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.

☐ **County** ☐ **City** ☐ **Town** ☒ **Village**
(Select one:)

of Adams

Local Law No. 1 **of the year 20**24

A local law Unsafe Buildings and Structures Law
(Insert Title)

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

☐ **County** ☐ **City** ☐ **Town** ☒ **Village**
(Select one:)

of Adams **as follows:**

SEE ATTACHED

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

(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 2024 of the ~~(County)(City)(Town)~~(Village) of Adams was duly passed by the Village Board on Feb 20th, 2024, 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)
(Name of Legislative Body)
(repassed after disapproval) by the _____ and was deemed duly adopted
(Elective Chief Executive Officer)*
on _____ 20[ ][ ], in accordance w ith 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 20_____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20_____, and was (approved)(not approved)
(Name of Legislative Body)
(repassed after disapproval) by the _____ on _____ 20_____.
(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)
(Name of Legislative Body)
(repassed after disapproval) by the _____ on _____ 20_____. Such local
(Elective Chief Executive Officer)*
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.

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* 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

(Seal)

Date: 2/26/24

VILLAGE OF ADAMS

UNSAFE BUILDINGS AND STRUCTURES LAW

LOCAL LAW 1 OF 2024

Section 1. Title

This law shall be known as the "Unsafe Buildings and Structures Law" of the Village of Adams. This Local Law shall repeal and replace any Local Legislation, Law, Rule or Regulation not consistent herewith.

Section 2. Purpose

Unsafe buildings and structures pose a threat to life and property in the Village of Adams. Buildings and structures may become unsafe by reason of damage by fire, the elements, age or general deterioration. Vacant buildings not properly secured also serve as an attractive nuisance for young children who may be injured therein, as well as a point of congregation by vagrants and transients. An unsafe building(s) or structure(s) may also serve as a place of rodent infestation, thereby creating a health menace to the community. Debris, rubble, scrap, abandoned machinery or equipment or parts of buildings left on the ground and not removed constitute a dangerous, unhealthy and unsightly condition. It is the purpose of this Local Law to provide for the safety, health, protection and general welfare of persons and property in the Village of Adams by requiring that such unsafe building(s) or structures be repaired and secured or demolished and removed.

Section 3. Statutory Authority

This law is promulgated pursuant to authority conferred by the Village Law of the State of New York, including, but not limited to: §4-412; §4-414; and §5-518(5) of the NY Village Law and Articles 2 and 3 of the NY Municipal Home Rule Law, all as the same may be amended from time to time.

Section 4. Definitions

The following words and phrases as used in this local law shall have the meaning hereinafter ascribed to them.

VILLAGE - The Incorporated Village of Adams.

BOARD OF TRUSTEES – The duly elected and constituted Board of Trustees for the Village.

BUILDING – A dwelling wholly or partly enclosed within exterior walls or within exterior or party walls and a roof, affording shelter to persons, animals or property.

DANGEROUS/UNSAFE BUILDING OR STRUCTURE – It is intended to include, by example, any building or structure or portion thereof which:

a. Has interior walls or other vertical structural members which list, lean or buckle to such an extent that a plumb line passing through the center of gravity falls outside of the middle 1/3 of its base;
b. Exclusive of the foundation, shows 33% or more of damage to, or deterioration of, the supporting member(s) or 50% damage to or deterioration of the non-supporting enclosing or outside walls or covering;
c. Has improperly distributed loads upon the floors or roofs or in which the same are overloaded or have insufficient strength to be reasonably safe for the purpose used;
d. Has been damaged by fire, wind or other causes so as to have become dangerous to life or safety or the general health and welfare of the occupants or others;
e. Has become or is so dilapidated, decayed, unsafe, unsanitary or which so utterly fails to provide the amenities essential to decent living that it is unfit for human habitation or is likely to cause sickness or disease, so as to possibly result in injury to the health, safety or general welfare of those living therein;
f. Has light, air and sanitation facilities which are inadequate to protect the health, safety or general welfare of human beings who live or may live therein;
g. Has inadequate facilities for egress in case of fire or panic or has insufficient stairways, elevators, fire escapes or other means of ingress and egress;
h. Has parts thereof which are so attached that they may fall and injure persons or property;
i. Because of its condition, is unsafe, unsanitary or dangerous to the health, safety or general welfare of people;
j. Is open at the doorways or windows or walls, making it accessible, to and an object of, attraction to minors and other trespassers;
k. Is or may become a place of rodent infestation; or
l. Consists of debris, rubble or parts or buildings left on the ground after demolition, reconstruction, fire or other casualty.

ENFORCEMENT OFFICAL – The person appointed by the Village Board by resolution to enforce the provisions of this law.

STRUCTURE - An assembly of materials, forming a construction framed of component structural parts for occupancy or use, including buildings.

