

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 of MORIAH
- Town
- Village

Local Law No. 2 of the year 2008

A local law to amend Moriah Town Code Titled "Fire Prevention and Building
(Insert Title)
Code Construction

Be it enacted by the TOWN BOARD of the
(Name of Legislative Body)

- County
- City of MORIAH as follows:
- Town
- Village

(Delete this line of text and enter text of local law here)

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

LOCAL LAW NO.: 2 OF 2008

**A LOCAL LAW TO AMEND MORIAH TOWN CODE TITLED “FIRE PREVENTION
AND BUILDING CODE CONSTRUCTION”**

**BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF MORIAH AS
FOLLOWS:**

Section 1. Purpose and Intent.

This local law provides for updates and amendments to the Code of the Town of Moriah, title Fire Prevention and Building Code Construction. These updates are made in accordance with the administration and enforcement of the Uniform Fire Prevention and Building Code of the State of New York (the Uniform Code). This local law is adopted pursuant to Section 10 of the Municipal Home Rule Law. Except as otherwise provided in the Uniform code, other state law, or other section of this local law, all buildings, structures and premises, regardless of use or occupancy, are subject to the provisions of this local law.

Section 2. Amendment of the Code of the Town of Moriah

Penalties. Any person who shall fail to comply with a written order of the Director of Building and Code Enforcement, Fire Marshal and/or Zoning Administrator and/or their authorized assistants or deputies within the time fixed for compliance therewith and any owner, builder, architect, tenant, contractor, subcontractor, plumber or construction superintendent or their agents or any other person taking part or assisting in the construction or use of any building who shall violate any of the applicable provisions of this chapter or any lawful order, notice, directive, permit or certificate of the Director of Building and code Enforcement Fire Marshal and/or Zoning Administrator and/or their authorized assistants or

deputies made thereunder or any person who shall violate any provision of this chapter, the Building Code or any rules and regulations adopted pursuant to this chapter or who shall violate of fail to comply with any order made thereunder or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder or any certificate or permit issued thereunder, or who shall refuse to allow a required inspection, or fail to comply with the requirements of the New York State property maintenance code, in addition to other penalties provided for in this chapter shall be guilty of an offense punishable in the following manner:

(1) A fine of not more than \$950.00 for the first offense, by a fine of not more than \$950 or by imprisonment for not more than one (1) year, or both, for the second offense.

(2) If the violation requires the abatement or maintenance be performed by the Town or by its designee, or agent, including a private contract lawfully engaged and authorized by the Town, such expense shall be assessed against the record owner of the property. The expense so assessed shall constitute a lien in charge on real property on which it is levied until paid or otherwise satisfied or discharged and shall be collected in the same manner as other town charges. Such assessments shall be made in accordance with Article 15 of the Town Law.

(3) The imposition of such penalties shall not be held to prohibit the enforced removal of prohibited conditions by any appropriate remedy, including immediate application for an injunction.

Section 3. Severability

If any clause, sentence, paragraph, subdivision, section, or part of this Local Law of the application thereof to any person, individual, corporation, firm partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgement shall not affect, impair or invalidate the remainder thereof, but shall be confined in this operation to the clause, sentence, paragraph, subdivision section, or part of this Local Law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgement shall be rendered.

Section 4. Effective Date.

This Local Law shall take effect upon filing with the New York State Secretary of State.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 2 of 20 08 of the ~~(County)(City)(Town)(Village)~~ of MORIAH was duly passed by the TOWN BOARD on July 8, 20 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 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 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 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 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.

* 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 _____, above.

Elaine C. Adkins
Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body **ELAINE C. ADKINS**

(Seal)

Date: July 10, 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 ESSEX

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.

William J. Potkowski
Signature **WILLIAM J. POTSKOWSKI**
TOWN ATTORNEY

Title

~~XXXX~~ MORIAH
~~XX~~
Town
~~XXXXXX~~

Date: JULY 10, 2008