

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 Nunda

Local Law No. 1 of the year 2023

A local law Amending Local Law No. 1 of 2008, to compliment the Implementation of the Property

(Insert Title)

Maintenance Code of the State of New York and to assist in the continued

Revitalization of area throughout the Village of Nunda

Be it enacted by the Nunda Village Board of Trustees of the

(Name of Legislative Body)

County City Town Village
(Select one.)

of Nunda

as follows:

Amended local law that was adopted is attached in its fullest context.

(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. 1 of 2023 of the (County)(City)(Town)(Village) of Nunda was duly passed by the Nunda Village Board of Trustees on January 9 20 23, 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 ____.

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 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 1 above.

Tracy J. Wood

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

(Seal)

Date: 11/12/2023

Local Law No. 1 of 2023, Amending Local Law No. 3 of 2021, Amending Local Law No. 1 of the Year 2009, Amending Local Law No. 1 of 2008 to complement the Implementation of the Property Maintenance Code of the State of New York and to assist in the Continued Revitalization of Area throughout the Village of Nunda, Livingston County.

Section 1. Purpose

The purpose of this law is to assist in the continued revitalization of area throughout the Village to attract new businesses, promote the public interest in continued development, insure regular maintenance and improvements to present structures, safeguard against blight and preserve property values and community standards; establish minimum maintenance standards to safeguard life, limb, health, safety, property, and the public welfare in the best interest of the residents of the Village of Nunda.

Section 2. Findings

It is found and declared that by reason of lack of maintenance and progressive deterioration certain structures and properties have the further effect of creating blighting conditions and initiating slums, and that if the same are not curtailed and removed, the aforesaid conditions will grow and spread and will necessitate in time the expenditure of large amounts of public funds to correct and eliminate the same. By reason of timely regulations and restrictions, as herein contained, the growth of slums and blight may be prevented and the neighborhood and property values thereby maintained, the desirability and amenities of residential and nonresidential uses and neighborhoods enhanced and the public health, safety and welfare protected and fostered.

Section 3. Definitions

The following definitions are in addition to and in supplement to the definitions found in the Property Maintenance Code of New York State.

- a. Accessory Building – shall mean a subordinate building located on the same lot with the main building, occupied by or devoted to an accessory use. Where an accessory building is attached to the main building in a substantial manner, as by a wall or roof, such accessory building shall be considered part of the main building.
- b. Building – shall mean any structure having a roof supported by columns or by walls and intended for shelter, housing, protection or enclosure of persons, animals or property. Depending upon its applicability, herein of “building” shall include the structure.
- c. Village – shall mean Village of Nunda.

- d. Deterioration – shall mean the condition or appearance of a building or structure, characterized by holes, breaks, rot, crumbling, cracking, peeling, rusting, or other evidence of physical decay or neglect, excessive use, or lack of maintenance.
- e. Zoning Enforcement Officer – shall mean the officer employed by the Village of Nunda to enforce the zoning laws of the Village of Nunda or other such person appointed by the Village of Nunda to enforce this law, or such person appointed by the Village of Nunda to enforce this local law.
- f. Code Enforcement Officer – shall mean the State Building Code Enforcement Officer employed by the Village of Nunda for the purpose of enforcing the terms of this local law.
- g. Exposed to Public View – shall mean any premises, or open space, or any part thereof, or any building or structure that may be lawfully viewed by any member of public from a sidewalk, street, alleyway, or from any adjoining or neighboring premises.
- h. Exterior of Premises – shall mean those portions of a building that are exposed to public view, and the open space of any premises outside of any building erected thereon.
- i. Good Working Repair – shall mean and be a standard of maintenance that renders a building safe, habitable, and possessed of a neat and orderly appearance.
- j. Good Working Condition – shall mean fully operable for the intended use.
- k. Dwelling, multiple – shall mean a building or portion thereof containing three or more dwelling units and designed or used for occupancy by three or more families living independently of each other.
- l. Operator or Manager – shall mean any person who has charge, care, or control of a building or part thereof.
- m. Owner – shall include any person having individual or joint title to real property in any form defined by the laws as an estate or interest therein, whether legal or equitable and however acquired.
- n. Person – shall include an individual, a partnership, a joint venture, a corporation, an association, and any other organization recognized as an entity by the laws of the State of New York.

- o. Premises – shall mean building, dwelling and/or grounds.
- p. Property – shall mean land and whatever is erected on, growing on, placed on, or affixed thereto.
- q. Refuse – shall mean all cardboard, plastic materials or glass containers, wastepaper, rags, sweepings, pieces of wood, excelsior, metal, rubber and like waste material.
- r. Structure – shall mean a combination of materials assembled, constructed or erected at a fixed location including, for example, a building, stationary and portable carports, and swimming pools, the use of which requires location on the ground or attachment to something having location on the ground.

