall also contain the date, time, and location at which the Town Board will conduct a public hearing to determine whether the conditions upon the subject property constitute a public nuisance. Said notice shall state that the property owner, his/her agent, lessee or occupant is entitled to be heard at such hearing and present evidence or testimony. The date of such public hearing must be at least 10 days after service or mailing of the Notice of Violation. Notice of the public hearing shall be published in a paper of general circulation in the Town at least five days prior to the date of the public hearing.
4. Nothing contained herein shall require notice as a prerequisite to the issuance of a summons or appearance ticket for a violation of any of the provisions of this chapter.

Section 3. 2nd INSPECTION

On or before the date of the public hearing and prior to commencement of the public hearing the Code Enforcement Officer or other duly authorized officer or employee shall conduct a second inspection of the property and file a written report of the conditions deemed in violation of this chapter found thereon with the Town Board. Such inspection shall be conducted as close to the date of the public hearing as practicable.

Section 4. DECLARATION OF PUBLIC NUISANCE AND REMEDIATION

At the close of the public hearing, the Town Board may determine that the conditions upon the subject property which violate this chapter constitute a public nuisance. Upon a determination by the Town Board that conditions upon the property constitute a public nuisance, the Town is empowered to authorize officers, agents or employees of the Town Board to enter onto the property to remove any vehicle, solid waste, rubbish or debris stored, deposited, placed or maintained in violation of this chapter and dispose of or otherwise destroy same. Any costs and expenses incurred by the Town when acting pursuant to this chapter to abate a public nuisance shall be assessed against the property involved and shall constitute a lien thereon to be collected as provided by law.

Section 5. EMERGENCY ACTIONS

Nothing in this chapter shall prohibit a municipality from entering onto private property to remove any solid waste, motor vehicle, appliance, rubbish or debris whenever there exists an imminent threat to the life or safety of persons. Municipal authority pursuant to this section may only be exercised where there is a dire necessity to protect life and safety. Any municipal action taken pursuant to this section must be reasonably calculated to alleviate or prevent the crisis condition that must be limited to those actions necessary to eliminate the emergency situation.

A property owner shall be given notice and an opportunity to be heard prior to any costs and expenses incurred pursuant to this section being placed on the property's tax bill.

Section 6. OTHER RELIEF

Nothing contained in this local law shall prevent the Town from seeking judicial or equitable relief to abate violations of this chapter.

Section 7. ADDITIONAL PENALTIES FOR OFFENSE

In addition to the foregoing provision of this local law, any person committing an offense against the New York State Property Maintenance Code shall, upon conviction thereof, be guilty of a violation pursuant to the penal law of the State of New York, punishable by a fine not exceeding \$250.00 or by imprisonment for a term not exceeding 15 days or by both such fines and imprisonment. The continuation of an offense against the provisions of this chapter shall constitute for each day the offense is continued the separate and distinct offense thereunder. The Codes enforcement officer or other official designated by the Town Board shall have the authority to issue summons or appearance tickets concerning any offense against this chapter.

This local law shall take effect upon the later of January 1st, 2003 or the filing of this law with the State of New York.