

**TOWN OF GENOA**  
**LOCAL LAW #2 OF 2024**  
**UNSAFE BUILDINGS AND STRUCTURES LOCAL LAW**

Be it enacted by the Town of Genoa, in the County of Cayuga, as follows:

**SECTION 1. PURPOSE AND INTENT**

(a) By adoption of this Local Law, the Town of Genoa declares its intent to regulate and control unsafe, abandoned, hazardous, dilapidated, or derelict buildings and structures, and this local law supersedes and replaces Local Law #1 of 2011 (entitled "Unsafe Buildings"), as well as any other prior ordinances or local laws of the Town of Genoa respecting this specific subject matter.

(b) The Town of Genoa hereby declares that a clean, wholesome, and attractive environment is of vital importance to the continued general welfare of its citizens, and that Unsafe Buildings can constitute a hazard to property and Persons and can be a public nuisance. Unsafe Buildings may be highly flammable and sometimes explosive. Unsafe Buildings can constitute attractive nuisances to children and certain adults. The presence of Unsafe Buildings is injurious to the public welfare, unsightly, and tends to detract from the value of surrounding properties.

(c) This local law also provides additional tools and remedies for the Town of Genoa respecting violations of the New York State Property Maintenance Code, the Fire Code, and other Uniform Codes respecting Unsafe Buildings, and this local law is adopted pursuant to the authority of Town Law §§ 64 and 130, Article 18 of the Executive Law, § 78-b of the General Municipal Law, and § 10 of the Municipal Home Rule Law.

**SECTION 2. DEFINITIONS**

(a) **Definitions.** In this local law, the following terms shall have the meanings shown in this section whenever the context of use thereof so requires or permits:

"Building Permit" shall mean a building permit, construction permit, demolition permit, or other permit that authorizes the performance of work. The term "Building Permit" shall also include a Building Permit which is renewed, amended, or extended pursuant to any provision of this local law.

"Certificate of Compliance" shall mean a document issued by the Town stating that work was done in compliance with approved construction documents and the NYS Uniform Codes or this local law.

"Certificate of Occupancy" shall mean a document issued by the Town certifying that the building or structure, or portion thereof, complies with the approved construction documents that have been submitted to, and approved by the Town, and indicating that the building or structure, or portion thereof, is in a condition suitable for occupancy.

"Code Enforcement Officer" shall mean the Town of Genoa Code Enforcement Officer, who shall be an enforcement officer under this local law. Such term also includes designees of such Code Enforcement Officer, such as building inspectors, who may assist with inspections and enforcement under this local law.

"CPLR" shall mean the New York Civil Practice Law and Rules.

“DCN” or “Defective Conditions Notice” means a form of notice that provides prescribed information and orders a repair, remediation, remedy, demolition, or temporary rules (including pertaining to use and occupancy) related to any Unsafe Building. The rules for and contents of a DCN are set for the below, and for all purposes under this local law a DCN may also be treated as a compliance notice or order to remedy, including under this local law and Executive Law §§ 381 and 382.

“Emergency” means a determination by the Enforcement Officer of a condition in a Hazardous Building that presents an imminent or immediate danger to the life, health, or safety of any Person.

“Hazardous Building” shall mean any Unsafe Building that presents or poses an imminent or immediate danger of failure or collapse, or an imminent or immediate danger to the life, health, safety, or welfare of any Person. A single building or Structure can be both a Hazardous Building and an Unsafe Building, and all Hazardous Buildings are and shall be deemed Unsafe Buildings.

“Owner” means any person or entity that owns or holds any interest in fee to real property, including as shown by the records of the county and town tax assessors.

“Owner’s Address” means the owner’s mailing or residence address as shown by the records of the Tax Assessor.

“Person” shall include an individual, corporation, limited liability company, partnership, association, limited partnership, business trust, estate, trust, or any other legal or commercial entity of any kind or description.

“Uniform Code” shall mean the New York State Uniform Fire Prevention and Building Code, Subchapter A of Chapter XXXIII of Title 19 of the NYCRR, adopted pursuant to Article 18 of the Executive Law.

