

## **TOWN OF SCHROON LOCAL LAW NO. 2 OF 2019**

A LOCAL LAW ESTABLISHING "UNSAFE BUILDINGS LAW" OF THE TOWN OF SCHROON.

### **Section 1. Authority**

This Local Law is adopted pursuant to the provisions of the Municipal Home Rule Law of the State of New York.

### **Section 2. Title**

This Local Law shall be known as "Unsafe Buildings Law of the Town of Schroon."

### **Section 3. Purpose**

The purpose of this Local Law is to provide for the safety, health, protection and general welfare of persons and property in the Town of Schroon by requiring unsafe buildings to be secured and repaired or demolished and removed.

### **Section 4. Applicability**

The provisions of this Local Law shall apply in addition to the provisions of any other local law or ordinance adopted by the Town. Where there is a conflict, the more restrictive provisions shall apply.

### **Section 5. Definitions**

For the purposes of this Local Law, the following terms shall have the following meanings:

- a. BUILDING means any building, structure or portion thereof used for residential, business or industrial purpose.
- b. CODE ENFORCEMENT OFFICER means the Code Enforcement Officer for the Town of Schroon or such other person appointed by the Town Board to enforce the provisions of this Local Law.
- c. OWNER means the Title Owner of any interest in real property including any Mortgage holder when such Mortgage holder is the owner in possession.

## **Section 6. Investigation and Report; Informing Owner**

- A. When the Code Enforcement Officer believes, whether based on his or her own observation or upon receipt of information from a third party, 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 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) may be unfit for the purposes for which it may lawfully be used, the Code Enforcement Officer shall make an inspection thereof, report in writing to the Town Board of his or her findings and recommendations and send a letter to the Owner of said property concerning the alleged condition of the property and requesting that the Owner meet with the Code Enforcement Officer as soon as possible.
- B. If the Owner of said property and the Code Enforcement Officer meet and agree on a course of action (if necessary), in an agreed upon time frame no further action will be required at this time.
- C. If the Owner does not respond to the Code Enforcement Officer's letter or if an agreement is not reached on a course of action, the Town Board shall thereafter consider the Code Enforcement Officer's report and by Resolution determine, if in its opinion the report so warrants, that such building is unsafe and dangerous and order that a letter be mailed to the Owner in the manner provided herein.
- D. Pursuant to the Resolution of the Town Board, a formal letter shall be sent by certified mail, return receipt requested, to the Owner of said property concerning the alleged condition of the property. The letter shall request that the Owner reply within ten (10) days to the Code Enforcement Officer or other representative(s) appointed by the Town Board. The Town Board Members will be given copies of said letter. If the Owner does not respond to the first letter, a second letter shall be sent by certified mail, return receipt requested, demanding that the Owner respond to the letter within ten (10) days.

## **Section 7. Inspection; Town Board Order**

- A. If the Owner fails to respond to the second letter or if the issue is not resolved, the Code Enforcement Officer shall seek to gain legal access to the premises and hire a licensed building inspector, licensed engineer or the Town of Schroon's Health Officer to inspect the premises and prepare a report of his or her findings and recommendations.
- B. If the Building Inspector's report indicates that the building is a "Dangerous or Unsafe Building" under the criteria listed below, the Town Board shall order its repair, if it can be safely repaired, or its demolition and removal. The Town Board shall further schedule a

hearing in relation to such dangerous or unsafe building and order that a notice in writing be served upon the persons and in the manner hereafter provided. A hearing shall be held before the Town Board at a time and place therein specified to determine whether said order to secure and repair or demolish and remove shall be affirmed, modified or vacated.

- C. Any building deemed Dangerous or Unsafe shall be considered uninhabitable and unusable and any Certificate Occupancy/Certificate of Compliance and any variances shall be rescinded immediately and deemed null and void.

#### **Section 8. Notice; Contents**

The notice shall contain the following: (1) a description of the premises, (2) a statement of the particulars in which the building is unsafe or dangerous, (3) an order outlining the manner in which the building is to be made safe and secure or demolished and removed, (4) a statement that the securing or removal of such building shall commence within a period of not more than ten (10) days to thirty (30) days from the service of the notice and shall be completed not more than thirty (30) days to ninety (90) days thereafter, the exact time frame for such commencement and completion to be determined in each instance by the Town Board, unless for good cause shown such time shall be extended, (5) 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 fourteen (14) days from the date of service of the notice and (6) a statement that in the event of neglect or refusal to comply with the order to secure and repair 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 demolition, including legal expenses.

