

Local Law Filing

(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 Village
(Select one:)

of SENECA

Local Law No. 7 of the year 2015

A local law A Local Law Amending Local Law No. 2 of 2006"
(Insert Title)

Be it enacted by the BOARD OF SUPERVISORS of the
(Name of Legislative Body)

County City Town Village
(Select one:)

of SENECA

as follows:

SECTION 1, Local Law number 2 of 2006 is amended as follows:

A) In §4(b)(1) thereof, the number "144" is substituted for the number "140".

B) In §4(i) thereof there is inserted following the sentence beginning with the words "A Building Permit that has become invalid . . ." the sentence: "In no event shall a Building Permit be allowed to be renewed more than three times."

C) Section 9 thereof is amended to read as follows:

SECTION 9 UNSAFE BUILDINGS AND STRUCTURES

Unsafe structures and equipment in this County shall be identified and reviewed. Unsafe structures and equipment that, in his own opinion or upon receipt of information that the structure or equipment may be safely repaired, the Code Enforcement Officer or Building Inspector shall order its repair via the Compliance Order procedure outlined in Section 15 of this Local Law.

In the case of Unsafe structures and equipment which, in the opinion of the Code Enforcement Officer, may not be safely repaired and which 1) is or may become dangerous or unsafe to the general public; (2) 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; (3) is or may become a place of rodent infestation; (4) presents any other danger to the health, safety, morals and general welfare of the public; or (5) is unfit for the purposes for which it may lawfully be used, the Code Enforcement Officer or Building Inspector shall cause or make an inspection thereof and report in writing to the Board of Supervisors of the County his findings and recommendations in regard to its demolition and removal in accordance with the procedures established by Local Law Number 4 of 2003, as now in effect or as hereafter amended from time to time.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

D) Section 15(a) thereof is amended to read as follows:

(a) Compliance Orders. The Code Enforcement Officer is authorized to order in writing the remedying of any condition or activity found to exist in, on or about any building, structure, or premises in violation of the Uniform Code, the Energy Code, or this local law.

(1) Notices of Violation. Upon finding conditions or activities that exist in, on or about any building, structure, or premises in violation of the Uniform Code, the Energy Code, or this local law, the Code Enforcement Officer is authorized to issue a Notice of Violation and seek the voluntary compliance by the owner of the property, the owner's agents, or tenants, contractors, subcontractors, construction superintendents, or any other Person taking part or assisting in work being performed at the affected. The Notice of Violation shall (1) be in writing; (2) be dated and signed by the Code Enforcement Officer; (3) specify the condition or activity that violates the Uniform Code, the Energy Code, or this local law; (4) specify the provision or provisions of the Uniform Code, the Energy Code, or this local law which is/are violated by the specified condition or activity; (5) specify the period of time which the Code Enforcement Officer deems to be reasonably necessary for achieving compliance; (6) direct that compliance be achieved within the specified period of time. Nothing shall prevent the Code Enforcement Officer from also issuing an Order to Remedy requiring remedy or some or all of the found violations of the Uniform Code, the Energy Code, or this local law.

(2) Orders to Remedy. The Code Enforcement Officer is authorized to order in writing the remedying of any condition or activity found to exist in, on or about any building, structure, or premises in violation of the Uniform Code, the Energy Code, or this local law. Nothing shall prevent the Code Enforcement Officer from issuing an Order to Remedy in addition to or instead of a Notice of Violation. Upon finding that any such condition or activity exists, the Code Enforcement Officer shall issue an Order to Remedy in the manner specified in 19 NYCRR Part 1203.5(b). The Order to Remedy shall (1) be in writing; (2) be dated and signed by the Code Enforcement Officer; (3) specify the condition or activity that violates the Uniform Code, the Energy Code, or this local law; (4) specify the provision or provisions of the Uniform Code, the Energy Code, or this local law which is/are violated by the specified condition or activity; (5) specify the date of the Order; (6) direct that the person served with the Order must fully comply with the Order within 30 days of the date of the Order; and (7) include a statement providing notice that full compliance with the Order to Remedy is required by a specified date being thirty (30) days after the date of the Order, that if the person or entity served with this order to remedy fails to comply in full with the Order to remedy within the thirty (30) day period, that person or entity will be subject to a fine of not more than \$1,000 per day of violation, or imprisonment not exceeding one year, or both. The Code Enforcement Officer shall cause the Order to Remedy, or a copy thereof, to be served on the owner of the affected property personally or by certified or registered mail within five (5) days of the date of the Order, together with a true copy of same sent enclosed in a postpaid properly addressed wrapper in a post office or official depository under the exclusive care and custody of the United States Post Office Department to the address listed in the application for the building permit. The Code Enforcement Officer shall be permitted, but not required, to cause the Order to Remedy, or a copy thereof, to be served on any builder, architect, tenant, contractor, subcontractor, construction superintendent, or their agents, or any other Person taking part or assisting in work being performed at the affected property personally or by registered or certified mail, together with a true copy of same

