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DEPARTMENT OF STATE
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ANDREW M. CUOMO
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SECRETARY OF STATE

February 15, 2013

RECEIVED

Lisa L. DeVona
Village of Minoa
240 N. Main St.
Minoa, NY 13116

FEB 21 2013
VILLAGE OF MINOA

RE: Village of Minoa, Local Law No. 2 of the Year 2013, filed February 14, 2013

Dear Sir/Madam:

The above referenced material was filed by this office as indicated. Additional local law forms may be obtained from the Department of State's website at www.dos.ny.gov.

Sincerely,

State Records & Law Bureau
(518) 474-2755

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VILLAGE OF MINOA

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February 8, 2013

State Records and Law Bureau
State of New York Department of State
One Commerce Plaza
99 Washington Avenue
Albany, NY 12231

Dear Secretary of State:

Enclosed is one (1) original copy of **Local Law #2** for 2013 for the Village of Minoa.

If there are any questions on this law, please contact this office.

Sincerely,

Lisa L. DeVona

Village Clerk/Treasurer

Enclosure

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.

Village of Minoa

Local Law No. Two (2) of the year 2013.

A local law repealing Chapter 57 entitled "Unsafe Buildings" and Section 136-14 entitled "Standards of Maintenance of Sidewalks and General Property Maintenance" of the Village of Minoa Code and replacing the same with a new Chapter 116 entitled "General Property Maintenance Law," and to amend Section 51-9 entitled "Unsafe Buildings and Structures" to replace the reference to Chapter 57 with the new Chapter 116.

Be it enacted by the Village Board of Trustees of the Village of Minoa, as follows:

Section 1. PURPOSE AND INTENT

It is the purpose and intent of this local law to amend the Village of Minoa Code so as to repeal the existing provisions under Chapter 57 relative to unsafe buildings and Section 136-14 relative to standards of maintenance of sidewalks and general property maintenance, and to replace same with a new Chapter 116, entitled "General Property Maintenance Law," and to amend Section 51-9 entitled "Unsafe Buildings and Structures" to replace the reference to Chapter 57 with the new Chapter 116.

Section 2. Chapter 57 entitled "Unsafe Buildings" of the Code of the Village of Minoa shall be deleted in its entirety.

Section 3. Section 136-14 entitled "Standards of Maintenance of Sidewalks and General Property Maintenance" of the Code of the Village of Minoa shall be deleted in its entirety.

Section 4. Article III of Chapter 136 entitled "Sidewalk and General Property Maintenance" is hereby renamed "Sidewalk Maintenance."

Section 5. A new Chapter 116, entitled "General Property Maintenance" is hereby added, reading in its entirety as follows:

CHAPTER 116 General Property Maintenance

§ 116-1. Title

This Chapter 116 shall be known as the "General Property Maintenance Law".

§ 116-2. Declaration of Policy

A. It is hereby declared to be the policy of the Village Board of Trustees to provide for the proper use of land, including as improved, to deter, prevent and cause the timely removal of unsafe, unhealthy, hazardous or dangerous conditions arising from a variety of conditions including without limitation, the growth and accumulation of brush, grass, rubbish and weeds, the growth of poisonous shrubs or weeds, the accumulation of stagnant and standing waters, deteriorated, damaged or poorly maintained lands and improvements, conditions likely to cause or contribute to the presence or infestation of insects, vermin, and disease, dangerous fumes and odors, and other similar conditions, thus also exposing properties and neighborhoods to the potential for similar deterioration, illegal occupancies and conduct, and otherwise to address the failure of general property repair and maintenance, incidences of public nuisance(s) and protect the public health, safety and general welfare of residents of this village.

