

TOWN of FINE

4078 State Hwy 3
P.O. Box 238
Star Lake, NY 13690

Fax: (315) 848-3152

www.afineadironacktown.org

Phone: (315) 848-3121

Local Law

UNSAFE BUILDINGS

Local Law Filing New York State Department of State
162 Washington Ave, Albany, NY, 12231

Town of Fine

Local Law No. 1 of the year 1999

A local law concerning unsafe buildings

Be it enacted by the Town Board of the Town of Fine, in the County of St. Lawrence, as follows:

ARTICLE I:

PURPOSE

The purpose of this law is to protect the safety, health, welfare, and general well-being of the residents of Fine by requiring unsafe buildings to be repaired, demolished and removed. Unsafe buildings pose a threat to public health, safety and welfare to the residents of the Town of Fine.

ARTICLE II:

DEFINITIONS

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

- (1) **Building** - Any structure or edifice or portion thereof presently or formerly used for residential, business, industrial, agricultural, recreational or other purpose, whether occupied or vacant.
- (2) **Code Enforcement Officer** - The Code Enforcement Officer of the Town of Fine or such other person appointed by the Town Board to enforce the provisions of law or codes of the Town of Fine, including provisions of this law.
- (3) **Portion of Building** - Any debris, rubble or parts of buildings which remain on the ground or on the premises after demolition, reconstruction, fire or other casualty.
- (4) **Unsafe Buildings** - Any structure or edifice or portion thereof which:
 - (A) Because of its condition, is or may become unsecure structurally or otherwise deteriorated and is or may become dangerous to the public.
 - (B) Is open at the doorways or windows or walls, making it accessible.
 - (C) Is or may become a place of rodent infestation.
 - (D) Consists of debris, rubble or parts of buildings left on the ground after demolition, reconstruction, fire or other casualty.
 - (E) Presents any other danger to the health, safety and general welfare of the public.

ARTICLE III:

MAINTENANCE of BUILDINGS

It shall be unlawful for any owner, tenant or occupant of any building or portion of any building, and the owner, tenant or occupant of the land upon which same is situated, to maintain such building or portion of such building in any condition or manner which shall be unsafe as defined in Article II.

ARTICLE IV:

INVESTIGATION and REPORT

When, in the opinion of the Code Enforcement Officer, any building located in the Town of Fine which shall be determined to be dangerous or unsafe to the public as defined in this law, the Code Enforcement Officer shall make a formal inspection thereof and report in writing to the Town Board his findings and recommendations with regard to the building's removal or repair.

ARTICLE V:

ORDER to REPAIR, HEARING to be SCHEDULED

The Town Board shall thereupon consider said report, and if it finds that said building 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 Town Board at a time and place therein specified and on at least ten (10) days' notice to the owner of the building and the owner, tenant or occupant of the land upon which same is situated. or persons having an interest therein, to determine whether said order to repair or remove shall be affirmed or modified or vacated, and in the event of modification or affirmance, to assess all costs and expenses incurred by the Town in the repair or removal of such building against the land on which said building is located.

ARTICLE VI:

CONTENTS of NOTICE

- (1) The name of the owner or person in possession as appears from the tax and deed records.
- (2) A brief description of the premises and its location.
- (3) A description of the building which is unsafe or dangerous and a statement of the particulars in which it is unsafe or dangerous.
- (4) An order requiring the same to be made safe and secure or to be removed.
- (5) The securing or removal of said building 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.
- (6) The time and place of the hearing to be held before the Town Board, at which hearing the owner or occupant shall have the right to contest the order and findings of the Town Board.
- (7) In the event that 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 Town Board will order the repair or removal of such building by the Town, and the Town will assess costs and expenses incurred in such repair or removal against the land on which said building is located.
- (8) In any case where a building which is required to be made safe and secure under this law is made safe by the boarding up thereof, the material used for such boarding up shall be painted, as near as practicable, the same color as the building.

ARTICLE VII:

SERVICE and FILING of NOTICE

- (1) 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 Town tax records or in the records of the St. Lawrence County Clerk's Office.
- (2) If no such person can be reasonably found for personal service, than a copy of said notice shall be mailed to such person by certified mail addressed to his or her 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 and by securely affixing said notice upon said building.
- (3) A copy of said notice shall be filed in the St. Lawrence County Clerk's Office, which notice shall be filed in the same manner as a notice of pendency pursuant to Article 65 of the Civil Practice Law and Rules (CPLR) and shall have the same effect as a notice of pendency as therein provided. A notice so filed shall be effective for a period of one (1) year from the date of filing. It may be vacated upon an order of a Judge or Justice of a court of record, or upon the written consent of the Town Attorney of the Town of Fine. The St. Lawrence County Clerk's Office shall mark such notice and any record or docket thereof as cancelled of record upon the presentation and filing of such consent or of a certified copy of such order.

ARTICLE VIII:

HEARING

The Town 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 Town Board shall determine by resolution to revoke the order to repair or remove, modify said order, or continue and affirm said order, and 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 Town Board.

ARTICLE IX:

FAILURE to COMPLY

In the event of the refusal, failure or neglect of the owner or the person so notified to comply with said order of the Town Board within the time specified in said order, and after the public hearing, the Town Board shall order that such building be made safe and secure or removed and demolished by Town employees or by independent contractors. The Town reserves the right to proceed to competitive bidding for an award of a contract for repair or demolition after its determination of the potential cost and taking into consideration whether this is an emergency case.

ARTICLE X:

ASSESSMENT of EXPENSES

All costs and expenses incurred by the Town in connection with proceedings set forth in this law, including the cost of actually making safe, securing or removing said dangerous and unsafe condition, and also including any attorney fees attributable to the enforcement of this law, shall be assessed against the land on which the dangerous or unsafe condition is or was located, and shall be included in the tax levy and collected against said parcel of land or may be collected by use of General Municipal Law Section 78-b.

ARTICLE XI:

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 is immediately repaired and secured or demolished, the Town Board may by resolution authorize the Code Enforcement Officer to immediately cause the repair or demolition of such unsafe building. The expense of such repair or demolition shall be a charge against the land on which it is located, and it shall be assessed, levied and collected as against said land or may be collected by use of General Municipal Law Section 78-b.

ARTICLE XII:

APPLICATION for COURT ORDER

The Town Board, in its discretion, may elect to apply to the Supreme Court of the State of New York for an order directing that the building be repaired and secured or demolished and removed.

ARTICLE XIII:

SEVERABILITY

If any clause, sentence, paragraph, section or part of this law shall be adjudged by any Court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this law, but shall be confined in this operation to the clause, sentence, paragraph, section or part thereof directly involved in a litigation in which said judgment shall have been rendered.

ARTICLE XIV:

EFFECTIVE DATE

This Local Law shall take effect upon its being duly filed in the office of the Secretary of State of New York as provided in Section 27 of the Municipal Home Rule Law.