

LOCAL LAW NO. 1 of the Year 1980

A local law providing for the repair or removal of unsafe buildings and collapsed structures.

Be it enacted by the Town Board of the Town of Bellmont.

Section 1. Purpose. Unsafe buildings pose a threat to life and property in the Town of Bellmont. Buildings and structures may become unsafe by reason of damage by fire, the elements, age or general deterioration. 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 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 Bellmont by requiring such unsafe buildings be repaired or demolished and removed.

Section 2. This local law shall be known as "Unsafe Buildings Law" of the Town of Bellmont.

SECTION 3. Definitions. (1) "Building" means any building, structure or portion thereof used for residential, business or industrial purpose. (2) "Building Inspector" means the building inspector of the Town of Bellmont or such other person appointed by the town board to enforce the provisions of this local law.

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 health, safety, morals and general welfare of the public or (5) is unfit for the purposes for which it may lawfully be used, he shall cause or make an inspection thereof and report in writing to the town board 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 thirty days of the service of the notice and shall be completed

within sixty days thereafter, unless for good cause shown such time shall be extended, (5) a statement that in the event of neglect or refusal of the person served with the notice to comply with the same, a survey of the premises will be made and if such survey shall report the building unsafe or dangerous, an application will be made at Special Term of the Supreme Court in the Judicial District in which the property is located for an order determining the building to be a public nuisance and directing that it shall be repaired and secured or demolished and removed, and that the expenses of the proceeding to secure or remove the building, including the actual cost of securing or removing such building shall be assessed against the land on which it is located.

Section 7. Service of Notice. The said notice shall be served (1) by personal service of a copy thereof upon the owner, executor, administrator, agent, lessee, or any person having a vested or contingent interest in such unsafe building as shown by the records of the receiver of taxes (or tax collector) 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 records 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) by securely affixing a copy of such notice upon the unsafe building.



Section 8. Refusal to Comply; Survey. In the event of the refusal or neglect of the person so notified to comply with said order of the town board, the town board shall appoint the building inspector and an architect, and the person so notified shall appoint a practical builder, engineer or architect to make a survey of the unsafe building and submit a written report thereon. If the person so notified shall refuse or neglect to appoint such a surveyor within forty days after service of the said notice, the two surveyors by the town board shall proceed and make the report. A signed copy of such report shall be affixed securely to such building.

Section 9. Application to Court. In the event the building shall be reported unsafe or dangerous in such survey, the town board may by resolution direct the supervisor of the town to make an application at a Special Term of the Supreme Court in the Judicial District in which such property is located for an order determining the building to be a public nuisance and directing that it shall be repaired or secured or demolished and removed.

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, shall 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 fifteen of the Town Law for the levy and collection of a special ad valorem levy.

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. The surveyor appointed as provided herein shall be paid reasonable compensation as shall be fixed by the town board.

Section 13. This local law shall take effect immediately upon filing thereof in the office of the Secretary of State.

*Harley Crump*  
*Town Clerk*  
*Town of Bellmont*