

# 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 Fulton

FILED  
STATE RECORDS

APR 09 2024

DEPARTMENT OF STATE

Local Law No. 3 of the year 20<sup>24</sup>

A local law amending Chapter 262 "Unsafe Buildings"  
(Insert Title)

Be it enacted by the Common Council of the  
(Name of Legislative Body)

County  City  Town  Village  
(Select one.)

of Fulton

as follows:

Please See Attached Updated Code.

(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. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, 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. <sup>3</sup> \_\_\_\_\_ of 20<sup>24</sup> of the ~~(County)(City)(Town)(Village)~~ of Fulton was duly passed by the Common Council on March 19 20<sup>24</sup>, and was (approved)~~(not approved)~~ ~~(repassed after disapproval)~~ by the Mayor and was deemed duly adopted on March 19 20<sup>24</sup>, 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.)**

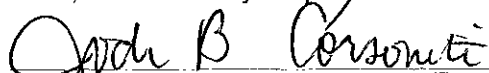
I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority 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 2 above.

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

Date: 4/3/2024

(Seal)

## **Chapter 262, Unsafe Buildings (Reference Code 475-55, 56, 57, 58)**

### **§ 262-1 Determination of unsafe conditions.**

All buildings or structures which have any or all of the following defects shall be deemed unsafe buildings:

- A. Those whose interior walls or other vertical structural members lean or buckle to such an extent that a plumb line passing through the center of gravity falls outside of the middle third of its base.
- B. Those which, exclusive of the foundation, show 33% or more of damage or deterioration of the supporting member or members or 50% of damage or deterioration of the non-supporting enclosing or outside walls or covering.
- C. Those which have improperly distributed loads upon the floors or roofs or in which the same are overloaded or which have insufficient strength to be reasonably safe for the purpose used.
- D. Those which have been damaged by fire, wind or other causes so as to have become dangerous to life, safety, morals or the general health and welfare of the occupants or the people of the City of Fulton.
- E. Those which have become or are so dilapidated, decayed, unsafe, or unsanitary or which so utterly fail to provide the amenities essential to decent living that they are unfit for human habitation or are likely to cause sickness or disease, so as to work injury to the health, morals, safety or general welfare of those living therein.
- F. Those having light, air and sanitation facilities which are inadequate to protect the health, morals, safety or general welfare of human beings who live or may live therein.
- G. Those having inadequate facilities for egress in case of fire or panic or those having insufficient stairways, elevators, fire escapes or other means of escape.
- H. Those which have parts thereof which are so attached that they may fall and injure members of the public or property.
- I. Those which because of their condition are unsafe, unsanitary or dangerous to the health, morals, safety or general welfare of the people of this City.
- J. Those buildings existing in violation of any provision of the Building Code of this City or any provisions of any ordinances relating to the prevention of fire or of other ordinances of this City or laws of the State of New York now or hereafter adopted.
- K. Any building or structure which remains vacant and unattended continuously for a period of five years.

### **§ 262-2 Inspections.**

Buildings which are unsafe or are reasonably believed to be unsafe may be inspected as provided in § 262-3

### **§ 262-3 Right of entry.**

- A. Any building official shall be authorized, in the performance of his or her duties, to conduct inspections of premises, or parts of premises, at such times and in such manner as the building official may find convenient or necessary, with the consent of the person in possession or occupancy.
- B. If admission is refused or cannot be obtained from the person in possession or occupancy, the building official shall be authorized to obtain a warrant to make an inspection, provided reasonable or probable cause is shown.

- C. In case of an emergency, the building official may, without a warrant, enter any premises, or parts of premises, to inspect the same, at any time, without the permission of the person in possession or occupancy.

**§ 262-4 Standards for repair, vacation, removal or demolition.**

The following standards shall be followed in substance by the Building Inspector and the Bureau of Code Enforcement in ordering repair, removal, vacation or demolition:

- A. If the dangerous building can reasonably be repaired so that it will no longer exist in violation of the terms of this chapter, it shall be ordered to be repaired.
- B. If the dangerous building is in such condition as to make it dangerous to the health, morals, safety or general welfare of its occupants, it shall be ordered to be vacated.
- C. In any case where a dangerous building is damaged or decayed or deteriorated by 50% from its original value or structure, it shall be demolished, and in all cases where a building cannot be repaired so that it will no longer exist in violation of the terms of this chapter, it shall be demolished. In all cases where a dangerous building is a fire hazard existing or erected in violation of the terms of this chapter or any ordinance relating to the prevention of fire, it shall be demolished.
- D. All repairs undertaken pursuant to this chapter shall be made in compliance with existing laws of the City of Fulton and State of New York, including the New York State Uniform Fire Prevention and Building Code, and shall comply with the standards thereof pertaining to heat, hot water, sanitation, electricity, light, air and safety.

