

STATE OF NEW YORK }
 COUNTY OF ALBANY }

RECEIVED
 MAR 12 1990
 TOWN OF GUILDFORD

PUBLIC NOTICE

PLEASE TAKE NOTICE that the following amendment to the Zoning Ordinance dated February 2, 1981, was duly adopted at a regular Town Board meeting of the Town of New Scotland, Albany County, New York, held at the Town Hall, New Scotland, New York on the 7th day of February, 1990.

PRESENT:

- Herbert W. Reilly, Jr.,
Supervisor
- Wyman Osterhout,
Councilman
- John Sgarlata, Councilman
- Craig Shufelt, Councilman
- Peter Van Zetten,
Councilman
- Frederick C. Riestler,
Town Attorney
- Dolores Shuff, Deputy
Town Clerk

SWC of } WHEREAS, a public hearing was duly held on the 7th day of February, 1990, and all other matters and things required to be done by the Town Law and the State of New York in order that the Town Board may avail itself of the powers conferred by said laws, having been complied with:

The following amendment to the Zoning Ordinance dated February 2, 1981 was introduced by Councilman Craig Shufelt who moved its adoption, and the same was seconded by Councilman John Sgarlata.

RESOLUTION TO AMEND THE ZONING ORDINANCE DATED FEBRUARY 2, 1981, TO PROVIDE FOR ISSUANCE AND SERVICE OF NOTICES OF VIOLATION; PENALTIES FOR FAILURE TO COMPLY WITH NOTICES OF VIOLATION AND FOR ENFORCEMENT THROUGH JUSTICE COURT

RESOLVED and ORDAINED by the Town Board of the Town of New Scotland that Article VII, Section 7.700 of the Zoning Ordinance dated February 2, 1981, is hereby amended to read as follows:

Section 7.700 Violations
7.701 Violations defined

It shall be a violation for any person, firm or corporation to construct, alter, repair, move, equip, occupy or use any building, structure or portion thereof, or to use, divide, or subdivide any land in violation

JAMES E. GARDNER of the Town of Guildford, being duly sworn, says that he is the publisher of THE ALTAMONT ENTERPRISE AND ALBANY COUNTY POST, a weekly newspaper printed and published in the Village of Altamont, County of Albany, and that the notice of which the annexed is a true copy, has been regularly published in said ALTAMONT ENTERPRISE AND ALBANY COUNTY POST

Once each week for one week

consecutively commencing on the 8th day of

March 1990

James E. Gardner

Roger W. Keenholts

ROGER W. KEENHOLTS
 Notary Public, State of N.Y.
 Qualified in Albany Co.
 #4508402
 Comm. Exp. Nov. 30, 1991

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Wyman Osterhout, Councilman
John Sgarlata, Councilman
Craig Shufelt, Councilman
Peter Van Zetten, Councilman

Frederick C. Riester, Town Attorney
Dolores Shuff, Deputy Town Clerk

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Section 7.700 Violations

7.701 Violations defined.

It shall be a violation for any person, firm or corporation to construct, alter, repair, move, equip, occupy or use any building, structure or portion thereof, or to use, divide, or subdivide any land in violation of this ordinance, the subdivision regulations or of any ordinance or regulation made under authority conferred hereby, or to fail in any manner to comply with a notice, directive or order of the Building Inspector or other proper official, or to construct, alter, occupy or use any building, structure, land or portion thereof, in a manner not permitted by an approved building permit or occupancy permit.

7.702 Complaints of Violations.

Whenever a violation of this ordinance occurs, any person may file a complaint in regard thereto. All such complaints must be in writing and shall be filed with the Building Inspector, who shall properly record such complaint and immediately investigate and report thereon to the Town Board.

7.703 Procedure for Abatement of Violations.

In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure or land is used in violation of this ordinance, the subdivision regulations, or of any ordinance or regulation made under authority conferred hereby, the Town Board, or, with their approval, the Building Inspector or other proper officials, in addition to other remedies, may institute any appropriate action of proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, to restrain, correct or abate such violation, to prevent the occupancy of said building, structure or land, or to prevent any illegal act, conduct, business or use in or about such premises.

7.704 a. Notice of Violation.

Whenever it shall appear to the satisfaction of the Building Inspector that work or activity in any building or structure or part thereof or upon any land or the use of any land is being carried on in violation of any of the provisions of this code or of the subdivision regulations, the Building Inspector is hereby authorized to serve upon the owner of any such building, structure, or land or the architect, contractor or any other person in charge thereof, either as owner or agent, a notice in writing as hereinafter prescribed, which shall contain a description of the building, premises or property on which said violations exist, specify the particular work on such building, structure, or land which is being carried on in violation of the provisions of this ordinance or the subdivision regulations, and which shall direct that the violation be

removed within ten (10) days after such service of notice, and shall further direct that all work on said building, structure or land cease until such violation is removed.

b. Issuance of Notices.

All notices of the violation of any of the provisions of this ordinance and all other notices directing anything to be done required by this ordinance and all other notices that may be required or authorized to be issued thereunder, including notice that any building, structure, premises, or any part thereof, are deemed unsafe or dangerous, shall be issued by the Building Inspector and shall have his name affixed thereto and may be served by any officer or employee of said Building Inspector or by any person authorized by said Building Inspector.

c. Service of Notices.

All such notices and any notice or order issued by any court in any proceeding instituted pursuant to this ordinance to restrain or remove any violation or to enforce compliance with any provision or requirement of this ordinance may be served by delivering to and leaving a copy of the same with any person or persons violating, or who may be liable under any of the several provisions of this ordinance, or to whom the same may be addressed, and if such person or persons cannot be found after diligent search shall have been made for him or them, then such notice or order may be served by posting the same in a conspicuous place upon the premises where such violation is alleged to have been placed or to exist, or to which such notice or order may refer, and mail a copy thereof enclosed in a sealed wrapper, addressed to said person or persons at his or their last known place of residence, with the postage paid thereon and said postage and mailing a copy of said notice or order shall be equivalent to a personal service of said notice or order upon all parties for whom such service shall have been made.

d. Service Upon Owners Residing Out-of-State.

If the person or persons or any of them to whom said notice or order is addressed do not reside in the State of New York and have no known place of business therein, the same may be served by delivering to, and leaving with, such person or persons, or either of them, a copy of said notice or order, or if said person or persons cannot be found within said state after diligent search, then by posting a copy of the same in a conspicuous place upon the premises where said violation is alleged to have been placed or exist, or to which such notice or order may refer and mailing a copy thereof, enclosed in a sealed wrapper addressed to said person or persons at his or their last known place of residence, with the postage paid thereon; and said posting and mailing a copy of said notice or order shall be equivalent to

personal service of said notice or order upon all parties for whom such search shall have been made.

7.705 Failure to Comply with Notice.

Any person who shall fail to comply with a written notice of Building Inspector within the time fixed for compliance therewith, and any owner, builder, architect, tenant, contractor, subcontractor, construction superintendent or their agents who shall fail to comply with any lawful order, notice, directive, permit or certificate of the Building Inspector made thereunder shall be guilty of an offense punishable by a fine not exceeding three hundred fifty dollars (\$350.00), or imprisonment for a period not to exceed six (6) months, or both for conviction of a first offense; for conviction of a second offense both of which were committed within a period of five (5) years, punishable by a fine not less than three hundred fifty dollars (\$350.00) nor more than seven hundred dollars (\$700.00), or imprisonment for a period not to exceed six (6) months, or both; and, upon conviction for a third or subsequent offense all of which were committed within a period of five (5) years, punishable by a fine not less than seven hundred dollars (\$700.00) nor more than one thousand dollars (\$1,000.00), or imprisonment for a period not to exceed six (6) months, or both. Each week's continued violation shall constitute a separate additional violation.

7.706 Enforcement Through Justice Court.

Whenever the Building Inspector or an authorized employee of the Building Department determines that a violation exists, the Building Inspector or any authorized employee may issue, without further notice, to the person responsible for such violation, a summons or appearance ticket returnable in the Justice Court for the Town of New Scotland for the prosecution of said offense, or take such other enforcement procedures as may be authorized by law.

FURTHER RESOLVED and ORDAINED that the Town Clerk be and hereby is directed to publish the foregoing Amendment to the Zoning Ordinance dated February 2, 1981, in the Altamont Enterprise published in the Village of Altamont, New York, and post a copy of the same on the signboard maintained in the Town Clerk's Office and that such Ordinance shall become effective ten (10) days after such publication and posting.

The foregoing was duly adopted by the following vote:

Aye: Herbert W. Reilly, Jr., Supervisor
Wyman Osterhout, Councilman
John Sgarlata, Councilman
Craig Shufelt, Councilman
Peter Van Zetten, Councilman

No: None