

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. Nine (9) of the year 2007.

A Local Law establishing Chapter 120 of the Village of Minoa of Code entitled "Registration and Inspection of Rental Properties Law."

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 establish a uniform program for the registration and inspection of rental properties within the Village in an effort to help protect and safeguard the rights, health, safety and welfare of Property Owners and all Occupants. Also, the intent of the program is to ensure proper maintenance of the rental housing stock through the participation of owners, Occupants, the Village and the community through annual building inspections and registration.

Section 2. Chapter 120, entitled "Registration and Inspection of Rental Properties Law" is hereby added, reading in its entirety as follows:

CHAPTER 120 Registration and Inspection of Rental Properties

§120-1. Title

This Chapter 120 shall be known as the "Registration and Inspection of Rental Properties".

§120-2. Definitions.

In this Chapter:

"Agent" shall mean a representative of a Property Owner who shall actually reside and be domiciled within the designated boundaries of Onondaga, Madison, Oswego, Cortland or Cayuga County and shall be legally authorized in a signed and notarized writing by the Property Owner delivered to the Village not less than thirty (30) days from the due date of registration and identified in such correspondence to the Village to act in the Property Owner's behalf in matters regarding (a) the Rental Unit(s). Upon application to the Village Board an Agent outside of such areas may be designated provided that the Village Board makes a finding that the past history of the Rental Unit, other Rental Units and/or the applicants, or such applicants' business reputation is such that it appears likely that the Rental Unit can be properly managed even though such Agent is not within

the counties named herein. The Village shall maintain a form for such purposes and such form shall be the official executed and delivered authorization form required hereunder.

“Allotted Time” shall mean as defined at §120-3(C).

“Codes Enforcement Officer” shall mean a staff member of, or appointed, employed or retained by, the Village of Minoa for the purpose of enforcement of this Chapter, including without limitation the Village Codes Enforcement Officer, DPW Superintendent, or other person, including third party independent contractors.

“Occupancy” (“Occupying,” “Occupied” or “Occupy”) shall mean the act, state, or condition of being or becoming a tenant, licensee, squatter, or being or living in, taking up quarters or space in or on, or being in possession of all or part of any real property.

“Occupant” shall mean any person who is in Occupancy of all or part of any real property.

“Owner-Occupied” shall mean any Rental Unit occupied by a Property Owner.

“Property Owner” shall mean any owner of real property or other person who offers, contemplates, or is able to offer a Rental Unit for occupancy to anyone other than the owner. Property Owner shall include the title or equitable owner, mortgagee or receiver/referee in possession or control of the property, Landlord, rental or management agent or any other person or entity in apparent ownership, management, or control of the real property. A Property Owner’s designated Agent (as such term is defined hereunder) shall be deemed the Property Owner for all purposes hereunder.

“Rental Permit” shall mean a permit issued by the Village of Minoa stating that the referenced Rental Unit, to the best of the Village’s knowledge and belief, conforms to the standards of the New York State Uniform Fire Prevention and Building Code and the Code of the Village of Minoa and that the structure or rental unit is permitted for occupancy use. Any special circumstances or conditions under which occupancy is permitted may be specified on such Rental Permit.

“Rental Unit” shall mean any real property, or part thereof, occupied, intended to be occupied, or able to or contemplated for occupancy by persons, businesses or other commercial enterprises other than the owner and their immediate family within or on the premises or part thereof whether or not such occupancy or intended occupancy is in consideration of a rental or similar payment. Each separate occupied, possessed, or separable living or working unit within a parcel of real property is considered a separate Rental Unit, all and each of which are subject to the provisions hereof. A unit contained within a one to four family dwelling occupied by an owners immediate family for no rental payment or similar consideration shall not be deemed a Rental Unit for purposes hereof. Any unit claimed by the owner to not be a Rental Unit, and therefore exempt from the provisions hereof shall be supported by the sworn statement described at §120-3(B).

“Temporary Rental Permit” shall mean the temporary permit issued upon initial registration pending a satisfactory inspection and issuance of a Rental Permit, all as per §120-3.

