

(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

of Bloomfield

Local Law No. One of the year 2008

A local law Amendment to the Village of Bloomfield Local Law Providing For the Administration and Enforcement of the NYS Building Code and Uniform Fire Prevention Law.

Be it enacted by the Board of Trustees of the

County

City

Town

Village

of Bloomfield as follows:

AMENDMENT TO LOCAL LAW NUMBER FOUR OF THE YEAR 2006

PROVIDING FOR THE ADMINISTRATION AND ENFORCEMENT OF THE NYS UNIFORM FIRE PREVENTION AND BUILDING CODE

SECTION 12. FIRE SAFETY AND PROPERTY MAINTENANCE INSPECTIONS

ADD THE FOLLOWING:

- b) Inspections "In addition to inspections...remove "may" and replace with "shall" (4) If a building code violation is visibly apparent on a property without entering the property, the Code Enforcement Officer will send a written notice of violation(s) to the property owner citing the violation(s) or condition(s) and specifying the minimum remedy required to comply with the NYS Fire Prevention and Building Code; to be completed within a reasonable time frame.

SECTION 16. VIOLATIONS

CHANGE (e) to (g)

ADD THE FOLLOWING

(e) Summary Abatement. The Village of Bloomfield Board of Trustees may wish to remedy or abate a nuisance condition or violation without going to court. (1) This summary abatement may take place if the property owner has been notified in writing by the Code Enforcement Officer, either by certified mail or direct contact, of the nuisance condition or violation and has not remedied the situation within five business days of receipt of said notice. (2) Following the fifth day of noncompliance, the Code Enforcement Officer will send a second written notice, either by certified mail or by serving in person, informing the property owner that he/she has five business days to come into compliance or the Village Board of Trustees will cause an order to have the violation or nuisance condition remedied. (3) The property owner may contest the summary abatement within the second five-day period by certified mail to be received in the Village of Bloomfield Office no later than the last day of the second notice deadline. (6) If the violation remains uncorrected, the Village Board will conduct a public hearing not less than five days from the date of service of the notice upon the person in violation. 7) Notice; Contents. The notice shall contain the following: (a) a description of the nuisance violation; (b) a statement outlining the manner in which the violation must be corrected within 5 days thereafter, unless, for good cause shown, such time shall be extended; (c) a date, time and place for a hearing before the village board in relation to such nuisance violation which hearing shall be scheduled not less than five business days from the date of service of the notice; and (d) a statement that in the event of neglect or refusal to comply with the order to correct the violation, the village board is authorized to provide for its correction or abatement 8) Service of Notice. The said notice shall be served (a) by personal service of a copy thereof upon the owner, executor, administrator, agent, lessee, or any person having a vested or contingent interest in such property as shown by the records of the tax collector or of the county clerk; or if no such person can be reasonably found, by mailing such owner by registered mail a copy of such notice directed to his last known' address as shown by the above records; and (b) by personal service of a copy of such notice upon any adult person residing in or occupying said premises if such person can be reasonable found; and (c) by securing affixing a copy of such notice upon the property. 9) Summary abatement may take place for the following nuisance conditions: grass and/or weed growth in excess of ten (10) inches or the presence of noxious weeds, rodent or insects or infestation, or presence of exterior accumulation of rubbish or garbage either not properly contained or left outside for a period of time which exceed fourteen (14) days.

(f) Liens. If the Village of Bloomfield Board of Trustees summarily abates a nuisance condition as listed in (e) above, all expenses incurred to abate such condition shall be levied against the property and collected in the manner as provided for in Article 5-516 of the Village Law for the levy and collection of a special ad valorem levy.

(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. One of 2008 of the (County)(City)(Town)(Village) of Bloomfield was duly passed by the Board of Trustees on 03/26/08 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 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not approved)(repassed after disapproval) by the _____ and was deemed duly adopted on _____ 19____, 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 19____ 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 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 _____ 19____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

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 disapproval) by the _____ on _____ 19____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 19____, 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 19____ 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 _____, above.

Clerk of the County legislative body, City, Town or Village Clerk
or officer designated by local legislative body

(Seal)

Date: _____

(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 _____ Ontario _____

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

Village Attorney

Title

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

Date: _____

(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 Bloomfield
~~Town~~
Village

Local Law No. One of the year 2008

A local law Amendment to the Village of Bloomfield Local Law Providing
(Insert Title)
Administration and Enforcement of the NYS Building Code and
Fire Prevention Law.