**§ 262-5 Declaration of nuisance.**

All unsafe buildings within the terms of § 262-1 of this article are hereby declared to be public nuisances and shall be repaired, vacated or demolished as hereinbefore and hereinafter provided.

**§ 262-6 Duties of Building Inspector.**

The Building Inspector shall:

- A. Complaints. Inspect any building, wall or structure about which complaints are filed by any person to the effect that a building, wall or structure is or may be existing in violation of this article or any other provisions of this Municipal Code or law or code of the State of New York.
- B. Police and Fire Department reports. Inspect any building, wall or structure reported (as hereinafter provided for) by the Fire or Police Department of this City as probably existing in violation of the terms of this article.
- C. Notice to owner, etc. Notify personally or in writing the owner or some one of the owner's executors, legal representatives, agents, lessees or any other person having a vested or contingent interest in the property, by registered mail, addressed to the last known address, if any, of the owner or some one of the owner's executors, legal representatives, agents, lessees or other person having a vested or contingent interest in the same, as shown by the records of the Assessor or in the office of the County Clerk, of any building found by him or her to be an unsafe building within the standards set forth in § 262-1 of this article that:
  - (1) The owner must vacate or repair or demolish said building in accordance with the terms of the notice and this article.
  - (2) The occupant or lessee must vacate said building or may have it repaired in accordance with the notice and remain in possession.
  - (3) Any mortgagee, agent or other persons having an interest in said building may, at his or her own risk,

repair, vacate or demolish said building or have such work or act done, provided that any person notified under this subsection to repair, vacate, or demolish any building shall be given such reasonable time, not exceeding 30 days, as may be necessary to do, or have done, the work or act required by the notice provided for herein.

- D. Contents of notice to owner. Set forth in the notice provided for in Subsection C hereof a description of the building or structure deemed unsafe, a statement of the particulars which make the building or structure an unsafe building and an order requiring the same to be put in such condition as to comply with the terms of this article within such length of time, not exceeding 30 days, as is reasonable.
- E. Placement of notice on unsafe buildings.
  - (1) Place a notice on all unsafe buildings reading as follows: "This building has been found to be an unsafe building by the Building Department. This notice is to remain on this building until it is repaired, vacated or demolished in accordance with the notice which has been given the owner, or some one of the owner's executors, legal representatives, agents, lessees or any other person having a vested or contingent interest in the property, by registered mail, addressed to the last known address, if any, of the owner or some one of the owner's executors, legal representatives, agents, lessees or other person having vested or contingent interest in the same, as shown by the records of the Assessor or in the office of the County Clerk, of any building found to be an unsafe building within the standards set forth in Chapter 262 of the City of Fulton Municipal Code. It is unlawful to remove this notice until such notice is complied with." Such posting shall be deemed adequate service of notice
  - (2) In case the Building Inspector finds that there is actual and immediate danger of failure or collapse so as to endanger life, such notice shall also require the building or portion thereof to be vacated forthwith, and no person shall enter the building or portion thereof except for the purpose of inspecting, making repairs or demolishing the same.
- F. File a copy of such notice specified in Subsection C in the office of the 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 and shall have the same effect as a notice of pendency as therein provided. A notice so filed shall be effective for a period of one 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. The 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 a certified copy of such order.
- G. Notify the Fire Chief and Police Chief of all buildings placarded as unsafe and reasons for placarding.

