

(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~~

Town

~~VILLAGE~~

of.....Forestport.....

Local Law No."1"..... of the year 19 ..83....

A local law establishing rules and regulations which shall apply to unsafe
(Insert title)
buildings within the Town of Forestport

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

~~COUNTY~~

~~CITY~~

Town

~~Village~~

of.....Forestport..... as follows:

Section 1. TITLE: This local law shall be known as the Unsafe Buildings Ordinance.

Section 2. Unsafe Buildings Defined: A) Those whose interior walls or other vertical structural members list, lean or buckle to such an extent that the same would be unacceptable in a new structure of similar type and design, being in contravention of established construction principals, and there exists a possibility of collapse of the building or structure, or any portion thereof.

B) Those which, exclusive of the foundation, show thirty-three percent (33%) or more, of damage or deterioration of the supporting member of members, or fifty percent (50%) of damage or deterioration of the non-supporting enclosing or outside walls or covering.

C) Those which have improperly distributed loads upon the floors or roofs or in which the same are overloaded, or which have insufficient strength to be reasonably safe for the purpose used.

D) Those which have been damaged by fire, wind or other causes so as to have become dangerous to life, safety, morals or the general health and welfare of the occupants or the people of the Town of Forestport.

E) Those which have become or are so dilapidated, decayed, unsafe, unsanitary or which so utterly fail to provide the amenities essential to decent living that they are unfit for human habitation, or are likely to cause sickness or disease, so as to work injury to the health, morals, safety or general welfare of those living therein.

F) Those having light, air and sanitation facilities which are inadequate to protect the health, morals, safety or general welfare of human beings who live or may live therein.

G) Those having inadequate facilities for egress in case of fire or panic or those having insufficient stairways, elevators, fire escapes or other means of escape.

H) Those which have parts thereof which are so attached that they may fall and injure members of the public or property.

I) Those which because of their condition are unsafe, unsanitary or dangerous to the health, morals, safety or general welfare of the people of this Town.

J) Those buildings existing in violation of any provision of any other ordinance of the Town of Forestport or laws of the State of New York.

Section 3. Standards for repair, vacation or demolition: The following standards shall be followed in substances by the Enforcement Officer and Town Board in ordering repair, vacation or demolition:

A) If the unsafe building can reasonably be repaired so that it will no longer exist in violation of the terms of this ordinance it shall be ordered repaired.

B) If the unsafe building is in such condition as to make it dangerous to the health, morals, safety or general welfare of its occupants it shall be ordered to be vacated.

C) In any case where an unsafe building is so damaged or decayed, or deteriorated from its original value or structure so that it can not be economically restored, it shall be demolished, and in all cases where a building can not be repaired so that it will no longer exist in violation of the terms of this ordinance it shall be demolished. In all cases where an unsafe building is a fire hazard existing or erected in violation of the terms of this ordinance or any provisions of any other ordinance or laws of the State of New York, it shall be demolished.

Section 4. Unsafe buildings; nuisances: All unsafe buildings within the terms of Section 2 of this ordinance are hereby declared to be public nuisances, and shall be repaired, vacated or demolished as hereinbefore and hereinafter provided.

Section 5. Duties of Enforcement Officer: The Enforcement Officer shall:

A) Inspect any building, wall or structure about which complaints are filed by any person to the effect that a building, wall or structure is or may be existing in violation of this ordinance, and report his findings at least annually to the Town Board or more frequently as requested by the Town Board.

B) Inspect any building, wall or structure reported (as hereinafter provided for) by the Fire Departments or Police Officers operating in this Town as probably existing in violation of the terms of this ordinance.

C) Notify personally or in writing the owner or some one of the owner's executors legal representatives, agents, lessees or any other person having a vested or contingent interest in the property, by registered mail, addressed to the last known address, if any, of the owner or some one of the owner's executors, legal representatives, agents, lessees or other person having a vested or contingent interest in the same, as shown by the records of the Assessor or in the office of the County Clerk, of any building found by him to be an unsafe building within the standards as set forth in Section 2 of this ordinance.

