Local Law #3 of 2002

A LOCAL LAW PROVIDING FOR THE REPAIR OR REMOVAL OF UNSAFE BUILDINGS, AND COLLAPSED STRUCTURES

Section 1 Purpose

Unsafe buildings pose a threat to life and property in the Town of Watson. 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 Watson by requiring that such unsafe buildings be repaired or demolished and removed.

Section 2 Title

This local law shall be known as "Unsafe Buildings Law" of the Town of Watson.

Section 3 Definitions

(l) "Building" means any building, trailer, structure or portion thereof used for residential, business or industrial purpose.

(2) "Building Inspector" means the building inspector of the Town of Watson or such other person appointed by the Town Board to enforce the provisions of this Local Law.

Section 4 Investigation and Report

When in the Building Inspector's opinion, or upon receipt of information that a building (I) is or may become dangerous or unsafe to the general public, (2) is open at the doorways or 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 infestations (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 and removal.

Section 5 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 person or persons described in Section 7 and in the manner provided herein.

Section 6 Notice: Contents

The notice shall contain the following; (l) 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 30 days of the service of the notice and shall be completed within 60 days thereafter, 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 five businesses 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 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 7 Service of Notice

The said notice shall be served (l) 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 tax collector) or of the County Clerk; or if no such person can be reasonably found by mailing such owner by registered mail a copy of such notice directed to his last known address as shown by thc above records 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 a copy of such notice upon unsafe building.

Section 8 Copy of Notice

A copy of the notice served as provided herein shall be filed in the office of the County Clerk of the County of Lewis.

Section 9 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 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 emergency as provided in Section 1 1 hereof, any contract for demolition and removal of a building in excess or $5,000, shall be awarded through competitive bidding.

Section 10 Assessment of Expenses

All expenses incurred by the Town in connection with the proceeding to repair and secure or demolish and remove the unsafe building, including the cost of actually removing such 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 fifteen of the Town Law for the levy and collection of a special ad valorem levy.

Section 11 Emergency Cases

Where it reasonably appears that there is present a clear and imminent danger to the lives 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 expense 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 10 thereof.

Section 12 Compensation

The Code Enforcement Officer appointed as provided herein shall be paid reasonable compensation as shall be fixed by the Town Board.

Section 13 Enforcement

In addition to the foregoing, any person, corporation. partnership, association or any other entity owning, controlling or managing any building who shall fail to promptly and timely comply with an order made pursuant to Section 5 herein, shall be subject to a civil penalty in the sum of $250,000, to be recovered by the Town in a civil action and/or a special proceeding pursuant to Article 4 of the Civil Practice Law and Rules of the State of New York. Each week of such non-compliance shall be deemed a separate offense for which a civil penalty of $250,000 may be recovered by the Town. Where the person committing such noncompliance is a partnership, association or corporation, the principal executive officer, partner, agent or manager may be considered to be the person for the purposes of this section.

Notwithstanding the foregoing and in addition thereto, in the event of any incidents of noncompliance with an Order made pursuant to Section 5 hereof, the Town may institute an appropriate action at law or in equity and/or a special proceeding pursuant to Article 4 of the Civil Practice Law and Rules of the State of New York to compel compliance with such order to prevent occupancy of such building and/or to authorize the Town to exercise its rights pursuant to Section 9 and/or Section 10 thereof.

Section 14 Effective Date

This Local Law shall take effect immediately upon filing thereof in the office of the Secretary of State.