NEW YORK STATE DEPARTMENT OF STATE
41 STATE STREET
ALBANY, NY 12231

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
X of Town
Village Stillwater

Local Law No. 1 **of the year 20** 05

A local law Unsafe Building Law
(Insert Title)

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

County
City
X of Town
Village Stillwater **as follows:**

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

Village of Stillwater

Unsafe Building Law

1. Purpose

Unsafe buildings pose a threat to life and property in the Village of Stillwater. Buildings and structures may become unsafe or uninhabitable to the occupants or others by reason of inadequate construction, damage by fire, the elements, age, deferred maintenance, structural deficiencies or general deterioration. Vacant buildings not properly secured at entry points and windows serve as an attractive nuisance for children who may be injured therein, as point of congregation by vagrants and transients, and a harbor for illegal activities. Dilapidated buildings may also serve to create health menaces to the community through rodent and other infestations or the emanation of toxic materials. It is the purpose of this Local Law to provide for the safety, health, protection and general welfare of the citizenry and the preservation of property and property values in the Village of Stillwater by requiring unsafe building to be repaired, made structurally sound, demolished and removed.

The Local law shall be known as the "Unsafe Building Law" of the Village of Stillwater.

2. Authority

This Local Law is adopted pursuant to the general powers granted to the Village of Stillwater by the Constitution and laws of the State of New York and the Public Health Regulations of the Consolidated Health District of Stillwater.

3. Repeal of Previous Related Local Laws

This Local law hereby repeals Village of Stillwater "Ordinance Relating to the Removal or Repair of Unsafe Buildings within the Village of Stillwater," and Village Local Law No. 2 Of 1996 "Removal of Dangerous Buildings rr Structures."

4. **Definitions**

(1) "Building" means any man-made structure or portion thereof, on or within the land.

(2) "Village of Stillwater" or "Village" means the principal Building and Uniform Fire Code Enforcement Officer of the Village of Stillwater or, in the event of the unavailability of such officer, the Village Mayor or Deputy Mayor.

5. **Investigation and Report**

When in the opinion of the Village of Stillwater, or upon receipt of information that a building (1) is or may become dangerous or unsafe to the general public, or (2) is open at entry points and windows, making it accessible to and an object of attraction, to minors, vagrants, other trespassers, or (3) is or may become a place of rodent infestation, or (4) is or may become a place to harbor illegal activities, or (5) presents any other danger to the health, safety, morals and general welfare of the public, or (6) is unfit for the purposes for which it may lawfully be used, including human habitation, the Village of Stillwater shall make or cause to be made an inspection thereof and report, in writing, to the Village Board the Village's findings and recommendations in regard to its repair or demolition and removal.

6. **Notice to Property Owner**

A. Notice of the Village's report and the required remedial action shall be served on the owner or on the owner's executor, legal representative, agent, lessee or any other person having a vested or contingent interest in the property. Service shall be made either personally or by certified mail, return receipt requested.

B. The notice shall include a description of the premises, a statement of the particulars in which the building or structure is unsafe or dangerous and an order requiring the premises to be made safe and secure or removed. The notice shall also include a statement that the securing or removal of such building shall be completed within thirty days after the service of the notice and shall be completed within 60 days thereafter. Unless upon good cause shown the Village extends such time. Any such extension may not exceed thirty additional days.

C. The notice shall also schedule a hearing before the Village Board, which hearing shall be scheduled not fewer than five business days from the date of service of the notice, and a statement that in the event of neglect or refusal to comply with the order to secure or demolish and remove the building the Village Board is authorized to provide for its demolition and removal, to assess all expenses thereof against the land on which it is located and to institute a special judicial proceeding to collect the costs of demolition, including legal expenses; and hearing transcript advertisement.

D. A copy of the Village of Stillwater's aforesaid report shall accompany the notice, and a copy of such notice shall be posted on the premises.

7. Notice to be Posted and Filed with the County Clerk

A copy of the aforesaid notice shall be posted on the Village Bulletin Board and filed in the office of the County Clerk of Saratoga County, which notice shall be filed by the County 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, except as otherwise hereinafter provided in this paragraph. 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 or upon the consent of the Village Attorney. The County Clerk of Saratoga County shall mark such notice and any record or docket thereof as cancelled of record upon the presentation and filing of such consent or of a certified copy of such order.

8. Hearing

A. The hearing shall be before a quorum of the Village Board. Witnesses shall provide sworn testimony, and the proceedings shall be transcribed. Formal rules of evidence shall not apply.

B. The Village Board shall enter the report of the Village of Stillwater in the minutes and receive additional sworn testimony from the Village of Stillwater or others, as

the Board finds relevant. The owner of the subject property is entitled to testify or provide the relevant testimony of others.

