

# 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 MORIAH

Local Law No. 7 of the year 20 19

A local law entitled, "Unsafe Structure Law of the Town of Moriah"  
*(Insert Title)*

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Be it enacted by the Town Board of the

\_\_\_\_\_  
*(Name of Legislative Body)*

County  City  Town  Village

*(Select one.)*

of Moriah as follows:

Full Text of Law Is Attached Hereto

(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. 7 of 20 19 of the (County)(City)(Town)(Village) of \_\_\_\_\_ Moriah was duly passed by the \_\_\_\_\_ Town Board on March 26 20 19, 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 \_\_\_\_\_ 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 (Name of Legislative Body) on \_\_\_\_\_ 20 \_\_\_\_\_, and was (approved)(not approved) (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 \_\_\_\_\_ of \_\_\_\_\_ of \_\_\_\_\_ the (County)(City)(Town)(Village) of \_\_\_\_\_, 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.)**

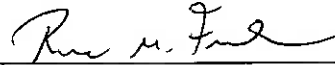
I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting 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. \_\_\_\_\_, \_\_\_\_\_ 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 1 above.



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

(Seal)

Date: 3/26/19

Local Law No. 7 of 2019

"Unsafe Structure Law of the Town of Moriah."

SECTION 1. TITLE. This local law shall be known and cited as "Unsafe Structure Law of the Town of Moriah" being Local Law number      of 2019.

SECTION 2. AUTHORITY. This Local Law is enacted pursuant to the authority of the New York State Municipal Home Rule Law Section 10, of the Town Law.

PURPOSE. Unsafe Structures pose a threat to life and property in the Town of Moriah. Buildings and structures may become unsafe by reason of damage by fire, the elements, age or general deterioration. Vacant buildings not properly secured at doorways and windows also serve as an attractive nuisance for young children who may be injured therein, as well as a point of congregation by vagrants and transients. A dilapidated building may also serve as a place of rodent infestation, thereby creating a health menace to the community. It is the purpose of this Local Law to provide for the safety, health, protection and general welfare of persons and property in the Town of Moriah by requiring such unsafe buildings be repaired or demolished and removed.

1) DEFINITIONS.

- a) STRUCTURE- Any building, construction, house, mobile home or partially completed construction of any kind, for any use, including but not limited to residential, commercial and industrial.
- a) CODE ENFORCEMENT OFFICER- The Code Enforcement Officer of the Town of Moriah, or such other person appointed by the Town Board to enforce the provisions of this Local Law.
- a) OWNER- The Title Owner of any interest in real property including any Mortgage holder when such Mortgage holder is the Owner in possession. Where there are multiple Owners of any real property, notice to any one of them shall satisfy the requirements of this Local Law.

1) INSPECTION. If the Code Enforcement Officer of the Town of Moriah receives a complaint or otherwise learns that a structure within the Town has potentially become unsafe or dangerous to the public, is open at the doorways and windows, making it accessible to and an object of attraction to minors, as well as to vagrants and other trespassers; is or may become a place of rodent infestation; or presents any other danger to the health, safety, morals and general welfare of the public, he or she shall make a formal inspection thereof and report in writing to the Town Board of the Town of Moriah the findings and recommendations in regard to condition and its removal or repair. The Owner may also engage, at his or her own expense, an engineer to inspect the premises and provide information to the Code Enforcement Officer.

1) FACTORS. All buildings or structures which have any or all of the following defects shall be

deemed dangerous or unsafe buildings:

