

**TOWN OF SCIPIO
LOCAL LAW NO. 1 OF 2010**

A Local Law to provide for the safeguarding, repair or possible demolition and removal of dangerous or unsafe buildings and structures in the Town of Scipio.

**SECTION 1
STATUTORY AUTHORIZATION AND PURPOSE**

Section 1.1 *Title.* This Local Law shall be known as the “Unsafe Buildings Law” of the Town of Scipio.

Section 1.2 *Purpose.* It is the purpose of this Local Law to provide for the health, safety, protection and general welfare of persons and property in the Town of Scipio by requiring that unsafe buildings be repaired or demolished and removed. Unsafe buildings pose a threat to the life, health and property in the Town of Scipio. 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, windows and other openings also serve as an invitation to trespass and possible injury to children and other trespassers. A dilapidated building may also serve as a place of rodent infestation, thereby creating a health hazard to the community.

Section 1.3 *Statutory Authorization.* This Local Law has been adopted pursuant to and in conformity with Town Law § 130(16) and Municipal Home Rule Law § 10 and the New York State Constitution.

**SECTION 2
INTERPRETATION AND CONFLICT WITH OTHER LAWS**

Section 2.1 *Supremacy.* This Local Law shall supersede all previous laws adopted for the purpose of regulating unsafe structures and buildings in the Town of Scipio.

Section 2.2 *Interpretation.* In their interpretation and application, the provisions of this Local Law shall be held to be minimum requirements, adopted for the promotion of the public health, safety, and welfare. Whenever the requirements of this Local Law are at variance with the requirements of any other lawfully adopted, rules, regulations, ordinances, or local laws, the most restrictive, or that imposing the higher standards, shall govern.

Section 2.3 *Imminent Danger.* No part or provision of this Local Law shall be deemed or interpreted as to limit the Town’s inherent authority to repair, secure or demolish structures without notice to the owner, lienors or other interested parties where the Building is in imminent danger of collapse and, therefore, is an immediate danger to public health and safety. The expenses of any such repair, securing or demolition shall be a charge against the land upon which it is located and shall be assessed, levied and collected as provided for in Section 3.8 below.

SECTION 3 PROCEDURE

Section 3.1 *Inspection and report.* When, in the opinion of the Building Inspector or upon receipt of information that, a Building is or may become a Dangerous or Unsafe Building, the Building Inspector shall cause to be made or shall make an inspection thereof and shall report in writing to the Town Board his or her findings and recommendations in regard to the repair or demolition and removal of such Building.

Section 3.2 *Order of Town Board.* The Town Board shall thereafter consider such report and by resolution determine, if in its opinion the report so warrants, that such Building is a Dangerous or Unsafe Building and order its repair, if the same can be safely repaired, or its demolition and removal, and shall further order that a notice in writing be served upon the persons and in the manner hereafter provided.

Section 3.3 *Service of notice.* Said notice shall be served either personally or 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 same, as shown by the records of the receiver of taxes and/or in the office of the county clerk or county register, containing a description of the premises, a statement of the particulars in which the Building is unsafe or dangerous and an order requiring same to be made safe and secure or removed; and if such service be made by registered mail, a copy of such notice shall be posted on the premises. If the parties set forth above are not discoverable with a reasonable amount of effort, notice shall be served by publishing a copy of said notice once in the official newspaper of the town at least ten days prior to the hearing.

Section 3.4 *Contents of notice.* The notice to be served hereunder shall contain the following information: (A) a description of the premises; (B) a statement particularizing the manner in which the Building is a Dangerous or Unsafe Building; (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 ninety (90) days after the date the notice is served, unless for good cause shown such time shall be extended by resolution of the Town Board, (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 business days from the date of service of the notice; (F) a statement that, in the event of neglect, failure 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 upon which it is located.

Section 3.5 *Filing of Notice.* A copy of such notice shall be filed in the Office of the Cayuga County Clerk, which notice shall be filed by the Clerk in the same manner as a notice of

pendency pursuant to Article Sixty-Five of the Civil Practice Law and Rules, and shall have the same effect as a notice of pendency as therein provided, except as otherwise hereinafter provided in this paragraph. A notice so filed shall be effective for a period of one year from the date of filing, provided, however, that it may be vacated upon the order of a judge or justice of a court of record or upon the consent of the Town Attorney. The Cayuga County Clerk shall mark such notice and any record or docket thereof as cancelled of record upon the presentation and filing of such consent or of a certified copy of such order.

Section 3.6 *Hearing and determination.* At the hearing conducted pursuant to the notice served, the Building Inspector and the owner or any other person having a vested or contingent interest in the Building shall have an opportunity to be heard and present evidence. Following the hearing, the Town Board shall make a finding confirming, modifying or rescinding the order for the repair or demolition and removal of the Building within thirty-one (31) days. Any person appearing at the hearing in opposition to the order to repair shall provide the Town Clerk with a mailing address. A copy the resolution of the Town Board confirming, modifying or rescinding the order shall be forwarded within five (5) business days, by ordinary mail, to such person or persons at the address or addresses so provided.

Section 3.7 *Failure to Comply.* In the event of the refusal, failure or neglect of any person notified to comply with the order of the Town Board, as confirmed or modified after the hearing, the Town Board shall provide for the demolition and removal of the Building either by town employees or by contract. Except in case of imminent danger as set forth in Section 2.3 above, any contract for demolition and removal in excess of the then applicable competitive bidding limit shall be awarded through competitive bidding pursuant to the provisions of the General Municipal Law.

Section 3.8 *Assessment of Costs.* The owner of the Building shall be liable to the Town for all expenses incurred by the Town in connection with the proceedings to enforce this law, repair and secure or demolish and remove the Dangerous or Unsafe Building, including but not limited to legal expenses, any actual costs incurred by the Building Inspector, any necessary engineering fees, in addition to the costs of actually demolishing and removing such Building. If the owner fails to reimburse the Town for said costs within thirty (30) days then the costs shall become a lien against the property at the expiration of the thirty (30) day. The lien will then be certified to the County Treasurer which shall place the costs on the real property tax roll for that year, with interest and penalties as allowed by law, and shall be collected in the same manner as general Town taxes.

SECTION 4 MISCELLANEOUS

Section 4.1 *Definitions.* As used in this Local Law, the following terms have the following respective meanings:

A “Building” shall mean any building or structure, or portion thereof, located in a business, industrial, residential or agricultural section or area of the Town of Scipio.

The “Building Inspector” shall mean the Codes Enforcement Officer of the Town of Scipio shall be the Building Inspector for purposes of this Local Law unless a different person is appointed by the Town Board to enforce the provisions of this Local Law.

A “Dangerous or Unsafe Building” shall mean a Building that is structurally unsound; unsanitary; not provided with adequate ingress or egress; which constitutes a fire hazard; which has become unsafe by reason of damage from fire, the elements, age or general deterioration; which has become unsafe by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment; which is open at the doorways, windows or other openings making it accessible to children or other trespassers; is or may become a place of rodent infestation; presents any other danger to the health, safety and general welfare of the public; or is unfit for the purposes for which it may lawfully be used.

Section 4.2 *Separability.* If any part or provision of this Local Law or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Local Law or the application thereof to other persons or circumstances and the Town of Scipio, by its Town Board, hereby declares that it would have enacted this Local Law or the remainder thereof had the invalidity of such provision or application thereof been apparent.

Section 4.3 *Effective Date.* This Local Law shall become effective upon the date of filing same with the Secretary of State.

Be it enacted this _____ day of _____, 2010 by the Town Board of the Town of Scipio, Cayuga County, New York.