1. The owner must vacate, or repair, or demolish said building in accordance with the terms of the notice and this ordinance.

2. The occupant or lessee must vacate said building or may have it repaired in accordance with the notice and remain in possession.

3. Any mortgagee, agent or other persons having an interest in said building may at his own risk, repair, vacate or demolish said building or have such work or act done; provided, that any person notified

under this subdivision to repair, vacate or demolish any building shall be given such reasonable time, as determined or specified by the enforcement officer, as may be necessary to do, or have done, the work or act required by the notice provided for herein.

D) Set forth in the notice provided for in Subdivision C hereof, a description of the building, or structure deemed unsafe, a statement of the particulars which make the building or structure an unsafe building and an order requiring the same to be put in such condition as to comply with the terms of this ordinance within such length of time as determined or specified by the enforcement officer.

E) Report to the Town Board any noncompliance with the "notice" provided for in Subdivision C and D hereof.

F) Appear at all hearings conducted by the Town Board, and testify as to the condition of unsafe buildings.

G) Place a notice on all unsafe buildings reading as follows: "This building has been found to be an unsafe building by this Enforcement Officer. This notice is to remain on this building until it is repaired, vacated or demolished in accordance with the notice which has been given the owner, or someone of the owner's executor legal representatives, agents, lessees or any other person having a vested or contingent interest in the property, by registered mail, addressed to the last known address, if any, of the owner or someone of the owner's executors, legal representative; agents, lessees or other person having a vested or contingent interest in the same, as shown by the records of the Assessor or in the office of the County Clerk, or any building found by me to be an unsafe building within the standards set forth in Section 2 of the ordinance of the Town of Forestport entitled "Unsafe Buildings". It is unlawful to remove this notice until such notice is complied with".

stay here
H) Issue a Certificate of Compliance, and file a copy with the Town Clerk, upon compliance with the terms of the "notice" provided for in subdivision C and D hereof.

Section 6. Duties of Town Board:

A) Written notice to owner or lessees.

Upon receipt of a report of the Enforcement Officer as provided for in subdivision E of Section 5 hereof, give written notice to the owner, or someone of the owner's executors, legal representatives, agents, lessees, or any other person having a vested or contingent interest in the property, by registered mail, addressed to the last known address, if any, of the owner or someone of the owner's executors, legal representative; agents, lessees or other person having a vested or contingent interest in the same, as shown by the records of the Assessor or in the office of the County Clerk, of any building found by him to be an unsafe building within the standards set forth in Section 2 of this Ordinance, to appear before them on the date specified in the notice to show cause why the building or structure reported to be an unsafe building should not be repaired, vacated, or demolished in accordance with the statement of particulars set forth in the Enforcement Officer's notice provided for here in Subdivision C and D of Section 5 hereof.

B) Hold hearings.

Hold a hearing and hear such testimony as the Enforcement Officer or the owner or someone of the Owner's executors, legal representatives agents, lessees or any other person having a vested or contingent interest in the property as shown by the records of the Assessor or in the office of the County Clerk shall offer relative to the unsafe building.

C) Written findings of fact.

Make written findings of fact from the testimony offered pursuant to subdivision B as to whether or not the building in question is an unsafe building within the terms of Section 2 hereof.

D) Issue order based on findings of fact

Issue an order based upon findings of fact made pursuant to Subdivision C commanding the owner, or someone of the owner's executors, legal representatives, agents, lessees or any other person having a vested or contingent interest in the property as shown by the records of the Assessor or in the office of the County Clerk, to repair, vacate or demolish any building found to be an unsafe building within the terms of this ordinance and provided that any person so notified, except the owners, shall have the privilege of either vacating or repairing said unsafe building, or any person not the owner of said unsafe building but having an interest in said building may demolish said unsafe building at his own risk to prevent the acquiring a lien against the land upon which the said unsafe building stands by the Town as provided in subdivision E hereof.

E) Cause building to be repaired.