- a) Those whose exterior walls or other vertical structural members list, 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.
- a) 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.
- a) Those which have improperly distributed loads upon the floors or roofs or for which the floors have insufficient strength to be reasonably safe for the purpose used.
- a) 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 Town.
- a) Those which have become, or are so dilapidated, decayed, unsafe, 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 threaten injury to the health, morals, safety or general welfare of occupants.
- a) Those having light, air and sanitation facilities which are inadequate to protect the health, morals, safety or general welfare of occupants.
- a) Those having inadequate facilities for egress in case of fire or panic or those having insufficient stairways, elevators, fire escapes or other means of evacuation.
- a) Those which have parts thereof which are so attached that they could fall and injure members of the public or property of others.
- a) Those which, because of their condition, are unsafe, unsanitary or dangerous to the health, morals, safety or general welfare of the people of the Town.
- a) Those which are open at the doorways or windows or walls, making them accessible to and an object of attraction to minors, as well as to vagrants and other trespassers.
- a) Those which are, or are likely to become, places of rodent infestation.
- l) Those which consist of debris, rubble or parts of buildings left on the ground after demolition, reconstruction, fire or other casualty.

1) NOTICE. The Code Enforcement Officer of the Town of Moriah shall prepare a Notice which shall include a) a description of the premises, b) a statement of the particulars in which the building or structure is unsafe or dangerous, c) an order requiring the structure to be made safe and secure or removed, d) the time within which the owner or other person served shall commence the securing or removal of buildings or structures, and e) the date, time and place of a hearing before the Town Board at which any interested party may present evidence or argument regarding the condition of the structure.

1) SERVICE OF NOTICE. The Code Enforcement Officer of the Town of Moriah shall serve a copy of the Notice by personal service or by registered mail, on the Owner or the Owner's executors, legal representatives, agents, lessees or any other person having a vested or contingent interest in same. If served by registered mail, the Notice shall be addressed to the last known address of the owner or the owner's executors, legal representatives, agents, lessees or other person

having a vested or contingent interest in same, as shown by the records of the receiver of taxes and a copy of the notice shall be posted on the premises.

- 1) FILING OF NOTICE. A copy of the Notice shall be filed in the office of the county clerk, such notice shall be filed in the same manner as a notice of pendency pursuant to article sixty-five of the civil practice law and rules and shall have the same effect as a notice of pendency as therein provided. Such Notice shall be effective for a period of one year from the date of filing, unless vacated by court order or upon the consent of the Town attorney. 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 of a certified copy of such order.
- 1) HEARING. The Owner, or any authorized representative of the Owner, may appear before the Town Board at the time and place set forth in the Notice for a hearing. Following said hearing, the Town Board shall give notice to the Owner or the Owner's representative at the hearing as to the Board's determination following said hearing. The Board may determine that the original order shall remain in full force and effect, or it may amend said order, or it may rescind said order.
- 1) FAILURE TO COMPLY. Should the Owner fail or refuse to repair or remove the structure within the time provided, the Town Board may make such repairs as the Town Board deems necessary in order to make the structure safe to the public and the Town Board may cause all costs and expenses incurred by the Town in connection with the proceedings to remove or secure, including the cost of actually removing said building or structure, to be assessed against the land on which said buildings or structures are located and to be collected pursuant to the procedures for collecting property taxes.
- 1) PENALTIES. Any violation of this Law shall be punishable by a fine of not more than \$250 or imprisonment for not more than 15 days, or both. Each day's continued violation shall constitute a separate offense.
- 2) SEPARABILITY. If any paragraph, clause or provision or part thereof be declared by any Court of competent jurisdiction to be invalid and unenforceable, such declaration shall in no way affect the validity and enforceability of the remainder of such paragraph, clause or provision of this Local Law.
- 1) REPEALER. This Local Law shall replace any and all previous local laws of the Town of Moriah relating to unsafe structures and any similar laws adopted by the Village of Port Henry prior to its dissolution.
- 2) EFFECTIVE DATE. This Local Law shall take effect immediately upon filing in the office of the New York State Secretary of State.