“Unsafe Building” shall mean any building or structure, or portion or appurtenance thereof, or equipment therein, that:

- (i) is abandoned, dilapidated, derelict, structurally unsafe, or unsanitary;
- (ii) constitutes a fire hazard;
- (iii) is not provided with sufficient means of egress or exits in the case of a fire;
- (iv) constitutes a hazard to safety or health by reason of inadequate maintenance, infestation, dilapidation, obsolescence, or abandonment;
- (v) is or was constructed or improved without a Building Permit when such was required;
- (vi) is or was occupied or used without any Certificate of Compliance, Certificate of Occupancy, or Operating Permit; when such was required;
- (vii) is in violation of the Uniform Code or Energy Code in any manner or respect as materially impairs the safety or structural integrity thereof; or
- (viii) is otherwise dangerous to human life.

“Town” shall mean the Town of Genoa, Cayuga County, New York.

“Town Board” shall mean the Town Board of the Town of Genoa.

**(b) Construction.**

(1) Words in the singular or with gendered references shall be interpreted in the plural or other gendered or non-gendered form when required by usage or context.

(2) Any reference herein to a statute, regulation, code, section, or similar rule or law shall be construed to mean that statute, regulation, code, section, or similar rule or law as written when this local law was adopted, as well as such statute, regulation, code, section, or similar rule or law as the same may have been thereafter amended, replaced, or recodified, each as the context and situation thereof may so admit, require, or demand.

(3) Any provision herein that requires a signature of a Town officer or employee shall be deemed met or complied with regardless of whether such signature is electronically made or holographic (original, such as in ink or a “wet” signature), and a photocopy or accurate reproduction thereof, or of any verification or certification thereof, shall have the same force and effect as an original signature, including relative to legal process and admissibility of evidence requirements.

(4) Subject matter headings shall be interpreted and construed only as matters of convenience, and such shall not be interpreted or used to limit or define the text and references appearing thereunder.

**SECTION 3. NOTIFICATION REGARDING FIRE, EXPLOSION, OR SUBSTANTIAL LOSS OR DAMAGE TO ANY BUILDING OR STRUCTURE.**

The chief of any fire department, company, or agency providing firefighting services for a property within this Town shall promptly notify the Code Enforcement Officer of any fire or explosion involving any structural damage, fuel burning appliance, chimney, or gas vent. In addition, any Person who becomes aware of any fire, explosion, collapse, partial collapse, or any damage or loss to any building or structure that renders such building or structure unsafe, unstable, or dangerous shall report the event or conditions of such building or structure, along with the address or location of such building or structure.

**SECTION 4. UNSAFE BUILDINGS, STRUCTURES, AND EQUIPMENT & CONDITIONS OF IMMINENT DANGER.**

(a) **Identification and Marking of Unsafe Buildings.** Unsafe buildings, structures, and equipment, and conditions of imminent danger related thereto located within this Town shall be identified and addressed in accordance with the procedures set forth below, or under General Municipal Law § 78-b, or otherwise in accord with applicable law. All such buildings and structures shall be taped, barricaded, or placarded when required and in accordance with law.

(b) **Unsafe Buildings and Structures Generally.** All Unsafe Buildings are hereby declared to be illegal and shall be abated by repair or demolition in accordance with the provisions of this local law. Any building or structure, or any part thereof, that is unsafe or poses an imminent danger to life and safety of the public, in the

opinion of the Code Enforcement Officer, is hereby also declared to be a public nuisance. The Code Enforcement Officer may order the repair, remediation, or demolition of any Unsafe Building, or structure, equipment, or part thereof. The occupants, if any, of any such building or structure may be ordered to vacate the building or structure forthwith, and no Person shall use any premises that have been ordered vacated unless authorized by the Code Enforcement Officer to perform inspections, repairs, or to demolish and remove such building or structure, or part or appurtenance thereof.