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

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

AMENDMENT TO LOCAL LAW NUMBER FOUR OF THE YEAR 2006

PROVIDING FOR THE ADMINISTRATION AND ENFORCEMENT OF THE NY UNIFORM FIRE PREVENTION AND BUILDING CODE

SECTION 12. FIRE SAFETY AND PROPERTY MAINTENANCE INSPECTIONS

ADD THE FOLLOWING:

- b) Inspections "In addition to inspections...remove "may" and replace with "shall"
 (4) *If a building code violation is visibly apparent on a property without entering the property, the Code Enforcement Officer will send a written notice of violation(s) to the property owner citing the violation(s) or condition(s) and specifying the minimum remedy required to comply with the NYS Fire Prevention and Building Code; to be completed within a reasonable time frame.*

SECTION 16. VIOLATIONS

CHANGE (e) to (g)

ADD THE FOLLOWING

(e) Summary Abatement. The Village of Bloomfield Board of Trustees may wish to remedy or abate a nuisance condition or violation without going to court. (1) This summary abatement may take place if the property owner has been notified in writing by the Code Enforcement Officer, either by certified mail or direct contact, of the nuisance condition or violation and has not remedied the situation within five business days of receipt of said notice. (2) Following the fifth day of noncompliance, the Code Enforcement Officer will send a second written notice, either by certified mail or by serving in person, informing the property owner that he/she has five business days to come into compliance or the Village Board of Trustees will cause an order to have the violation or nuisance condition remedied. (3) The property owner may contest the summary abatement within the second five-day period by certified mail to be received in the Village of Bloomfield Office no later than the last day of the second notice deadline. (6) If the violation remains uncorrected, the Village Board will conduct a public hearing not less than five days from the date of service of the notice upon the person in violation. 7) Notice; Contents. The notice shall contain the following: (a) a description of the nuisance violation; (b) a statement outlining the manner in which the violation must be corrected within 5 days thereafter, unless, for good cause shown, such time shall be extended; (c) a date, time and place for a hearing before the village board in relation to such nuisance violation which hearing shall be scheduled not less than five business days from the date of service of the notice; and (d) a statement that in the event of neglect or refusal to comply with the order to correct the violation, the village board is authorized to provide for its correction or abatement 8) Service of Notice. The said notice shall be served (a) by personal service of a copy thereof upon the owner, executor, administrator, agent, lessee, or any person having a vested or contingent interest in such property as shown by the records of the tax collector or of the county clerk; or if no such person can be reasonably found, by mailing such owner by registered mail a copy of such notice directed to his last known' address as shown by the above records; and (b) by personal service of a copy of such notice upon any adult person residing in or occupying said premises if such person can be reasonable found; and (c) by securing affixing a copy of such notice upon the property. 9) Summary abatement may take place for the following nuisance conditions: grass and/or weed growth in excess of ten (10) inches or the presence of noxious weeds, rodent or insects or infestation, or presence of exterior accumulation of rubbish or garbage either not properly contained or left outside for a period of time which exceed fourteen (14) days.

(f) Liens. If the Village of Bloomfield Board of Trustees summarily abates a nuisance condition as listed in (e) above, all expenses incurred to abate such condition shall be levied against the property and collected in the manner as provided for in Article 5-516 of the Village Law for the levy and collection of a special ad valorem levy.

(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. One of 2000 of the (County)(City)(Town)(Village) of Bloomfield was duly passed by the Board of Trustees on 03/26/08 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 19__ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19 __, and was (approved)(not approved)(repassed after disapproval) by the _____ and was deemed duly adopted on _____ 19__ in accordance with the applicable provisions of law.
(Elective Chief Executive Officer)*
(Name of Legislative Body)

3. (Final adoption by 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 disapproval) by the _____ on _____ 19__ . 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 _____ 19__ , in accordance with the applicable provisions of law.
(Elective Chief Executive Officer)*
(Name of Legislative Body)

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 disapproval) by the _____ on _____ 19 __ . Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 19__ , in accordance with the applicable provisions of law.
(Elective Chief Executive Officer)*
(Name of Legislative Body)

* 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, 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.)

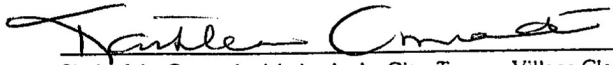
I hereby certify that the local law annexed hereto, designated as local law No. _____ of the City of _____ having been submitted to referendum pursuant to the provisions (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city 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 the County of _____ State of New York, having been submitted to the at the General Election of November _____ 19____, pursuant to subdivisions 5 and 7 of section 33 Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the counties of said county as a unit and a majority of the qualified electors of the towns of said county considered as a voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certificate.)

I further certify that I have compared the preceding local law with the original on file in this office and that this is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph _____, above.



Clerk of the County legislative body, City, Town or Village Clerk or officer designated by local legislative body

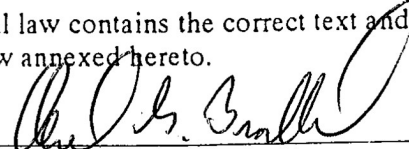
(Seal)

Date: March 27, 2008

(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 Ontario

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper provisions have been had or taken for the enactment of the local law annexed hereto.