Section 5. Investigation and Report

When, in the opinion of the Enforcement Official, or upon receipt of information (from any police officer, law enforcement officer, fireman or resident of the Village), that dangerous or unsafe building or structure, as defined in Section 4, exists in the Village, the Enforcement Official shall cause or make an inspection thereof and report in writing to the Board of Trustees his or her findings and recommendations in regard to its repair or demolition and removal. Said report may also include additional reports from an Engineer duly licensed in the State of New York.

Section 6. Determination of the Board of Trustees

The Board of Trustees shall thereafter consider such report and, by resolution of a majority of its members determine, if in its opinion, the report so warrants, that such building or structure is dangerous/unsafe as defined herein and Order its repair if the same can be safely repaired or its demolition and removal, and further order that a notice be served upon the appropriate persons in the manner provided in Section 7.

Section 7. Contents of Notice

The notice shall contain the following:

a. The 911 address, Tax Parcel number(s) and a description of the building(s)/structures(s);
b. A statement of the particulars in which the building or structure is unsafe or dangerous;
c. An Order requiring the building or structure to be made safe and secure or demolished and removed;
d. A statement that the repair/securing or demolition/removal of such building or structure shall start within seven (7) calendar days after the date of the close of the public hearing and shall be completed within 30 days thereafter, unless extended in writing by the Enforcement Official ;
e. The time and place for a hearing to be held before the Village Board regarding the report(s) and notice to repair/secure or demolish/remove ; and
f. A statement that in the event of neglect or refusal to comply with the Order to repair/secure or demolish and remove the building or structure, the Village Board is authorized to provide for its demolition and removal, to assess all costs and expenses thereof against the owner(s) and to require repayment/reimbursement of all costs and expenses of demolition and removal, including administrative, engineering and legal costs and expenses.

Section 8. Service of Notice

The notice shall be served:

a. Upon the owner, executor, legal representative, administrator, agent, lessee or any person having a vested or contingent interest in such unsafe building or structure, either personally or by registered mail, return receipt requested, addressed to the last known address, if any, of the owner, executor, legal representative, administrator, agent, lessee or any person having a vested interest or contingent interest in such unsafe building/structure, as shown by the Village tax records or the records of the Jefferson County Clerk's Office; and

b. If such notice is served by registered mail, by securely affixing a copy of such notice upon the dangerous/unsafe building or structure.

Section 9. Filing

A copy of the notice shall be filed in the office of the Jefferson County Clerk, which notice shall be filed by such Clerk in the same manner as a notice of pendency pursuant to Article 65 of the Civil Practice Law and Rules by the State of New York and shall have the same effect as a notice of pendency as therein provided. A notice so filed shall be effective for one (1) year from the date of filing; provided, however, that it may be vacated upon the Order of a Judge or Justice of a court of record or upon the consent of the Village Attorney. The Jefferson County Clerk shall mark such notice and any record or docket thereof as canceled of record upon the presentation and filing of such consent or of a certified copy of such Order.

Section 10. Refusal to Comply

In the event of the refusal or neglect of the person so notified to comply with said Order of the Board of Trustees and after the hearing, the Board of Trustees shall provide for the demolition and removal of such building or structure either by Village employees or by contract with a third-party.

Section 11. Assessment and Reimbursement of Costs

The Village shall be reimbursed for all costs of work performed or services rendered by assessment and levy on the real property on which such dangerous/unsafe condition was remedied, including but not limited to the cost of demolition and removal of said building(s) or structure(s), administrative, engineering, and legal costs and expenses. The cost and expense 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.

The lien shall arise and attach to the property at the time the expense and costs are necessarily incurred, and paid, by the municipality.

Section 12. Emergency Cases

Where it reasonably appears that there is a present, clear and imminent danger to life, safety or health of any person or property, unless a dangerous/unsafe building or structure is immediately secured or demolished, the Board of Trustees may, by resolution, authorize the Enforcement Official to immediately cause the securing or demolition and removal of such dangerous/unsafe building or structure. The expenses of such securing or demolition and removal, including any administrative, engineering and legal costs and expenses, shall be a charge against the land on which it is located and shall be assessed, levied and collected as provided in Section 11 hereof.

Section 13. Validity

If any section, paragraph, subdivision or provision of this law shall be declared unlawful or invalid, such determination shall apply only to the section, paragraph, subdivision, or provision adjudged unlawful or invalid and the remainder of the Local Law shall remain valid and effective to the maximum extent possible.

Section 14. Effective Date.

This local law shall take effect upon it being duly filed in the Office of the Secretary of State of the State of New York.

NOTICE OF PUBLIC HEARING
Village of Adams, New York

Proposed Local Law: Unsafe Buildings and Structures

PLEASE TAKE NOTICE that a Local Law has been introduced before the Village Board of the Village of Adams to address unsafe buildings and structures within the Village.

