

**Town of AuSable**

**Local Law No. 2 of the Year 2016**

**A Local Law Providing for the Repair or Removal of Unsafe Buildings and Collapsing Structures**

Be it enacted by the Town Board of the Town of AuSable as follows:

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

**Section 2.** This local law shall be known as “Unsafe Buildings Law” of the Town of AuSable.

**Section 3. Definitions.** (A) “Building” means any building, structure or portion thereof used for residential, business, agricultural or industrial purpose. (B) “Building Inspector” means the Zoning Enforcement Officer of the Town of AuSable or such other person appointed by the Town Board to enforce the provisions of this local law.

**Section 4. Prohibition.**

- A. It shall be unlawful for any owner, tenant or occupant of any building or structure or portion of any building or structure in the Town to maintain such building or structure or portion thereof in any condition or manner which shall be unsafe, as described in section 5, herein.
- B. Any owner, occupant or person in custody of real property located within the Town who allows or permits a building to continue as a dangerous building after due notice as provided hereinafter shall be guilty of a violation of this Local Law and shall be punished as set forth herein.

**Section 5. Investigation and Report.** When the Building Inspector, 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 (18) 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 the 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 of removal.

**Section 6. 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 7. Notice; Contents.** The notice shall contain the following: (1) the name of the owner or person in possession as appears on the records of the receiver of taxes or of the county clerk; (2) a description of the premises; (3) a statement of the particulars in which the building is unsafe or dangerous; (4) an order outlining the manner in which the building is to be made safe and secure, or demolished and removed; (5) 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; (6) 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 date of service of the notice, at which hearing the owner or occupant shall have the right to contest the order and findings of the Town Board; (7) 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 securing, demolition or removal, including legal expenses, pursuant to Section 78(b) of the New York State General Municipal Law; and (8) a statement that the failure to commence the necessary repairs, improvements or demolition within the time specified in the notice will constitute a violation of the law subjecting the violators to a fine not to exceed Two Hundred Fifty Dollars (\$250.00) for each week of such violation

**Section 8. Service of Notice.** The said notice shall be served by serving and posting copies thereof as follows: 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 of the county clerk; or if no such person can reasonably be found by mailing such copy to the owner by registered mail a copy of such notice directed to the last known address as shown by the above records, then (1) 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 (2) by securely affixing a copy of such notice upon the unsafe building.

**Section 9. Filing in Clerk's Office.** A copy of the notice served as provided herein shall be filed in the office of the County Clerk of the County of Clinton.

**Section 10. Hearing.** The Town Board shall conduct the public hearing at the time and place specified in the notice to repair or demolish, and such hearing shall take place no later than thirty (30) days from the date of the Town Board's initial determination as set forth in Section 6, herein. The owner shall have the opportunity to appear and speak on the matter. At the conclusion of the hearing, the Town Board shall determine, by resolution, to revoke the Order to repair, remove or demolish the unsafe building or structure in question, revise said Order or continue and affirm said Order to direct the owner or other persons to complete the work within the time specified in the Order or such other time as shall be determined by the Town Board.

**Section 11. Failure to Comply.** (A) In the event of refusal, failure or neglect of the person so notified to comply with said order of the Town Board within the time specified in such order 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 independent contractors, if by contract, then procurement shall be in accordance with the provisions of the Town's procurement policy and applicable provisions of New York State law.

(B) In the event of the refusal, failure or neglect of the owner or person so notified to comply with said order of the Town Board within the time specified in the order and after the public hearing such owner or person shall be guilty of a violation under penal law.

**Section 12. Penalties.** Any person found guilty of violating this Local Law shall be liable for a fine of One Hundred Fifty Dollars (\$150.00) for the first violation; after thirty (30) days, a Two Hundred Fifty Dollars fine; and after sixty (60) days, a Fifty Dollar (\$50) fine per day. If such violation continues, each week shall constitute a separate violation.

**Section 13. 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, but not limited to, the cost of actually repairing such building, demolishing such building, removing such building, and legal fees and expenses shall be assessed against the land on which such building is located and shall be levied and collected in the same manner as provided for the levy and collection of real property taxes.

**Section 14. 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 13 hereof.

**Section 15. Severability.** Each separate provision of this Local Law shall be deemed independent of all other provisions herein, and if any provisions shall be deemed or declared invalid, all other provisions hereof shall remain valid and enforceable.

**Section 16. Effective Date.** This Local law shall take effect upon filing with the New York State Secretary of State.