#### **§ 262-7 Placarding. Dangerous Building Placarding**

After a structure has been deemed either abandoned, vacant or unsafe for occupancy as per City of Fulton Code § 261 or Code § 262, it should then be placarded with an identification system that consists of one of three symbols on a twenty-four-square-inch sign. The three sign designations indicating severity of the structure shall consist of the following:

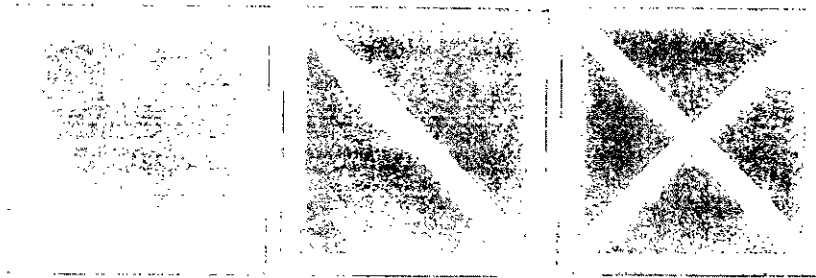


Photo 1

Photo 2

Photo 3

- A. Photo 1:** Red box with no white interior marking shall mean that the vacant structure has normal conditions at the time of marking.
- B. Photo 2:** Red box with one diagonal white line marking shall mean that the interior structures has hazards that exist and interior firefighting should be conducted with extreme caution.
- C. Photo 3:** Red box with white "X" marking shall mean that the interior structural hazards are severe enough that interior firefighting should be limited to entry for known life hazards, otherwise exterior firefighting operations should be conducted.

**§ 262-8 Performance of work by City; recovery of costs.**

- A.** If the owner, occupant, mortgagee, or lessee fails to comply with an order of the Building Inspector within 30 days, or fails to request an appeal of said order, as hereinafter provided, the Building Inspector shall cause such building or structure to be repaired, vacated, or demolished as the facts may warrant, under the standards hereinbefore provided for in § 262-1 of this article. The expenses thereby incurred shall be paid by the interested person or persons as hereinabove set forth, or by the person or persons who caused or maintained such nuisance or other matter. The Building Inspector shall file as a part of his or her records an affidavit stating with fairness and accuracy the items of expense and that each said item was necessary and the cost thereof does not exceed the current hourly rate of wages for the action and the date of execution of actions as authorized by this article.
- B.** The Building Inspector may institute a suit to recover such expenses or may cause such expenses, together with a charge of 15% thereof to cover supervision and administration, to be charged against the property as a lien. A notice of such lien shall be mailed to or served upon the interested person or persons as hereinabove set forth claimed liable to pay the same, and a similar copy may be filed in the office of the City Chamberlain and the Assessor of the City of Fulton and upon such filing shall be a lien on the real property to the same extent as City taxes and shall be included in the general City tax roll and enforced in the same manner as other City taxes.

**§ 262-9 Emergency cases.**

In cases where it reasonably appears that there is immediate danger to life or safety of any person unless an unsafe building as defined herein is immediately repaired, vacated, or demolished, the Building Inspector shall cause the immediate repair, vacation, or demolition of such unsafe building. The costs of such emergency repair, vacation or demolition of such unsafe building shall be collected in the same manner as provided in § 262-8 of this article.

**§ 262-10 Hearings.**

- A.** If a person upon whom an order is served requests a hearing within seven days in writing, the Building Inspector shall advise the City Council forthwith but not later than two weeks thereafter of such request.

- B. The City Council shall appoint a hearing officer to conduct a public hearing on the matter. A City officer or other qualified person may be appointed as the hearing officer.
- C. The hearing officer shall notify either personally or by registered mail the Building Inspector and the person or persons charged of the time, place and date of the hearing and may, in his or her discretion, cause a public notice to be published in a daily newspaper published in the City at least five days before the date thereof advising the public of the purpose of the public hearing and the right of interested parties to be heard.
- D. The hearing may be adjourned from time to time by the hearing officer until all relevant evidence is submitted by all concerned parties. All interested persons shall have the right to present evidence, to cross-examine witnesses, and to be represented by counsel.
- E. The hearing officer shall be responsible for safeguarding the constitutional rights of all parties involved and may issue such orders and directives necessary to effectuate such purposes, including but not limited to the right to have specific charges served, a reasonable time to prepare a defense, and the right to an impartial hearing.
- F. At the conclusion of the hearing, the hearing officer shall make a determination in writing, and a copy of the same shall be served either personally or by registered mail on all parties who appeared therein.
- G. The determination shall state whether the original order is sustained, modified or reversed. If reversed, no further proceeding shall be had.
- H. If the original order is sustained, in whole or in part, the hearing officer shall also include an order directing the owner to proceed in accordance therewith and shall further specify that unless the work is commenced within 10 days after service and completed within a reasonable time thereafter, which the hearing officer shall designate, the penalties hereinafter provided shall be invoked.