#### **Section 9. Service of Notice**

- A. The notice shall be served:
  - (1) on 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 building, 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 the building, as shown by the records of the receiver of taxes and/or in the office of the County Clerk or county register; and

- (2) 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
  - (3) by securely affixing a copy of such notice upon the unsafe building.
- B. Where there are multiple Owners of any real property, notice to any one of them shall satisfy the requirements of this Local Law.
- C. A copy of the notice served as provided herein shall be filed in the office of the Essex County Clerk.

### **Section 10. Hearing**

The Town Board shall conduct the hearing at the time and place specified in the notice. At the conclusion of the hearing, the Town Board shall determine by Resolution to either (a) revoke the order to secure and repair or demolish and remove the unsafe building or structure in question, (b) revise said order or (c) 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**

In the event of the refusal or neglect of the person(s) so notified to comply with the 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. Except in an emergency as provided in Section 12 hereof, any contract for demolition and removal of a building in excess of \$5,000 shall be awarded through competitive bidding.

### **Section 12. Criteria for Unsafe Building Determination**

All buildings or structures which have any or all of the following defects shall be deemed dangerous or unsafe buildings:

- A. Interior or exterior bearing walls or other vertical structural members that list, lean or buckle to such an extent as to weaken the structural support they provide.
- B. Thirty-three percent (33%) or more damage to or deterioration of the supporting member or members or fifty percent (50%) or more damage to or deterioration of the non-supporting, enclosing or outside walls or covering.

- C. 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. Damage by any cause so as to have become dangerous to life, safety or the general health and welfare of the occupants or the people of the Town of Schroon.
- E. Those which are so dilapidated, decayed with mold and / or mildew, unsafe and/or unsanitary that they are unfit for human habitation in accordance with normally accepted standards set for human habitability.
- F. Light, air and sanitation facilities inadequate to protect the health, safety or general welfare of human beings who may live therein, with particular reference to the requirements of the New York State Uniform Fire Prevention and Building Code as a determinant.
- G. Inadequate facilities for exit in case of fire or other emergency or insufficient stairways, elevators or fire escapes, again referencing the New York State Uniform Fire Prevention and Building Code as a determinant.
- H. Parts thereof which are so inadequately attached that they may fall and injure members of the public or property.
- I. Those which consist in the main of debris, rubble or parts of buildings left on the ground after demolition, reconstruction, fire or other casualty.
- J. Those which, because of their condition, are unsafe, unsanitary or dangerous to the health, safety or general welfare of the people of the Town of Schroon.

### **Section 13. Assessment of Expenses**

All expenses incurred by the Town in connection with the proceedings to secure and repair or demolish and remove the unsafe building, including any costs of actually securing, repairing, demolishing and removing the building, shall be assessed against the land on which such building is located and shall be levied and collected in the same manner as provided in Article 15 of the Town Law for the levy and collection of a special ad valorem levy.

### **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

secured and repaired or demolished and removed, the Town Board may by Resolution authorize the Code Enforcement Officer to immediately cause the unsafe building to be secured and/or demolished and removed. The expenses of securing, repair or demolition and removal shall be a charge against the land on which the building is located and shall be assessed, levied and collected as provided in Section 13 hereof.

### **Section 15. Supersession**

This Local Law shall supersede all prior local laws, ordinances, regulations and rules related to unsafe or collapsed structures within the Town of Schroon. This Local Law shall also supersede the provisions of Town Law Section 130(16) to the extent that it requires an inspection by a licensed building inspector, additional notice to the Owner prior to the Town Board's adoption of an order to secure and repair or demolish and remove the building and other additional procedural steps.

### **Section 16. Severability**

The invalidity of any clause, sentence, paragraph or provision of this Local Law shall not invalidate any other clause, sentence, paragraph or part thereof.

### **Section 17. Effective Date**

This Local Law shall become effective on January 1, 2020.