

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.

County City Town Village
(Select one.)

of Catharine

Local Law No. _____ of the year 20¹⁴

A local law Providing for the Abatement of Unsafe or Dangerous Buildings and Rubbish Removal
(Insert Title)

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

County City Town Village
(Select one.)

of Catharine _____ as follows:

See Attached.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

Section 1 Authority and purpose.

The purpose of this chapter is to protect the safety, health, welfare, and general well-being of the residents of the town by requiring that (i) unsafe or dangerous buildings be either repaired or demolished and removed, and (ii) rubbish be kept clear from lands and structures within the Town. This chapter is adopted pursuant to Town Law, Section 130 and Town Law, Section 64.

Section 2 Unsafe of dangerous building defined.

As used in this chapter, the following terms shall have the meaning indicated:

“Unsafe or dangerous building” means a building, structure or portion thereof that presents a reasonable and objective danger to the health, safety or general welfare of the public because the building, structure or portion thereof:

- A. Has a condition that is or is likely to make the building, structure or portion thereof structurally unsound;
- B. Is abandoned and is open at the doorways or windows or walls;
- C. Is a place of rodent infestation; or
- D. Consists of debris, rubble or parts of buildings left after demolition, reconstruction, fire or other casualty.

The determination of the Code Enforcement Officer that a building, structure or portion thereof constitutes as unsafe or dangerous building shall be conclusive in the absence of manifest error.

“Rubbish” means garbage, waste, refuse, debris or clutter that reasonably and objectively presents a hazard to the health, safety or general welfare of the public or the occupants of the land on which the same is located, or the occupants of premises near or adjacent thereto.

The determination of the Code Enforcement Officer that any particular item or items constitutes “rubbish” as herein defined shall be conclusive in the absence of manifest error.

Section 3 Restrictions.

No person shall own, lease or occupy an unsafe or dangerous building in the town. No person shall allow the accumulation of rubbish on lands or within structures in the Town.

Section 4 Inspections required.

When a potential unsafe or dangerous building, or a premises or structure with accumulated rubbish, is identified as existing in the Town, the Code Enforcement Officer may:

A. Request the permission of the property owner or other person with authority over the potential unsafe or dangerous building or premises with accumulated rubbish, as identified by real property tax records or other Town records, to formally inspect the potentially unsafe or dangerous building and to complete such inspection in a timely manner;

B. In the absence of the authority pursuant to subsection A of this section, take the necessary action to complete the required inspection, including, if necessary, securing an administrative search warrant;

C. Upon completion of the inspection, make a determination whether such building, structure or portion thereof is an unsafe or dangerous building, and/or whether said structure or premises contains accumulated rubbish.

Whether to conduct such an inspection as provided above shall be left to the discretion of the Code Enforcement Officer.

Section 5 Reports and notices.

A. When a determination has been made that an unsafe or dangerous building exists, or that a premises or building contains accumulated rubbish, a written report shall be prepared by the Code Enforcement Officer. Such written report shall be filed with the Town Clerk and presented to the Town Board. This written report shall contain the following:

1. The name of the property owner as it appears on the tax records for the Town;
2. A description of the unsafe or dangerous building and its location, and/or a description of the premises or structure containing accumulated rubbish;
3. A statement of the particulars causing the building, structure, or portion thereof to be an unsafe or dangerous building, and/or a statement as to the nature and extent of the accumulated rubbish.

B. Upon the receipt of written report presented pursuant to subsection A of this section, the Town Board shall send a notice to the owner of the subject building or premises in accordance with subsection C of this section and shall order that a hearing be held in accordance with Section 6.

C. The written notice issued pursuant to subsection B of this section shall be filed with the Town Clerk and shall:

1. Contain the following:
 - a. An order that the unsafe or dangerous building be repaired, or accumulated rubbish be removed, within thirty (30) days of the date of the order or such other later date as determined by the Town Board, or
 - b. An order that the unsafe or dangerous building be demolished within thirty (30) days of the date of the order or such other later date as determined by the Town Board, and

- c. A copy of the report referenced in subsection A of this section, and
 - d. The date, time and place of the hearing set by the Town Board pursuant to subsection B of this section;
2. Be served on the owner of the subject property at the address as shown by the Town's real property tax records:
 - a. Either personally; or
 - b. By U. S. Registered Mail, return receipt requested, if after a good faith effort to serve the property owner personally fails or if the property owner is not known or available for personal service in the County of Schuylers;
3. Be posted on the property containing the unsafe or dangerous building.

Section 6 Hearing process.

A. The hearing shall not be set any earlier than seven days from the date of the notice issued. The property owner or any other interested party may appear to offer evidence or make comment on the notice and orders issued pursuant to Section 5.

B. Within thirty (30) days after the completion of the hearing held pursuant to this Section 6, the Town board shall file with the Town Clerk a written decision regarding the unsafe or dangerous building and/or premises or structure with accumulated rubbish.

C. In issuing its decision, the Town Board may revoke the order to repair or remove the unsafe or dangerous building and/or remove the accumulated rubbish, or modify the order, or continue and affirm the order.

D. The decision made pursuant to this section shall be served upon the property owner pursuant to Section 5.

Section 7 Removal of an unsafe or dangerous building and/or accumulated rubbish.

A. In complying with a repair or removal order issued by the Town Board, the property owner shall obtain all requisite permits to perform the work, and shall comply with all laws and regulations pertaining to such removal. Such work shall be inspected in accordance with Section 4.

B. In the event that the property owner refuses, fails or neglects to comply with a repair or removal order within the time provided, the Town Board may order that such unsafe and dangerous building be repaired or removed, and/or such rubbish be removed, by Town employees or may contract for its removal.

Section 8 Assessment of expenses.

The expenses incurred by the Town for any action taken pursuant to this chapter including, but not limited to, consultant fees, filing fees, hearing costs,

attorney fees, administration and any and all costs associated with the repair or removal of an unsafe or dangerous building shall be the responsibility of the property owner. Should the property owner fail to pay the cost as outlined in this chapter, all such costs and expenses may be:

A. Assessed against the land on which the dangerous or unsafe building or accumulated rubbish is or was located, and shall be included on the property owner's next annual tax assessment and collected thereby: or

B. Collected by special proceeding under General Municipal Law Section 78-b.

Section 9 Notice of pendency.

A. A notice issued pursuant to Section 5 may be filed in the office of the Schuyler County Clerk in the same manner as a notice of pendency pursuant to Article 65 of the Civil Practice Law and Rules;

B. Such notice shall have the same effect as a notice of pendency as therein provided, except as otherwise hereinafter provided in this section;

C. A notice so filed shall be effective for a period of one year from the date of filing; provided, however, that is may be vacated upon court order or upon the consent of the Town Board or the attorney for the Town; and

D. The office of the Schuyler County Clerk shall mark such notice and any record or docket thereof as cancelled upon the presentation and filing of a court order or consent issued pursuant to this section.