B. By this Chapter, the Village Board of Trustees seeks to remove such dangers to health, life and property by requiring owners (as such term "owner" is defined herein) of land and of improvements thereon, to cut, trim or remove brush, grass, rubbish and weeds and/or to spray with herbicides, cut, trim, remove and destroy poisonous shrubs and/or weeds, to mitigate or remove the accumulation of stagnant and standing waters, and to address such other adverse conditions affecting their real property and improvements as described in §116-2A hereof, and to generally correct the failure of real property maintenance and repair including both minor and major, and such structural, systemic and adverse aesthetic/cosmetic conditions and concerns, and, upon their failure, refusal or inability to do so, to cause the same to be done and to assess the costs upon the real property on which such conditions are found. Where such conditions present an emergency or similar circumstance, posing an imminent threat or danger to persons or property due to the increased risk to bodily injury, or significant property damage, or where same results from recurring violations or a repeat violative owner, this Chapter also provides a means of timely and effectively addressing such circumstance.

§ 116-3. Definitions

As used in this chapter, the following terms shall have the meanings indicated:

OWNER – shall mean and include the following:

- A. The owner of the real property upon or within which any conditions required to be addressed pursuant to this article is located.
- B. The owner of real property immediately fronting on a portion of any highway, street or road of the Village of Minoa, upon which portion any rubbish ordered removed pursuant to this article is located.
- C. Any other person or entity who, alone or jointly or severally with others, shall have legal or equitable title to any premises, with or without accompanying actual possession thereof, or shall have possession, charge, care or control of any dwelling unit as owner or as executor, executrix,

administrator, administratrix, trustee, receiver or guardian of the estate or as a mortgagee or lienor in possession, regardless of how such possession was obtained. Any person who is a lessee subletting or reassigning any part or all of any dwelling or dwelling unit shall be deemed to be a co-owner with the lessor and shall have joint responsibility over the portion of the premises sublet or assigned by said lessee.

D. The respective obligations and responsibilities of the owner on one hand and any occupant, possessor or tenant on the other shall not be altered or affected by any agreement or contract by and between any of the aforesaid or between them and other parties. As between a holder of legal title, persons in possession, lessee or sublessee, or mortgagee of a property abandoned or known to be in foreclosure, or otherwise a mortgagee in possession, each such party shall be presumed as responsible for any conditions or violations cited hereunder and as a party upon whom notice shall be deemed good and sufficient as against all such responsible parties, subject to the right of such party to rebut the same pursuant to the hearing provisions hereunder.

E. The foregoing persons are intended to describe and define all such persons responsible or potentially responsible for a violation of the property maintenance requirements herein, including those who commit or allow the commission of same by their respective acts or omissions, as well as those who by applicable law or contract are charged with or have assumed such responsibility or liability. The failure of a person duly noticed hereunder to object to the determination of the Village that they are a person legally responsible for the real property and/or potentially liable for a violation under this Chapter shall be presumptive on the issue of responsibility and liability for any such violation determined to exist. Such objection may be introduced by such person or other credible witness having personal knowledge at the hearing provided for hereunder, or by submission of an affidavit and other documentary evidence to and received by the Village not less than two (2) days prior to the date of a hearing that is not based upon an emergency providing for less such notice. The Village Board shall consider all such evidence in making any determination that a person duly noticed is a responsible and liable person hereunder. The Village Board may consider, where more than one responsible and liable person exists, and for good cause, whether or not to proceed or not proceed against such person or persons.

PERSON – Includes any individual, society, club, firm, partnership, corporation, trust or other entity or association of persons, including parents, subsidiaries and affiliates where appropriate. Reference herein to the singular shall mean where appropriate, the plural.

REAL PROPERTY – the real property, as improved, including any surface or subsurface conditions, items or substances, personalty or fixtures situate thereon, dwellings, buildings or other structures and improvements upon or within which any conditions required to be addressed pursuant to this Chapter are located. The real property is also sometimes hereafter referred to as “property” or “premises”.