(c) **Hazardous Buildings Generally.** If the building or structure is determined or declared to be a Hazardous Building, the occupants, if any, of any such building or structure shall be ordered to vacate the building or structure forthwith, and no Person shall use any premises that have been ordered vacated unless authorized by the Code Enforcement Officer to perform inspections, repairs, or to demolish and remove such building or structure, or part or appurtenance thereof. In addition to the requirements of this local law and this section, a Hazardous Building shall be subject to the following additional procedures:

(1) The Code Enforcement Officer shall post a copy of the DCN upon such Hazardous Building along with a placard that complies with the Uniform Code and conspicuously displays in large, bold-faced type as follows: **“CONDEMNED: THIS BUILDING IS HAZARDOUS AND UNSAFE. ENTRY, USE, AND OCCUPANCY OF THIS BUILDING HAVE BEEN PROHIBITED BY THE TOWN OF GENOA.”** Such placard shall be affixed to the main entrances of such Hazardous Building, and such other locations on each major entrance or side or façade thereof as will promote the observation thereof by the average passerby. Placards may also be staked into the ground or affixed upon trees and other structures upon and about the premises upon which the Hazardous Building is situate, including along any driveways, accessways, or road front(s) to apprise the public of the Hazardous Building and related conditions.

(2) No Hazardous Building may be occupied, nor may a hazardous building be re-occupied until each and all unsafe and hazardous conditions are remediated.

(3) Such notice and placard shall remain posted until all required repairs are made or demolition of the Hazardous Building is completed. It shall be unlawful for any person to remove such notice without written permission of the Code Enforcement Officer, or for any person to enter a Hazardous Building except for the purpose of evaluating the building condition, making the required repairs, or to demolish such Hazardous Building.

(4) If the Code Enforcement Officer determines that an emergency exists in relation to such Hazardous Building, the Code Enforcement Officer is also hereby empowered, but not required, to:

- (i) Enter any such premises for the purposes of inspection and investigation;
- (ii) Promptly cause any hazardous building or portion thereof to be made safe or removed; and
- (iii) Order the vacation of adjacent structures; and
- (iv) Protect the public by appropriate barricades or such other means as may be necessary, including the closure of public or private ways.

(d) **Right of Town to Collect Costs or Remediation or Removal.** In the event that the Town shall seek to recover or collect the costs of any repairs, remedial work, or demolition or other costs (not including any civil fine or criminal penalty imposed or collected) incurred in relation to any Unsafe Building, including through the

enforcement or emplacement of any lien or assessment against the subject real property, then and in such event the Town and the Code Enforcement Officer (and all Inspectors) shall comply with the requirements and provisions of this local law.

(e) **Complaints and Inspections.** Upon receiving a complaint, or upon any inspection of any property, the Code Enforcement Officer shall determine whether or not there appears to be a violation of this local law or any condition in or about the premises as constitute an Unsafe Building. Upon finding or making a determination that an Unsafe Building violation exists, the Code Enforcement Officer shall serve upon the Owner, or other occupant or Person having control of the real property in the Town charged with the maintenance of such property, written notice of such violation or non-compliance, and such notice shall be called and labeled as a "Defective Conditions Notice." A DCN shall be served in a manner as is required of a summons under the CPLR. The Code Enforcement may also post or placard the affected building, structure, or premises with a copy of such DCN or any placard as is or may be required under the Uniform Code.

(f) **DCN Contents and Requirements.** A DCN shall contain:

- (1) A brief description of the buildings, structures or premises affected, and for this purpose a street address is sufficient;
- (2) The nature and existence of the violation(s);
- (3) The provisions of this local law or the Uniform Code violated;
- (4) An order that the violation be abated, terminated, or corrected;
- (5) A date by which compliance is mandated; and
- (6) A date by which the Owner (or other Person) may object to or appeal the DCN, which objection(s) shall be deemed to be a request for a hearing before the Town Board.

(g) **DCN Objections and Appeals.** An objection or request for a hearing may be filed to appeal the determination of, or the presence of, an Unsafe Building, or of a violation of or non-compliance with this local law, the date mandated for compliance, or the terms and conditions set forth in any DCN or other compliance order. All objections and appeals shall require the Person filing the same to provide an address to which notices may be delivered in relation to all future proceedings relating to such filing and Unsafe Buildings and related proceedings.