Section 4. Minimum Standards

This local law establishes certain minimum standards for the initial and continued occupancy and use of all structures and does not replace or modify standards otherwise established for the construction, repair, alteration, or use of the structure, the premises, or the equipment or facilities contained therein, as are required by the state Building Code. In any case, where a provision is found to be in conflict with any applicable zoning, building, plumbing, electrical, heating, ventilation, fire or safety code of the Village of Nunda, County of Livingston, State of New York, or the United States of America, the provision that establishes the higher standard, as determined by the Zoning Officer, shall prevail.

Section 5. Maintenance of Exterior of Premises

The exterior of the premises and the condition of structures shall be maintained so that the premises and all buildings shall reflect a level of maintenance in keeping with the standards of the community and shall not constitute blight from the point of view of adjoining property owners, or lead to the progressive deterioration of the neighborhood. Such maintenance shall include, without limitation, the following:

- a. Foundations, porches, be in good condition.
- b. Vent attachments shall be safe, durable, smoke-tight and capable of withstanding the action of flue gases.
- c. Exterior balconies, porches, landing stairs, and fire escapes shall be provided with banisters or railings properly designed, installed and maintained to minimize the hazard of falling and unsightly appearance.

- d. All permanent signs and billboards exposed to public view permitted by reason of other regulations or as a lawful non-conforming use shall be maintained in good repair. Any signs that have become excessively weathered, those upon which the paint has excessively peeled, or those whose supports have deteriorated so that they no longer meet the structural requirements of the state Building Code, shall, with their supports, be removed or put into a good state of repair. All non-operative or broken electrical signs shall be repaired or shall, with their supports, be removed. Signs denoting a business which is no longer on the premises shall be removed within 30 days of the date on which the business ceases to occupy the premises.
- e. All storefronts and walls exposed to public view shall be kept in a good state of repair. Storefronts or any portion of the structure shall not show evidence of excessive weathering or deterioration of any nature. Unoccupied storefronts shall be maintained in a clean and neat appearance.
- f. Any awnings or marquees and accompanying structural members shall be maintained in a good state of repair. In the event said awnings or marquees are made of cloth, plastic, or of a similar material, and are exposed to public view, such material shall not show evidence of excessive weathering, discoloration, ripping, tearing, holes or other deterioration. Nothing herein shall be construed to authorize any encroachment on streets, sidewalks, or other parts of the public domain.
- g. All vacant buildings shall be continuously guarded or sealed and kept secure against unauthorized entry. Materials and methods with which such buildings are sealed must meet the approval of the Zoning Enforcement Officer, as to color, design, and building material. Owners of such buildings shall take such steps and perform such acts as may be required to ensure that the building and its adjoining yards remain safe and secure and do not present a hazard to adjoining property or to the public and that such property does not become infested with vermin or rodents.
- h. Exteriors walls, including doors and windows and the parts of the building shall be so maintained as to keep water from entering the building. Materials which have been damaged or show evidence of dry rot or other deterioration shall be repaired or replaced and refinished in a workmanlike manner.
- i. All exposed exterior surfaces shall be maintained free of broken or cracked glass, loose shingles, or loose or crumbling stones or bricks, loose shutters, railings, aerials, excessive peeling paint or other condition reflective of deterioration or inadequate maintenance. Said conditions shall be corrected by repair or removal. All exposed exterior surfaces of structures not inherently resistant to deterioration shall be coated, treated or sealed to

protect them from deterioration or weathering. Wood, masonry or other exterior materials that will naturally resist deterioration do not have to be treated but must be otherwise maintained in a sound, secure workmanlike manner. Exterior surfaces shall be painted or in a serviceable manner/condition. Floors, walls, ceilings, stairs, and fixtures of buildings shall be maintained in a clean, safe, sanitary condition. Every floor exterior wall, roof, porch or appurtenance thereto shall be maintained in a manner so as to prevent collapse of the same or injury to the occupants of the building or to the public.

j. Roof drains, overflow pipes, air conditioning drains, and any other device used to channel water off or out of a building shall be maintained in a safe and operable condition and shall not drain onto a public sidewalk, walkway, street, alleyway or adjoining property.

k. Lawns shall be cut, and bushes, shrubs and hedges shall be trimmed regularly during the growing season so as to avoid an unsightly appearance.

