

## RESOLUTION

The Town Board of the Town of LaFayette, in the County of Onondaga and State of New York, met in regular session at the former LaFayette Elementary School located on Route 20, LaFayette, New York on June 27, 1983 at 7:30 p.m. local time.

The meeting was called to order by Town Supervisor Sumner D. Palmer and the following Town Board members were:

PRESENT:	Mr. William Moltion	Councilman
	Mr. Gregory Scammell	Councilman
	Mr. Norman Paul	Councilman
	Mr. Lawrence E. Paige	Councilman
	Mr. Sumner D. Palmer	Supervisor

ABSENT: None

The following Resolution was duly moved, seconded and unanimously passed:

WHEREAS, the Zoning Officer is the Town Officer authorized under Article VII of the 1970 zoning ordinance of the Town of LaFayette (as amended) to administer and enforce the zoning Ordinance, investigate complaints, make inspections, serve notices of violations of the Zoning Ordinance, issue appearance tickets to the extent authorized by state and local law, and institute such further action as may be necessary to terminate violations of the Zoning Ordinance: and

WHEREAS, the Zoning Officer is the Town Officer authorized under Section 12 of the 1970 Junk Yard Ordinance of the Town of LaFayette (as amended) to administer and enforce the Junk Yard Ordinance, investigate complaints, make inspections, serve notices of violations of the Junk Yard Ordinance, and issue appearance tickets to the extent authorized by state and local law; and

WHEREAS, the Fire Marshal is the Town Officer authorized under Section 3 of Local Law No.1 of 1982 (as amended) to administer and enforce the New York State Fire Prevention Code within the Town of LaFayette, which authority includes the authority to make inspections, serve notices of violations and issue appearance tickets to the extent authorized by state and local law; and

WHEREAS, Section 65(1 ) of the Town Law empowers the Town Board of any Town to authorize and direct any Town Officer or officers to institute any action or legal proceeding, in the name of the Town, as in its judgment may be necessary for the benefit or protection of the Town in any of its rights or property; and

WHEREAS, Section 135(1 ) of the Town Law empowers the Town Board to maintain an action or proceeding, in the name of the Town, to compel compliance with or to restrain by injunction the violation of any ordinance; and

WHEREAS, Section 268 (2 ) of the Town Law provides that in case any building constructed, altered, converted or maintained, or any building, structure or land is used, or any land is divided into lots, blocks, or sites in violation of Article 16 of the Town Law or of any ordinance or other regulation made under the authority conferred by Article 16 of the Town Law, the proper local authorities of the Town may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance, use or division of land, 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 the property; and

WHEREAS, the New York State Attorney General, by an informal opinion dated January 15, 1981 (Informal Opinion No. 81-4), stated that a Town could, by blanket resolution, authorize a zoning administrative officer to commence actions and proceedings to enforce the provisions of the Town's zoning laws; and

WHEREAS, the Town Board of the Town of LaFayette desires to pass a blanket resolution (a) authorizing the Town Zoning Officer to institute actions and proceedings in the name of the Town to enforce the provisions of the, 1970 Zoning Ordinance of the Town of LaFayette (as now or hereafter amended) LaFayette and the 1970 Junk Yard Ordinance of the Town of (as now or hereafter amended); and (b) authorizing the Town Fire Marshal to institute actions and proceedings in the name of the Town to enforce the provisions of Local Law No.1 of 1982 (as now or hereafter amended);

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of LaFayette hereby authorizes the Town Zoning Officer to institute in the name of the own all actions and proceedings, including but not limited to actions to compel compliance and actions for injunctive relief, that may be necessary to enforce the provisions of the 1970 Zoning Ordinance of the Town of LaFayette, as now or hereafter amended; and the provisions of the 1970 Junk Yard Ordinance of the Town of LaFayette, as now or hereafter amended; and

BE IT FURTHER RESOLVED, that the Town Board of the Town of LaFayette hereby authorizes the Town Fire Marshal to institute in the name of the Town all actions and proceedings including but not limited to actions to compel compliance and actions for injunctive relief, that may be necessary to enforce the provisions of Local Law No. 1 of 1982, as now or hereafter amended; and

BE IT FURTHER RESOLVED, that prior to commencement of any action or proceeding to enforce the provisions of the 1970 Zoning Ordinance of the Town of LaFayette, 1970 Junk Yard ordinance of the Town of LaFayette, or Local Law No.1 of 1982, as now or hereafter amended, the Town Zoning Officer or the Town Fire Marshal, as the case may be, should consult with the attorneys to the Town and obtain their concurrence that such action or proceeding should be ,brought provided, however, that such concurrence may be oral and need not be in writing, and provided further that the failure to obtain such concurrence shall not invalidate the commencement of any such action or proceeding; and

BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately.

The question of adoption of the foregoing Resolution was duly put to a vote which resulted as follows:

WILLIAM MOLTION  
GREGORY SCAMMELL  
NORMAN PAUL  
LAWRENCE E. PAIGE  
SUMNER D. PALMER

The Resolution was thereby declared to be duly adopted.

I, the undersigned, Town Clerk of the Town of the LaFayette, DO HEREBY CERTIFY that the preceding Resolution was duly adopted by the Town Board of the Town of LaFayette at its regular meeting duly called and held on June 27, 1983; that the said Resolution was entered in the minutes of the said meeting; that I have compared the foregoing copy of the Resolution with the original thereof now on file in my office, and that the same is a true, correct and complete transcript of the said Resolution

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town of LaFayette on the date indicated below.

Dated:  
[SEAL]

June 27, 1983 I

Evelyn B. Amidon  
Town Clerk  
Town of LaFayette, New York