RUBBISH:

A. Includes the following:

1. Lumber, junk, trash, debris, building materials, mounds or dirt or any other deleterious materials.

2. Any abandoned, discarded or unused objects or equipment, such as automobile parts, furniture, stoves, refrigerators, freezers, cans, containers or vehicle tires.
 3. Any compost pile which is of such a nature as to spread or harbor disease, emit unpleasant odors or gas or attract rodents, vermin or other disease-carrying pests, animals or insects.
 4. Any unsanitary matter or materials.
 5. Refuse, rubbish and garbage, as said terms are defined in any solid waste provision of this Code,
 6. Tree or grass trimmings, brush or shrubbery trimmings, trees, brush or shrubbery or portions thereof severed from their roots or uprooted trees, brush or shrubbery.
 7. Any other substances whether liquid, solid, organic, inorganic, and regardless of how or whether packaged bottled or stored, and commonly considered as waste product, hazardous or expired and past its useful life, or ineffective for such, or any other reasonable and commonplace use as a result of its condition.
- B. However, for purposes of this article, the term "rubbish" shall not include any of the foregoing if stored in containers or plastic container bags, or as applicable, tied in bundles, conforming to the packaging/storage, disposal and related requirements of any solid waste regulations of the Village or (if none, or not applicable) any other governmental authority having jurisdiction over the Village.

STRUCTURE – An assembly of materials forming a construction framed of component structural parts, which exists for any occupancy or use.

§ 116-4. Compliance Standards Required

A. The owner of real property in the Village shall be required to cut, trim and remove brush, grass, rubbish or weeds or to spray with herbicides, cut, trim, remove or destroy poisonous shrubs or weeds upon the premises and to mitigate or remove any accumulation of standing waters and correct all failures of general property maintenance including when directed to such a condition or ordered to do so by a Village officer or authorized agent.

B. An owner of real property in the Village shall not permit or maintain any growth of grass or weeds or other noxious or objectionable growth to a height more than 10 inches on any part of the real property, whether occupied or unoccupied or on the area between the property line of an adjacent public street or sidewalk and the pavement edge of the road. Excepted from this requirement shall be such landscape improvements consisting of flowers, shrubs and the like and which to a reasonable person would be considered a landscape improvement and not, by way of example, an overgrowth of wildflowers, plants or shrubs.

C. The owner of real property in the Village shall not permit, maintain, deposit or scatter over the real property or other private property any rubbish.

D. The owner of real property in the Village shall maintain the exterior of every structure or accessory structure including fences, in good repair, and all surfaces thereof shall be kept painted and finished where necessary for purposes of preservation and appearance. The same shall be maintained free of broken glass, loose shingles, crumbling stone or brick, excessive peeling of paint, graffiti or other conditions reflecting weathering or deterioration or inadequate maintenance. The standard to which same shall be maintained is that it shall reflect a reasonable level of maintenance in keeping with the standards of those adequately maintained properties typical of, and within the local community and shall not constitute a blighting factor for adjoining or nearby property owners, or a contributory element leading to the progressive deterioration of the neighborhood or local community.

E. The owner of real property in the Village shall ensure that all ground surface hazards and unsanitary conditions, holes, excavations, breaks, projections, objections and excretion of pets and other animals on paths, walks, steps, driveways, parking lots and parking areas and other parts of the real property normally accessible to and used by persons, shall be filled and repaired, or where reasonably necessary replaced and other such conditions removed as necessary to eliminate hazards or unsanitary conditions.

F. The owner of real property in the Village shall ensure that surface and subsurface waters of every kind, type and size (including, but not limited to, swimming pools, sump pump drains, or drainage and detention basins and ponds, man-made or otherwise) shall be maintained and controlled, and when drained, shall be drained in such a manner as to prevent damage to on-site and adjacent buildings and structures and to prevent the occurrence or continuance of stagnant waters causing offensive odors, growths, and/or appearances. Gutters, culverts, catch basins, drain inlets, stormwater and sanitary sewers or other satisfactory drainage systems shall be provided and utilized where necessary and appropriate. In no case except where consistent with a previously established and unaltered natural drainage course, shall waters from any rain, storm or surface water drainage systems, or as a result of grading activities, be allowed to pool or settle on or flow over adjoining properties. In no case, except where expressly permitted by the Village or as part of an established natural drainage flow, shall waters from any rain, storm or surface water drainage systems, or as a result of grading activities, be allowed to pool or settle on or flow over adjoining properties including any public sidewalks, streets, rights-of-way or other public property. The foregoing shall be in addition to and separate from any requirements under Chapter 135 of the Village Code relating to Stormwater Management and Erosion and Sediment Control.

