

(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 Rockville Centre

Town

Village

Local Law No. 13 of the year 2008

A local law to amend the Code of the Village of Rockville Centre, in relation to dangerous and (Insert Title)
unsafe buildings and premises.

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

County

City

of Rockville Centre **as follows:**

Town

Village

Section one. Chapter 122 of the Code of the Village of Rockville Centre is hereby amended, to read as follows:

"Chapter 122. Buildings and Premises, Dangerous and Unsafe

§122-1. Purpose. The purpose of this chapter is to promote, protect and preserve the health, welfare and property of residents of and owners of property within the Village of Rockville Centre, by providing for the removal or repair of buildings, structures and premises that from any cause may be or become dangerous, unsafe, a public nuisance or fire hazard.

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

§ 122-2. Inspector, inspections and reports. The Superintendent of Building Department or the designee of the Superintendent is authorized and designated to inspect any building, structure or premises within the Village of Rockville Centre which the Superintendent of Building Department or the designee of the Superintendent has reason to believe is or may be, from any cause, dangerous or unsafe to the public, or a public nuisance or hazard, and promptly thereafter to report to the Board of Trustees in writing with respect to any such inspection. Such report shall specify the date(s) of inspection, the condition(s) found which are deemed to be dangerous or unsafe, or a public nuisance or hazard, an opinion as to the cause of such condition, and recommendations for correction of such conditions.

§ 122-3. Notice. Upon receipt of such report, and if the Board of Trustees shall so order, the Village Clerk shall cause a notice to be served on the owner or one or more of the owner's legal representatives, or another person having any interest in the property. Such notice shall be given by personal delivery, or by certified mail, return receipt requested, addressed to such person(s) at their last known address, as shown in the Village tax records and/or in the office of the Nassau County Clerk. Such notice shall state:

- A. A description of the premises.
- B. The particulars in which the building, structure and/or premises is unsafe or dangerous.
- C. A description of work or action required to be performed to make the building, structure and/or premises safe and secure or remove any hazard.
- D. The time within which such remedial action must be taken.
- E. That the building, structure and/or premises will be inspected in the event of failure or refusal to complete such remediation within such period of time, such inspection to be made by the Superintendent of Building Department or the designee of the Superintendent, and by a builder, engineer or architect designated by the Superintendent of Building Department or the designee of the Superintendent, and a report of such inspection shall be filed with the Board of Trustees.
- F. That in the event such report concludes that the building, structure and/or premises remain unsafe or dangerous, the Board of Trustees may authorize an application to a court of appropriate jurisdiction for an order determining the building, structure and/or premises to be a public nuisance and directing such remedial action as may be required to remove any hazard to the public, and that such remedial action shall be performed at the expense of the owner of the property , as the court may determine.

§ 122-4. Posting of notice. A copy of such notice shall be posted on the front door of the building or structure, or in another conspicuous location on the building, structure and/or premises within one day after personal delivery or mailing of the notice.

§ 122-5. Service of inspection report. A copy of the inspection report shall be served by personal delivery or by certified mail, return receipt requested, upon the owner of the property, at the address listed for such owner in the Village tax rolls or the records of the Nassau County Clerk, and a copy thereof shall be posted at the building or structure in

the manner provided in section 122-4 hereof, within one day after such delivery or mailing.

§ 122-6. Compensation. The builder, engineer or architect designated by the Superintendent of Building Department or the designee of the Superintendent pursuant to § 122-3 hereof shall receive a fee to be fixed by the Board of Trustees, which fee shall be a Village charge, but which the Village may charge to the property owner. Any unpaid fee shall be and become a lien on said property as of the date of such assessment in the same manner as provided for a lien for unpaid property taxes.

§ 122-7. Emergency Action. In the event the Superintendent of Building Department or the designee of the Superintendent determines that an condition exists which constitutes an imminent danger to the public or public property, the Superintendent of Building Department or the designee of the Superintendent may issue such emergency order or determination as appropriate to protect the public from imminent injury or hazard, including, without limitation, an order to vacate the building, structure and/or premises, or an order directing the performance of immediate remedial work, at the expense of the property owner, as may be necessary to prevent such imminent injury or hazard.

§ 122-8. Assessment of costs. All costs and expenses incurred by the Village in connection with any emergency action taken by the Superintendent of Building Department or the designee of the Superintendent pursuant to §122-7 hereof, or for any judicial proceedings instituted pursuant to this chapter or pursuant to any law authorizing such proceedings with respect to any unsafe or dangerous building or premises , shall be assessed against the property, and shall be and become a lien on said property as of the date of such assessment in the same manner as provided for a lien for unpaid property taxes. The lien of the Village for such costs and expenses shall have priority over all other liens and encumbrances, except the liens of taxes and assessments which constitute prior liens.

§ 122-9. Remedies not to be exclusive. The remedies of the Village as set forth in this chapter shall not be exclusive, and the Village shall have any other and further remedy available at law or otherwise, by injunction or otherwise, pursuant to the laws of the State of New York. Any and all such remedies shall be deemed cumulative and the pursuit of any remedy shall not be construed as an election or the waiver of the right to pursue any and all others.

§ 122-10. Penalties for offenses.

A. It shall be unlawful for any person or entity to knowingly maintain or cause to be maintained, or to knowingly allow or permit any other person or entity as agent, lessee or otherwise to maintain, any dangerous, unsafe or hazardous building, structure, or premises, and any owner, occupant, lessee or other person or other entity who shall knowingly maintain or cause to be maintained, or knowingly allows or permits to be maintained, any such dangerous, unsafe or hazardous building, structure or premises,

in violation of any order issued as provided in this chapter, or shall be guilty of an offense and upon conviction thereof shall be fined in an amount as provided by law.

B. For the purpose of Subdivision A of this section, each day during which there is a violation of this chapter or any such order shall constitute a separate offense."

Section two. If any clause, sentence, paragraph, or section of this local law shall be held invalid by any court of competent jurisdiction, or the application of this local law to any person or set of circumstances shall be held invalid, such invalidity or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section, or operation of this local law directly involved in the controversy in which the judgment shall have been rendered. To further this end, the provisions of this local law are hereby declared to be severable.

Section three. This local law shall take effect immediately upon adoption and filing pursuant to the Municipal Home Rule Law.

(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. 13 of 2008 of the ~~(County)~~(City)(Town)(Village) of Rockville Centre was duly passed by the Board of Trustees on December 15, 2008, in accordance with the applicable provisions of law.

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 200__ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 200_, 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.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 200__ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 200_, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 200_. 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 _____ 200_, 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 200__ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 200_, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 200_. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 200_, in accordance with the applicable provisions of law.

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 200__ of the City of _____ having been submitted to referendum pursuant to the _____

***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.**

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 _____200_, 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 200__ 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 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.

Date: December 15, 2008

(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 NASSAU

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 Rockville Centre

~~Town~~

~~Village~~

Date: December 15, 2008