**§ 262-11 Failure to comply with final order.**

If the owner of the unsafe building or structure fails or refuses to repair or remove the unsafe building or structure within the time specified in the final order of the hearing officer, the Building Inspector shall report the same to the City Council. The City Council may direct that the City shall cause the repair or removal of the unsafe building. After the work has been completed, the Building Inspector shall file with the City Chamberlain and Assessor the affidavit and notice of lien as provided in § 262-6 or take such other action as provided in § 262-6.

**§ 262-12 Personal liability.**

Notwithstanding any provision herein to the contrary, the Building Inspector may institute suit against the owner of said premises for the direct costs, together with a charge of 15% in addition thereto as compensation to the City for administering, supervising and handling said work, and enter judgment thereon against the owner personally for the aforesaid amount. The imposition and collection of any fine or penalty hereinafter prescribed shall not bar the right of the City to collect the cost of the removal or repair of any unsafe building or structure as herein prescribed.

**§ 262-13 Transfer of title.**

The transfer of title by the owner of premises upon which an unsafe building or structure is located shall be no defense to any proceedings under this article.

**§ 262-14 Emergency work.**

- A. In case there shall be, in the opinion of the Building Inspector, actual and immediate danger of the falling of a building or structure so as to endanger public safety, life or property, or actual or immediate menace to health or public welfare as a result of the conditions present in or about a building or



structure, he or she shall cause the necessary work to be done or render such building or structure temporarily safe, whether the procedure prescribed in this article for unsafe or dangerous buildings or structures has been instituted or not.

- B. When emergency work is to be performed under this section, the Building Inspector shall cause the owner thereof to be served personally or by registered mail, return receipt requested, and if served by registered mail shall post on the premises, a notice to comply containing a description of the premises, a statement of the facts in which the structure is unsafe or dangerous, and orders and directions to correct said conditions which constitute an emergency within a specified period, not to exceed three days from actual or constructive receipt of the notice.
- C. In the event the emergency does not permit any delay in correction, the notice shall state that the City has corrected the emergency condition.
- D. In both cases, the notice shall state that the corrective costs of the emergency will be assessed against the owner pursuant to the provisions of this article.

**§ 262-15 Unsafe building registration.**

- A. The owner of an unsafe building will register with the Fire Department no later than 30 days after any building becomes an "unsafe building," as defined above, or not later than 30 days after being notified by a code enforcement officer of the requirement to register. A code enforcement officer or Fire Department officer may identify unsafe buildings through his/her routine inspection process as well as through notification by residents, neighborhood associations and other community groups that a building may be eligible for inclusion on the registry. Notice will be served upon, or sent by mail to, the owner, and any registered property manager, and to the property address. Notice will be deemed received by the owner, property manager, or an occupant, as the case may be, upon personal delivery, three days in Oswego County by first-class mail, five days for other locations by first-class mail, or notification placed upon the premises. The City may also post notices on the City's website to provide additional notice to the public. However, the City's failure to post such violations on the City's website will not constitute a defense to any enforcement proceeding or collection of fines.
- B. The registration will be submitted on forms provided by the Fire Chief's office and will include the following information:
  - (1) A description of the premises, i.e., square footage, number of stories, age of the building, and most-recent use of the building.
  - (2) The names, addresses, and telephone numbers of the owner or owners; if the owner is a corporation, Limited Liability Company or partnership, the address for each director, manager, or partner, as the case may be. The address must include a street address; a post office box is not acceptable.
  - (3) If the owner does not reside within 25 miles of the City, the name and address of the registered property manager is required. The address must include a street address; a post office box is not acceptable.
  - (4) The names and addresses of all known lien holders and all other parties with an ownership interest in the building. Each address must include a street address; a post office box is not acceptable.
  - (5) A name, address, and telephone number of a responsible natural person (not a corporation, partnership, or limited liability company) who can be reached at all times during business and nonbusiness hours. The address must include a street address; a post office box is not acceptable.
  - (6) An unsafe building plan as described in Subsection D below.
- D. The owner will submit a vacant building plan which must meet the approval of the Code Enforcement &

Fire Chief's office. The plan, at a minimum, must contain information from one of the following three proposals for the property:

- (1) If the building is to be demolished, a demolition plan indicating the proposed time frame for demolition;
  - (2) If the building is to remain unsafe, a plan for the securing of the building in accordance with standards provided below, along with the procedure that will be used to maintain the property, and a statement of the reason(s) why the building will be left vacant; or
  - (3) If the building is to be returned to appropriate occupancy or use, rehabilitation plans for the building must be submitted to the Code Enforcement office. The rehabilitation plans will not exceed 365 days from the date of submission and will include progress benchmarks at least every four months, unless the Code Enforcement & Fire Chief's office grants an extension for good cause shown, upon receipt of a written statement from the owner detailing the reasons for the extension. Any repairs, improvements or alterations to the property must comply with any applicable zoning, housing, historic preservation or building codes. The building must be secured in accordance with § 475-50 of the Fulton City Code.
- E. The owner will comply with all applicable laws and codes. The owner will notify the Fire Chief's office of any changes in information supplied as part of the unsafe building registration within 30 days of the change. If the plan or timetable for the vacant building is revised in any way, the revisions must be in writing and must meet the approval of the enforcement officer.
- F. The owner and any subsequent owner will keep the building secured and safe and the building and grounds properly maintained as provided in § 475-50 & 261-5 of the Fulton City Code.
- G. Failure of the owner or any subsequent owner to maintain the building and premises as required herein will be grounds for the City:
- (1) To remediate the building and bill the costs of same to the owner as provided in § 261-3 of the Fulton City Code, Determination of unsafe conditions;
  - (2) To revoke the rehabilitation plans; and
  - (3) The owner will be subject to fees and penalties as provided herein.
- H. The owner will notify the Code Enforcement/Fire Chief's office of any transfer of ownership within 15 days of transfer. The new owner will comply with the approved plan and timetable submitted by the previous owner until any proposed changes are submitted and approved by the Code Enforcement/Fire Chief's office.
- I. Unsafe building registration fees.
- (1) The owner of an unsafe building will pay a registration fee as determined annually by the fee schedule adopted by City Council or by separate resolution of the City Council at any time during the course of a fiscal year. The registration fee is due and payable upon registration; to wit: no later than 30 days after any building becomes a "unsafe building," as defined above, or no later than 30 days after being notified by an enforcement officer of the requirement to register.
  - (2) If the building is to remain unsafe, then the owner will also pay an annual unsafe building fee. The amount of said fee shall be determined annually pursuant to the fee schedule adopted by the Fulton City Council or by separate resolution of the City Council. Said fee schedule shall provide for differing amounts dependent upon the number of years that the building is vacant.
  - (3) If the building is to be returned to a permitted use, the rehabilitation plan will not exceed 365 days and will include progress benchmarks at least every four months, unless the enforcement officer grants an

extension for good cause shown upon receipt of a written statement from the owner detailing the reasons for the extension. If the rehabilitation has not been completed or extended, then the owner will pay an annual vacant building fee until the building is properly demolished or rehabilitated. The annual unsafe building fee is payable either on each anniversary of the payment of the initial registration fee in Subsection I (1) above or no later than 15 days after being notified by an enforcement officer that the owner has failed to meet a required benchmark, whichever date is earlier, and on each anniversary thereafter until the building is demolished or rehabilitated.

- (4) If the owner of a unsafe building fails to register and pay the fees in a timely manner, then the owner will be subject to the penalty set forth in § 263-16 of the Fulton City Code.
  - (5) All delinquent fees will be paid by the owner prior to any transfer of an ownership interest in any unsafe building. The owner will give a purchaser written notice that the building in question is an unsafe building under this section.
  - (6) The unsafe building registration fees and annual unsafe building fees as set forth in the annual fee schedule or by separate resolution are to be delivered, by mail or in person, to the Office of the Fire Chief, Fulton Municipal bldg., 141 South First St., Fulton, New York, 13069. A late charge of 2% per month, or any part thereof, will be assessed on any invoice which is unpaid after 30 days from the date of the demand for payment or an invoice. A processing fee will be charged for each check returned by the bank due to insufficient funds or other reason. A replacement payment must be made in cash, money order, or bank or certified check and must include the processing fee and any applicable late charges. Invoices and any additional fees that remain unpaid will be added to the property owner's tax bill and will include an additional fee.
- J. The Code Enforcement/Fire Chief's office will include in the file any property-specific written statements from community organizations, other interested parties or citizens regarding the history, problems, status or blighting influence of a vacant building.

