

**RESOLUTION NO. ____ OF 2024 THE WEBSTER TOWN BOARD TO SCHEDULE A
PUBLIC HEARING TO ENACT A LOCAL LAW AMENDING SECTION 243-14 OF
CHAPTER 243 (PROPERTY MAINTENANCE) OF THE WEBSTER TOWN CODE**

At a regular meeting of the Webster Town Board of the Town of Webster, Monroe County, New York, held at the Town Board Meeting Room, 1002 Ridge Road, Webster, New York on the 3rd day of July 2024 at 7:30 p.m., there were present:

Supervisor Thomas J. Flaherty
Councilwoman Patricia T. Cataldi
Councilman John J. Cahill
Councilwoman Ginny L. Nguyen
Councilwoman Jennifer S. Wright

The following Resolution was offered by _____ and moved its adoption:

WHEREAS, the Town Board has the authority pursuant to Article 4 of the New York State Town Law to promote the health, safety, morals, or general welfare of the community; and

WHEREAS, the Town Board has the authority pursuant to Article 9 of the New York State Town Law to enact, amend, and repeal ordinances, rules, and regulations not inconsistent with law, and more specifically, to enact local laws restraining violations of and compelling compliance with provisions of the Town's Property Maintenance Code; and

WHEREAS, the Town Board, in reviewing the enforcement provisions of the Town's Property Maintenance Code, enacted and published as Chapter 243 of the Webster Town Code; and

WHEREAS, it is both in the public interest and required by law that a Public Hearing be held to consider the amendment of Section 243-14 of Chapter 243 of the Webster Town Code, relating to violations of the Property Maintenance Code of the Town of Webster:

NOW, THEREFORE, BE IT RESOLVED:

1. That a Public Hearing shall be scheduled and conducted at a regular meeting of the Town Board of the Town of Webster to be held at the Town Board Meeting Hall, 1002 Ridge Road, in the Town of Webster on Thursday, July 18, 2024, at 7:30 p.m., to consider a Local Law to Section 243-14 of Chapter 243 of the Webster Town Code, relating to violations and enforcement of the Property Maintenance Code of the Town of Webster.
2. Such Local Law will be designated as:

To be repealed is ~~struck through~~; that to be added is *in italics*.

Proposed LOCAL LAW NO. ____ of 2024

This law is entitled "A local law to Section 243-14 of Chapter 243 of the Webster Town Code, relating to violations and enforcement of the Property Maintenance Code of the Town of Webster".

§ 243-14 Violations.

- A. Notice and Order. The Code Enforcement Officer is authorized to order in writing the remedying of any condition or activity found to exist in, on or about any building, structure, or premises in violation of the Uniform Code, the Energy Code, or this chapter. Upon finding that any such condition or activity exists, the Code Enforcement Official shall issue a Notice and Order. The Notice and Order shall: 1) be in writing; 2) be dated and signed by the Code Enforcement Official; 3) specify the condition or activity that violates the Uniform Code, the Energy Code, or this chapter; 4) specify the provision or provisions of the Uniform Code, the Energy Code, or this chapter which is/are violated by the specified condition or activity; 5) specify the period of time which the Code Enforcement Official deems necessary for achieving compliance; 6) direct that compliance be achieved within the specified period of time; and 7) state that an action or proceeding to compel compliance may be instituted if compliance is not achieved within the specified period of time. The Code Enforcement Official shall cause the Notice and Order, or a copy thereof, to be served on the owner of the affected property personally or by certified mail. The Code Enforcement Official shall be permitted, but not required, to cause the Notice and Order, or a copy thereof, to be served on any builder, architect, tenant, contractor, subcontractor, construction superintendent, or his/her agents, or any other person responsible for, taking part, or assisting in work being performed at the affected property personally or by certified mail; provided, however, that failure to serve any person mentioned in this sentence shall not affect the efficacy of the Notice and Order.
- B. Appearance tickets. The Code Enforcement Official is authorized to issue appearance tickets for any violation of the Uniform Code, the Energy Code, or this chapter.
- C. Civil penalties. In addition to those penalties prescribed by state law, any person who violates any provision of the Uniform Code, the Energy Code or this chapter, or any term or condition of any building permit, certificate of occupancy/certificate of compliance, temporary certificate, stop-work order, operating permit or other notice or order issued by the Code Enforcement Official pursuant to any provision of this article, shall be liable to a civil penalty of not more than \$1,000 for each day or part thereof during which such violation continues, in line with Executive Law § 382, Subdivision (2). The civil penalties provided by this subsection shall be recoverable in an action instituted in the name of the Town.
- D. Injunctive relief. An action or proceeding may be instituted in the name of the Town, in a court of competent jurisdiction, to prevent, restrain, enjoin, correct, or abate any violation of, or to enforce, any provision of the Uniform Code, the Energy Code, this chapter, or any term or condition of any building permit, certificate of occupancy/certificate of compliance, temporary certificate, stop-work order, operating permit, Notice and Order, or other notice or order issued by the Code Enforcement Official pursuant to any provision of this chapter. In particular, but not by way of limitation, where the construction or use of a building or structure is in violation of any provision of the Uniform Code, the Energy Code, this chapter, or any stop-work order, compliance order or other order obtained under the Uniform Code, the Energy Code or this chapter, an action or proceeding may be commenced in the name of the Town, in the Supreme Court or in any other court having the requisite jurisdiction, to

