

Filed 4-16/90

(Please Use this Form for Filing your Local Law with the Secretary of State)

Text of law should be given as amended. Do not use brackets for matter to be eliminated and do not use italics for new matter.

County
City of Town of Caroga
Town
Village—

Local Law No.1..... of the year 19 ...90...

A local law providing for the repair, demolition or removal of unsafe buildings in the Town of Caroga
(Insert title)

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

County
City of Town of Caroga as follows:
Town
Village

A Local Law providing for the repair, demolition or removal of unsafe buildings in the Town of Caroga.

- Section 1 - Purpose
- Section 2 - Definition
- Section 3 - Investigation and report
- Section 4 - Order for repair or removal
- Section 5 - Contents of notice
- Section 6 - Service of notice
- Section 7 - Filing copy of notice
- Section 8 - Failure of compliance; removal by town
- Section 9 - Assessment of expenses.
- Section 10- Emergencies
- Section 11 - Compensation of assistant to Code Enforcement Officer

Section 1 - Purpose

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

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 or industrial purpose.
- CODE ENFORCEMENT OFFICER - The Code Enforcement Officer of the Town of Caroga or such other person appointed by the Town Board to enforce the provisions of this Local Law.

Section 3 - Investigation and Report

When in Code Enforcement Officer's opinion or upon receipt of information that a building is or may become dangerous or unsafe to the general public; is open at the doorways and windows making it accessible to and an object of attraction to minors under eighteen (18) years of age, as well as too vagrants and other trespassers; is or may become a place of rodent infestation; presents any other danger to the health, safety, morals and general welfare of the public, or is unfit for the purposes for which it may lawfully be used, he, along with the town's Health Officer and town's Sanitary Inspector shall cause or make an inspection thereof and report in writing to the Town Board their findings and recommendations in regard to its repair or demolition and removal. If it is deemed necessary the Code Enforcement Officer may appoint in addition to Health Officer and Sanitary Inspector and with the consent of the Town Supervisor, an engineer, architect, practical builder, Fulton County Sheriff's Deputy, or New York State Police Officer to inspect the premises and assist him with the written report of findings and recommendations.

Section 4 - Order for Repair of Removal

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 5 - Contents of Notice

The notice shall contain the following:

- A. A description of the premises.
- B. A statement of the particulars in which the building is unsafe or dangerous.
- C. An order outlining the manner in which the building is to be made safe and secure or demolished and removed.
- D. A statement that the securing or removal of such building shall commence within thirty (30) days of the service of the notice and shall be completed within sixty (60) days thereafter unless for good cause shown such time shall be extended.
- E. 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 (5) business days from the date of service of the notice.
- F. 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 demolition and 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 6 - Service of Notice

The said notice shall be served:

- A. By personal service of a copy thereof upon the owner, executor, administrator, agent, leasee 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 to such owner by registered mail a copy of such notice directed to his last known address as shown by the above records; and
- B. 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
- C. By securely affixing a copy of such notice upon the unsafe building.

Section 7 - Filing Copy of Notice

A copy of the notice served as provided herein shall be filed in the office of the County Clerk of the County of Fulton.

Section 8 - Failure of Compliance; Removal by Town

In the event of the refusal or neglect of the person so notified to comply with said order of the Town Board and after the hearing, the Town Board shall provide for the demolition and removal of such building or structure either by town employees or by contract. Except in emergency as provided in Section 10 hereof, any contract for demolition and removal of a building in excess of five thousand dollars (\$5,000) shall be awarded through competitive biddings.

Section 9 - 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 15 of the Town Law for the levy and collection of a special ad valorem levy.

Section 10 - Emergencies

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 expenses of such repair or demolition shall be a charge against the land on which said building is located and shall be assessed, levied and collected as provided in Section 9 hereof.

Section 11 - Compensation of Assistant to Code Enforcement Officer

The engineer, architect, or practical builder appointed as provided herein shall be paid reasonable compensation as shall be fixed by the Town Board.

(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.)

(Final adoption by local legislative body only.)

1. I hereby certify that the local law annexed hereto, designated as local law No. 1 of 1990
County
of the City of Caroga was duly passed by Town Board of Caroga
Town
Village
(Name of Legislative Body)
on April 10 1990 in accordance with the applicable provisions of law.

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

~~2. 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
Town
Village
(Name of Legislative Body)
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.~~

(Final adoption by referendum.)

~~3. 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
Village
(Name of Legislative Body)
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.~~

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

~~4. 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
Village
(Name of Legislative Body)
..... 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
valid petition requesting such referendum having been filed, said local law was deemed duly adopted on
..... 19....., in accordance with the applicable provisions of law.~~

*Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or if there be none the chairman of the board of supervisors, the mayor of a city or village or the supervisor of a town, where such officer is vested with power to approve or veto local laws or ordinances.

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

5. 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 § 37 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 the general 19 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.

Alvina R. MacGregor
Clerk of the Board of Supervisors, City, Town, or Village Clerk or Officer designated by Local Legislative Body

Date: 4-10-90

(Seal)

(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 *Fulton*

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.

(Title of Officer)

County
City of *Caroga*
Town
Village

Dated: