

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 of \_\_\_\_\_ Parish  
Town  
Village

Local Law No. 2 of the year 1992

A local law regulating unsafe or deteriorated buildings  
(Insert Title)

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

County  
City of \_\_\_\_\_ Parish as follows:  
Town  
Village

Section 1. PURPOSE.

Unsafe and deteriorated buildings pose a threat to life and property in the Village of Parish. Buildings and structures may become unsafe or deteriorated by reason of damage by fire, the elements, age or general neglect. Vacant buildings not properly secured at doorways and windows also serve as an attractive nuisance for young children who may be injured therein, as well as a point of congregation by vagrants and transients. A dilapidated building may also serve as a place of rodent infestation, thereby creating a health menace to the community. Debris, rubble or parts of buildings left on the ground and not removed constitute a dangerous, unhealthy and unsightly condition. It is the purpose of this chapter to provide for the safety, health, protection and general welfare of persons and property in the Village by requiring such unsafe buildings to be repaired or demolished or removed. This local law is enacted pursuant to Village Law Section 1-102, and Municipal Home Rule Law Section 10(11).

Section 2. DEFINITIONS.

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

BUILDING--Any building, structure or portion thereof used for residential, business, industrial, recreational or other purpose.

BUILDING INSPECTOR--The person appointed by the Village Board to enforce the provisions of this chapter, such as the Code Enforcement Officer.

PORTION OF BUILDING OR STRUCTURE--Any debris, rubble, or parts of buildings which remain on the ground or on the premises after demolition, reconstruction, fire or other casualty.

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

UNSAFE OR DETERIORATED BUILDING OR STRUCTURE--Any building or structure or portion thereof which:

- A. Has interior walls or other vertical structural members which list, lean or buckle to such an extent that a plumb line passing through the center of gravity falls outside of the middle one-third (1/3) of its base.
- B. Exclusive of the foundation, shows thirty-three percent (33%) or more of damage to or deterioration of the supporting member or members or fifty percent (50%) damage to or deterioration of the nonsupporting enclosing or outside walls or covering.
- C. Has improperly distributed loads upon the floors or roofs or in which the same are overloaded or have insufficient strength to be reasonably safe for the purpose used.
- D. Has been damaged by fire, wind or other causes so as to have become dangerous to life, safety or the general health and welfare of the occupants or the people of the Village.
- E. Has become or are so dilapidated, decayed, deteriorated, unsafe, unsanitary or which so utterly fails to provide the amenities essential to decent living that it is unfit for human habitation or is likely to cause sickness or disease, so as to work injury to the health, safety or general welfare of those living therein.
- F. Has light, air and sanitation facilities which are inadequate to protect the health, safety or general welfare of human beings who live or may live therein.
- G. Has inadequate facilities for egress in case of fire or panic or insufficient stairways, elevators, fire escapes or other means of communication.
- H. Has parts thereof which are so attached that they may fall and injure members of the public or property.
- I. Because of its condition, is unsafe, unsanitary or dangerous to the health, safety or general welfare of the people of the Village.
- J. Is open at the doorways or windows or walls, making it accessible to and an object of attraction to people under eighteen (18) years of age, as well as to vagrants and other trespassers.
- K. Is or may become a place of rodent infestation.

- L. Consists of debris, rubble or parts of buildings left on the ground after demolition, reconstruction, fire or other casualty.

### Section 3. MAINTENANCE OF BUILDINGS AND STRUCTURES; PROHIBITION.

(a) It shall be unlawful for any owner, tenant or occupant of any building or structure or portion of any building or structure in the Village to maintain such building or structure or portion of such building or structure in any condition or manner which shall be unsafe as defined in Section 2 of this chapter.

(b) Any owner, occupant or person in custody of real property located within the Village who allows or permits a building to continue as an unsafe or deteriorated building after due notice as provided in Section 5 below shall be guilty of a violation of this local law and shall be punished as provided in Section 11 below.

### Section 4. INVESTIGATION AND REPORT.

When, in the opinion of the Building Inspector, any building or structure located in the Village shall be deemed to be dangerous or unsafe to the public as defined in Section 2, the Building Inspector shall make a formal inspection thereof and report in writing to the Village Board his findings and recommendations in regard to the building's or structure's removal or repair.

