

(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.

~~XXXXX~~
~~XXXXX~~ of HOWARD
Town
~~XXXXXX~~

Local Law No. 3 of the year 19 93

A local law for Building Code Rules and Regulation Enforcement
(Insert Title)

Be it enacted by the Town Board of the
(Name of Legislative Body)

~~XXXXX~~
~~XXXXX~~ of HOWARD
Town as follows:
~~XXXXXX~~

1.3 ENFORCEMENT

1.3.1 POLICY

It is hereby declared to be in the interest of the public health, safety, and general welfare, that all reasonable efforts shall be made to prevent or to correct as promptly as possible any condition that violates these Regulations, before the Town takes action to seek punishment of the person responsible for the violation.

1.3.2 ADMINISTRATIVE PROCEDURES

(1) Complaint: Any resident of the Town who believes there is a violation of these Regulations may file a written complaint describing the alleged violation. Such complaint shall be filed with the Code Enforcement Officer, who shall record all such complaints, immediately investigate, and take action thereon as provided herein.

(2) Notice of Violation: When the Code Enforcement Officer finds a violation, he shall promptly send a written Notice to the person responsible, stating the nature of the violation and any appropriate corrective steps. The Officer also may give such Notice verbally. The Notice shall advise that each week the

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

violation continues shall constitute a separate additional violation of these Regulations, and may be punishable accordingly.

(3) Permit Violation: When the Code Enforcement Officer finds a violation of a Land Use Permit or Special Permit before a Certificate of Compliance has been issued, his Notice shall advise that such Certificate shall not be issued until the violation has been corrected, and that to begin use of the premises without a Certificate of Compliance is a violation of these Regulations.

(4) Stop Order: When a violation is maintained after due Notice, beyond what the Code Enforcement Officer considers under the circumstances to be a reasonable period, he shall send an order by certified mail to the owner of record of the premises. The Order shall direct the immediate discontinuance of all construction, occupancy, or use of buildings, other structures, and land in violation of these Regulations, and if appropriate also shall direct the removal of any illegal building or other structure, illegal addition thereto, or illegal alteration thereof. The Order shall advise that failure to comply may result in the Town's bringing civil and/or criminal action or proceedings. Copies shall be filed by the Officer with the Town Clerk and Town Attorney.

(5) When the Code Enforcement finds that a cited violation has been duly corrected, he shall enter a statement to that effect in his record of the matter, with a copy to the owner of the premises and if appropriate also to the Town Clerk and Town Attorney.

(6) Appeal: Any person aggrieved by a Notice or Order of the Code Enforcement Officer may appeal for Administrative Review, which shall take preference over any other matter before the Board of Appeals. Until the Board issues its decision, the passage of each week shall not mark a separate violation of these Regulations.

1.3.3 REMEDIAL ACTIONS

(1) Action by Town: When any building or other structure is erected, constructed, reconstructed, altered; converted or maintained, or any building or other structure or land is used or occupied, in violation of these Regulations, the proper authorities of the Town, in addition to other remedies, may institute any appropriate action or proceedings to prevent, restrain, correct or

abate such violation. Such action shall be taken promptly whenever the Town Board finds that continued violation is likely to place in imminent peril the public health, safety, or general welfare. The Town Board, by resolution, may authorize the Code Enforcement Officer to institute such action or proceedings.

(2) Action by Taxpayers: Such action or proceedings, if not initiated by the proper Town authorities within ten (10) days after written request by a resident taxpayer to so proceed, may be initiated by any three taxpayers of the Town, resident in the district wherein such violation exists and severally or jointly aggrieved thereby, in the same manner as such Town authorities are authorized to do.

(3) Monetary Penalty: The Town or complainants may seek monetary penalties, which shall not exceed the fines provided for in paragraph (4) under Criminal Proceedings (Subsection 1.3.4).

1.3.4 CRIMINAL PROCEEDINGS

(1) Procedure: Whenever a violation of these Regulations is continued in a willful manner following service of an Order to cease, the Code Enforcement Officer shall serve an appearance ticket on the responsible party, file an Information with the Town Justice, and notify the Town Supervisor thereof.

(2) Jurisdiction: A violation of these Regulations is hereby declared to be an offense, triable by the Town Justice or other magistrate without a jury.

(3) Separate Offenses: Each week's continued violation, prior to the Code Enforcement Officer's filing of the Information with the Town Justice and following the Notice of violation, shall constitute a separate additional offense except as otherwise provided in paragraph (6) under Administrative Procedures above (Subsection 1.3.2).

(4) Penalty: (a) A violation of these Regulations is punishable by a fine not exceeding three hundred fifty dollars or imprisonment

for a period not to exceed six months, or both, for conviction of a first offense.

(b) Conviction of a second offense, both of which were committed within a period of five years, shall be punishable by a fine not less than three hundred fifty dollars or more than seven hundred dollars, or imprisonment for a period not to exceed six months, or both.

(c) Conviction for a third or subsequent offense, all of which were committed within a period of five years, shall be punishable by a fine not less than seven hundred dollars or more than one thousand dollars, or imprisonment for a period not to exceed six months, or both.

1.4 COURT REVIEW

(1) Any person or persons, jointly or severally aggrieved by any decision of the Board of Appeals, or any officer, department, board or bureau of the Town, may apply to the Supreme Court for review by a proceeding under Article seventy-eight of the Civil Practice Law and Rules. Such proceeding shall be instituted within thirty days after the filing of such a decision in the office of the Town Clerk.

(2) Should any section or provision of these Regulations of the application thereof to a particular person or circumstance be decided by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the whole or of any part thereof, other than the part so decided to be unconstitutional or invalid.

(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. 2 of 1993 of the ~~(County)(City)(Town)(Village)~~ of Howard was duly passed by Town Board on Aug. 25 1993, in accordance with the applicable provisions of (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 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by _____ on _____ 19____, and was (approved)(not disapproved)(repassed at disapproval) by the _____ and was deemed duly adopted on _____ 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 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by _____ on _____ 19____, and was (approved)(not disapproved)(repassed at disapproval) by the _____ on _____ 19____. 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 _____ 19____, 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 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by _____ on _____ 19____, and was (approved)(not disapproved)(repassed at disapproval) by the _____ on _____ 19____. Such local law was submitted to the people by reason of a permissive referendum and no valid petition requesting such referendum was filed as of _____ 19____ 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 chairman 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 19____ 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 _____ 19____, 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 19____ of the County of _____, State of New York, having been submitted to the electors at the General Election of November _____ 19____, 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 of 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.

(Seal)

Loreen A. Karr

Clerk of the County legislative body, City, Town or Village Clerk
or officer designated by local legislative body

Town Clerk

Date: *September 2, 1993*

(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 Steuben

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.

John K. McCarthy
Signature
John K. McCarthy
Town Attorney

Title

XXXXXX
XXXXXX
Town of
XXXXXX

Howard

Date: _____