“Unfit Rental Unit” shall mean when a Rental Unit is found to be unsafe, or unfit for human occupancy or is found otherwise unlawful including any in violation of any Federal, New York State, Onondaga County or

Village of Minoa law, regulation or code and including without limitation the Village of Minoa property maintenance standards stated under §136-14 of the Village of Minoa Code.

“Village” shall mean (i) the Village Board of Trustees, or (ii) the Village Mayor where such authority is vested in the Mayor.

§120-3. Administration.

- A. Rules of Registration – No Rental Unit shall be occupied until a Rental Permit has been obtained for such Rental Unit. A Temporary Rental Permit will be issued upon initial registration, and that temporary permit will be valid until such time as an initial inspection is completed. After satisfactory inspection, the Village will issue the Property Owner a Rental Permit. Following the adoption of this law, all Rental Unit Occupancy shall be prohibited without a (Temporary or final) Rental Permit. Rental Unit occupancy without a valid permit shall result in the issuance of an “Order to Vacate” to all Occupants of (a) the Rental Unit(s).
- B. Rental Permit – Any Property Owner who allows occupation of a residential Rental Unit within the Village of Minoa shall register for and obtain a Rental Permit from the Village. All Rental Units must be registered with the Village of Minoa within sixty (60) days of the adoption of this law, and each and every calendar year or third year thereafter, as provided at §120-3(I) hereof, thereafter on or before December 31st (commencing the first full calendar year following adoption), on a registration form provided by the Village of Minoa substantially in the form attached. All fees and the registration form shall be submitted. Except as provided for at §120-2, Property Owners whose business or legal residence is outside Onondaga, Madison, Oswego, Cortland or Cayuga County must register an Agent on their behalf whose business or legal residence is in Onondaga, Madison, Oswego, Cortland or Cayuga County and who shall be deemed responsible for the Rental Unit. Any Property Owner claiming an exemption from Registration or payment of all or part of a Registration/Inspection fee shall file a sworn statement supporting its claim of exemption with the Village Clerk in form provided by the Village of Minoa.
- C. Inspections – The Codes Enforcement Officer shall be authorized, in the performance of their duties, to conduct inspections of Rental Units of the interior and exterior portions, at such times and in such manner as they may find necessary, with the consent of the Property Owner or Occupant. Upon registration all such inspections shall be satisfactorily completed, and with all issues and violations cited therein, cured, not later than the Allotted Time. The Allotted Time shall be that time for cure of all violations as imposed by the Codes Enforcement Officer upon initial inspection taking into consideration the severity, complexity and number/volume of violations, the likely cost to cure same, the time necessary to complete such cure(s), the type of property and similar relevant criteria. Except where such violations present emergency or similar dangerous conditions justifying a shorter period to cure, or requiring that such premises be immediately vacated as unfit for occupancy, or otherwise where initially extended by the Codes Enforcement Officer or extended by timely request to the Village Board, based on the foregoing criteria, the Allotted Time shall be one hundred twenty (120) days.

- D. Independent Special Inspections – As scheduled by the Codes Enforcement Officer or as required by this chapter or other provisions of law where there is reasonable question of safety, Property Owners shall be responsible for the inspection and testing of systems, materials and workmanship that are critical to the integrity of the building structure and safety of all Occupants.
- E. Qualified Personnel – Independent special inspections and tests shall be made by qualified persons who, because of experience or education, are recognized as competent by the Codes Enforcement Officer. Reports of inspections and tests, signed by the tester and a witness, together with a statement of any remedial measures to be taken, shall be filed with the Village of Minoa Clerk within ten (10) days after each inspection and test. If any equipment or system is found to be defective or not in proper operating condition upon inspection or test, the Property Owner shall promptly remedy such defect or condition.
- F. Notice of Violations – The Codes Enforcement Officer shall, in his discretion, determine the severity of any code violations following an inspection. If a Property Owner and/or Occupant is cited with a code violation, the Codes Enforcement Officer will notify the Property Owner of the violation and the Allotted Time within which it must be corrected. This provision shall not apply to emergency or similar exigent situations. If the violations are not corrected by the date indicated by the Codes Enforcement Officer and unless extended by the Codes Enforcement Officer upon request made prior to such expiration date, an Appearance Ticket may be issued and/ the temporary Rental Permit or Rental Permit may be revoked. The Codes Enforcement Officer may grant reasonable extensions of the Allotted Time upon request of the Property Owner made prior to the expiration date of the Allotted Time and provided that the Property Owner has previously acted within such period diligently and in good faith to cure the same
- G. Order to Vacate Premises – Whenever a notice of violation, as provided in §120-3(F) herein, has not been complied with, or the determination has been made that a Rental Unit is unsafe, unfit for human occupancy, unlawful or “serious” in nature, the Codes Enforcement Officer may order the Rental Unit(s) to be vacated within such time as the Codes Enforcement Officer shall direct.
- H. Approval to Occupy – No such Rental Unit(s) previously ordered to be vacated shall be occupied until a Rental Permit is secured from the Codes Enforcement Officer.
- I. Rental Permit Term – The term of a Rental Permit shall be three (3) years from the initial inspection date for those Rental Units that received a (final) Rental Permit within the Allotted Time imposed from a prior inspection (including as same may have been extended). All other Property Owners and Rental Units shall be subject to a one (1) year (from the initial inspection date) renewal requirement.