(h) **Stop Work Orders.** For purposes of this section, a Stop Work Order may be issued and reviewed independently of a DCN pursuant to the laws and regulations of New York State and the Town pertaining to its local laws and procedures implementing 19 NYCRR Part 1203. The Stop Work Order and any remediation plan thereunder may also be the subject of a DCN and when this occurs, the procedures for the same as set forth in this local law shall apply, together with any compliance requirements under Executive Law § 382 and the Town's local law and regulations implementing said Part 1203.

(i) **Failure to Comply with a DCN; No Objection or Appeal Filed.** If the owner, or other occupant or Person having control of real property in the Town, fails to remedy the violation or comply with the DCN (or other compliance order) by the date upon which compliance is mandated and fails to request a hearing, then the following procedures apply (if a hearing is requested, see further below):

(1) The Code Enforcement Officer shall cause a compliance and remediation plan to be presented to and approved by the Town Board, and such plan shall cause correction and compliance through the use of reasonably efficient and cost-effective measures (to keep the expenses low and reasonable in respect of the nature of the violation and the measures needed to effect compliance with the Uniform Code and the law), including any necessary remediation or demolition activities.

(2) The Town Board shall approve, approve such plan with modifications, or disapprove such plan. Upon any approval, the Town Board shall issue a resolution that authorizes the Code Enforcement Officer to proceed with such compliance and remediation plan. In overseeing such work, the Code Enforcement Office may abate or remedy such violation or proceed to hire or direct others to do so, including third party contractors approved and hired by the Town Board for such purposes. All rules for public works, prevailing wages, and public contracting shall apply to such work (including any exemptions or exceptions for emergencies and public disasters set forth in local procurement policies or as applied under General Municipal Law § 103, etc.).

(3) After the condition has been corrected and any work so completed, the Code Enforcement Officer shall file with the Town Supervisor a statement of all the direct costs of the same, together with a 20% surcharge thereupon, as compensation to the Town for administering, supervising, and handling said work in accord with the provisions of this local law.

(4) Within 15 days of filing, the Town Supervisor will review and verify the cost, prepare a verified statement of costs (herein, the "Verified Statement"), and file the same in the Office of the Town Clerk. The Verified Statement shall itemize and clearly state the specific amount claimed due, and the Verified Statement shall be personally served upon the Owner, and any other known occupant or Person having control of such real property in the Town who is required to maintain the property, in a manner as is required of a summons under the CPLR.

(5) Any Person aggrieved by the filing of a Verified Statement may file a written objection thereto and request a hearing by and before the Town Board to challenge the validity of the Verified Statement, or to determine the actual or reasonable costs of compliance or remediation incurred by the Town as listed in the Verified Statement. Such objection must be filed within 15 days of service of the Verified Statement and must provide an address to which notices may be delivered in relation to all future proceedings relating to such filing or any Unsafe Buildings and related proceedings. Within 30 days of filing of such objection, the Town shall schedule a hearing upon the objection and serve a notice of hearing specifying the time, date, location, and body or hearing officer (which may be the whole of the Town Board) before whom, and to which, evidence and testimony may be presented.

(6) Absent the timely and proper filing of an objection or request for a hearing, the cost of abatement and administrative and other costs to the Town, as detailed in the Verified Statement, shall be delivered to the landowner with a demand for payment. If the sum due is not paid in full within 30 days, the Town may elect to pursue any unpaid balance through lien enforcement or collection activities in a court of competent jurisdiction, and at any time any remaining balance may be assessed against the property as a tax lien and levied on the ensuing year's real property tax bill (such tax to be administered as a MOVE tax, or otherwise in accordance with law).

