

TOWN OF LANSING LOCAL LAW #6 OF 2015

AMENDMENTS TO TOWN OF LANSING UNSAFE BUILDINGS LOCAL LAW, LOCAL LAW #5 OF 2004, TO CORRECT TYPOGRAPHICAL ERROR AND CLARIFY THAT ALL ADMINISTRATIVE APPEALS ARE TO THE TOWN BOARD

Section 1 - Title. This local law shall be known as Local Law #6 of 2015.

Section 2 - Purpose & Findings. The intent and purpose of Local Law #6 of 2015 is to promote the public health, safety, protection and general welfare of the Town of Lansing and its residents and visitors by amending the Town of Lansing Unsafe Buildings Local Law to correct a typographical error that lists the Town of Lansing Justice Court as an administrative appeals body. Such error is a typographical error that has remained unnoticed for years as there have been few incidents of uncooperative landowners. The fact of a typographical error is plain from the language of § 28 of such Local Law, and due to the fact that the Town has no authority under New York law to assign duties to the courts of the New York State Unified Court System. This Local Law is thus adopted pursuant to the authority of the New York State Constitution Article IX, Town Law § 130, General Municipal Law § 78-b, Municipal Home Rule Law § 10, and the Statute of Local Governments.

Section 3. Amendments to Unsafe Buildings Local Law.

A. Section §9(g) of Local Law #5 of 2004 be and hereby is amended to read as follows:

“(g) a time and place for a hearing, if an objection is filed, to be held between 5 and 20 days after the objection is filed, before the Town Board, and”

B. Section 10 entitled “Hearings” be and hereby is amended to read as follows:

“In the event of an Emergency, the hearing date may be accelerated by order of the Town Board, which such order may be granted ex parte upon a showing of good cause by any party. At any appeal or hearing under this Local Law (except those arising under Article 78 of the Civil Practice Law and Rules) the initial burden of proof shall be upon the Town of Lansing, which shall be required to show by a fair preponderance of the evidence that the building or structure is an Unsafe Building, a Hazardous Building, or that an Emergency exists. If that burden is met, the Owner, or other aggrieved Person, may rebut the Town of Lansing’s showing by the introduction of evidence that establishes by a fair preponderance of the evidence that the building or structure is not an Unsafe Building, Hazardous Building, or that an Emergency does not exist. At any criminal hearing or trial, the Town of Lansing shall have the burden of proof to show, beyond a reasonable doubt, that any Person charged with a violation of this Local Law violated any one or more terms or requirements of this Local Law.”

Section 4. Severability. If any word, phrase, sentence, part, section, subsection, or other portion of this Local Law, or the application thereof to any Person or to any circumstance, is adjudged or declared invalid or unenforceable by a court or other tribunal of competent jurisdiction, then and in such event such judgment or declaration shall be confined in its interpretation and operation only to the Persons and facts and transactions then in issue and to the provision of this Local Law that is directly involved in the controversy in which such judgment or declaration is rendered, and such judgment or declaration of invalidity or unenforceability shall not affect or impair the validity or enforceability of

the remainder of this Local Law or the application hereof to any other Persons or circumstances. If necessary as to such Person or circumstances such invalid or unenforceable provision shall be and be deemed severed from this Local Law, and the Town Board hereby declares that it would have enacted this Local Law, or the remainder hereof, even if, as to particular provisions and Persons or circumstances, a portion hereof is severed or declared invalid or unenforceable.

Section 5. **EFFECTIVE DATE.** This Local Law shall take effect immediately.