§120-4. Revocation of Rental Permit.

The Village of Minoa reserves the right to revoke or suspend any Rental Permit at any time due to violations of any laws, codes, ordinances, and regulations of New York State, County of Onondaga or the Village of Minoa.

§120-5. Fees/Penalties.

- A. Fees – The initial Registration and Inspection fee through December 31, 2008 shall be \$20.00 per Rental Unit for residential properties and \$25.00 per Rental Unit for all other properties. Thereafter, any increase in Registration and Inspection fees shall be set by resolution of the Village of Minoa Board of Trustees. In the event of a failure to timely register, schedule or be present for a scheduled inspection, or to pay registration and inspection fees registration date the costs incurred by the Village in enforcement of these provisions may be levied against and added as a special assessment to the subject property. The procedures for such levy shall be as provided for at §§120-9 and 120-10 of the Village of Minoa Code.
- B. Penalty for Offenses – Any person, firm or corporation who violates, disobeys, neglects or refuses to comply with any of the terms of this legislation shall be guilty of a misdemeanor and be subject to a fine of not more than \$1,000.00. Each week a violation continues shall be deemed a separate offense. Such fine may be levied against and added as a special assessment to the subject property. The procedure for such levy shall be as provided for at §§120-9 and 120-10 of the Village of Minoa Code.
- C. Prior Payment – All such fees and penalties shall be paid prior to the issuance of any Rental Permit.

§120-6. Exemptions.

All units annually monitored by any Housing Authority with jurisdiction over the Village of Minoa or New York State Dormitory Authority are exempt from the registration and inspection provisions as outlined in this local law.

§120-7. Inspection Refusals.

In the event of a refusal to cooperate with an inspection request, after being provided reasonable notice, in the discretion of the Codes Enforcement Officer an Administrative Search Warrant may be requested from the courts and the Code Enforcement Officer may return with the warrant and Police personnel to make the inspection.

§120-8. Amendments.

The Village of Minoa Board of Trustees shall establish by resolution and may periodically amend administrative rules, procedures, fees and other provisions of this law.

§120-9. Notice, Reimbursement of Costs; Assessment Upon Real Property.

In the event of any action or proceeding commenced by Village, service by certified or registered mail return receipt requested upon the Property Owner or Agent, at the last designated address, shall be deemed good and sufficient service and shall be legally sufficient in lieu of any requirement of service of process under the New York Civil Practice Law and Rules or Real Property Actions and Proceedings Law. The Village shall be reimbursed for the cost of such action or proceeding commenced by direction of the Village Board and in addition, for the costs of any mitigation, remediation, repair, replacement or maintenance required hereunder or as a result of a violation of any other Village Code provision, plus a 30% administration cost by assessment and levy upon the lots or parcels of land the Rental Unit is situate, 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.

§120-10. Filing of Notice of Intent to Levy.