(7) If, after a hearing, the Town Board rules or determines that the amount of the Verified Statement shall be adjusted downward, then only the adjusted costs of abatement and the administrative costs calculated

upon such adjusted amount shall be collected or assessed against the property as a tax lien and levied on the next ensuing year's real property tax. If the Town Board invalidates the Verified Statement, or makes such other determination as to preclude the validity or enforceability of the Verified Statement, then the Town shall not seek to enforce that Verified Statement by collection or assessment (but such shall not limit any other rights or remedies of the Town, including as related to abatement or enforcement of this local law, or the abatement of nuisances and Unsafe Buildings, or commencing proceedings based upon a different or corrected Verified Statement).

(8) The Town Board shall not have the authority to increase the amount claimed due or owing upon any Verified Statement until and unless a new or amended Verified Statement is generated in accord with the substantive and procedural requirements of this local law.

(9) The sale, transfer, conveyance, or other disposition or partial disposition of affected property shall not invalidate or forestall these proceedings, nor invalidate any DCN, Verified Statement, lien, enforcement proceeding, or tax levied for sums due in relation to the remediation, repair, or removal of any Unsafe Building(s).

**(j) Objection or Appeal of DCN Duly and Timely Filed.** If an objection or request for a hearing upon the DCN is filed within the date by which the Owner, or other occupant or Person having control of real property in the Town, may object to the notice or request a hearing, then the following procedures shall apply:

(1) The Town shall schedule and service notice of a hearing to be held not less than 30 days, nor more than 60 days, after the objection or request for a hearing is filed.

(2) The Town Board may make any determination upon such hearing on appeal as may have been initially made by the Code Enforcement Officer, except that the Town Board shall not have any authority to issue waivers of, or variances from, the New York State Uniform Codes or the Energy Code. However, relief may be accorded an applicant conditioned upon receipt of a waiver or variance from the NYS Codes Division, if such condition is required to be fulfilled within a time period to be set by the Town Board, but in all cases never to exceed 180 days. The Town Board shall cause its determination to be made in writing and served upon the Owner and all parties to such proceeding.

(3) Resumption of use or occupancy during the period of any appeal or state variance review, whether before the Town or to the Codes Division, shall not be undertaken without the written consent of the Code Enforcement Officer.

(4) If, upon the completion of the appeal and hearing, the Town Board denies the appeal or sets conditions of a variance or waiver, and the Owner, or other occupant or Person having control of real property in the Town charged with the maintenance of the property, fails, neglects, or refuses to terminate or correct the violation, or fails to abide by the conditions so stated, then the Code Enforcement Officer shall cause the condition to be corrected through the use of reasonably efficient and cost effective measures (to keep the expenses low and reasonable in respect of the nature of the violation and the measures needed to effect compliance with the law, including any necessary remediation or demolition activities).

(5) After the condition has been corrected, the Code Enforcement Officer shall then file with the Town Supervisor a statement of all the direct costs of the same, together with a 20% surcharge as compensation to the Town for administering, supervising, and handling said work in accord with the provisions of the Building Code and this Local Law.

(6) Within 15 days of filing, the Town Supervisor will review and verify the cost, prepare a verified statement of costs (herein, the "Verified Statement"), and file the same in the Office of the Town Clerk. The Verified Statement shall itemize and clearly state the specific amount claimed due, and the Verified Statement shall be personally served upon the owner, and any other known occupant or Person having control of such real property in the Town who is required to maintain the property, in a manner as is required of a summons under the CPLR.

(7) Any Person aggrieved by the filing of a Verified Statement may file a written objection thereto and request a hearing by and before the Town Board to challenge the validity of the Verified Statement, or to determine the actual or reasonable costs of compliance or remediation incurred by the Town as listed in the Verified Statement. Such objection must be filed within 15 days of service of the Verified Statement and must provide an address to which notices may be delivered in relation to all future proceedings relating to such filing or any Unsafe Buildings and related proceedings. Within 30 days of filing of such objection, the Town shall schedule a hearing upon the objection and serve a notice of hearing specifying the time, date, location, and body or hearing officer (which may be the whole of the Town Board) before whom, and to which, evidence and testimony may be presented.