G. The owner of real property in the Village shall ensure that all structures and premises subject hereby shall be kept free of the following conditions: dead and dying trees, limbs or other natural growths which, by reason of rotting or deteriorating conditions or storm damage and weathering, constitute a hazard to persons on the real property or in the vicinity thereof, including adjacent and nearby properties; trees shall be kept pruned and trimmed to prevent such conditions; loose and overhanging objects and accumulations of ice and snow which, by reasons of location above ground level, constitute a danger of falling on persons in the vicinity thereof.

H. The owner of real property in the Village shall ensure that such real property shall not violate any other provision of Village Code, New York State or Federal statutes or regulations promulgated thereunder and which include requirements or standards relative to the maintenance, repair, use, condition or related circumstance of real property, and including specifically, but without limitation the

New York Property Maintenance Code and other NYS Uniform Code provisions referenced/incorporated therein.

I. The owner of real property in the Village shall ensure that no smells, odors, fumes, smoke or the like and which are or may be dangerous to the health of nearby persons, or are generally objectionable to a reasonable person on or within nearby premises shall result from their occupation or use of the real property.

J. The owner of real property in the Village shall ensure that in addition to the foregoing specific standards, no other condition shall exist on such property which constitutes or is defined as a nuisance under any other provisions of the Village Code, including without limitations such other provisions of the Village Code which may authorize the removal of a specifically described item, object or conditions on or affecting real property or the owners and occupants of adjacent or nearby real property (such as [but without limitation] abandoned vehicles, abnormal or objectionable conduct and the like. The term "nuisance" shall also be held to embrace public nuisance, as known at common law or in equity jurisprudence; i.e., condition(s) dangerous to human life or detrimental to health. Accordingly, and by way of example and not limitation, any building or erection, or part or cellar thereof, if overcrowded with occupants, or not provided with adequate ingress and egress to and from the same or the apartments thereof, or if not sufficiently supported, ventilated, sewerred, drained, cleaned or lighted in reference to its intended or actual use; and/or if rendering the air or human food or drink, thereon or on adjacent or nearby premises unsafe or unwholesome due to such condition(s).

K. No owner or occupant of any real property in the Village of Minoa shall permit or allow to be permitted the accumulation of ice and snow on the sidewalks in front of his or her respective property during the wintertime. All such persons shall remove all such snow and/or ice from the sidewalks in front of his or her respective property during the wintertime and, when ice cannot be removed, to cover the same with salt, sand or similar material in such a manner as to enable one to walk thereon with safety.

L. All owners and occupants of real property in the Village of Minoa shall ensure that no motor vehicle or trailer shall be stopped, parked or standing in a fire lane established pursuant to §68-3 of the Village Code, and that no motor vehicle or trailer, owned, possessed by or registered to him or her, which is operable, unregistered or uninspected, or the registration or inspection of which has expired, or which is without valid and current license plates affixed to it, shall be parked or placed on the premises or the public sidewalks, streets or ways contiguous to or fronting such real property, or otherwise (except as permitted by the Zoning Code of the Village of Minoa or as an established nonconforming use as determined by the Zoning Board of Appeals) be parked or placed in a front, rear or side yard of such real property, as such terms are defined in the Village of Minoa Zoning Code.

§116-4.1. Higher Standards to Prevail; Existing Remedies

A. In any case where a provision of this Chapter is found to be in conflict with a provision of any applicable zoning, building, fire, safety or health ordinance or code, that provision which establishes the higher standard for the promotion and protection of the health and safety of the people shall prevail.

B. Nothing in this chapter shall be deemed to abolish, restrict or impair any other existing rights and remedies of the Village, its officers or agencies or of other governmental authorities or private persons relating to the subject matter hereof.

C. No license, permit, certificate of occupancy, registration, inspection or compliance or similar issuance shall constitute a conclusive defense against a violation hereunder, or of any other local ordinance applicable to the real property, any structure or premises or use of such structure or premises, nor shall any provision herein relieve any owner from complying with any such, or other provision, nor shall same preclude its enforcement by any official of the Village of Minoa.

