

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.

FILED
STATE RECORDS

JUN 02 2023

County City Town Village
(Select one.)

of Lincoln

DEPARTMENT OF STATE

Local Law No. 1 of the year 2023

A local law of the Town of Lincoln to amend Local Law Number 1 of the year 1997, also known as

(Insert Title)

"The Town of Lincoln Property Maintenance and Nuisance Abatement Law," in relation to

property maintenance penalties and enforcement.

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

County City Town Village
(Select one.)

of Lincoln

as follows:

See 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. 1 of 2023 of the ~~(County)(City)(Town)(Village)~~ of Lincoln was duly passed by the Town Board on May 10 2023, 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____. (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.)

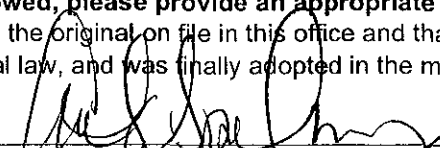
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 ____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified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

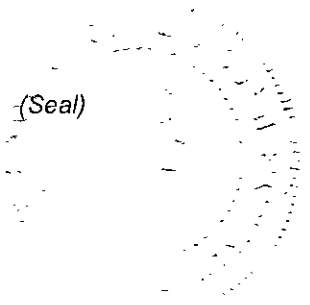
I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1 above.



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

Date: 5/23/2023

(Seal)



LOCAL LAW NUMBER 1 OF THE YEAR 2023

A LOCAL LAW OF THE TOWN OF LINCOLN to amend Local Law Number 1 of the Year 1997, also known as "The Town of Lincoln Property Maintenance and Nuisance Abatement Law," in relation to property maintenance penalties and enforcement.

Be it enacted by the Town Board of Lincoln:

SECTION 1. Statutory Authority

This Local Law is adopted pursuant to §10 of the Municipal Home Rule Law.

SECTION 2. Legislative Intent

This Local Law is intended to amend Local Law Number 1 of the Year 1997 as follows:

- By modifying the penalty provisions of Article IV;
- By modifying Article IV to enable the Town to place a lien on certain properties to recover costs incurred by the Town in the process of abating nuisances; and
- By clarifying that Article IV contains both penalty provisions and enforcement mechanisms.

SECTION 3. Article IV of Local Law Number 1 of the Year 1997 is hereby amended:

By inserting "; Enforcement" after the text "Penalties for Offenses" in Article IV.

By striking subsection A of Article IV and replacing it with the following text:

- A. A person that violates any provision of this local law shall be guilty of a violation, and shall be subject to punishment as follows:
 - (1) For a conviction for a first offense, or a first offense within a 12-month period, a fine of not less than \$100.00 and not more than \$250.00.
 - (2) For a conviction for a second offense within a 12-month period, a fine of not less than \$250.00 and not more than \$500.00.
 - (3) For a conviction for a third or subsequent offense within a 12-month period, a fine of not less than \$500.00 and not more than \$1,000.00, or imprisonment for a period not to exceed fifteen (15) days, or both such fine and imprisonment.

By adding a new subsection, (E), to Article IV with the following text:

- E. If one or more owners of real property has been prosecuted and convicted (whether by plea or by the decision of the court after a trial) of one or more violations pursuant to this Article, and such owner or owners fail, neglect, or refuse to remedy such violation(s) within 30 days after the date of such conviction, the Town may cause such violation(s) to be remedied and all expenses incurred in such remediation shall be certified by the Town officer or employee overseeing the same to the Town Clerk and shall thereupon become and be a lien upon the property on which such remediation was performed and shall be added to and become part of the taxes next to be assessed on such lot or land and shall bear interest at the same rate as taxes and shall be collected and enforced

by the same officer and in the same manner as Town taxes. This remedy is available to the Town in addition to such other penalties and enforcement mechanisms as are otherwise authorized under this Article and shall not be deemed to be a replacement for or in lieu of such other penalties and enforcement mechanisms.

SECTION 4. Severability

The provisions of this Local Law are severable and if any provision, clause, sentence, subsection, word, or part thereof is held illegal, invalid, unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words, or parts of this Local Law or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this Local Law would have been adopted if such illegal, invalid, or unconstitutional provision, clause, sentence, subsection, word, or part had not been included therein, and as if such person or circumstance, to which the Local Law or part thereof is held inapplicable, had been specifically exempt therefrom.

SECTION 5. Effective Date

This Local Law shall take effect immediately upon filing with the New York State Secretary of State pursuant to §27 of the Municipal Home Rule Law.