

Public Hearing - Unsafe Building Law
June 9, 2010

This public hearing was called to order at 7:00 pm by Town Supervisor Keith Batman with the following present:

Supervisor: Keith Batman
Council Members: Mark Malys, Greg Rury, Keith Welch, Gary Whitten
Highway Superintendent Ron Walter Town Attorney David Thurston
Town Clerk Judith Rowlands Town Historian Sandie Gilliland
Transfer Station Attendant DJ Grady Planning Board Chair Bruce Hatfield
Board of Assessment Review Chair & Planning Board member Tom Olenych
Planning Board member Gary Mutchler Bookkeeper Becky Rury
Fourteen other Scipio Town Residents:

Supervisor Batman announced that the purpose of the hearing is to hear comments, concerns, and reactions from Scipio residents in response to an Unsafe Building Law. Copies of the following summary as well as copies of the entire draft law were distributed.

Town of Scipio - Unsafe Building Law Summary

Purpose (Section 1.2):

Purpose is to “provide for the health, safety, protection and general welfare...”

Definition of unsafe (Section 4.1)

Elements of a dangerous or unsafe building:

- structurally unsound or unsanitary
- a fire hazard
- open at doorways or windows making it accessible to children
- place of rodent infestation
- unfit for the purposes for which it may be lawfully used

Procedure (section 3)

- Building inspector makes a written report to the Town Board regarding a building he determines unsafe along with specific recommendation
- Based on the report and its judgment, the Town Board determines if the building is unsafe.
- If so, Board passes a resolution to this affect and orders repair and notification of owner
- Owner is notified (mail, posting on property, other) of specifics: exactly what makes the building unsafe and exactly what needs to be done to reestablish “safety”
- Public hearing is scheduled at which the owner and anyone else can discuss the status of the building and the resolution of correction.
- Following the hearing, the Town Board again votes. This time to confirm the original order, to modify it, or to rescind it.

If the owner is deemed to be required to repair or demolish a building, he/she has 31 days after the final notice to begin work or acknowledge the decision and 90 days to complete.

The process allows for the Board to extend the time lines by resolution for “for good cause.”

Supervisor Batman opened the floor for comments. Two residents offered suggestions for changes and/or asked for clarification of wording/process. Four residents spoke in opposition to the law. Three residents spoke in support. Among the comments were:

In Section 3.1, it is not clear who would pay for inspections.

It was requested (reference to Section 3.6) that the Town Historian be involved in the process, since we have many buildings in Scipio which may have historic value even though not inhabitable.

Size of buildings is not clear in Section 4.1; for example would a corncrib or doghouse fall under this law?

I am against this law – it's my land, and I want no more chipping away at my liberties. It is costly to either fix up or tear down buildings, and might be a real financial hardship.

The government is too much into people's business. I like the rural area.

People have a right to privacy; to live at whatever level they can afford, even if neighbors have a different standard.

Such a law as this one would be impossible to enforce.

I don't think we need such a law. I do have a concern that if the town determines a building to be safe, and later someone is injured, would the town be liable?

Vermin can spread to neighbor's property from an abandoned home, and affect the property values in the neighborhood. I agree that people have a right to live as best they can, but their neighbors have rights too. I keep a clean house, and yet I have to spend a lot on rat poison because they come across the road from the vermin-infested trailers. We need to think about all the people in the town. We've lived here 35 years, and it's time to do something.

The law does not address how someone could report a violation.

There has to be a happy medium to this problem. An uninhabited house next door to me is overrun with feral cats as well as rats, and I have a concern about rabies.

This is Scipio; it's a rural area with old barns and old houses. Standards have changed, and we are turning into government-controlled socialism.

Is this law comparable to other towns in the area?

Town Attorney: Yes, it is based on other similar town's laws.

Can't the County Health Department condemn a building?

Supervisor: Yes, they can declare it unfit for habitation, but they take no further action.

Supervisor Batman thanked everyone for coming, and encouraged everyone to feel free to call 315-364-5740 or email scipiotown@gmail.com with any other comments or questions.

The hearing was adjourned at 7:30 pm.

Respectfully submitted,

Judith Rowlands, Clerk