§116-5. Service and Effect of Notice

A. (1) Whenever the Village Clerk upon proper request of an authorized employee or officer of the Village serves or causes the service of notice in the manner required hereinafter, citing a violation under this Chapter and requiring an owner(s) address of any condition specified in §116-4 in the manner required hereunder, such notice shall specify the place, manner and time (not less than ten (10) days from the giving of said notice) within which the Village Board shall conduct a hearing to review the same and to issue findings relative to this Chapter and mandating where so authorized, that such person or persons are responsible or liable, that such condition is or was in violation, the violation otherwise is or was legitimate, that the work shall or was to be completed within the time allotted in such previously issued notice or findings, and such other consideration, review and findings as provided for at §116-4 hereof. Such notice shall be initiated only upon the sworn to or affirmed statement of such authorized employee or officer, or other person observing the same, and in the case of an alleged violation the subject matter of which is properly and exclusively within the jurisdiction of the Codes Enforcement Officer, such notice shall be initiated only by him/her.

(2) The Village shall have two options with respect to such notice and commencement of a proceeding hereunder. Where it has determined that a clear violation exists, Notice may be given under the general authority established under this Chapter 116. Notice in this manner shall set forth the required date of completion of the remedy, and a date thereafter for a hearing. Such procedure potentially reduces the time within which a clearly evident violation may be addressed by commencing the time within which it must be addressed by the owner from the date of service notice. However any action taken upon such notice by Village prior to the time when the owner has been afforded a hearing shall be at Village's expense should it later be determined the owner is not the responsible or liable party, the condition addressed was not at such hearing in violation and/or the like. Otherwise such notice shall set forth the alleged violation, the responsible/liable owner and the date for a hearing at which time same shall be established, and if established an appropriate period within which the owner shall remedy the violation, and failing or refusing which the Village may proceed.

(3) Notice shall be served upon such owner or owners by registered or certified mail, addressed to his or their last known address, and/or posting of said notice on the premises and mailing a copy of said notice to the owner at the address or addresses as on file in the Village offices, on the same date as posted. In the event any other credible information of potential addresses may be known, or if the Owner has a legal representative known to the Village, a copy of such notice shall also be mailed via regular or certified mail to such addresses or persons. The Village Board expressly find is that in many instances those responsible for abandoned and neglected properties intentionally avert service of legal

process, therefore notice on a respective owner shall be deemed sufficient where no proof of actual delivery or receipt exists and/or where no other evidence of a reasonable likelihood of receipt by the owner exists, provided the Village has documented reasonable good faith efforts to ascertain the actual residence or business address, or other official or legal address of the owner or representative, and such evidence has been made part of the record of proceedings. The failure to, where required, register a rental property or timely obtain any inspections or certificates pertaining to the real property, including those for tenant assistance, and which would or might otherwise disclose contact information for the owner may also be taken into account by Village in determining the sufficiency of notice. In the event an owner duly noticed, has failed to remedy the violation and appear for the hearing scheduled, a copy of the Village Board's findings following the hearing shall be served upon the owner in the same manner as required in this §116-5(A).

B. Emergency Situations. Where violations existing on the real property are of such a nature as to constitute an imminent or immediate and serious threat to human health, or safety or of significant property damage, unless abated immediately or on shorter notice than otherwise permitted herein, the Village may either summarily and immediately cause the violation to be abated and/or order the owner to immediately correct the violation and upon failure to do so within any time frame established, in the Village Boards own discretion, the condition may be abated otherwise pursuant and subject to the provisions of this Chapter. In such case notice shall be attempted diligently and on good faith, and including by telephone, facsimile, email or attempts at personal delivery.

C. Repeat Violations. Where the real property has been subject to a previous proceeding under § 116-5(A) involving one or more of the same owners and relative to the same or similar, related or resultant type(s) of violation(s) or condition(s), within one year prior to the occurrence or recurrence of the violation subject of the instant proceeding, the Village may cause the violation to be immediately and summarily abated, or may order the owner to correct the violation or condition within such period of time of less duration than provided hereunder, however not less than twenty-four (24) hours, and upon the failure to do so, the condition may then be addressed pursuant to 116-6(A), subject to previous or then given Village Board authorization, and as if such notice and failure or refusal has already occurred, then such work may be immediately commenced.