C. At the conclusion of the hearing, the Village Board may render a determination, or it may reserve decision. The findings shall be the basis for an order requiring the owner to remediate any unsafe condition. Such order may include, but not be limited to, completion of specified repairs or improvements, or vacating the building, or the demolition and removal of the building or a portion thereof. Any such remedial action must be completed within thirty days.

9. Refusal to comply

In the event of the failure, refusal or neglect of the person so notified to comply with an order of the Village Board after a hearing pursuant to Section 8 of the Local Law, the Village Board shall provide for the ordered remediation of the unsafe condition either by village employees or by contract. Except in emergency as provided in Section 10 hereof, any contract for demolition and removal of a building shall be awarded through competitive bidding pursuant to General Municipal Law.

10. Power to Act in Emergencies

A. Whenever the Village of Stillwater finds, with the concurrence of the Town of Stillwater Police, or the Chief of the Newland Wood Fire Company or the Health Officer of the Consolidated Health District of Stillwater, or in case of the unavailability of the Health Officer, the President of the Board of Health of the Consolidated Health District of Stillwater, that the condition of a building is such which, in their opinion, requires immediate action to abate a direct hazard or an immediate danger to the health, safety or welfare of the occupants of said building or of the public, the Village Mayor or the Deputy Mayor may, without prior notice or hearing take any action authorized herein which is reasonable necessary to abate or remove the condition.

B. Such action may include but is not limited to demolition of the building or structure, vacating the occupants of the premises and of surrounding premises, closing of public or private streets or rights-of-way, termination of utility service,

erection of barricades and other protections and the performance of physical work on the premises.

C. Following such action, notice of same shall be served on the owner in the same manner as effecting service as provided in Section 6 of the Local Law. Such notice shall be served within 48 hours of initiating such action.

11. Assessment of expenses

All expenses incurred by the Village in connection with the proceedings to repair, secure or to demolish and remove the unsafe building, including the cost of the work and inspections and any fees incurred by the Village for engineering and legal services shall be charged to the owner of the premises. In the event that the owner fails to pay all such expenses within 30 days on the issuance of a bill for such expenses, the Village Clerk shall be authorized to assess the total amount of such unpaid expenses against the land on which such building is located and shall cause such total of unpaid expenses to be levied and collected in the same manner as the levy and collection of unpaid water and sewer charges.

12. Annual Appropriation

A. In preparing the annual Village Budget the Mayor shall make provision for a contract for the repair or demolition of unsafe building by the Village pursuant to this Local Law. The Mayor shall also estimate the amount of costs to be recovered in the ensuing fiscal year through the enforcement provision of this Local Law.

B. At the first meeting of each fiscal year, the Village Board shall award a contract for the repair or demolition of unsafe buildings. The contract shall be awarded based upon competitive bids pursuant to General Municipal Law, submitted no later than May 15th of the preceding fiscal year.

13. Immunity of the Village of Stillwater

No action may be maintained against the Village of Stillwater and/or a duly designated Code Enforcement Officer of the Village or any other agent of the Village

for the value of damages for injury to, or destruction of, property under the provisions of this Local Law.

14. Provisions Supplemental to State Law

The provisions of this Local Law shall not supersede, but rather shall be supplementary to, the provisions of law contained in the New York State Constitution, Eminent Domain Procedures Law, Executive Law, General Municipal Law, Village Law, Uniform Fire Prevention and Building Code, Public Health Regulations of the Consolidated Health District of Stillwater, and any other applicable local law, ordinance, rule or regulation.

15. Severability

If any provision of this Local Law or its application thereof to any person or circumstance is held invalid; the validity of the remainder of the provisions of this Local Law and the application thereof to other persons and circumstances shall not be affected thereby.

16. Effective date

This Local Law shall take effect immediately upon filing thereof in the Office of the 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. 1 of 20 05 of the ~~(County)~~(~~City~~)(~~Town~~)(Village) of Stillwater was duly passed by the Board of Trustees on February15 05, in accordance with the applicable
(Name of Legislative body)
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 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
(Elective Chief Executive Officer)*
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.

Mary L. Tantalo

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

(Seal)

Date: February 15, 2005

(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 Saratoga

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

James R. Peluso, Esq.
Title Dreyer Boyajian LLP
Attorneys for Village of Stillwater

~~County~~
~~City~~ of Stillwater
~~Town~~
Village

Date: February 15, 2005

VILLAGE OF STILLWATER

TRUSTEES:

Michael J Hanehan
John M Murphy
Martin J Riccardi
Raymond J Walker

INCORPORATED 1816

1 SCHOOL STREET
PO BOX 507
STILLWATER, NY 12170
(518) 664-6258 FAX 664-2166

Ernest W. Martin, MAYOR

ATTORNEY
Dreyer Boyajian LLP
James R Peluso
CLERK-TREASURER
Margo L Partak
SUPT OF PUBLIC WORKS
Randy L Rathbun

February 17, 2005

State Records & Law Bureau
Department of State
41 State Street
Albany, NY 12231

RE: Village of Stillwater
Local Laws Number 1&2, Year 2005

Dear Sir:

Enclosed please find one (1) original of the above Local laws entitled "A Local Law Unsafe Building Law" which is to provide for the safety, health, protection and general welfare of the citizenry and the preservation of property and property values in the Village of Stillwater, along with " A Local Law to amend a local law No. 3 of 1995" regulating traffic within the Village by adding a stop sign at the intersection of Yorktown Lane and Carpenter Place, for filing.