#### § 263-16 Penalties for offenses.

- A. The owner of any unsafe building who shall fail to comply with any final notice or order to repair, vacate, or demolish the building or structure given by the Building Inspector shall be guilty of a violation and, upon conviction thereof, shall be subject to a fine of not more than \$1000 per day of violation and/or a term of imprisonment not to exceed one year. Per day violation is every day such failure to comply continues beyond the date fixed for compliance.
- B. The occupant or lessee in possession who fails to comply with any notice to vacate and who fails to repair the building or structure in accordance with any notice given as provided for in this article shall be guilty of a violation and, upon conviction thereof, shall be subject to a fine of not more than \$1000 per day of violation and/or a term of imprisonment not to exceed one year. Per day violation is every day such failure to comply continues beyond the date fixed for compliance.
- C. Any person removing the notice provided for in Subsection E of § 262-6 or 262-7 hereof prior to completion of the work required by this article shall be guilty of a violation and shall be subject to a fine of not more than \$1000 per day of violation and/or a term of imprisonment not to exceed one year. Per day violation is every day such failure to comply continues beyond the date fixed for compliance.

#### § 262-17 Liability.

No officer, agent or employee of the City of Fulton shall render himself personally liable for any damage that may accrue to the persons or property of anyone as a result of any act required or permitted in the discharge of his duties under this chapter. Any suit brought against any such officer, agent or employee of the City of

Fulton as a result of any act required or permitted in the discharge of his duties under this title shall be defended by the City Attorney, and any judgment recovered against such person, if affirmed where an appeal is taken, shall be paid by the City of Fulton.

§ 262-18 **Severability.**

In the event that any part of this chapter, or of any ordinance or regulation which may govern or otherwise affect it, for any reason be modified or invalidated, the other portions of said chapter not affected thereby shall remain in full force and effect.

§ 262-19 When effective.

This chapter shall take effect immediately upon filing with the Secretary of State.

[RESOLUTION [6-4-2024]]

WHEREAS, At the meeting held on March 5, 2024, the City Clerk/Chamberlain was authorized and directed to advertise for a Public Hearing to be held at the meeting of March 19, 2024 which began at 7:00 p.m. in the Council Chambers of the Municipal Building, Fulton, New York relative to the proposed amendment to Chapter 262 "Unsafe Buildings"

Mayor Rice declared this public hearing open.

WHEREAS, Members of the public, members of the Common Council and all in attendance have been given an equal opportunity to express their written or oral comments regarding the proposed amendment to Chapter 262 "Unsafe Buildings"; and

WHEREAS, Mayor Rice asked for a motion to close the public hearing, which was offered by Councilor Cobb

And seconded by Councilor Farnham and unanimously carried.

Councilor Avery introduced the following and moved its adoption:

NOW THEREFORE BE IT RESOLVED, That the proposed amendment of Chapter 262 "Unsafe Buildings" of the Code of the City of Fulton is hereby approved.

Seconded by Councilor Taylor

Ayes: Councilors Farnham, Chapman, Patrick, Cobb, Avery, Taylor

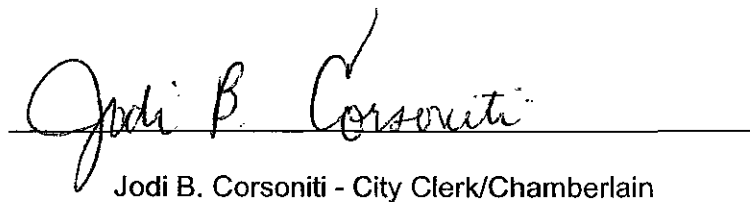
Nays:

Motion carried.

State of New York  
County of Oswego ss:  
City of Fulton

I, Jodi B. Corsoniti, City Clerk/Chamberlain of the City of Fulton, New York do hereby certify that I have compared the foregoing copy of this resolution with the original in my possession and that the same is a true and complete transcript thereof. I further certify that said resolution was adopted at a regular meeting of the Common Council of the City of Fulton held on the 19th day of March 2024.

In witness whereof, I have hereunto set my hand and seal of the City of Fulton, New York on the 20th day of March 2024.

  
Jodi B. Corsoniti - City Clerk/Chamberlain