obtain an order directing the removal of the building or structure or an abatement of the condition in violation of such provisions.

- E. Enforcement. Any violation of this chapter, or of any order, requirement, decision or determination issued by the Code Enforcement Official, his/her department head, agent or designee, pursuant to this chapter, is hereby declared to be an offense punishable by a fine not exceeding \$350 or imprisonment for a period not to exceed six months, or both, upon conviction for a first offense; upon conviction for a second offense, both of which offenses were committed within a period of five years, punishable by a fine not less than \$350 nor more than \$700 or imprisonment for a period not to exceed six months, or both; and upon conviction for a third or subsequent offense, all of which offenses were committed within a period of five years, punishable by a fine of not less than \$700 nor more than \$1,000 or imprisonment for period not to exceed six months, or both. However, for the purpose of conferring jurisdiction upon courts and judicial officers generally, violations of this chapter, or of any order, requirement, decision or determination issued by the Code Enforcement Official pursuant to this chapter, shall be deemed misdemeanors, and for such purpose only all provisions of law relating to misdemeanors shall apply to such violations. Each week's continued violation shall constitute a separate additional violation.*

E.

- F. Remedies not exclusive. No remedy or penalty specified in this section shall be the exclusive remedy or penalty available to address any violation described in this section, and each remedy or penalty specified in this section shall be in addition to, and not in substitution for or limitation of, the other remedies or penalties specified in this section, in any other section of this chapter, or in any other applicable law. Any remedy or penalty specified in this section may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any other remedy or penalty specified in this section, in any other section of this article, or in any other applicable law. In particular, but not by way of limitation, each remedy and penalty specified in this section shall be in addition to, and not in substitution for or limitation of, the penalties specified in Executive Law § 382, Subdivision (2), and any remedy or penalty specified in this section may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any penalty specified in Executive Law § 382, Subdivision (2).

The entire law to be amended, will also be available through the Town Website and at the Town Clerk's Office.

3. That the determination of significance under the New York State Environmental Quality Review Act is to be considered at the time of such Public Hearing.
4. That the Town Clerk give notice of such Public Hearing at least five (5) days prior to such hearing by publishing a copy of this Resolution once in the *Webster Herald*, the official newspaper of the Town of Webster and posting a copy thereof on the Town Clerk's Bulletin Board and the Town's website.

Seconded by _____ and duly put to a vote, which resulted as follows:

VOTE ON MOTION:

Supervisor Thomas J. Flaherty	AYE/NAY
Councilwoman Patricia T. Cataldi	AYE/NAY
Councilman John J. Cahill	AYE/NAY
Councilwoman Ginny L. Nguyen	AYE/NAY
Councilwoman Jennifer S. Wright	AYE/NAY

MOTION CARRIED

Enter: July 3, 2024

DANENE M. MARR
Town Clerk
Town of Webster