Signature DANIEL BROCILLEBANK

Village Attorney
Title

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

Date: 4/21/08

ADD THE FOLLOWING

(e) Summary Abatement. The Village of Bloomfield Board of Trustees may wish to remedy or abate a nuisance condition or violation without going to court. (1) This summary abatement may take place if the property owner has been notified in writing by the Code Enforcement Officer, either by certified mail or direct contact, of the nuisance condition or violation and has not remedied the situation within five (5) business days of receipt of said notice. (2) Following the fifth day of noncompliance, the Code Enforcement Officer will send a second written notice, either by certified mail or by serving in person, informing the property owner that he/she has five (5) business days to come into compliance or the Village Board of Trustees will cause an order to have the violation or nuisance condition remedied. (3) The property owner may contest the summary abatement within the second five (5) day period by certified mail to be received in the Village of Bloomfield Office no later than the last day of the second notice deadline. (6) ~~The attorney representing the Village will determine whether or not the Village Board of trustees should proceed with the summary abatement.~~ (7) Summary abatement may take place for the following nuisance conditions: weed growth in excess of ten (10) inches or the presence of noxious weeds, rodent or insect harborage or infestation, or presence of exterior accumulation of rubbish or garbage either not properly contained or left outside for a period of time which exceed fourteen (14) days.

(f) Liens. If the Village of Bloomfield Board of Trustees summarily abates a nuisance condition as listed in (e) above, all expenses incurred to abate such condition shall be levied against the property and collected in the manner as provided for in Article 5-516 of the Village Law for the levy and collection of a special ad valorem levy.

(e) The Village shall conduct a ~~hearing~~ ^{five business day} hearing, on ^{five business day} notice to the property owner, to confirm the allegations of the ~~nuisance~~ nuisance condition prior to the Village proceeding with summary abatement of the nuisance condition. The property owner has the right to appear at the hearing and contest the allegations of the Code Enforcement Officer.

(3) fire safety and property maintenance inspections of all rental units shall be performed at least once every 24 months.

(a) owners and lessors, or their respective agents, of rental housing units shall file with the Code Enforcement Officer on forms available from the Code Enforcement Officer the following information:

(1) the names and addresses of the owner and lessor, and their respective agents, upon whom violation orders may be served.

(2) a description of the property, by street and number or otherwise, as will enable the Code Enforcement Officer to locate the same; and

(3) such other appropriate information as may be requested, including, but not limited to, number of units, and the number and type of rooms.

(b) Certificate of Occupancy Permits, issued pursuant to satisfactory completion of a property and housing maintenance inspection per New York State Property Maintenance Code, shall remain in effect for 24 months. Biennial inspections must be conducted.

(c) no rental unit may be occupied until and unless a Certificate of Occupancy has been issued and is in force.

(4) fire safety and property maintenance inspections of all non-residential buildings, structures, uses and occupancies not included in paragraphs (1) or (2) or (3) of this subdivision, shall be performed at least once every 24 months.

~~(b) Inspections permitted.~~ In addition to the inspections required by subdivision (a) of this section, a fire safety and property maintenance inspection of any building, structure, use, or occupancy, or of any dwelling unit, ~~shall~~ also be performed by the Code Enforcement Officer or an Inspector designated by the Code Enforcement Officer at any time upon:

(1) the request of the owner of the property to be inspected or an authorized agent of such owner;

(2) receipt by the Code Enforcement Officer of a written statement alleging that conditions or activities failing to comply with the Uniform Code or Energy Code exist; or

(3) receipt by the Code Enforcement Officer of any other information, reasonably believed by the Code Enforcement Officer to be reliable, giving rise to reasonable cause to believe that conditions or activities failing to comply with the Uniform Code or Energy Code exist;

provided, however, that nothing in this subdivision shall be construed as permitting an inspection under any circumstances under which a court order or warrant permitting such inspection is required, unless such court order or warrant shall have been obtained.

(c) OFPC Inspections. Nothing in this section or in any other provision of this local law shall supersede, limit or impair the powers, duties and responsibilities of the New York State Office of Fire Prevention and Control ("OFPC") and the New York State Fire Administrator under Executive Law section 156-e and Education Law section 807-b.

657-7554

Village of Bloomfield
12 Main St., PO Box 459
Bloomfield, NY 14469-0459
villageb@frontiernet.net

RECEIVED

MAR 11 2008

Brocklebank Law Firm

March 6, 2008

From

Derek Brocklebank
51 N Main St.
Canandaigua, NY 14424

Re: draft local law

Dear Derek:

Please find enclosed a draft local law to amend our local law which adopts the building code. Please review and comment. As you can see, we are looking to be able to address certain nuisance complaints without dragging them through court. We are also looking to nudge Mike, our code officer, to site violations when they are observable and not wait for a written complaint. By waiting for written complaints, the laws are not applied evenly to all properties (such as in the Gullo case).