Whenever the Village has ordered the reimbursement for the costs of the work performed or services rendered as hereinabove provided in §120-9 by assessment and levy upon the lot or parcels of lands whereon such work was performed or such services rendered, the Village Clerk may 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 from time to time hereinafter, to be recorded in the records of the Onondaga 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 Onondaga County Clerk shall be included in the costs and expenses assessed and levied upon such lots or parcels. 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 later imposed against such lots or parcels of land, the owner(s) hereof or any subsequent transferees or others acquiring any interest in such lots or parcels of land.

§120-11 Appeal of Codes Enforcement Officer's Decision.

The Village Board of Trustees will review such orders, requirements, decisions or determinations of the Codes Enforcement Officer hereunder or otherwise interpret the provisions hereof, including without limitation the extension of any Allotted Time. The Property Owner may request such an interpretation or review of the written order, decision or determination that was made by the Codes Enforcement Officer by the Board of Trustees. Such request must be made in writing no later than sixty (60) days from the date that a written order, decision or determination was made by the Codes Enforcement Officer or such interpretation issue otherwise arises.

Section 3. 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 to 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 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 4. 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. 9 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 November 19, 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__. 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.)

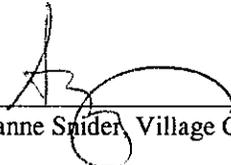
I hereby certify that the local law annexed hereto, designated as local law No _____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors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



Suzanne Snider Village Clerk
Date: November 22, 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: 11/21, 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.

Date Received: _____
Date Temp. Permit Issued: _____

Date of Initial Inspection: _____
Date of Permit Issued: _____

Property Registration Fee Due October 1st Each Year
Property Registration Fee - \$ __ per unit
(make checks payable to Village of Minoa)

VILLAGE OF MINOA

Rental Property Registration Form

Rental Property Information:

Property Address: _____

Dwelling Type: € Single Family € Multiple Family: # of units: _____

Tax Map #: _____

Property Owner Information: In case of partnership or corporation, list information on all names of general partners, corporate officers, and registered agents. (Attach separate sheet if necessary)

Name: _____

Name: _____

Address: _____

Address: _____

Phone: _____

Phone: _____

Property Agent Information:

Name: _____

Name: _____

Address: _____

Address: _____

Phone: _____

Phone: _____

Property Owner/Agent Signature: _____

Date: _____

MAYOR
Richard J. Donovan
TRUSTEES
William F. Brazill
John H. Champagne
Ronald L. Cronk
Edmond J. Theobald
CLERK-TREASURER
Suzanne M. Snider
LEGAL COUNSEL
Primo, Primo & Kirwan, LLP



VILLAGE OF MINOA
240 N. MAIN STREET
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November 26, 2007

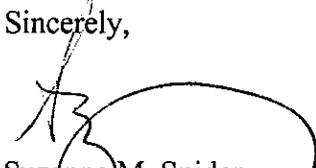
Secretary of State
Miscellaneous Records Unit
Department of State
41 State Street
Albany, NY 12231

Dear Secretary of State:

Enclosed is one (1) original copy of Local Law #9 for 2007 for the Village of Minoa.

If there are any questions on this law, please do not hesitate to contact me at (315) 656-3100.

Sincerely,



Suzanne M. Snider
Village Clerk/Treasurer

Enclosure

CC: Attorney Steven J. Primo w/attachment

PRIMO, PRIMO & KIRWAN, LLP
Attorney at Law

Steven J. Primo
E-mail: sprimo@ppklaw.com

7075 Manlius Center Road
East Syracuse, NY 13057
Telephone: (315) 452-2440
Fax: (315) 671-1550

November 21, 2007

Village of Minoa
240 North Main Street
Minoa, New York 13116

Attn: Suzanne Snider, Clerk/Treasurer

Dear Suzanne:

Enclosed are three (3) originals of Local Law No. 9 for the year 2007. After you have executed each original, dated and affixed the Village Seal, please forward one (1) original to:

State Records and Law Bureau
Department of State
41 State Street
Albany, NY 12231

Please keep one (1) original for your records and return one (1) original to this office.

Thank you.

Very truly yours,

Primo, Primo & Kirwan, LLP



Steven J. Primo
SJP/cmh

Enclosure(s)