

UNSAFE BUILDINGS/STRUCTURES, EQUIPMENT AND CONDITIONS LAW

Section 1. Title

This law shall be known as the "Unsafe Buildings/Structures, Equipment and Conditions Law" of the Town of Ridgeway. This Local Law shall repeal and replace any Local Legislation, Law, Rule or Regulation not consistent herewith.

Section 2. Purpose

Unsafe buildings and structures pose a threat to life and property in the Town of Ridgeway. Buildings and structures may become unsafe by reason of damage by fire and/or other accidental damage, age or general deterioration. Vacant/Abandoned building(s) or Structures not properly secured 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. An unsafe building(s) or structure(s) may also serve as a place of rodent infestation, thereby creating a health menace to the community. Debris, rubble, scrap, abandoned machinery or equipment or parts of buildings left on the ground and not removed constitute a dangerous, unhealthy and unsightly condition. 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 Ridgeway by requiring that such unsafe building(s) or structures, equipment and conditions be repaired and secured or demolished and/or removed.

Section 3. Statutory Authority

This law is enacted pursuant to Articles 2 and 3 of Municipal Home Rule Law and Section 130(16) of NY Town Law, all as the same may be amended from time to time.

Section 4. Definitions

The following words and phrases as used in this local law shall have the meaning hereinafter ascribed to them.

ABANDONED-Left by its owner to fall into a state of disuse.

EQUIPMENT-Implements used in an operational activity that is in such disrepair or condition that such equipment is a hazard to life, health or safety of the public or occupants of the premises or structure.

TOWN - The Town of Ridgeway.

TOWN BOARD - The Town Board for the Town of Ridgeway.

BUILDING - A dwelling wholly or partly enclosed within exterior walls or within exterior or party walls and a roof, affording shelter to persons, animals or property.

DANGEROUS/UNSAFE BUILDING OR STRUCTURE OR EQUIPMENT - It is intended to include, by example, any building or structure or portion thereof which:

- a. Has interior walls or other vertical structural members which list, lean or buckle to such an extent that a plumb line passing through the center of gravity falls outside of the middle 1/3 of its base;
- b. Exclusive of the foundation, shows 33% or more of damage to, or deterioration of, the supporting member(s) or 50% damage to or deterioration of the non-supporting enclosing or outside walls or covering;
- c. Has improperly distributed loads upon the floors or roofs or in which the same are overloaded or have insufficient strength to be reasonably safe for the purpose used;
- d. Has been damaged by fire, wind or other causes so as to have become dangerous to life or safety or the general health and welfare of the occupants or others;
- e. Has become or is so dilapidated, decayed, unsafe, unsanitary or which so utterly fails to provide the amenities essential to decent living that it is unfit for human habitation or is likely to cause sickness or disease, so as to possibly result in injury to the health, safety or general welfare of those living therein;
- f. Has light, air and sanitation facilities which are inadequate to protect the health, safety or general welfare of human beings who live or may live therein;
- g. Has inadequate facilities for egress in case of fire or panic or has insufficient stairways, elevators, fire escapes or other means of ingress and egress;
- h. Has parts thereof which are so attached that they may fall and injure persons or property;
- i. Because of its condition, is unsafe, unsanitary or dangerous to the health, safety or general welfare of people;
- J. Is open at the doorways or windows or walls, making it accessible, to and an object of, attraction to minors and other trespassers;
- k. Is or may become a place of rodent infestation; or
- l. Consists of debris, rubble or parts of buildings left on the ground after demolition, reconstruction, fire or another casualty.
- m. Is unfit for the purposes for which it may be lawfully used that there exists a hazard to life, health or safety to the public or occupants of the premises or structure.

ENFORCEMENT OFFICIAL - The official duly appointed by the Town Board by resolution to enforce the provisions of this law.

STRUCTURE - An assembly of materials, forming a construction framed of component structural parts for occupancy or use, including buildings.

VACANT- Not lived in or not put to use.

Section 5. Investigation and Report.