(8) Absent any the timely and proper filing of an objection or request for a hearing, the cost of abatement and administrative and other costs to the Town, as detailed in the Verified Statement, shall be delivered to the landowner with a demand for payment. If the sum due is not paid in full within 30 days, the Town may elect to pursue any unpaid balance through lien enforcement or collection activities in a court of competent jurisdiction, and at any time any remaining balance may be assessed against the property as a tax lien and levied on the ensuing year's real property tax bill (such tax to be administered as a MOVE tax, or otherwise in accordance with law).

(9) If, after a hearing, the Town Board rules or determines that the amount of the Verified Statement shall be adjusted downward, then only the adjusted costs of abatement and administrative costs shall be collected or assessed against the property as a tax lien and levied on the next ensuing year's real property tax. If the Town Board invalidates the Verified Statement, or makes such other determination as to preclude the validity or enforceability of the Verified Statement, then the Town shall not seek to enforce that Verified Statement by collection or assessment (but such shall not limit any other rights or remedies of the Town, including as related to abatement or enforcement of this local law, or the abatement of nuisances and Unsafe Buildings, or commencing proceedings based upon a different or corrected Verified Statement).

(10) The Town Board shall not have the authority to increase the amount claimed due or owing upon any Verified Statement until and unless a new or amended Verified Statement is generated in accord with the substantive and procedural requirements of this local law.

(11) The sale, transfer, conveyance, or other disposition or partial disposition of affected property shall not invalidate or forestall these proceedings, nor invalidate any DCN, Verified Statement, lien, enforcement proceeding, or tax levied for sums due in relation to the remediation, repair, or removal of any Unsafe Building(s).

(k) **Demolition and Removal.** Before the demolition or removal of any Unsafe Building is commenced by any Person, a demolition permit application (herein "DPA") shall be prepared by the Owner, or the Owner's architect, builder, or contractor, on forms available from the Code Enforcement Officer. A processing fee as set by resolution of the Town Board from time to time must accompany each DPA. All information requested in



such form must be provided before the DPA is deemed complete. The DPA shall be filed with the Code Enforcement Officer at least 20 working days before the proposed demolition or removal, except in the case of hazardous buildings, which shall require that a DPA be filed as soon as possible. The following rules apply to all DPAs and permits issued thereunder:

- (1) No DPA or DRP shall be required for single-story non-occupied structures consisting of less than 144 square feet of total floor space, such as sheds.
- (2) If a DPA is approved by the Code Enforcement Officer, the Code Enforcement Officer shall issue a demolition and removal permit (herein "DRP"). All work must be completed within the time stated upon the DRP.
- (3) All DRPs are valid only until the date stated on the face of the DRP. Upon expiration of a DRP prior to the completion of the demolition work, a new DPA shall be filed, and a new DRP must be issued before the continuation of any work.
- (4) Before any DRP is issued a performance bond, money, or another undertaking in a form approved by the Code Enforcement Officer, in an amount sufficient to complete all proposed or necessary operations, shall be required. The determination as to whether to require any undertaking, and in what amount or form, shall be at the sole discretion of the Code Enforcement Officer, and the Code Enforcement Officer may require additional sums to be posted, paid, or bonded as may be necessary from time to time to ensure adequate financial security for the completion of the work.
- (5) Before any DRP is issued the owner and all person(s) engaged in the work of demolition or removal shall file proof of insurance for all operations with the Code Enforcement Officer, including proof of public liability, personal injury, and property damage insurance or coverages, with the following minimum terms and coverages:
  - (i) Insurance shall be written on standard Commercial General Liability ("CGL") forms in an amount not less than \$1,000,000 per person per incident, and such policy shall provide contractual liability coverages. If the Unsafe Building to be demolished is used for rentals, short-term occupancy, retail goods or services, food or beverage services or other purposes where the general public, customers, and delivery personnel use the premises, public liability coverages in the minimum amount of \$1,000,000 per person per incident may also be required (if not already covered in the CGL policy).
  - (ii) The Town shall be named as an additional insured thereunder, and listing as a certificate holder does not suffice.
  - (iii) The Town shall be required to be notified at least 30 days prior to any change of coverage, change in endorsements, or cancellation of coverage.
  - (iv) In addition to public liability coverages, the Code Enforcement Officer may require additional coverages and terms and the circumstances may warrant, and all policies and endorsements are subject to the reasonable review and approval of the Code Enforcement Officer prior to the issuance of any DRP. The failure to review or object, however, is not acceptance of the coverages or an approval of the policy or endorsements, and effects no waivers of the insurance requirements of this section.
- (6) The Owner and each person working upon any demolition or removal work, including all persons