Section 6. Open areas and parking spaces

a. Surface or subsurface water shall be appropriately drained to protect buildings and structures and to prevent the development of stagnant ponds. Gutters, culverts, catch basins, drain inlets, stormwater sewers or other satisfactory drainage systems shall be utilized where necessary. No roof, surface or sanitary drainage shall create a structural, safety or health hazard by reason of construction, maintenance or manner of discharge.

b. Fences and other minor construction shall be maintained in a safe and substantial condition.

c. Steps, walks, driveways, parking spaces, and similar paved areas shall be maintained so as to afford safe passage under normal use and weather conditions. Any holes or other hazards that may exist shall be filled, and necessary repairs or replacement carried out.

d. Yards and vacant lots shall be kept clean and free of physical hazards, rodent harborage and infestation. They shall be maintained in a manner that will prevent dust or other particles from being blown about the neighborhood. Open wells, cesspools, or cisterns shall be securely closed or barricaded from access by the public. All temporary excavations shall be kept covered or barricaded so as to protect the general public from injury.

e. All land must be kept free of dead or dying trees and accumulations of brush, shrubs, weeds, grass, stumps, roots, excessive and/or noxious growths, garbage, refuse or debris, which would either tend to start a fire or increase the intensity of a fire already started or cause poisoning or irritation to people or animals or cause or tend to cause or enhance

unhealthy or dangerous or obnoxious condition on said property or on any adjacent or neighboring property.

f. Except as otherwise provided for by statute or other regulations, two or more inoperative or unlicensed motor vehicles shall not be parked, kept or stored on any premises, and no vehicles shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth. However, a vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside structure or similarly enclosed area designed and approved for such purpose.

Section 7. Business Units

a. Business units shall at all times be maintained in compliance with the provisions of this local law regulating open spaces, buildings or structures and littering.

b. No outside storage or accumulation of garbage, crates, rubbish, refuse or debris shall be permitted at any time, and all such garbage, crates, rubbish, refuse or debris shall be kept inside the building or buildings on the premises or in an acceptable enclosure and shall be regularly collected and removed from the premises.

c. No shopping baskets, carts, or wagons shall be left unattended or standing in open areas and the same shall be collected at the close of business each day by the occupant of such unit and moved to the interior of the building or buildings.

d. No mobile refrigeration unit shall be operated on the premises after the closing of the business conducted thereon unless such mobile refrigeration unit is electrically operated except in an industrial zone.

e. All fences and planting areas installed on the premises shall be maintained by the owner of the property. Such maintenance shall include, but not limited to, the replacement of trees and shrubs which may die and/or otherwise be destroyed, the maintenance and cutting of lawns and the replacement and/or repair of fences which may become in disrepair.

f. Persons owing or occupying property shall keep all walkways, public or private, abutting the said premises free from litter and trash of whatever nature.

Section 8. Infestation, Storage and Screening

- a. Grounds, buildings and structures shall be maintained free of insect, vermin and rodent harborage and infestation. Methods used to exterminate insects, vermin and rodents shall conform with generally accepted professionally accepted practices.
- b. Where the potential for rodent or vermin infestation exists, windows and other openings in basements and cellars shall be closed or appropriately screened with wire mesh or other suitable materials.
- c. No materials, goods or supplies may be stored in any front yard or in an exterior or interior side yard. Materials may be stored in a rear yard provided that the area used for storage is screened from neighboring properties by a fence or hedge and that the method and manner of storage complies with the other provisions hereof.

Section 9. Littering; Abandoned Refrigerators; Receptacles

- a. Residential, commercial and industrial premises, whether improved or vacant, shall be maintained free of litter; provided, however, that this section shall not prohibit the storage of litter in appropriate private receptacles for collection.
- b. Adequate sanitary facilities and methods shall be used for the collection, storage, handling and disposal of garbage and refuse in accordance with the provisions of applicable codes. Each owner of any building from which garbage, rubbish, mixed refuse, ashes or other wastes are collected shall provide refuse containers sufficient in number to hold all collectable wastes which may accumulate. Containers must be rodent and insect proof and watertight and must be kept covered at all times. Such containers must not be kept in a front yard or exterior side yard.
- c. No refrigerator may be discarded, abandoned or stored in a place accessible to children without first completely removing any locking or latching devices and all doors.
- d. Dumpsters and similar large receptacles shall be shielded from the public view by means of appropriate landscaping, hedges, fences or screening. This section shall not apply to receptacles for clothing and the like donated to charity.
- e. Shopping centers, supermarkets and similar business units shall provide permanent, attractive, decorated litter receptacles within the premises for public use in sufficient quantity so that a person will not have to walk in excess of fifty (50) feet to use such a receptacle.