Thank you for your attention concerning this matter.

Sincerely,

Margo L. Partak
Village Clerk-Treasurer

Enc.
cc. file copy

NOTICE OF PUBLIC HEARING
VILLAGE OF STILLWATER
PROPOSED LOCAL LAW NO. 1 OF 2005

NOTICE IS HEREBY GIVEN that the Village Board of Trustees of the Village of Stillwater will hold a Public Hearing on February 15, 2005 at 7:00 p.m. to consider the adoption of proposed Local Law No. 1 of 2005 "Unsafe Building Law." The purpose of said local law is to provide for the safety, health, protection and general welfare of the citizenry and the preservation of property and property values in the Village of Stillwater by requiring unsafe buildings to be repaired, made structurally sound, demolished and/or removed. Adoption of the local law would repeal Village "Ordinance Relating to the Removal or Repair of Unsafe Buildings Within the Village of Stillwater," and Village Local Law No. 2 of 1996 providing for "Removal of Dangerous Buildings or Structures." The hearing will take place at the Village Boardroom located at 1 School Street, Stillwater, New York.

A copy of the proposed local law is available for public inspection at the Village Clerk's Office at 1 School Street, Stillwater, New York between the hours of 9:00 a.m and 4:00 p.m, Monday through Friday.

At the above date, time and place, all interested persons will be heard.

Village of Stillwater
Board of Trustees
Margo L. Partak, Clerk

STATE OF NEW YORK
DEPARTMENT OF STATE
41 STATE STREET
ALBANY, NY 12231-0001

GEORGE E. PATAKI
GOVERNOR

March 9, 2005

RANDY A. DANIELS
SECRETARY OF STATE

Village of Stillwater
1 School Street
Po Box 507
Stillwater, NY 12170

RECEIVED
MAR 1 1 2005
VILLAGE OF STILLWATER

RE: Village of Stillwater, Local Law 1 & 2, 2005, filed on 2/18/2005

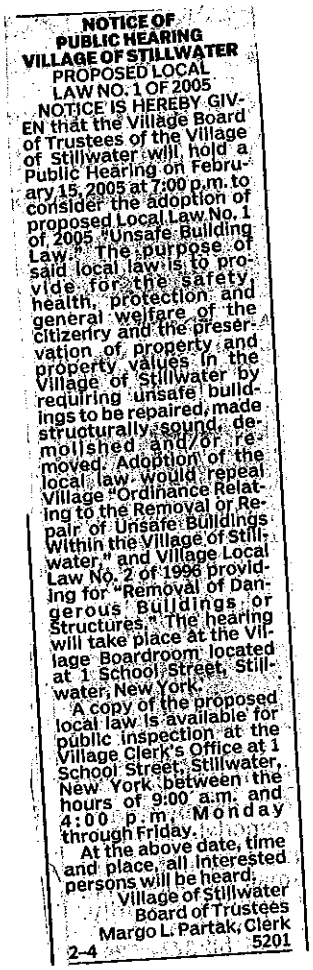
To Whom It May Concern:

The above referenced material was received and filed by this office as indicated. Additional local law filing forms will be forwarded upon request.

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

LL:cb

State of New York, **ss.:**
City and County of Schenectady



NOTICE OF PUBLIC HEARING
VILLAGE OF STILLWATER
PROPOSED LOCAL LAW NO. 1 OF 2005

NOTICE IS HEREBY GIVEN that the Village Board of Trustees of the Village of Stillwater will hold a Public Hearing on February 15, 2005 at 7:00 p.m. to consider the adoption of proposed Local Law No. 1 of 2005 "Unsafe Building Law." The purpose of said local law is to provide for the safety, health, protection and general welfare of the citizenry and the preservation of property and property values in the Village of Stillwater by requiring unsafe buildings to be repaired, made structurally sound, demolished and/or removed. Adoption of the local law would repeal Village "Ordinance Relating to the Removal or Repair of Unsafe Buildings Within the Village of Stillwater," and Village Local Law No. 2 of 1996 providing for "Removal of Dangerous Buildings or Structures." The hearing will take place at the Village Boardroom located at 1 School Street, Stillwater, New York.

