

INTRODUCTORY LOCAL LAW #8 OF 2017

A LOCAL LAW AMENDING CHAPTER 121 OF THE CODE OF THE VILLAGE OF WALDEN ENTITLED “CONSTRUCTION CODE, UNIFORM” TO THE EXTENT OF AMENDING CODE SECTION 121-16 TO PROVIDE THAT IF THE FEES REQUIRED BY THIS CHAPTER ARE NOT PAID AS REQUIRED, SAID FEES SHALL BE ASSESSED AND LEVIED AGAINST SUCH REAL PROPERTY AND COLLECTED IN THE SAME MANNER AS REAL PROPERTY TAXES; MODIFY SECTION 121-11 TO ADD A NEW SUBDIVISION 4 REGARDING THE INSPECTION OF RENTAL UNITS AND FURTHER AMENDING SECTION 121-11 TO ESTABLISH A SPECIFIC DATE FOR THE PAYMENT OF THE REQUIRED FEE

BE IT ENACTED by the Village Board of the Village of Walden as follows:

SECTION 1 - TITLE

This Local Law shall be referred to as “A Local Law amending Chapter 121 of the Code of the Village of Walden entitled “Construction Code, Uniform” to the extent of amending Code Section 121-16 to provide that if the fees required by this Chapter are not paid as required, said fees shall be assessed and levied against such real property and collected in the same manner as real property taxes; Modify Section 121-11 to add a new Subdivision 4 regarding the inspection of rental units and further amending Section 121+-11 to establish a specific date for the payment of the required fee.

SECTION 2 – PURPOSE & INTENT

The purpose of this Local Law is to provide a mechanism to levy the fees required by this Chapter, if unpaid, against the real property affected so as to ensure that the fees required by this Chapter are paid as provided by law. Additionally, this Local Law expands the ability of the Building Department to perform fire and safety inspections regarding rental units so as to improve public safety. Lastly, this Local Law amends the date when the required fee for the fire safety is imposed to provide a uniformity of the payment of fees in the Village of Walden.

SECTION 3 – AMENDMENT TO TEXT OF CHAPTER 121.

Section 121-16 is amended by the addition of the following language:

The fees due and payable under this Chapter, if not paid as required, shall be a lien against the real property affected. The amount of such fee, if not paid as required, may be assessed and levied against such real property and collected in the same manner as real property taxes.

Section 121-11 is amended by the addition of a Subdivision designated as “4” which shall read as follows:

- (4) Firesafety and property maintenance inspections of all rental units not included in Paragraphs (1), (2) and (3) above and not exempted pursuant to New York State Executive Law Section 381(1) and may be amended from time to time shall be performed at least once every 24 months;

Section 121-11(D) is repealed and replaced with the following language:

- (D) Fee. The fee specified in or determined in accordance with the provisions set forth in Section 121-16 of this Chapter are due and payable on June 1 of each calendar year.

SECTION 4 - VALIDITY

If any clause, sentence, paragraph, word, section or part of this local law shall be adjudged by any court of competent jurisdiction to be unconstitutional, illegal or invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, word, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

SECTION 5 - EFFECTIVE DATE

This Local Law shall take effect immediately when it is filed in the Office of the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.