If such person fails to comply with the order provided for in subdivision D hereof within ten (10) days, the Town Board shall cause such building or structure to be repaired, vacated, or demolished as the facts may warrant, under the standards hereinbefore provided for in Section 3 of this ordinance and shall with the assistance of the Town Attorney cause the costs of such repair, vacation, or demolition to be charged against the land on which the building existed as a municipal lien, or cause such costs to be added to the tax rolls as an assessment, or to be levied as a special tax against the land upon which the building stands or did stand, or to be recovered in a suit at law against the owner, provided that in cases where such procedure is desirable and any delay thereby caused will not be dangerous to the health, morals, safety, or general welfare of the people of this Town, the Enforcement Officer shall notify the Town Attorney to take legal action to force the owner to make all necessary repairs or demolish the building.

F) Report names not complying to Town Attorney.

Report to the Town Attorney, the names of all persons not complying with the order provided for in subdivision C and D of Section 5 hereof.

Section 7. Emergency cases: In cases where it reasonably appears that there is immediate danger to the life or safety of any person unless an unsafe building as defined herein is immediately repaired, vacated or demolished, the Enforcement Officer shall report such facts to the Town Board and the Town Board shall cause the immediate repair, vacation or demolition of such unsafe building. The costs of such emergency repair, vacation or demolition of such unsafe building shall be collected in the same manner as provided in subdivision E of Section 6.

Section 8. Where owner absent from the Town: In cases, except emergency cases, where the owner, occupant or lessee is absent from the Town, all notices or orders provided for herein shall be sent by registered mail to the party in interest as described in Subdivision C of Section 5 to the last known address of such party in interest, and a copy of such notice shall be posted in a conspicuous place on the unsafe building to which it relates. Such mailing and posting shall be deemed adequate service.

Section 9. Administrative liability: No officer, agent or employee of the Town of Forestport shall render himself personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties under this ordinance. Any suit brought against any officer, agent or employee of the Town of Forestport as a result of any act required or permitted

in the discharge of his duties under this Chapter shall be defended by the Town Attorney until the final determination of the proceeding therein.

Section 10. Duties of Firemen: Any fireman of any Town Fire Department serving in the Town shall make a report in writing to the Enforcement Officer of any building or structures which are, may be, or are suspected to be unsafe buildings within the terms of this ordinance. Such reports must be delivered to the Enforcement Officer within twenty-four (24) hours of the discovery of such buildings.

Section 11. Duties of Police: Any law enforcement official shall make a report in writing to the Enforcement Officer of any buildings or structures which are or may be deemed to be unsafe buildings within the terms of this ordinance. Such reports must be delivered to the Enforcement Officer within twenty-four (24) hours of the discovery of such buildings.

Section 12. Supersession of Town Law: Pursuant to subparagraph (3) of Paragraph d of Subdivision 1 of Section 10 of the Municipal Home Rules Law, the provisions of this ordinance shall supersede subdivision 16 of Section 130 of the Town Law.

Section 13. Violation and penalties:

A) Violation of any of the provisions of this ordinance is hereby declared to be an offense.

B) For every violation of any provision of this ordinance, the person violating the same shall be subject to a fine of not more than Two Hundred Fifty (\$250.00) Dollars or imprisonment of not more than fifteen (15) days in jail, or both.

Section 14. Conflict of Ordinances: In any case where a provision of this ordinance is found to be in conflict with a provision of any zoning, building, fire, safety or health ordinance or code of the Town of Forestport existing on the effective date of this ordinance, the provisions which in the judgment of the Town Board establishes the higher standard for the promotion of health and safety of the people shall prevail.

Section 15. Savings Clause: Should any section or provision of this ordinance be declared unconstitutional or invalid, or unenforceable by any court of competent jurisdiction, such decision shall not affect the validity of the within ordinance as a whole or any part hereof other than that part so decided to be unconstitutional or invalid or unenforceable.

Section 16. Effective Date: This local law shall take effect ten (10) days after publication of notice of its adoption in the Boonville Herald, the official newspaper of said Town.