A copy of the proposed local law is available for public inspection at the Village Clerk's Office at 1 School Street, Stillwater, New York between the hours of 9:00 a.m. and 4:00 p.m. Monday through Friday.

At the above date, time and place, all interested persons will be heard.

Village of Stillwater
Board of Trustees
Margo L. Partak, Clerk

2-4 5201

Amy Hills of the City of Schenectady, being duly sworn, says that he/she is Principal Clerk in the office of the Daily Gazette Co., published in the City of Schenectady and that the notice/advertisement, of which the annexed is a printed copy, has been regularly published in the Daily Gazette and/or Sunday Gazette as follows:

1 insertion February 4, 2005

Amy Hills

Sworn to me on this 7th day of February 2005

LISA J. BALDWIN
COMMISSIONER OF DEEDS
My commission expires 6-28-06

NOTARY PUBLIC

Lisa Baldwin

NOTICE OF PUBLIC HEARING
VILLAGE OF STILLWATER
PROPOSED LOCAL LAW NO. 1 OF 2005

NOTICE IS HEREBY GIVEN that the Village Board of Trustees of the Village of Stillwater will hold a Public Hearing on February 15, 2005 at 7:00 p.m. to consider the adoption of proposed Local Law No. 1 of 2005 "Unsafe Building Law." The purpose of said local law is to provide for the safety, health, protection and general welfare of the citizenry and the preservation of property and property values in the Village of Stillwater by requiring unsafe buildings to be repaired, made structurally sound, demolished and/or removed. Adoption of the local law would repeal Village "Ordinance Relating to the Removal or Repair of Unsafe Buildings Within the Village of Stillwater," and Village Local Law No. 2 of 1996 providing for "Removal of Dangerous Buildings or Structures." The hearing will take place at the Village Boardroom located at 1 School Street, Stillwater, New York.

A copy of the proposed local law is available for public inspection at the Village Clerk's Office at 1 School Street, Stillwater, New York between the hours of 9:00 a.m and 4:00 p.m, Monday through Friday.

At the above date, time and place, all interested persons will be heard.

Village of Stillwater
Board of Trustees
Margo L. Partak, Clerk

DREYER BOYAJIAN LLP
ATTORNEYS AND COUNSELLORS AT LAW
75 COLUMBIA STREET
ALBANY, NY 12210
TELEPHONE: (518) 463-7784
FACSIMILE (518) 463-4039

WILLIAM J. DREYER
DONALD W. BOYAJIAN
DANIEL J. STEWART
BRIAN W. DEVANE
JOHN B. CASEY
CRAIG M. CRIST
REBECCA M. VACCARIELLO
JAMES R. PELUSO
MARK O. CHIECO
MALCOLM P. LaVERGNE

SARATOGA COUNTY OFFICE
358 BROADWAY
SARATOGA SPRINGS, NY 12866
(518) 583-6697

CHRISTOPHER P. SCARINGE
(of counsel)

January 18, 2005

Margo L. Partak, Clerk
Village of Stillwater
P.O. Box 799
Stillwater, NY 12170

Re: Unsafe Building Law

Dear Margo:

Enclosed please find the Public Hearing Notice and the requisite completed form (unsigned) for filing Local Law No. 1 of 2005 "Unsafe Building Law" with the Department of State. Thank you for your attention to this matter.

Very truly yours,

DREYER BOYAJIAN LLP

By: James R. Peluso

Enc.

VILLAGE OF STILLWATER

TRUSTEES:

Michael J Hanehan
John M Murphy
Martin J Riccardi
Raymond J Walker

INCORPORATED 1816

1 SCHOOL STREET
PO BOX 507
STILLWATER, NY 12170
(518) 664-6258 FAX 664-2166

Ernest W. Martin, MAYOR

ATTORNEY
Dreyer Boyajian LLP
James R Peluso
CLERK-TREASURER
Margo L Partak
SUPT OF PUBLIC WORKS
Randy L Rathbun

COVER SHEET

DATE: 2-1-05

Cu: 19689
IBm: 90036

TO: Daily Gazette

FAX NUMBER SENT TO: 395-3050

ATTENTION: Legal Advertising

NUMBER OF PAGES TRANSMITTED: 3 (includes cover sheet)

FROM: Margo Partak

REGARDING:

MEMO: Please publish the following two (2) legal notices one (1) time each Please bill the Village using the voucher system

If all pages are not received, or if copies are illegible, please contact Margo at (518) 664-6258

NEW YORK STATE DEPARTMENT OF STATE
41 STATE STREET
ALBANY, NY 12231

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
X Town
Village of Stillwater

Local Law No. 1 **of the year 20**05

A local law Unsafe Building Law
(Insert Title)

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

County
City
X Town
Village of Stillwater **as follows:**

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