Section 10. Responsibilities of occupants

An occupant of a premises shall be responsible for compliance with this local law in regard to the following:

- a. Maintenance of the premises which is being occupied or controlled in a clean, sanitary and safe condition.
- b. Maintenance of all plumbing, cooking and refrigeration fixtures and appliances, as well as other building equipment and storage facilities, which shall be kept in a clean and sanitary condition and provided with reasonable care in the operation and use thereof.
- c. Keeping exits from the building or occupant's portion thereof clear and unobstructed.
- d. Disposal of garbage and refuse into appropriate facilities in a clean and sanitary manner in accordance with any applicable provisions of the Village.
- e. Extermination of insects, rodents or other pests within the premises.
- f. Maintenance of yards, lawns and courts in a clean, sanitary and safe condition and free from infestation by rodents, or vermin, insofar as said occupant occupies or controls said yards, lawns or any parts thereof.
- g. The installation and removal of required screens.
- h. Keeping domestic animals and pets in an appropriate manner and under control in accordance with any other regulations of the Village.
- i. Elimination of all prohibited uses for that part of the premises which the occupant occupies, controls or has accessibility to.

Section 11. Responsibilities of owners

- a. Owners of premises shall be responsible for compliance with the provisions of this local law and shall remain responsible therefore regardless of the fact that this local law may also place certain responsibilities on operators and occupants and regardless of any agreements between owners and operators or occupants as to which party shall assume such responsibility.

- b. Owners and operators of buildings shall be responsible for the proper installation, maintenance, condition and operation of services facilities and for furnishing adequate heat and hot water supple where they have contracted to do so.
- c. Whenever any person or persons shall be in actual possession of or have charge, care or control of any property within the Village as executor, administrator, trustee, guardian, operator or agent, such persons shall be deemed and taken to be the owner or owners of said property within the intent and meaning of this local law and shall comply with the provisions of this local law to the same extent as the record owner; and notice to any such person of any order or decision of the Code Enforcement Officer shall be deemed and taken to be good and sufficient notice, as if such person or persons were actually the record owner or owners of such property. In instances where an occupant is responsible or shares responsibility with the owner for the existence of one (1) or more violation(s) of this local law, said occupant shall be deemed and taken to be an owner within the intent and meaning of this law.

Section 12. Inspection

The Zoning Enforcement Officer is hereby authorized to make inspections of any property within the Village to determine compliance with this local law and must make such inspections whenever directed to do so by the Mayor or Village Board or when five or more village residents have submitted signed complaints to the Village regarding the aforementioned property and violations of this law thereon. Every operator or owner shall cooperate with the Zoning Enforcement Officer in providing access to the premises for such inspection.

Whenever the Zoning Enforcement Officer determines that there is a violation of the provisions of this local law, he shall cause a written notice to be served upon the owner or operator, which shall include:

- a. An enumeration of conditions which violate the provisions of this local law.
- b. An enumeration of the remedial action required to meet the standards of this local law.
- c. The requirement that the operator or owner submit a plan or remediation to the Zoning Enforcement Officer within ten (10) days of receiving notice of violation.
- d. The statement that the Zoning Enforcement Officer shall review plan of remediation within ten (10) days of receipt and will approve or reject the plan at that time.

e. A statement stating that within ten (10) days from date of the notice the owner or operator must commence work under the remediated plan. The day of completion to be determined by the Zoning Enforcement Officer.

f. A statement of the penalties for non-compliance, as set forth herein.

A copy of such notice shall be filed in the Village Clerk's Office and such notice shall be deemed sufficient if served upon the owner or operator as follows:

a. In person, or

b. By certified mail with return receipt requested, or

c. By posting a copy of said notice on the building, only if attempts to serve the owner or occupant by the first two methods set out above are unsuccessful.

If the plan of remediation is rejected, the owner or operator shall have five (5) days to submit a revised plan of remediation.

If no plan of remediation is submitted, or if the revised plan of remediation is also rejected, within ten (10) days the Zoning Enforcement Officer shall devise a plan of remediation and serve a copy of said plan on the owner or operator. Along with the devised plan of remediation, the Zoning Enforcement Officer shall serve a notice as provided above.

The Zoning Enforcement Officer will maintain a file of all records regarding the property inspection, including, but not limited to, orders from the Mayor or Village Board, signed letters of complaint, communications regarding the property, photographs and other documentation regarding the property in question.

Section 13. Property under construction

a. For purposes of enforcement of this local law, if work is being done on the property either the prime or general contractor or the owner, shall be held responsible.

b. Materials may be stored in any area of the property upon which construction is being carried on, provided that the method of storage and the materials stored are in compliance with the requirements of this local law. In no event shall such storage be permitted for a period exceeding one year.

