

(Please Use this Form for Filing your 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 of Belmont
Town
Village

Local Law No.One..... of the year 19 89.....

A local law Providing for the Repair or Removal of Unsafe
~~Buildings and Collapsed Structures~~
(insert title)

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

County
City of Belmont as follows:
Town
Village

Section 1. Purpose. Unsafe buildings pose a threat to life and property in the Town of Belmont. 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 Belmont by requiring such unsafe buildings be repaired or demolished and removed.

Section 2 This local law shall be known as "Unsafe Buildings

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) and 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

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 reasonable 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

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.

(Complete the certification in the paragraph which applies to the filing of this local law and strike out the matter therein which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 1 of 1989.
County
of the City of Bellmont was duly passed by the Town Board
Town (Name of Legislative Body)
Village
on May 15, 1989 19..... in accordance with the applicable provisions of law.

2. (Passage by local legislative body with approval or no disapproval by Elective Chief Executive Officer, * or repassage after disapproval.)

I hereby certify that the local law annexed hereto, designated as local law No. of 19.....
County
of the City of was duly passed by the
Town (Name of Legislative Body)
Village
on 19..... and was approved by the
not disapproved repassed after disapproval Elective Chief Executive Officer *
and was deemed duly adopted on 19....., in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. of 19.....
County
of the City of was duly passed by the
Town (Name of Legislative Body)
Village
on 19..... and was approved by the
not disapproved repassed after disapproval Elective Chief Executive Officer *
on 19..... Such local law was submitted to the people by reason of a
mandatory referendum, and received the affirmative vote of a majority of the qualified electors voting
permissive general
thereon at the special election held on 19....., in accordance with the appli-
annual
cable provisions of law.

4. (Subject to permissive referendum, and final adoption because no valid petition filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. of 19.....
County
of the City of was duly passed by the on
Town (Name of Legislative Body)
Village
..... 19..... and was approved by the on
not disapproved repassed after disapproval Elective Chief Executive Officer *
..... 19..... Such local law being subject to a permissive referendum and no

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. of 19..... of the City of..... having been submitted to referendum pursuant to the provisions of § 36 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the special election held on 19 became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as Local Law No. of 19..... of the County of, State of New York, having been submitted to the Electors at the General Election of November, 19, pursuant to subdivisions 5 and 7 of Section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and of a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph above.

Cason
Clerk of the County legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: 5/15/89

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized Attorney of locality.)

STATE OF NEW YORK
COUNTY OF *Franklin*

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

SSA