

# 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 St Johnsville

Local Law No. 3 of the year 2010

A local law pursuant to the authority of section 1-7 of Local Law No. 1 of 2004 amending the Code of  
*(Insert Title)*  
the Village of St. Johnsville to add Chapter 198 "Village of St. Johnsville Rental Property  
Law"

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

County  City  Town  Village  
*(Select one.)*

of St. Johnsvile

as follows:

AS 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. 3 of 20 10 of the ~~(County)(City)(Town)(Village)~~ of St. Johnsville was duly passed by the Board of Trustees on December 14, 20 10, 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) (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 \_\_\_\_\_. (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) (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.)**

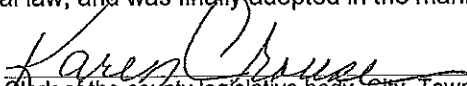
I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority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

  
Clerk of the county legislative body, City, Town or Village Clerk or  
officer designated by local legislative body  
Date: 12-17-10

(Seal)

**(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 MONTGOMERY

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  
Village Attorney  
Title

~~County~~  
City of St. Johnsville  
~~Town~~  
Village

Date: December 17, 2010

## Village of St. Johnsville Rental Property Law

### 198-1. Purpose

The Board of Trustees finds that there is a relation between the ownership and/or management of **rental property** within the Village of St. Johnsville and the deterioration, lack of upkeep, cumulation of building code violations and penal law problems that have become generally associated with such properties. The purpose of this law is to impose certain registration and code inspection requirements for **housing unit(s)** and **rental property** in order that the general health, safety and welfare of the community is maintained.

### 198-2. Definitions

As used in this law, the following terms shall have these meanings:

**Absentee Landlord.** A landlord who resides outside the designated boundaries of the County of Montgomery.

**Annual Self Inspection Check List.** A safety information document required to be completed and filed with the Village Clerk.

**Household.** A person, or persons, other than a **landlord** and/or **immediate family**.

**Housing Unit.** A structured parcel of unoccupied residential or commercial property, or part of such parcel, that is capable of code compliant habitation and which is not intended to be occupied by a **landlord** or **immediate family**.

**Immediate Family.** A spouse, child, parent, grandparent, grandchild, brother or sister of a **landlord**.

**Landlord.** The owner, other than a public authority, of a **housing unit** or **rental property**.

**Rental Agent.** A duly appointed representative of an **absentee landlord** for all purposes regarding a **housing unit** or **rental property** and who resides within the designated boundaries of the County of Montgomery or within a thirty (30) mile radius from an applicable boundary of the Village of St. Johnsville as such boundary may be defined at the time of property registration required herein.

**Rental Property.** A **housing unit** occupied solely by a **household** and regardless of whether a fee or compensation, monetary or otherwise, is received in exchange for such occupation.

**Resident Agent.** A Village of St. Johnsville resident, or legal entity, duly authorized to accept service of legal process.

**198-3. General Requirements**

A. All **housing unit(s)** and **rental property** must be registered with the Village of St. Johnsville. It is the responsibility of a **landlord, absentee landlord** or **rental agent**, as may be applicable, to complete **annual self inspection check list** requirements for such **housing unit(s)** or **rental property**. Failure to do so, or either, constitutes a violation which is subject to the penalties hereafter set forth.

B. All **absentee landlords** must have a **rental agent** for each **rental property**.

C. All **housing unit(s)** and **rental property** will be subject to inspection by the Village Code Enforcement Officer, or his duly trained designee, to determine if said properties meet the more stringent of either the New York State Fire Prevention and Building Code or comparable provisions of the Federal HUD standards. An initial inspection shall be completed following registration of such properties under this law and, thereafter, upon full compliance with applicable Federal and State building and safety codes, at the discretion of the Code Enforcement Officer and at such times that circumstances and conditions may require but, in any event, not less than once every thirty six (36) months.

**198-4. Registration Procedure**

A. All existing **housing unit(s)** and **rental property** shall be registered with the Village Clerk by a **landlord, absentee landlord**, or **rental agent** within thirty (30) days after this law takes effect. Thereafter, a registration shall occur within thirty (30) days after ownership of a **housing unit** or **rental property** changes. In addition, all such real property shall be subject to review through an **annual self inspection check list** form available at the office of the Village Clerk. Such self inspection form shall be signed and filed by a **landlord, absentee landlord** or **rental agent** with the Village Clerk on, or before, November 1.

1. The following *documentation* shall be provided at the time of registration:

a. Copy of a duly stamped deed or other acceptable proof establishing present ownership of the property, excepting that such proof shall not be required for ownership existing upon enactment of this law.

b. Proof of residency of **landlord**, or **absentee landlord** and **rental agent**, as may be applicable.

c. Fire code certification attesting to the total number of persons <sup>legally</sup> allowed to occupy such real property as of the registration date.

*dictated by  
Joseph W. Kelly  
Code*

2. The following *information* shall be provided at the time of registration:

a. The number of people occupying, or intended to occupy, the **housing unit** or **rental property**.

b. For a limited liability company **landlord**, the name, address and telephone number of the operating manager and names and addresses of all members.

c. For a corporation **landlord**, the names, addresses and telephone numbers of all officers and members of the Board of Directors.

**B.** At the time of registration a **resident agent** must be designated by an **absentee landlord**. If the address of such agent should be removed from the County of Montgomery, another such agent must be designated. Service of an appearance ticket as defined by the New York State Criminal Procedure Law upon said **resident agent** shall be deemed good and sufficient service upon an **absentee landlord**. The designation of a **resident agent** pursuant to the provisions of this law negates any defense of lack of notice, or lack of in personam jurisdiction, based solely upon service or process upon such **resident agent**.

**C.** The failure, when required, to designate a **resident agent**, in addition to the penalties described herein which may be imposed, will, without further necessary notice, cause the Village Clerk to be such agent for all purposes under this law.

**D.** By July 1 of every year the Village of St. Johnsville Code Enforcement Officer shall provide copies of all **rental property** registrations filed with the Village Clerk to the Village of St. Johnsville Fire Department.

**E.** It shall be unlawful hereunder to either offer, or provide, for occupancy a **housing unit** or **rental property** without having first completed registration as required herein.

#### **198-5. Violations and Penalties**

**A.** An offense committed pursuant to the provisions herein shall be subject to the penalties imposed under this law, in addition to those that may be prescribed under applicable codes or local laws including, but not limited to, Village of St. Johnsville Zoning Law and the New York State Uniform Fire Prevention and Building Code.

**B.** Any **landlord**, **absentee landlord** or **rental agent**, as may be applicable, who violates, disobeys, neglects or refuses to comply with any of the terms of this law shall be guilty of a Violation as described in the Penal Law and be subject to one or more of the following remedies:

1. A fine not to exceed two hundred fifty (\$250.00) dollars, or imprisonment for a period not to exceed fifteen (15) days, or both such fine and imprisonment. Each week, or part of a week, a Violation continues shall be deemed a separate offense; and/or,
2. A civil penalty of \$350.00 to be recovered by the Village in a civil action in a court of competent jurisdiction; or,
3. The Board of Trustees of the Village of St. Johnsville may also maintain an action, or other applicable proceeding, in the name of the Village in a court of competent jurisdiction to compel compliance with this law.

**198-6. Effective Date**

This law shall become effective upon its filing with the Secretary of State.