PLEASE TAKE NOTICE that a public hearing upon the Local Law will be held at the Village Offices, **3 S. Main Street, Adams, New York** on Feb. 20th **, 2024 at** 7:15 **p.m**. and that an opportunity to be heard in regard thereto will then and there be given to all persons.

Date: Jan 17th, 2024

Tricia Beutel- Village Clerk

VILLAGE OF ADAMS

3 S. Main Street
Adams, NY 13605
(315) 493-2707

RESOLUTION #10 of 2024

NEGATIVE DECLARATION FOR SEQR (Long Form) FOR UNSAFE BUILDING and STRUCTURE LAW

WHEREAS, the Village Board of the Village of Adams, New York has considered the adoption of Legislation in the Village of Adams in connection with Unsafe Buildings and Structures; and

WHEREAS, the Village Board of the Village of Adams has reviewed an Environmental Assessment Form for the purpose of assisting the Village Board in making a determination of significance in respect to the Legislation; of whether the enactment of the Legislation would have a significant adverse impact on the environment; and

WHEREAS, the Village has reviewed the criteria for determining significance of an action that is set forth at 6 NYCRR §617.7(c); and

WHEREAS, having considered the action, consisting of the adoption of the Legislation and the potential environmental impacts associated with such action, the Village Board has determined to proceed.

NOW, THEREFORE, BE IT RESOLVED, that the Village Board of the Village of Adams finds that the proposed action of adopting the legislation is subject to SEQR; and

BE IT FURTHER RESOLVED, that the action constitutes an unlisted action under SEQR 617.2(al); and

BE IT FURTHER RESOLVED, that the Village Board is the agency with jurisdiction by law to fund, approve, or directly undertake this action, and therefore, a coordinated review of the action under SEQR is neither required nor necessary.

BE IT FURTHER RESOLVED, by the Village Board of the Village of Adams, New York:

1. Based upon the examination and consideration of the Long Environmental Assessment Form and comparison of the proposed action and criteria set forth at 617.7, no significant impact on the environment is known by the adoption of the proposed legislation.

2. The Mayor for the Village of Adams is authorized to execute the Long Environmental Assessment Form to the effect that the Village Board is issuing a "negative declaration" under SEQR.

3. A complete copy of the EAF including its negative declaration shall be maintained in the Village Clerk's office in a file that will be readily accessible to the Public. All subsequent notices regarding the undertaking of the project as set forth in this Resolution shall state that a negative declaration has been issued.

4. This Resolution shall take effect immediately.

The foregoing Resolution was offered by Board Member, Pacella, and seconded by Board Member, Davis, and upon roll call vote of the Board was duly adopted as follows:

Thomas Ross, Mayor	Yes ✓	No ____
Keith Perry	Yes ✓	No ____
Todd Race-absent	Yes ____	No ____
Kreg Davis	Yes ✓	No ____
Lory Cobb	Yes ✓	No ____
Mark Pacella	Yes ✓	No ____

Dated: Feb. 20th, 2024

Tricia Beutel, Village Clerk

VILLAGE OF ADAMS

3 S. Main Street
Adams, NY 13605
Telephone (315) 232-2632

RESOLUTION #_7_ of 20_4_

ENACT LOCAL LAW REGARDING
Unsafe Buildings and Structures Law

WHEREAS, the Village Board for the Village of Adams, New York is interested in enacting a Local Law that will address Unsafe Buildings and Structures within the Village; and

WHEREAS, the Village Board has reviewed the proposed legislation that will repeal and replace any of the Village's current Local Laws, ordinances, rules, or regulations (if any) that address the same.

NOW, THEREFORE, BE IT RESOLVED, by the Village Board of the Village of Adams, New York as follows:

1. The forgoing recitation is incorporated herein and made a part hereof as if set forth herein.

2. The Village Board hereby enacts the Local Law for Unsafe Buildings and Structures as being in the best interests of the Village of Adams.

3. The Mayor for the Village of Adams, and the Village Clerk, their respective agents and employees are hereby authorized to sign all documents and take all steps necessary to enact this legislation.

4. This Legislation shall be filed with the New York State Department of State and shall become effective thereafter.

5. This Resolution shall take effect immediately.

The foregoing Resolution was offered by Board Member, Davis, and seconded by Board Member, Pacella, and upon roll call vote of the Board was duly adopted as follows:

Tom Ross, Mayor	Yes ✓	No ____
Keith Perry	Yes ✓	No ____
Todd Race	Yes ____	No ____
Kreg Davis	Yes ✓	No ____
Lory Cobb	Yes ✓	No ____
Mark Pacella	Yes ✓	No ____

Dated: Feb. 20th, 2024

Tricia Beutel, Village Clerk