D. Special Notice Provisions. In the event of contemplated action under §§116-5(B) or (C), the requirement of notice pursuant to §116-5(A) and of hearing, review and findings pursuant to §116-7(A) are modified to require only such notice as is reasonable given the Village's knowledge of the actual location of the Owner and exigency of circumstances (if under §116-5B). In the case of repeat violations under §116-5(C) such notice shall describe in brief the violative condition and nature of the intended Village action, the specific Chapter and Section of the Village Code under which the Village proceeds (Chapter 116, Repeat Violation §116-5[C]) and such notice shall be prominently posted at any main, front, or driveway side entrance of the real property as soon as reasonably possible following authorization and not less than twenty-four (24) hours prior to commencement of the Village work.

§ 116-6. Failure to Comply; Penalties for Offenses

A. Whenever such notice(s) referred to in §116-5 hereof has or have been served in the manner required under §116-5, requiring an owner to address the violation as required under this Chapter 116,

and if such owner shall neglect or fail to timely comply with the requirements of such notice or notices within the time provided therein, the Village following Village Board Authorization, previously or then given, may authorize the work to be done and/or perform same with its own or outside forces.

B. In addition to the foregoing, and the provisions of § 116-7 hereof, a first violation of § 116-4 of this Chapter shall be deemed an offense and upon such conviction, such offender may be punished by a fine not to exceed \$250 or imprisonment of not more than fifteen (15) days, or both. For a repeat offender as defined under § 116-5(C) the maximum penalty shall be two (2) times that set forth in this section. In either case, each day that such violation shall continue shall constitute a separate violation.

§ 116-6.1. Special Consideration/Relief from Enforcement.

A. Special Consideration - Special consideration may be given to individuals that are elderly or disabled. If it is determined that an individual cannot maintain a reasonable level of upkeep of the owner-occupied residence because the individual is elderly or disabled, may not have adequate financial resources and/or no capable person resides in the residence, enforcement may be suspended to give the person adequate time to correct the problem. Where the individual is a low-income individual and owns and occupies a residence, special consideration may be given to the person by providing adequate time to correct any significant and costly (to cure) violation. However in the case of a low-income owner if any of the violations relate to keeping grounds free from overgrowths of grass, bushes, weeds, trees branches and the like, or from rubbish and debris, additional time to correct the problem shall not be provided.

B. Relief from Enforcement - In addition to the foregoing special consideration, the Village Board of Trustees may also, for good cause shown, adopt a resolution dispensing with or relaxing enforcement of the foregoing provisions of this section and/or the assessment or collection of costs and penalties due to such enforcement. For purposes hereby "good cause" may include, without limitation, the lack of actual notice to an owner, consideration of inadequate or defective service of notice, existence of landlord/tenant or similar relationship, or other circumstances where arguably the criteria set forth under § 116-4 may not have been clearly violated or perceived as violated, but shall in any event consist only of grounds or circumstances under which the Village Board of Trustees has determined that enforcement may not be fair or equitable.

§ 116-7. Reimbursement of Costs; Assessment Upon Real Property.

A. Upon the review by and findings of the Village Board of Trustees that the provisions of this Chapter 116, including in particular §§ 116-5, 116-6, have been complied with or satisfied, and in the case of § 116-5(B) and (C) that respectively, bona-fide exigent or repeat violations, conditions existed, the Village Board of Trustees may in addition to authorizing the work, adopt a resolution authorizing that the costs incurred by the Village in performance of the work, including any quantifiable internal administrative costs, be paid for out of the general Village funds appropriated by the Village Board of Trustees for such purpose. The Village shall be reimbursed for the cost of the work performed or services rendered by direction of the Village Board of Trustees, as herein provided and for any penalties assessed under § 116-6B hereof by assessment and levy upon the lots or parcels of land wherein such

work was performed or such services rendered, and the expenses so assessed shall constitute a lien and charge on the real property on which it is levied until paid or otherwise satisfied or discharged and shall be collected in the same manner and at the same time as other village charges.

