

(Please Use this Form for Filing your 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

Local Law No. 3 of the year 1991

A local law entitled Town of Delaware Mobile Home Law Amendments of 1991 (Insert title)

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

County City Town Village of Delaware as follows:

Ref LL 4-1988 for original law

## MOBILE HOME

1. Section 1000 of Local Law No. 4 of 1988 entitled "Mobile Home Law" be and the same is hereby amended to read as follows:

### "1001 Criminal Penalties

A person found guilty of violation of this local law shall upon conviction be guilty of a violation and shall be sentenced to a fine not to exceed the sum of \$500.00 or to a sentence of imprisonment for a term not to exceed 15 days or to both such fine and imprisonment for each such violation. Each day a violation shall continue in existence after service of a notice of violation or other such notice shall constitute a separate violation of this local law.

### 1002 Civil Remedies

A person who shall violate any provision of this local law or who shall erect, construct, reconstruct, alter, repair, convert or maintain any mobile home or structure or use any building or structure or use any land in violation of this local law, or who shall maintain or operate a mobile home park, or who shall fail, refuse or neglect to obtain any required approval of any board or officer, or who shall fail, refuse or neglect to obtain any permit or certificate as required by this local law shall be subject to the following remedies, all of which shall be cumulative and not several and shall be in addition to any criminal penalty to which such person is subject:

- i. a civil penalty fixed by the court in a sum not to exceed \$500.00 for any one violation;
- ii. injunction to prohibit the continued violation of this local law or to compel such person to comply with this local law and if required to require the removal of the mobile home or structure which shall have been erected, constructed, reconstructed, altered, repaired, converted or maintained in violation of this local law;
- iii. damages as determined by the Court;
- iv. costs and disbursements of such action and proceeding.

Each day a violation shall continue in existence after service of a notice of violation or other such notice shall constitute a separate violation. Notwithstanding anything to the contrary contained herein, the accumulation of fines during the period that a violation shall be unremedied shall be terminated on the day the Town and a person who shall have violated this local law or any regulation adopted pursuant to this local law shall enter into an agreement to remedy such violation, and such agreement may include a reduction of all or any portion of such criminal and civil fines, provided such reduction shall be found by the Planning Board to be in the best interest of the Town and such agreement shall provide for the payment of the costs of the Town, which costs shall include reasonable attorney's fees.

The Building Inspector is hereby authorized to institute such action in any court having appropriate

jurisdiction and the Town Attorney shall have authority to such action on the request of the Building Inspector.”

2. Article 200 of such law is hereby amended to add a new section 204 to read as follows:

“204 - Person. A natural person, corporation, partnership, association or other entity.”

3. If any clause , sentence, paragraph, section or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment, decree or order shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation to the clause , sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment, decree or order shall have been rendered and the remainder of this local law shall not be affected thereby and shall remain in full force and effect.

4. This local law shall take effect on the 1st day of the month following the date of adoption.

(Complete the certification in the paragraph which applies to the filing of this local law and strike out the matter therein 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. ...3.7... of 19 91....  
County  
City  
of the Town of Delaware..... was duly passed by the ..Town Board.....  
Village (Name of Legislative Body)  
on ..April 11,..... 19 91.... in accordance with the applicable provisions of law.

2. (Passage by local legislative body with approval or no disapproval by Elective Chief Executive Officer,\* or repassage after disapproval.)

I hereby certify that the local law annexed hereto, designated as local law No. .... of 19.....  
County  
City  
of the Town of ..... was duly passed by the .....  
Village (Name of Legislative Body)  
on ..... 19 ..... not disapproved and was approved by the .....  
repassed after disapproval Elective Chief Executive Officer\*  
and was deemed duly adopted on ..... 19 ....., 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 19 .....  
County  
City  
of the Town of ..... was duly passed by the .....  
Village (Name of Legislative Body)  
on ..... 19 ..... not disapproved and was approved by the .....  
repassed after disapproval Elective Chief Executive Officer\*  
on ..... 19 ..... Such local law was submitted to the people by reason of a  
mandatory referendum, and received the affirmative vote of a majority of the qualified electors voting  
permissive referendum, and received the affirmative vote of a majority of the qualified electors voting  
general thereon at the special election held on ..... 19 ....., in accordance with the applicable  
annual provisions of law.

4. (Subject to permissive referendum, and final adoption because no valid petition filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. .... of 19 .....  
County  
City  
of the Town of ..... was duly passed by the .....  
Village (Name of Legislative Body)  
on ..... 19 ..... not disapproved and was approved by the .....  
repassed after disapproval Elective Chief Executive Officer\*  
on ..... 19 ..... Such local law was subject to a permissive referendum and  
no valid petition requesting such referendum was filed as of ..... 19 .....  
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 chairman of the county legislative body, the mayor of a city or village or the supervisor of a town where such officer is vested with 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 19 ..... of the City of ..... having been submitted to referendum pursuant to the provisions of §36 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 election held on ..... 19..... 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 19..... of the County of ....., State of New York, having been submitted to the Electors at the General Election of November ....., 19....., 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 of 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 ..... above.

*Lillian Buerger*  
Clerk of the County of Sullivan

Date: April 17 1991

(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 ...SULLIVAN.....

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]*  
.....  
Signature  
Town Attorney  
.....  
Title

Date: April 17 1991

County  
City of ...Delaware.....  
Town  
Village