

VILLAGE OF MONTEBELLO
LOCAL LAW NO. 4 OF THE YEAR 2023
A LOCAL LAW AMENDING CHAPTER 135, PROPERTY OWNERSHIP REGISTRATION,
TO INCLUDE THE REGISTRATION OF TENANTS

Be it enacted by the Village Board of Trustees of the Village of Montebello by authority of Article 7 of the Village Law and Article 2, Section 10 of the Municipal Home Rule Law, as follows:

(Note: Proposed insertions of language into the Code are indicated by underlining. Proposed deletions of language from the Code are indicated by strikeout symbols. All other language shown is to remain unchanged. The symbol “ * * * *” indicates portions of the Code to remain unchanged, which are not shown here for brevity.)*

Section 1: Legislative findings and intent. The Village Board of the Village of Montebello hereby finds and declares:

Section 2: Amend Chapter 135, Property Ownership Registration, as follows:

§ 135-1. Title.

This chapter shall be cited and may be referred to hereinafter as the "Property Ownership and Tenancy Registration Law."

§ 135-2. Legislative intent.

It is the intention of the Village Board of the Village of Montebello, by the adoption of this chapter, to promote the public health, safety and welfare of its people by enforcing its zoning laws and regulations at properties owned by persons residing off premises, as well as in case of an emergency, to establish a more direct means of reaching tenants who may occupy such properties.

§ 135-3. Definitions.

For the purposes of this chapter, the following terms shall have the following meanings:

ACTION or PROCEEDING - Any action or proceeding which may be instituted in the Justice Court of the Village of Montebello, or in the Supreme Court, Rockland County, or other court with jurisdiction and venue, in connection with the alleged violation of any ordinance or local law of the Village of Montebello or of the laws of the State of New York.

EMERGENCY – Any circumstances which may cause reasonable concern to the Village staff or first responders for the health and safety of persons or their possessions who may be occupying the premises, in the context of taking immediate emergency action or whose presence may be unknown but possible at the time of the event.

OWNER — Any individual or individuals, partnership, association or corporation, who is the fee owner of property or who is the lessee of land, which lease has a duration of more than five years. (Such five-year period shall include any and all extensions contained in the lease agreement.)

PERSON — Any individual, corporation, partnership, association or other organized group of persons, municipality or other legal entity.

PROCESS — A summons or any notice, mandate or other paper or process, issued under any provision of the laws of the Village of Montebello or of the State of New York.

PROPERTY — Real property located within the Village of Montebello, either unimproved or improved by a structure.

TENANT/OCCUPIER — Person or persons reasonably expected to be at the premises by virtue of a leasehold or tenancy interest, whether written or otherwise, or regularly residing or working thereat.

§ 135-4. Registration requirements.

A. Each owner of property within the Village of Montebello, as herein defined, who shall reside outside of the subject property, shall be required to file with the Building Department of the Village of Montebello, on a form to be prescribed by the Village of Montebello, the name, address and telephone number of an individual authorized to act on behalf of the owner in matters concerning the management and operation of the property of the owner, in relation to the Village of Montebello, including but not limited to the acceptance of service of notices and process, and dealing with health and safety emergencies. In addition, in order to guard and protect the health and safety of persons and their possessions who may regularly reside or work at the premises, the same contact information about such persons shall be filed for emergency purposes, only, such that they may be contacted in the event of an emergency or their whereabouts ascertained, to help emergency responders.

B. The individual designated in Subsection A above as the authorized contact shall reside in Rockland County. This individual shall, by such designation, be authorized to bind the owner to any settlement, fine, judgment or other disposition, other than incarceration, which may result from any civil or criminal action or proceeding instituted by the Village of Montebello against said owner, and also be authorized to make decisions and act in the event of an emergency.

C. It shall be unlawful for any person to violate any provision of this chapter, whether he has any knowledge of or intends any violation of said chapter.

D. The designations hereinabove described shall be required to be filed annually and no later than January 31 of any given calendar year.

E. In addition to D., any change in ownership of any property, or designee, tenancy or occupation, or circumstances as defined herein, shall necessitate the filing with the Building

Department of a new designation, or report, if the same is required under this chapter, within 30 days after such change.

§ 135-5. Enforcement.

The Building Inspector and Code Enforcement Officer, or designee, shall have the power, right and authority to issue process for violations of this chapter.

§ 135-6. Failure to comply.

Should any person fail to comply with the provisions of this chapter, then said person will be subject to the penalties hereinafter set forth. Process setting forth notice of the failure and the liability resulting thereby will be served in any one of the following manners:

- A. By personal service upon the owner of said land, as the same is shown on the last complete assessment roll of the Town of Ramapo; or upon the person designated per § 135-4A;
- B. By mailing to such owner, as shown on the assessment roll, or upon the person designated per § 135-4A, by certified or registered mail, return receipt requested, a copy of said notice and order and by securing or affixing a copy of said notice and order upon the structure; or
- C. By delivery of a copy thereof to any adult person in charge of or residing in said structure and by securing or affixing a copy of said notice and order upon the same.

§ 135-7. Penalties for offenses.

A. Any person violating any section or provision of this chapter shall, upon conviction, be punished by a fine of not exceeding \$500 for the first offense, \$1,000 for the second offense within a two-year period and \$2,000 for the third and subsequent offenses within a two-year period, which fines may be adjusted by the Village Board by Resolution from time to time.

B. The remedies contained within this chapter shall further not be exclusive, but shall be in addition to any other remedy provided by law, so long as not inconsistent herewith, nor shall the invoking of any remedy or procedure contained within this chapter preclude the pursuit of any and all other remedies, and the same are intended to be cumulative.

§ 135-8. Nonpayment of penalties.

Should the aforesaid penalties not be paid within 30 days of being assessed, and after notice of said failure is served as provided in § 135-6 hereinabove, then the property covered by this chapter will be assessed for the unpaid penalties and the penalties so assessed shall be collected in the same manner and time as Village taxes.

§ 135-9. Supersession of other laws; authority.

A. This chapter supersedes, and is in derogation of, Chapter 244 of the Code of the Town of Ramapo, County of Rockland, State of New York, and amends and supersedes earlier version of Chapter 135.

B. This chapter is enacted by authority of § 20, Subdivision 5, of the Municipal Home Rule Law and any other law referenced herein as authority herefor.

Section 3: This local law shall take effect immediately upon filing with the Secretary of State.