

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
41 STATE STREET
ALBANY, NY 12231

(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.

~~COUNTY~~
~~CITY~~
of
Town
~~VILLAGE~~

Williamstown

Local Law No. 1 of the year 20 03

A local law amending Local Law No. 1 of 1998, a local law regulating junk
(Insert Title)
and licensing of junkyards in the Town of Williamstown, New York.

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

~~County~~
~~City~~
of
Town
~~Village~~

Williamstown

as follows:

SECTION 1: TITLE

This Local Law shall be known as Local Law No. 1 of 2003 amending Local Law No. 1 of 1998, a local law regulating junk and licensing of junkyards in the Town of Williamstown, New York.

SECTION 2: PURPOSE

This Local Law No. 1 of 2003 is enacted for the purpose of amending Local Law No. 1 of 1998 so as to amend Section 8(a) and Section 11 of said law.

SECTION 3:

Section 8(a) shall be amended to read as follows:

- (a) The initial license fee shall be \$150 to be paid at the time the application is first made, and \$50 annually thereafter on each renewal. In addition to the application fee, the applicant is responsible for the cost of publication. The application and renewal fees cover the cost of issuing the license and making the

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

necessary inspection of the premises to ascertain compliance with the regulations described in Local Law No. 1 of 1998. The application fee is non-refundable.

SECTION 4:

Section 11 of Local Law No. 1 of 1998 shall be amended to read as follows:

SECTION 11: PENALTIES FOR OFFENSES

A. The owner or licensee of any such place of business, or any person, as defined in Section 4 of Local Law No. 1 of 1998, who commits or permits any acts in violation of any of the provisions of this local law or fails to comply with the provisions thereof shall be deemed to have committed an offense against such local law and also be liable for any such violation or the penalty therefore. Each day such violation shall continue or be permitted to exist shall constitute a separate violation.

B. For every violation of any provision of this law, the person violating the same shall be subject to a fine of not more than Five Hundred (\$500.00) Dollars and/or fifteen (15) days in jail for each such offense. Such penalties shall be collectable by and in the name of the Town for each day that such violations shall continue.

C. In addition to any other penalties or remedies available to the Town under this Section, the Town Board may conduct a hearing to determine whether such violation constitutes a significant public health or safety issue. Such hearing shall be on a minimum of 10 days notice to the owner, which notice may be served personally or by certified mail, return receipt requested, to the last known address of the owner as shown on the last completed tax roll.

1. Such notice shall specify the date, time and place of the hearing, the purpose of the hearing, the nature of the alleged violation, the owner may be present and participate in the hearing individually and/or through counsel, the fact that if the Town does determine that there is a significant health, safety or welfare issue, that it may enter the property to clean up the violation, and that all costs so incurred, including legal expenses, which will be assessed against the land on which such violation is located and shall be levied and collected in the same manner as provided in Article 15 of the Town Law for the levy and collection of a special ad valorem levy.

2. The Town Board shall conduct a hearing on the date and time indicated in the notice and shall make findings of fact. Based on such findings, the Town Board shall determine whether any remedial action is required.

3. The Town Board shall notify the owner of its decision in the same manner as the notice of hearing. If no corrective action is taken within 10 days of such notice being either mailed or personally served upon the owner, then the Town Board may authorize entry onto the property to do such remediation work or

removal of the violation and may charge all costs so incurred, including legal expenses, as a tax against the land.

D. In addition to all other penalties and remedies available to the Town under this section, the Town shall have the authority, upon resolution, to make an application at a special term of the Supreme Court, in the judicial district in which such property is located, for an order determining the property to be a public nuisance, directing that the property be repaired, secured or cleaned by either the owner or the Town and imposing a fine of \$500 per day for each day the property remains in violation. In the event the Town is authorized to secure, demolish or clean up the violation, the costs so incurred, including legal expenses, shall be a tax against the land on which such building is located in the same manner as provided in Article 15 of the Town Law for the levy and collection of a special ad valorem levy.

E. The hearing process outlined in Subdivision C of Section 11 is not an administrative remedy that must be exhausted before proceeding to Supreme Court. The Town Board for the Town of Williamstown shall have the discretion to determine which enforcement alternative is appropriate under the circumstances of each case, and shall have the discretion to determine whether to pursue more than one enforcement alternatives.

SECTION 5: EFFECTIVE DATE

This local law shall take effect immediately upon the filing thereof of 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. 1 of 20 03 of the ~~(County)(City)~~ (Town)(Village) of Williamstown was duly passed by the Town Board on 4/29 20 03, in accordance with the applicable provisions of law.
(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 20 _____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20 _____, and was (approved)(not approved) (repassed after disapproval) by the _____ and was deemed duly adopted on _____ 20 _____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20 _____, and was (approved)(not approved) (repassed after disapproval) by the _____ on _____ 20 _____.
(Name of Legislative Body)
(Elective Chief Executive Officer*)
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 _____ 20 _____, 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 20 _____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20 _____, and was (approved)(not approved) (repassed after disapproval) by the _____ on _____ 20 _____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20 _____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

* 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 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.

~~5. (City local law concerning Charter revision proposed by petition.)~~

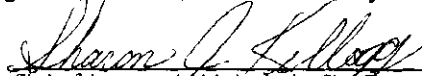
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, 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 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, 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 _____ 1____, above.

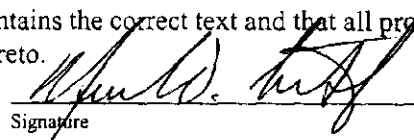

Clerk of the county legislative body, City, Town or Village Clerk or
officer designated by local legislative body
SHARON KELLOGG, Town Clerk
Date: 4/29/03

(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 _____ OSWEGO _____

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
Town Attorney
Title

~~XXXXX~~
~~NY~~ of _____ Williamstown
Town
~~XXXXX~~

Date: 5/3/03