March 27, 2019

STATE OF NEW YORK  
COUNTY OF ESSEX } SS.:  
TOWN OF MORIAH

83. **ON MOTION** by Councilman Anderson, seconded by Councilwoman Carpenter, the following resolution was

APPROVED	Ayes	Salerno, Anderson, Carpenter, Brassard
	Nays	0
	Absent	Scozzafava

**RESOLVED** a Resolution of the Town Board of the Town of Moriah  
Adoption of Local Law No. 7 of 2019

At a meeting of the Town of Moriah Town Board, duly noticed and held on the 26th day of March, 2019, the following Resolution was presented:

**WHEREAS**, in accordance with the recommendations contained in the Village of Port Henry Dissolution Plan dated February 2016, the Town of Moriah has identified seven laws needing to be adopted by the Town of Moriah to incorporate former village regulations into the Town's Local Laws; and

**WHEREAS**, at its regular meeting held on February 14, 2019, the Town Board formerly introduced seven proposed local laws including proposed Local Law No. 7 of 2019 - Unsafe Structure Law of the Town of Moriah; and

**WHEREAS**, the Town Board has determined that the proposed Local Law is not subject to the State Environmental Quality Review Act (SEQRA) and no referral to the Essex County Planning Department is required under the General Municipal Law; and

**WHEREAS**, a public hearing on proposed Local Law No. 7 of 2019 was duly noticed and held on March 21, 2019, and the hearing was closed prior to the introduction of this Resolution; and

**WHEREAS**, the legal procedures for the adoption of the proposed Local Law having been completed to date, the Town Board is prepared and able to vote on the adoption of proposed Local Law No. 7 of 2019; and

**WHEREAS**, the proposed Local Law has not been changed subsequent to the public hearing and has been in final form and provided to each Town Board member in its final form since its introduction on February 14, 2019;

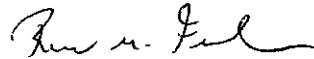
NOW, THEREFORE, BE IT RESOLVED as follows:

1. The public hearing on proposed Local Law No. 7 of 2019 has been duly noticed, held and closed and those who wished to be heard regarding said proposed law have had a full and fair opportunity to be heard.
2. The Town Board hereby adopts Local Law No. 7 of 2019 of the Town of Moriah, entitled, "Unsafe Structure Law of the Town of Moriah".
3. The Town Board hereby directs that the Village Clerk to prepare said Law for filing and that it be filed with the Office of the Secretary of State within five (5) business days of the effective date of this Resolution.
4. This Resolution shall take effect immediately.

CERTIFICATION

I, Rose M. French, Town Clerk, the duly qualified and acting Clerk of the Town of Moriah, New York, do hereby certify that the attached resolution was adopted at Special Meeting of the Town Board of the Town Moriah on Tuesday, March 26, 2019 at 10:00am and is on file of record and that said resolution has not been altered, amended or revoked and is in full force and effect.

SEAL.



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Rose M. French  
Town of Moriah  
Town Clerk

*Rose M. French, Town Clerk  
Town of Moriah  
38 Park Place, Suite 2  
Port Henry, NY 12974  
(518) 546-3341 Fax (518) 546-3342*

March 26, 2019

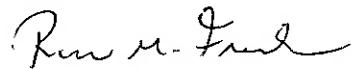
NYS Department of State  
Division of Corporation, State Records and  
Uniform Commercial Code  
One Commerce Plaza, 99 Washington Avenue  
Albany, NY 12231

To Whom It May Concern:

Enclosed please find Local Law #7 of 2019 for the Town of Moriah to be filed in your office.

Thank you.

Sincerely,



Rose M. French  
Town of Moriah  
Town Clerk

STATE OF NEW YORK  
**DEPARTMENT OF STATE**

ONE COMMERCE PLAZA  
99 WASHINGTON AVENUE  
ALBANY, NY 12231-0001  
WWW.DOS.NY.GOV

ANDREW M. CUOMO  
GOVERNOR

ROSSANA ROSADO  
SECRETARY OF STATE

April 10, 2019

Rose M French  
Town Clerk  
38 Park Place, Suite 2  
Port Henry NY 12974

**RE: Town of Moriah, Local Law 7 2019, filed on March 29 2019**

Dear Sir/Madam:

The above referenced material was filed by this office as indicated. Additional local law filing forms can be obtained from our website, [www.dos.ny.gov](http://www.dos.ny.gov).

Sincerely,  
State Records and Law Bureau  
(518) 473-2492



**Department  
of State**