

TOWN OF WESTMORELAND

town.westmoreland.ny.us

P.O. Box 310
100 Station Road
Westmoreland, New York 13490

Phone-315-853-8001

Fax-315-853-1645

E-mail-wmorland@dreamscape.com

RE: Unsafe Building Law

A Local Law providing for the repair or removal of unsafe buildings and collapsed structures.

BE IT ENACTED by the Town Board of Town of Westmoreland State of New York as follows:

SECTION 1. Purpose. Unsafe buildings pose a threat to the life and property in the Town of Westmoreland. Buildings and structures may become unsafe by reason of damage by fire, the elements, age or general deterioration. Vacant buildings not properly secured at the 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 Westmoreland by requiring such unsafe buildings be repaired or demolished and removed.

SECTION 2. This local law shall be known as the "Unsafe Buildings Law" of the Town of Westmoreland.

SECTION 3. Definitions. (1) "Building" means any building, structure or portion thereof used for residential, business or industrial purposes. (2) "Building Inspector" means the building inspector of the Town of Westmoreland or such other person appointed by the Town Board to enforce the provisions of this local law.

SECTION 4. Investigation and Report. The Building Inspector, when 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 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) 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 persons and in the same manner provided herein.

SECTION 6. 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) a report outlining the manner in which the building is to be made safe and secure, or demolished and remove, (4) 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, (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 (5) business 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

interest in such unsafe building as shown by the records of the 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 the above records and (2) by personal service of a copy of such notice upon any adult person residing in or occupying such premises if such person can be reasonably found and (3) by securely affixing a copy of such notice upon the unsafe building.

SECTION 8. A copy of the notice served as provided herein shall be filed in the office of the Town Clerk.

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 the emergency as provided in Section 11 thereof, any contract for demolition and removal of a building in excess of \$5,000.00 shall be awarded through competitive bidding.

SECTION 10. Recovery of Costs. The Town Board may commence a special proceeding in a court of competent jurisdiction to collect the cost of demolition, removal or repair of such building, including reasonable and necessary expenses or incidental to obtaining an order to demolish, from the owner of any building that may now be or shall heretofore become dangerous or unsafe to the public. The provision of article four of the civil practice law and rules shall govern any special proceeding commenced under this section.

SECTION 11. Emergency Cases. Where it reasonably appears that there is present 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 repair or demolition of such said building. The expenses of such repair or demolition shall be recovered as provided in section 10 hereof.

SECTION 12. The surveyor appointed as provided herein shall be paid reasonable compensation as shall be affixed by the Town Board.

SECTION 13. Validity. If any section, paragraph, subdivision or provision of the law shall be declared invalid, such invalidity shall apply only to the section, paragraph, subdivision or provision adjudged invalid and the rest of the law shall remain valid and effective.

SECTION 14. Effective Date. This law shall take effect immediately upon filing thereof in the office of the Secretary of State.

Local Law 2, 1985