

LOCAL LAW #1-2016

A LOCAL LAW TO PROVIDE FOR EXPEDITED PROPERTY MAINTENANCE FOR PERSISTENT VIOLATORS

Be it enacted by the Town Board of the Town of Clarkson, New York

Section 1. Title.

This Local Law shall be known as Local Law #1-2016 “A Local Law to Provide for Expedited Property Maintenance for Persistent Violators”.

Section 2. Purpose.

A review by the Town Board of the Orders enacted pursuant to Local Law #2-2009 reveals that many of them are for the same properties. Because of the notice provisions set forth in Local Law #2-2009 when it is the same property, the maintenance issues become very difficult to deal with resulting in difficult to remove brush, grass, rubbish and weeds. Based on these findings, the Town Board is enacting this law to shorten the process for persistent violators.

Section 3. Authority. This Local Law is adopted pursuant to Article 9 of the New York State Town Law and the Municipal Home Rule Law of the State of New York.

Section 4. Changes to Code

§45-3 of the Clarkson Code is modified by adding the following section:

D. Persistent Violators. In cases where a notice has been served and posted as set forth above and where the owner, occupant and/or the owners agent(s) failed to remedy the situation, and a second, or subsequent, violation occurs within twelve months of Town Board action, the Building Inspector or Code Enforcement Officer shall take the following action:

1. The building inspector/code enforcement officer shall serve written notice upon such owner or owners by ordinary mail addressed to his or their last known address. Said notice shall also be posted on the sign board in the Town Hall and conspicuously posted on the premises.

2. The notice for persistent violators shall be in substantially the following form:

To the owner, occupant or person having charge of land within the Town of Clarkson briefly described as follows: (Here describe the subject property.) Notice is hereby given that certain violations of the Code of the Town of Clarkson currently exist at the aforementioned property, namely: (Describe the violation) and constitutes a public nuisance in the Town of Clarkson. The record owners of this property have been cited and failed to correct this violation at least once in the previous twelve months. These violations must be remedied by performing the work stated above within five days from the date of this notice. If said work is not performed and said violations are not remedied on or before the expiration of said

five days from the date hereof, the Town of Clarkson, New York, acting through its duly authorized agents, servants, officers and employees, may enter upon said property and perform said work. In this event, the expense incurred by the Town of Clarkson shall be assessed against said property and shall constitute a lien thereon and be collected in the manner provided by law.

Dated: _____

Building Inspector/Code Enforcement Officer

3. The Building Inspector/Code Enforcement Officer shall provide to the Town Board a list of persistent violators and a list of notices given to said violators on or before the last day of each and every month where such notices have been given. Such notice may be by electronic means and incorporated in the reports normally provided to the Town Board by the Building Inspector/Code Enforcement Officer.

Section 5. Repealer.

All local laws or parts of local laws inconsistent or in conflict with this local law are hereby repealed to the extent of such conflict or inconsistency.

Section 6. Severability.

If any clause, sentence, phrase, subdivision, paragraph, section or any part of this section shall for any reason be adjudicated finally by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this section, but shall be confined in its operation to the clause, sentence, subdivision, paragraph, section or part thereof directly involved in the controversy or action in which said judgment shall have been rendered. It is hereby declared to be the legislative intent that the remainder of this section would have been adopted had any such provision been excluded.

Section 7. When effective.

This Local Law Chapter shall become effective upon its adoption and upon filing with the New York State Secretary of State.