### Section 5. ORDER TO REPAIR; HEARING TO BE SCHEDULED.

The Village Board shall thereupon consider said report, and, if it finds that such building or structure is dangerous and unsafe to the public, it shall, by resolution, order its repair if the same can be safely repaired, and if not, its removal and demolition, and shall further order that a hearing be held before the Village Board at a time and place therein specified and on at least five (5) days' notice to the owner of the building or structure or persons having an interest therein to determine whether said order to repair or removal shall be affirmed or modified or vacated and, in the event of modification or affirmance, to assess all costs and expenses incurred by the Village in the repair or removal of such building or structure against the land on which said building or structure is located.

### Section 6. CONTENTS OF NOTICE.

The notice shall contain the following statements:

- A. The name of the owner or person in possession as appears from the tax and deed records.
- B. A brief description of the premises and its location.

- C. A description of the building or structure which is unsafe or dangerous and a statement of the particulars in which it is unsafe or dangerous.
- D. An Order requiring the same to be made safe and secure or to be removed.
- E. That the repair or removal of said building or structure shall commence within a specified number of days of the service of the notice and shall be completed within a specified number of days thereafter.
- F. The time and place of the hearing to be held before the Village Board, at which hearing the owner or occupant shall have the right to contest the order and findings of the Village Board.
- G. That in the event such owner, occupant or other person having an interest in said premises shall fail to contest such order and fail to comply with the same, the Village Board will order the repair or removal of such building by the Village, and that the Village will assess all costs and expenses incurred in such removal against the land on which such building or structure is located.
- H. That in any case where a building which is required to be made safe and secure under this chapter is made safe by the boarding up thereof, the material for such boarding shall be painted, as near as practicable, the same color as the building.
- I. The failure to commence the necessary repairs, improvements or demolition within the time specified in the notice or the order of the Village Board as is hereinafter provided will constitute a violation of the law subjecting the violators to a fine not to exceed two hundred fifty dollars (\$250.00) for each week of such violation.

#### Section 7. SERVICE AND FILING OF NOTICE.

- A. A copy of said notice shall be personally served upon the owner or one of the owners, executors, legal representatives, agents, lessees or other person having a vested interest in the premises as shown on the Village tax records or in the records in the Oswego County Clerk's Office.
- B. If no such person can be reasonably found for personal service, then a copy of said notice shall be mailed to such person by registered mail addressed to his last known address as shown on said records and by personally serving a copy of said notice upon any adult person residing in or occupying said premises or by securely affixing a copy of said notice upon the building or structure.

## Section 8. HEARING.

The Village Board shall conduct the public hearing at the time and place specified in the Notice to Repair or Demolish. It may adjourn the hearing from time to time until all interested parties are heard and until the hearing is completed. At the conclusion of the hearing, the Village Board shall determine by resolution to revoke the order to repair or remove, modify said order or continue and affirm said order to direct the owner or other persons to complete the work within the time specified in the order or such other time as shall be determined by the Village Board.

## Section 9. FAILURE TO COMPLY.

In the event of the refusal, failure or neglect of the owner or person so notified to comply with said order of the Village Board within the time specified in said order and after the public hearing, the Village Board shall provide that such building or structure be made safe and secure or removed and demolished by Village employees or by independent contractors. Except in emergency cases as herein provided, any contract for repair or demolishing and removal of a building or structure in excess of three thousand dollar (\$3,000.00) shall be awarded according to the requirements of GML Section 103.

## Section 10. ASSESSMENT OF EXPENSES.

All expenses incurred by the Village in connection with the proceedings to repair and secure or demolish and remove the unsafe building, including the cost of actually removing such building, and attorney's fees, shall be assessed against the land on which such building is located and shall be levied and collected in the same manner as provided for the levy and collection of real property taxes.

## Section 11. EMERGENCY SITUATIONS.

Where it reasonably appears that there is present a clear and imminent danger to the life, safety or health of any person or property unless an unsafe building or structure is immediately repaired and secured or demolished, the Village Board may, by resolution, authorize the Building Inspector to immediately cause the repair or demolition of such unsafe building or structure. The expenses of such repair or demolition shall be charged against the land on which it is located and shall be assessed, levied and collected as provided in Section 10 hereof.

## Section 12. SPECIAL PROCEEDING FOR COSTS.

The Village Board may commence a special proceeding pursuant to Section 78B of the General Municipal Law to collect the costs of demolition, including reasonable and necessary legal expenses.

Section 13. SEPARABILITY.

Each separate provision of this local law shall be deemed independent of all other provisions herein, and if any provisions shall be deemed or declared invalid, all other provisions hereof shall remain valid and enforceable.

Section 14. EFFECTIVE DATE.

This local law shall take effect upon filing with the New York State Secretary of State.