If you have any questions, please feel free to contact me at 657-7554. Thank you or your assistance in this matter.

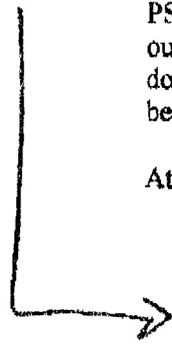
Sincerely

To.

Kathy Conradt

PS I have asked the neighbor next to Jim Morris to start videotaping the four dogs outside for as many days as possible to establish that all four dogs do live there. I don't understand why we have to establish this when the law states that dogs can't be owned or 'harbored'.

Att: draft Local Law #1 of 2008
Local law #4 of 2006
Information from NYCOM



See attached. Minor change on proposed local law.

The Village of Bloomfield is an equal opportunity employer and provider. To file a complaint of discrimination, write: USDA, Director, office of Civil Rights, Wash. DC, 20250-9410, or call (800) 795-3272 (voice) or (202) 720-6382 (TTD)

Also need minor changes on page 13 of civility law.

ADD THE FOLLOWING

(e) Summary Abatement. The Village of Bloomfield Board of Trustees may wish to remedy or abate a nuisance condition or violation without going to court. (1) This summary abatement may take place if the property owner has been notified in writing by the Code Enforcement Officer, either by certified mail or direct contact, of the nuisance condition or violation and has not remedied the situation within five (5) business days of receipt of said notice. (2) Following the fifth day of noncompliance, the Code Enforcement Officer will send a second written notice, either by certified mail or by serving in person, informing the property owner that he/she has five (5) business days to come into compliance or the Village Board of Trustees will cause an order to have the violation or nuisance condition remedied. (3) The property owner may contest the summary abatement within the second five (5) day period by certified mail to be received in the Village of Bloomfield Office no later than the last day of the second notice deadline. (6) The attorney representing the Village will determine whether or not the Village Board of trustees should proceed with the summary abatement. (7) Summary abatement may take place for the following nuisance conditions: weed growth in excess of ten (10) inches or the presence of noxious weeds, rodent or insect ~~harborage~~ or infestation, or presence of exterior accumulation of rubbish or garbage either not properly contained or left outside for a period of time which exceed fourteen (14) days.

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STATE OF NEW YORK
DEPARTMENT OF STATE
ONE COMMERCE PLAZA
99 WASHINGTON AVENUE
ALBANY, NY 12231-0001

DAVID A. PATERSON
GOVERNOR

LORRAINE A. CORTÉS-
VÁZQUEZ
SECRETARY OF STATE

May 5, 2008

Village Clerk
12 Main St
PO Box 459
Bloomfield NY 14469-0459

RE: Village of Bloomfield, Local Law No. 1, 2008, filed on April 24, 2008

Dear Sir/Madam:

The above referenced material was received and filed by this office as indicated. Additional local law filing forms can be obtained from our website, www.dos.state.ny.us/corp/misc.html.

Sincerely,
Linda Lasch
Principal Clerk
State Records and Law Bureau
(518) 474-2755

STATE OF NEW YORK
Ontario County

AFFIDAVIT OF PUBLICATION

Leslie Smith being duly sworn, deposes and says that she Is the foreman of the publisher of the Daily Messenger, a Public newspaper published daily except Saturday, in the City of Canandaigua, in the County of Ontario, and that a Notice, of which the annexed is a true copy. Clipped from Said newspaper, was regularly published in said Daily Messenger on the following dates,;

MARCH 13, 2008

Leslie Smith
Foreman of the Publisher

Subscribed and sworn on before me, this 14 day of

March 2008

Barbara S. Connelly
Notary Public, State of NY

BARBARA S. CONNELLY
Notary Public In The State Of New York
Monroe County
Commission Expires Jan 21, 2010

LEGAL NOTICE
Public Hearing for Local Law #1 of 2008
Notice is hereby given that the Board of Trustees of the Village of Bloomfield will hold a public hearing on Wednesday March 26, 2008 at 7:00 p.m. at the Village Office located at 12 Main St. Bloomfield, NY. The public hearing is to discuss a proposed local law to Amend the building code local law to enable the Village Board to summarily abate certain nuisance violations and further to levy those expenses against the Village real property taxes of the affected property. All are welcome to attend and speak on this issue.
Dated: March 13, 2008
By order of the Village of Bloomfield Board of Trustees
Kathleen Conrad, Clerk
Ma 13
06532150