When, in the opinion of the Enforcement Official, or upon receipt of information {from police officer, law enforcement officer, fireman or resident of the Town), that dangerous or unsafe building or structure, equipment or conditions as defined in Section 4, exists in the Town, the Enforcement Official shall cause or make an inspection thereof and report in writing to the Town Board his or her findings and recommendations in regard to its repair or demolition and removal. Said report may also include additional reports from an Engineer duly licensed in the State of New York.

Section 6. Determination of the Town Board

The Town Board shall thereafter consider such report and, by resolution of a majority of its members determine, if in its opinion, the report so warrants, that such building or structure is dangerous/unsafe as defined herein 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 appropriate persons in the manner provided in Section 7.

Section 7. Contents of Notice

The notice shall contain the following:

- a. The 911 address, Tax Parcel number(s) and a description of the building(s)/structures(s);
- b. A statement of the particulars in which the building or structure is unsafe or dangerous;
- c. An Order requiring the building or structure to be made safe and secure or demolished and removed; a building permit may be required
- d. A statement that the repair/securing or demolition/removal of such building or structure shall start within seven (7) calendar days after the date of the close of the public hearing and shall be completed within 30 days thereafter, unless extended in writing by the Enforcement Official or the Town Board;
- e. The time and place for a hearing to be held before the Town Board regarding the report(s) and notice to repair/secure or demolish/remove; and
- f. A statement that in the event of neglect or refusal to comply with the Order to repair/secure or demolish and remove the building or structure, the Town Board is authorized to provide for its demolition and removal, to assess all costs and expenses incurred by the Town in connection with the proceedings, including the cost of actually removing said building or structure against the land and/or owner(s) and to require repayment/reimbursement.
- g. Indicate that a placard will be placed after 30 days

Section 8. Service of Notice

The notice shall be served:

- a. Upon the owner, executor, legal representative, administrator, agent, lessee or any person having a vested or contingent interest in such unsafe building or structure, either personally or by registered mail, return receipt requested, addressed to the last known address, if any, of the owner, executor, legal representative, administrator, agent, lessee or any person having a vested interest or contingent interest in such unsafe building/structure, as shown by the Town tax records or the records of the Orleans County Clerk's Office; and
- b. If such notice is served by registered mail, by securely affixing a copy of such notice upon the dangerous/unsafe building or structure.

Section 9. Filing

A copy of the notice shall be filed in the office of the Orleans County Clerk, which notice shall be filed by such Clerk in the same manner as a notice of pendency pursuant to Article 65 of the Civil Practice Law

and Rules by the State of New York and shall have the same effect as a notice of pendency as therein provided.

A notice so filed shall be effective for one (1) 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 Orleans County Clerk shall mark such notice and any record or docket thereof as canceled of record upon the presentation and filing of such consent or of a certified copy of such Order.

Section 10. Refusal to Comply

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 with a third-party.

Section 11. Assessment and Reimbursement of Costs

The Town shall be reimbursed for all costs of work performed or services rendered by assessment and levy on the real property on which such dangerous/unsafe condition was remedied, including but not limited to the cost of demolition and removal of said building(s) or structure(s), administrative, engineering, and legal costs and expenses. The cost and expense so assessed shall constitute a lien and charge on the real property on which it is levied until paid or otherwise satisfied or discharged and shall be collected in the same manner and at the same time as other Town charges.

Section 12. Emergency Cases

Where it reasonably appears that there is a present, clear and imminent danger to life, safety or health of any person or property, unless a dangerous/unsafe building or structure is immediately secured or demolished, the Town Board may, by resolution, authorize the Enforcement Official to immediately cause the securing or demolition and removal of such dangerous/unsafe building or structure. The expenses of such securing or demolition and removal, including any administrative, engineering and legal costs and expenses, shall be a charge against the land on which it is located and shall be assessed, levied and collected as provided in Section 11 hereof.

Section 13. Validity

If any section, paragraph, subdivision or provision of this law shall be declared unlawful or invalid, such determination shall apply only to the section, paragraph, subdivision, or provision adjudged unlawful or invalid and the remainder of the Local Law shall remain valid and effective to the maximum extent possible.

Section 14. Effective Date.

This local law shall take effect upon it being duly filed in the Office of the Secretary of State of the State of New York.