

# Local Law Filing

41 STATE STREET, ALBANY, NY 12231

(Use this form to file a local law with the Secretary of State.)

## Village of Minoa

Local Law No. Five (5) of the year 2007.

### A local law amending Chapter 113 of the Village of Minoa Municipal Code.

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

Section 1. Section 113-1 of the Code of the Village of Minoa shall be deleted in its entirety and replaced with the following language:

- A) In addition to the fines, remedies and penalties set forth below, or otherwise in the Code of the Village of Minoa, and notwithstanding any provision of Section 1-17 of the Village Code or this Chapter 113 to the contrary or otherwise the penalty for any infraction of any chapter of this Code which specifies that such an infraction shall be a violation (but which does not specify a penalty) shall be a fine of not less than \$25 and not more than \$250 or imprisonment of not more than 15 days, or both.
- B) In addition to the fines, remedies and penalties set forth below, or otherwise in the Code of the Village of Minoa, and notwithstanding any provisions of Section 1-17 of the Village Code or this Chapter 113 to the contrary or otherwise for any violation of the following relating to the condition use, occupancy and/or possession of real property or improvements thereon, under Chapters: 51 to the extent not otherwise specifically provided therein; 42; 57; 63; 75; 124; 127; 132; 135; 136; 140; 147; 151; 155 and 160 et seq. of the Village Code or under the New York State Property Maintenance Code (NYCRR §1226.1) where:
  - 1) the owner, occupant or other person having the possession or control of any such lot or land shall have been previously personally served with a notice to comply with the provisions hereof, or if no such person can be found, by a posting of such notice on the premises and mailing a copy of the notice to the premises or the owner thereof as shown on the current tax roll for Village Taxes; and
  - 2) such owner, occupant or other person having the possession or control of any such lot or land shall have failed, neglected, or refused to comply with the provisions hereof within five days after the notice was sent or served; and

3) the Village shall have expended moneys to cure such violation(s) where a danger to the public health and safety existed as a result of such violation,

the Village may assess the cost of curing such violation, plus a service charge of 30% thereof to cover the cost of supervision and administration, against the property, to be levied, enforced and collected in the same manner as Village taxes, by the same proceedings, at the same time, with the same penalties and having the same effect as a lien upon the property as general Village taxes.

C) The foregoing provisions of §113-1(B) shall not apply wherever a separate procedure for notice, opportunity to cure and lien assessment on the property is provided for in the specific Chapter of the Village Code described at §113-1(B).

Section 2. ILLEGALITY/SEVERABILITY.

If any part of this local law or the application thereof to any person or circumstances is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation or the part or provision or 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 the other persons or circumstances. Further, in adjudging such invalid provision, the court shall attempt to modify same to a provision which is not invalid and which best achieves the intent of the invalid provision.

Section 3. EFFECTIVE DATE.

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

(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. Five of 2007 of the ~~(County)~~(City)(Town)(Village) of Minoa was duly passed by the Village Board of Trustees of the Village of Minoa on June 4, 2007 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 \_\_\_\_\_, 199\_

*(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 199\_\_ 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\_\_.

*(Elective Chief Executive Officer\*)*

Such local law was \_\_\_\_\_ 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.)

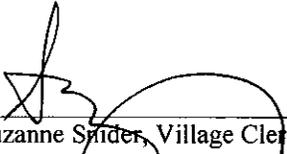
I hereby certify that the local law annexed hereto, designated as local law No \_\_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified 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.

  
\_\_\_\_\_  
Suzanne Spider, Village Clerk

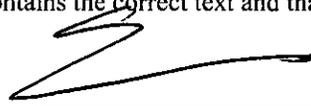
Date: June 14, 2007

(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: June 12, 2007

\*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.

NOTES:

- Original Local Law #5 for 2007 was approved by Board resolution on June 4, 2007
- Local Law #5 was signed and submitted to the Department of State on June 14, 2007
- Received acceptance on July 16, 2007 from the Department of State
- Per Steve Primo, there were typos on the originally submitted Local Law #5 for 2007 and the Department of State approved that the amended law be submitted
- Per NYCOM, amended local laws can be amended as long as they are due to typographical errors
- Amended Local Law #5 for 2007 was submitted to the Department of State on August 6, 2007