

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 Avon
- Town
- Village

FILED
STATE RECORDS

NOV 16 2010

DEPARTMENT OF STATE

Local Law No. 5 of the year 20 10

A local law regarding property maintenance.
(Insert Title)

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

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

SEE ATTACHED

(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. 5 of 20 2010 of the ~~(County)(City)(Town)(Village)~~ of Avon was duly passed by the Board of Trustees on November 1 20 2010, 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) (repassed after disapproval) by the _____ and was deemed duly adopted on _____ 20 _____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

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) (repassed after disapproval) by the _____ on _____ 20 _____.
(Name of Legislative Body)
(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) (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.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

* 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.)

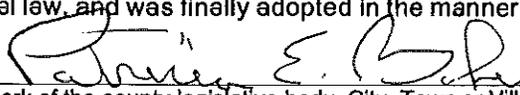
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified 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 1 _____, above.


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

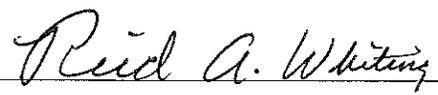
(Seal)

Date: November 2, 2010

~~(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 GENESEE

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
Reid A. Whiting, Village Attorney
Title

~~County~~
City of Avon
~~Town~~
Village

Date: November 2, 2010

A LOCAL LAW OF THE VILLAGE OF AVON REGARDING PROPERTY MAINTENANCE

Be it enacted by the Village Board of the Village of Avon as follows:

Section 1. Statutory Authority; Title.

This Local Law is adopted pursuant to the authority of Section 4-414 of the Village Law of the State of New York and shall be known as the "Property Maintenance Law of the Village of Avon."

Section 2. Removal of Fire and Health Hazards and Weeds.

Pursuant to, and in accordance with, the provisions of section 4-414 of the Village Law of the State of New York and other applicable provisions of law, the owners of land within the Village of Avon (the "Village") shall cut, trim or remove from the land owned by them brush, grass, debris, rubbish, or weeds, or spray poisonous shrubs or weeds on such land in order to promote the health, safety and welfare of the residents of the Village of Avon.

Section 3. Notice to be Given of Violation of Section 2.

A. In the event that a property owner fails to remove any such brush, grass, debris, rubbish, or weeds, or spray poisonous shrubs or weeds on such land, at the direction of the Village Board of Trustees, the Code Enforcement Officer shall serve a notice of the same in the following manner:

(1) by personal service of a copy thereof upon the owner, executor, administrator, agent, lessee, or any person having a vested or contingent interest in said property as shown by the records of the Village Treasurer or of the Livingston County Clerk; or if no such person can reasonably be found, by mailing such owner by registered mail a copy of such notice directed to his/her last known address as shown by the above records; and

(2) by personal service of a copy of such notice upon any adult person residing in or occupying said premises if such person can be reasonably found; and

(3) by securely affixing a copy of such notice upon any residence or other structure located on the property.

B. The notice shall contain the following:

(1) a description of the condition of the property needing remediation.

(2) an order outlining the manner in which the property is to be made compliant with this local law.

(3) a statement that the remediation of the property shall commence within 5 days of the service of the notice and shall be completed within 10 days thereafter, unless, for good cause shown, such time shall be extended by the Village Board of Trustees.

(4) a statement that in the event of neglect or refusal to comply with the order, the Village is authorized to cause such grass, debris, brush, rubbish or weeds to be cut, trimmed or removed and such poisonous shrubs or weeds to be sprayed by the Village and the total expense of such cutting, trimming, removal or spraying may be assessed by the Board of Trustees on the real property on which such brush, grass, debris, rubbish, weeds or poisonous shrubs or weeds were found, and the expense so assessed shall constitute a lien and charge on the real property on which it is levied until paid or otherwise satisfied or discharged and shall be collected in the same manner and at the same time as other Village charges.

Section 4.

If any part or provision of this Local Law or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Local Law or the application thereof to other persons or circumstances, and the Village Board of the Village of Avon hereby declares that it would have passed this Local Law or the remainder thereof had such invalid application or invalid provision been apparent.

Section 5.

All ordinances, local laws and parts thereof inconsistent with this Local Law are hereby repealed.

Section 6.

This Local Law shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with section 27 of the Municipal Home Rule Law.