

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
162 WASHINGTON AVENUE, ALBANY, NY 12231

(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 of.....Lincoln.....
Village

Local Law No.1..... of the year 19.95.

A local law (Insert Title) providing for the removal or repair of unsafe buildings and structures.

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

County
City
Town of.....Lincoln..... as follows:
Village

SECTION 1. Purpose. Unsafe buildings and structures pose a threat to life and property in the Town of Lincoln. Buildings and structures may become unsafe by reason of damage by fire, the elements, age, neglect, abandonment or general deterioration. Vacant buildings not property 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. It is the purpose of this local law to provide for the safety, health, protection and general welfare of persons and property in the Town of Lincoln by requiring that such unsafe buildings be repaired or demolished and removed.

SECTION 2. Title. This local law shall be known as "The Unsafe Buildings Law" of the Town of Lincoln.

SECTION 3. Definitions. (1) "Building" means any building, mobile home or other structure or portion thereof. (2) "Building Inspector" means the code enforcement officer of the Town of Lincoln or such other person appointed by the town board to enforce the provisions of this local law. (3) Town means the Town of Lincoln.

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

SECTION 4. Investigation and Report. When in his own opinion or upon receipt of information that a building (1) is or may become dangerous or unsafe to the general public; (2) is open at the doorways and windows making it accessible to and an object of attraction to minors under eighteen years of age, as well as to vagrants and other trespassers; (3) is or may become a place of rodent infestation; (4) presents any other danger to the health, safety, morals and general welfare of the public; or (5) is unfit for the purposes for which it may lawfully be used, the building inspector shall cause or make an inspection thereof and report in writing to the Town Board of the Town his findings and recommendations in regard to its repair or demolition and removal.

SECTION 5. Town Board Order. The town board shall thereafter consider such report and by resolution determine, if in its opinion the report so warrants, that such building is unsafe and dangerous and order its repair if the same can be safely repaired, or its demolition and removal, and further order that a notice be served upon the persons and in the manner provided herein.

SECTION 6. Notice; Contents. The notice shall contain the following: (1) a description of the premises; (2) a statement of the particulars in which the building is unsafe or dangerous; (3) an order outlining the manner in which the building is to be made safe and secure, or demolished and removed; (4) a statement that the securing or removal of such building shall commence within 30 days of the service of the notice and shall be completed within 60 days thereafter, unless, for good cause shown, such time shall be extended; (5) a date, time and place for a hearing before the town board in relation to such dangerous or unsafe building, which hearing shall be scheduled not less than five business days from the date of service of the notice; and (6) a statement that in the event of neglect or refusal to comply with the order to secure or demolish and remove the building, the town board is authorized to provide for its repair, demolition and/or removal, to assess all expenses thereof against the land on which it is located and to institute a special proceeding to collect the costs of demolition, including legal expenses.

SECTION 7. Service of Notice. The notice shall be served (1) by personal service of a copy thereof upon the owner, or upon the owner's executor, administrator, agent, lessee, or any other person having a vested or contingent interest in such unsafe building as shown by the records of the receiver of taxes and/or of the county clerk; or if no such person can be reasonably found, by mailing such owner by registered mail a copy of such notice directed to his last known address as shown by the above record; and (2) by personal service of a copy of such notice upon any adult person residing in or occupying said premises if such person can be reasonably found; and (3) if personal service of the notice can not be made, by also securely affixing a copy of such notice upon the unsafe building.

SECTION 8. A copy of the notice served as provided herein shall be filed in the office of the County Clerk of the County of Madison in the same manner as a notice of pendency pursuant to Article 65 of the civil practice law and rules.

SECTION 9. Refusal to Comply. In the event of the refusal or neglect of the person or persons so notified to comply with said order of the town board, after the hearing the town board shall provide for the repair or demolition and removal of such building or structure either by Town employees or by contract. Except in an emergency as provided in section 11 hereof, any contract for demolition and removal of a building in excess of \$20,000.00 shall be awarded through competitive bidding.

SECTION 10. Assessment of Expenses. All expenses incurred by the town 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 all reasonable and necessary legal expenses incidental thereto, shall, at the option of the town board, either:

- (1) Be assessed against the land on which such building is located and shall be levied and collected in the same manner as provided in article 8 of the Town Law for the levy and collection of a special ad valorem levy, or
- (2) Be collected by commencement of a special proceeding against the owner of said unsafe or dangerous building or structure pursuant to General Municipal Law section 78-b.

SECTION 11. Emergency Cases. 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 building inspector to immediately cause the repair or demolition of such unsafe building. The expenses of such repair or demolition shall be a charge against the land on which it is located and shall be assessed, levied and collected as provided in section 10 hereof.

SECTION 12. Separability. Each separate provision of this local law shall be deemed independent of all other provisions herein, and if any provisions shall be deemed invalid, all other provisions hereof shall remain valid and enforceable.

SECTION 13. Effective date. This local law shall take effect upon its being duly filed in the office of the Secretary of State of the State of New York.