- c. Drainage crossing the property being developed must be maintained during the time of development and no materials may be stored, land disturbed or other work done to interfere with drainage or to divert or cause runoff of groundwater or stormwater in an unnatural fashion.
- d. The person responsible as herein defined shall take all necessary and reasonable steps to ensure that there will not be an unusual or unwarranted amount of dust and debris blown onto or across neighboring or nearby properties.
- e. Construction roads must be kept wet or properly treated to decrease the spread of dust and mud.
- f. A temporary cover such as rye grass or a mulch must be applied on land that has been stripped of its protective vegetation during the course of its construction to prevent the spread of dust and mud.
- g. All excavations in or near a public or private walkway or street must be properly guarded and protected at all times by lights, flags, barricades or other warnings sufficient in kind and amount to warn the public of the danger of falling into the excavation.
- h. Temporary electrical service must be through electric lines that are weather and waterproof, such lines must not cross public walkways or highways on the ground nor shall they be placed on the ground in areas subject to construction equipment traffic.
- i. Grounds and buildings must be kept free of debris, such as broken glass, boards with fastening protruding and the other articles making travel around the job site dangerous and unsafe.

Section 14. Review Board

The Village of Nunda shall create a review board, known as the Village of Nunda Revitalization Review Board; the purpose of which is to review the implementation, enforcement and hearing of appeals under this local law and to take other actions and responsibilities as prescribed by this law.

Said board shall consist of the Mayor of the Village of Nunda, a member of the Board of Trustees of the Village of Nunda as selected by said Board, a member of the Greater Nunda Action Partnership (GNAP) (or other similar Nunda-area Board of Trade organization) to be selected by said organization and two (2) residents of the Village of Nunda to be selected by the Village Board of Trustees.

Any decisions made by the Zoning Enforcement Officer with respect to the enforcement of this local law may be appealed to the Review Board by the Village of Nunda or the owner of the subject property. Any such appeal must follow the following procedures:

- a. The notice of appeal must be in writing and filed with the Village Clerk of the Village of Nunda within fifteen (15) days of the date of the decision by the Zoning Enforcement Officer which is being appealed.
- b. Within thirty (30) days of the filing of the notice of appeal the Revitalization Review Board shall conduct a hearing at which the appellant, Zoning Enforcement Officer and such other parties that may be necessary for a proper review may present evidence.
- c. Within thirty (30) days of said hearing, said Revitalization Review Board shall make a written decision stating its findings with respect to the appeal.

Section 15. Enforcement and Penalty

In event that the owner or operator shall fail to comply with the notice and/or plan of remediation, the Zoning Enforcement Office may file a complaint in the Village Justice Court.

A violation of any provision of this local law shall be an offense punishable by a fine not to exceed Five Hundred Dollars (\$500.00) for the first violation and not to exceed One Thousand Dollars (\$1,000.00) for a second violation or subsequent violations within one year. For purposes of this local law each week's continued existence of a violation shall be constitute a separate violation.

In the alternative, in the event of the refusal or neglect of the owner or operator so notified to comply with the plan of remediation approved by the Zoning Enforcement Officer, the Village of Nunda may elect to enforce this local law using the following procedure:

- a. The Village of Nunda Revitalization Review Board shall inspect the property.
- b. Within fifteen (15) days of the inspection said board shall make a written report as to its findings, and shall issue a plan for remediation.
- c. A copy of said report shall be served upon the owner or operator in person or by certified mail return receipt requested. A copy of said report shall also be posted on the subject property.
- d. If the owner or operator shall not comply with the plan of remediation issued by said board, upon resolution of the Village Board of the Village of Nunda directing the Mayor

of the Village to make application at a Special Term of the Supreme Court of Livingston County for an Order of the Court authorizing the Village of Nunda to complete the plan of remediation as devised by the review board.

All expenses incurred by the Village of Nunda in connection with the proceedings in Supreme Court and the costs of completion of the plan of remediation shall be assessed against the subject property, and shall be levied and collected in the same manner as provided in Article Five of Village Law for the levy and collection of a special ad valorem levy.

Section 16. Severability

The provisions of this local law are hereby declared to be severable, and if any of its sections, provisions, clauses, or parts be held unconstitutional, or void, then the remainder of this local law shall continue in full force and effect, it being the legislative intent that this local law would have been adopted even if such unconstitutional or void matter had not been included therein.

Section 17. Effectiveness

This law shall supersede all prior local laws, ordinances, rules and regulations relative to property maintenance within the Village of Nunda and thus shall be, upon the date of this law and with proper filing procedures with the Department of State of the State of New York become effective.