sent enclosed in a postpaid properly addressed wrapper in a post office or official depository under the exclusive care and custody of the United States Post Office Department to the address listed in the application for the building permit; provided, however, that failure to serve any Person mentioned in this sentence shall not affect the efficacy of the Order to Remedy.

E) Section 15(b) thereof is amended to read as follows:

(b) Appearance Tickets. The Code Enforcement Officer and each Inspector are authorized to issue appearance tickets for any violation of the Uniform Code, the Energy Code, or this local law.

F) Section 15(c) thereof is amended to read as follows:

(c) Penalties for Violations.

(i) Any person, having been served, either personally or by registered or certified mail, with an Order to Remedy any condition found to exist in, on, or about any building in violation of the Uniform Code, Energy Code, or this local law, who shall fail to comply with such order within the such time period stated in the Order, and any owner, builder, architect, tenant, contractor, subcontractor, construction superintendent or their agents or any other person taking part or assisting in the construction of any building who shall knowingly violate any of the applicable provisions of the Uniform Code, Energy Code, or this local law, shall be guilty of a misdemeanor as defined by New York State Penal Law §10.00 and subject to a fine defined by New York State Executive Law § 382(2), that being a fine of not more than one thousand dollars per day of violation, or imprisonment not exceeding one year, or both. The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions as provided in this law, nor appropriate civil action to remedy or restrain the violation of any provision of this law, nor any civil action to collect any fine imposed.

(ii) In addition to those penalties proscribed by State law, any Person who violates any provision of the Uniform Code, the Energy Code or this local law, or any term or condition of any Building Permit, Certificate of Compliance, Temporary Certificate, Stop Work Order, Operating Permit or other notice or order issued by the Code Enforcement Officer pursuant to any provision of this local law, shall be liable to a civil penalty of not more than \$200 for each day or part thereof during which such violation continues. The civil penalties provided by this subdivision shall be recoverable in an action instituted in the name of this County.

G) In §15(d) thereof, the words "Notice of Violation, Order to Remedy," are inserted in the first sentence thereof between the words ". . . Stop Work Order, Operating Permit," and the words "or other notice or order . . ." and in the second sentence between the words ". . . any Stop Work Order," and the words "or other order . . ." and the sentence "No action or proceeding described in this subdivision shall be commenced without the appropriate authorization from the Board of Supervisors of this County." Is deleted therefrom.

H) In §15(e) thereof, the number "382" is substituted for the number "381".

SECTION 2, This local law shall take effect immediately upon filing with the Secretary of State in accordance with §27 of the Municipal Home Rule Law.

(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. 7 of 2015 of the (County)(City)(Town)(Village) of SENECA was duly passed by the BOARD OF SUPERVISORS on DECEMBER 8, 2015, 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____.~~
(Name of Legislative Body)
(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) (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)~~

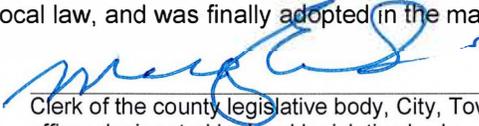
~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified 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: 12/14/15

(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 SENECA

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
COUNTY ATTORNEY

Title

County _____
~~City~~ of SENECA
~~Town~~ _____
Village _____

Date: 12/14/15