

TOWN OF LEYDEN LOCAL LAW # 2 OF 2006

UNSAFE BUILDINGS LAW

Be it enacted by the Town Board of the Town of Leyden, Lewis County, New York, as follows:

SECTION 1. PURPOSE.

Unsafe buildings pose a threat to life and property in the Town of Leyden. Building 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 a 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 chapter to provide for the safety, health, protection and general welfare of persons and property in the Town of Leyden by requiring such unsafe buildings to be repaired or demolished and removed.

SECTION 2. TITLE.

This chapter shall be known as the "Unsafe Buildings Law" of the Town of Leyden.

SECTION 3. DEFINITIONS.

As used in this chapter, the following terms shall have the meanings indicated:

BUILDING – Any building, structure or portion thereof used for residential, business or industrial purposes.

CODE ENFORCEMENT OFFICER – The Code Enforcement Officer of the Town of Leyden or such other person appointed by the Town Board to enforce the provisions of this chapter.

SECTION 4. INVESTIGATION AND REPORT.

The Code Enforcement Officer, when in his own Opinion or upon receipt of information that a building is or may become dangerous or unsafe to the general public: 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; is or may become a place of rodent infestation; presents any other danger to the health, safety, morals and general welfare of the public, or is unfit for the purpose for which it may lawfully be used, 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. ORDER FOR REPAIR OR DEMOLITION.

The Town Board shall thereupon 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 an unsafe building notice be served upon the persons and in the manner provided herein.

SECTION 6. CONTENTS OF NOTICE.

- A. The unsafe building notice shall contain.
 - (1) A description of the premises;
 - (2) A statement of the particulars in which the building is unsafe or dangerous; and
 - (3) A report outlining the manner in which the building is to be made safe and secure or demolished and removed.
- B. Additionally, the unsafe building notice shall contain:
 - (1) 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;
 - (2) A date, time and place for a hearing before the town in relation to such dangerous or unsafe building, which hearing shall be scheduled not less than ten (10) business days from the date of service of the notice; and
 - (3) 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 owner and to institute a special proceeding to collect the costs of demolition, including legal costs.

SECTION 7. SERVICE OF NOTICE.

The unsafe building notice shall be personally served, or a copy thereof, upon the owner, executor, administrator, agent, lessee or any person having a vested interest or contingent 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 to such owner by registered mail a copy of such notice directed to his last known address as shown by the above records and 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. In either of the above cases, a copy of such notice shall be affixed securely upon the unsafe building.

SECTION 8. FILING IN OFFICE OF COUNTY CLERK.

A copy of the notice served as provided herein shall be filed in the office of the Lewis County 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 case of emergency as provided in §11, any contract for demolition and removal of a building in excess of five thousand dollars (\$5,000.) 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 hereafter become dangerous or unsafe to the public. The provisions of Article 4 of the Civil Practice Law and Rules shall govern any special proceeding commenced under this section.

SECTION 11. EMERGENCIES.

Where it reasonably appears that there is a clear and imminent danger to 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 Enforcement Officer to immediately cause the repair or demolition of such unsafe building. The expenses of such repair or demolition shall be recovered as provided in §10 hereof.

SECTION 12. EFFECTIVE DATE.

This Local Law shall take effect immediately upon filing in the office of the New York Secretary of State pursuant to Section 27 of the Municipal Home Rule Law.