B. Appointment of Ex-Officio Receiver of Income. The Village Clerk may, with the approval of the Village Board of Trustees of the Village of Minoa certified to by resolution, bring an action to be appointed receiver ex-officio of the rents and income of such property for the purpose of collecting the rents and income from such property and expending the same for the purpose of abating the conditions against which this chapter is directed. The procedure and other legal steps shall be governed by the provisions of applicable state statutes.

§ 116-7.1. Filing of Notice of Intent to Levy.

A. Whenever the Village has ordered the reimbursement for the costs of the work performed or services rendered as hereinabove provided in § 116-7 by assessment and levy upon the lot or parcels of lands whereon such work was performed or such services rendered, the Village Clerk shall cause a notice of intent to levy such costs and expenses against said lots or parcels of land in a form approved by the Resolution of the Village Board of Trustees from time to time hereinafter, to be recorded in the records of the County Clerk's Office in order that such notice shall be indexed against the said premises or parcels of land as notice to subsequent transferees or other acquiring any interest in said lots or parcels of land of the intention by the Village to assess and levy the amount of such expenses upon said lots or parcels of land. Any recorded fees of the County Clerk shall be included in the costs and expenses assessed and levied upon such lots or parcels.

B. The failure of the Village Clerk to record such notice of intent to levy shall not, however, affect or impair the validity of any lien or assessment of such costs and expenses against such lots or parcels of land, the owner(s) thereof or any subsequent transferees or others acquiring any interest in such lots or parcels of land.

Section 6. Section 51-9 of the Code of the Village of Minoa shall be deleted in its entirety and replaced with the following language:

§51-9. Unsafe Buildings and Structures.

Unsafe structures and equipment in this Village shall be identified and addressed in accordance with the provisions and procedures established by Chapter 116 of the Code of Minoa, the Fire Code of New York State and/or the Property Maintenance Code of New York State, as now in effect or as hereafter amended from time to time.

Section 7. Illegality/Severability.

If any clause, sentence, paragraph, subdivision, section or part of this local law or the application thereof to any person, individual, corporation, firm, partnership, entity or circumstances is adjudged invalid, illegal or unconstitutional by any court of competent jurisdiction, such order or judgment shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this law or in its application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the

validity of the remainder of this local law or the application thereof to other persons or circumstances. Further, in adjudging such invalid, illegal or unconstitutional provision, the court shall attempt to modify same to a provision which is not invalid, illegal or unconstitutional and which best achieves the intent of the invalid provision.

Section 8. Effective Date.

This Local Law shall take effect immediately upon its filing in the office of the Secretary of State.

Section 9. Repeal.

Chapter 57 entitled "Unsafe Buildings" and Section 136-14 entitled "Standards of Maintenance of Sidewalks and General Property Maintenance" of the Village of Minoa Code are hereby repealed.

(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 2013 of the (County)(City)(Town)(Village) of Minoa was duly passed by the Board of Trustees of the Village of Minoa on February 4, 2013 in accordance with the applicable 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 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____, 19____, and was

(approved)(not approved)(repassed
(Name of legislative Body)

disapproval) by the _____ and was deemed duly adopted on _____, 1116_

(Elective Chief Executive Officer*)
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 1116_ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____, 19____, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____, 19____. Such local law was (Elective Chief Executive Officer*)

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 the _____ on _____, 19____, and was (approved)(not approved)(repassed after

(Name of Legislative Body)

disapproval) by the _____ on _____, 19____. Such local law was subject to

(Elective Chief Executive Officer*)

permissive referendum and no valid petition requesting such referendum was filed as of _____, 19____, 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 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 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 one (1) above.



Lisa DeVona, Village Clerk

Date: February 5, 2013

(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 ONONDAGA

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
Steven J. Primo

Attorney for the Village
Title
County
City of Minoa
Town Village

Date: February 5, 2013

*Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a countywide 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.