acting in furtherance of the performance of any work pursuant to or under any DRP, shall indemnify and keep and save harmless the Town from and against any and all losses, costs, damages, expenses, judgments, claims, or liabilities of any kind whatsoever which may accrue against, be charged to, or recovered from the Town from or by reason of, or arising from, accidents to persons or damages to property during any operations, or as otherwise arise from or in relation to anything done under or by virtue of any DRP granted for any such operations. This indemnity provision shall be construed and applied broadly as to all liabilities and losses, but in each case only to the maximum extent permitted by law (including that the Town shall not be indemnified for its own negligence when such negligence is a sole or primary cause of the claim, cause, damage, injury, or loss, etc., leading to any claim for indemnity.

(7) In demolishing any building or structure, or any part thereof, story after story shall be completely removed in a sequential manner commencing with the roof, and then the top floor, and moving to the next lower floor, etc., unless such building is demolished in a single phase through the lawful and properly permitted use of explosive or implosive devices. No material shall be placed upon a floor of any building in the course of demolition, and the bricks, timbers and other parts of each story shall be lowered to the ground immediately upon displacement. All material to be removed shall be properly wet to lay the dust incident to its removal. All demolition and removal work shall be undertaken with a diligent regard to, and a diligent application of, all applicable safety standards, rules, laws, and regulations, in accord with the safest practice and customs in such industry.

## SECTION 5: VIOLATIONS

(a) **Violations and Appearance Tickets.** Any non-compliance with or violation of the requirements of this local law is hereby declared to be criminal offenses classified as violations. For purposes of this local law, the local justice courts are hereby vested and imbued with authority to issue administrative and other warrants in compliance with law, as well as to hear and adjudicate allegations relating to the criminal violation of this local law and thereafter, if appropriate, impose any fine, penalty, or sanction.

(b) **Penalties.** In addition to such other penalties as may be prescribed by state law, any Person who violates, or fails to comply with, any requirement, term, condition, or provision of this local law be guilty of a violation punishable by a fine of not more than \$1,000 per day of violation, or imprisonment not exceeding 30 days, or both.

(c) **Injunctive Relief.** An action or proceeding may be instituted in the name of the Town in any court of competent jurisdiction to prevent, restrain, enjoin, correct, or abate any violation of, or non-compliance with, this local law, including obtaining an order directing the removal of a building or structure or an abatement of the condition in violation of this local law. No action or proceeding described in this subdivision shall be commenced without the appropriate authorization from the Town Board, and in any action seeking equitable relief or injunctions, including under Article 63 of the CPLR, the Town shall not be required to post any bond or undertaking, prove that there is or will likely be irreparable harm, or prove that the Town has no adequate remedy at law.

(d) **Remedies Not Exclusive.** No remedy or penalty specified in this local law shall be the exclusive remedy available to address any violation of or non-compliance with this local law, and the Town may pursue any other remedies it may have at any time, whether prior to, simultaneously with, or after the pursuit of any other remedy or penalty specified in this local law. In particular, but not by way of limitation, each remedy and penalty specified in this local law shall be in addition to, and not in substitution for or limitation of, any penalties or remedies provided for in law, including Executive Law § 382.

## **SECTION 6: FEES**

A fee schedule shall be established by resolution of the Town Board and such fee schedule may thereafter be amended from time to time by resolution.

## **SECTION 7. PARTIAL INVALIDITY; EFFECTIVE DATE**

If any section of this local law shall be held unconstitutional, invalid, or ineffective, in whole or in part, such determination shall not be deemed to affect, impair, or invalidate the remainder of this local law.

This local law shall take effect immediately.