

LOCAL LAW # 1 OF 2022 – RAZE OR REPAIR OF UNSAFE BUILDINGS

JUNE , 2022

WHEREAS, the Town of Chemung wishes to enact a local law to protect the safety and welfare of the public from dangerous and unsafe structures within the Town of Chemung; therefore, the Town proposes this local law to provide the Town with effective procedures to raze or repair unsafe structures; and

WHEREAS, the proposed Local Law No. 1 of 2022 for the raze and repair of unsafe buildings, thereof in its final form having been upon the desks of members of the Board for at least seven (7) calendar days, exclusive of Sunday, prior to this day, and a public hearing having been duly held on , 2022 before the Board upon public notice provided by law, and the said proposed local law having been read in its final form at this meeting;

LOCAL LAW NO. 1 OF 2022

A LOCAL LAW OF THE TOWN OF CHEMUNG, NEW YORK,

For establishing the procedures to allow the Town to take action by way of raze or repair unsafe buildings and structures located within the Town to protect the general welfare of the public.

NOW, THEREFORE,

BE IT RESOLVED, that said proposed Local Law No. 1 of 2022 for the raze or repair of unsafe buildings and structures is hereby adopted and enacted, to wit:

Section 1. The Town of Chemung hereby enacts Local Law #1 of 2022 to Raze or Repair Unsafe Buildings to read as follows:

ARTICLE I. Generally

- a. *Purpose:* The intent of this law is to provide for the demolition, removal, or repair of all buildings and structures or any parts thereof which may now or shall hereafter become unsafe or dangerous to the public by any cause.
- b. *Compliance with state standards:* The provisions of this law shall be in addition to and in furtherance of the New York State Uniform Fire Prevention and Building Code, including and not limited to the Property Maintenance Code of the State of New York.

c. *Inspection and Report:* When in the opinion of the Code Enforcement Officer, who is hereby designated as the enforcement officer of this law, any building or structure or any part thereof, located in the Town shall be deemed dangerous or unsafe to the public, the Code Enforcement Officer shall make a formal inspection thereof, and submit a written report to the Town Board which includes the findings and recommendations in regard to the building's or structure's removal, demolition, or repair.

d. *Order of Raze or Repair:* The Town Board shall thereafter consider said report and if it finds sufficient grounds to establish that the building or structure or any part thereof to be dangerous and unsafe to the public, the Town Board shall order, by resolution, its removal, demolition, or repair, if the same can be safely repaired.

ARTICLE II. Notice

a. *Procedure:* The Town Board shall order that a notice be served in regard to the Town Board's finding to proceed with removal, demolition, or repair. Service may either be performed personally upon or by certified mail to the owner or the owner's executors, legal representatives, agents, lessees and may include any other person having vested or contingent interest in the premises as shown by the last preceding assessment roll of the Town or by the records of the County Clerk's office. If no such person can be reasonably found, then by certified mail, addressed to his or her last known address and by securely posting a copy of such notice upon said premises.

i. *Notice Contents:* The Notice shall contain the following:

1. A description of the premises.
2. A statement of the particulars for which the building or structure is unsafe or dangerous.
3. An order requiring the same to be made safe and secured, repaired, demolished, or removed.
4. The securing, removal, or demolition of the building or structure shall commence within 30 days of the service of the notice and shall be completed within 60 days thereafter.
5. Such notice shall further provide that in case the owner or such persons having interest in the property or structure as herein described wish to contest the order, that a hearing will be held before the Town Board at a time and place specified in the notice. In the event that such owner or persons having an

interest shall fail to contest such order and fail to comply with the same, the Town Board will order the repair, demolition, or removal of such building or structure and the Town will assess all costs and expense incurred by the Town in the repair, demolition, or removal of such building or structure against the land on which such building or structure is located.

ii. *Notice Filing/Cancellation*

1. A copy of the notice serviced in accordance with this article shall be filed with the Chemung County Clerk's Office which notice shall be filed by such Clerk in the same manner as a notice of pendency pursuant to Article 65 of the Civil Service Practice Law and Rules, and shall have the same effect as notice of pendency as therein provided.
2. A notice so filed shall be effective for a period of one 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 records or upon consent of the Town Attorney.
3. The Chemung County Clerk shall mark such notice and any record or docket thereof as cancelled or record upon the presentation and filing of such consent or a of a certified copy of such order.

ARTICLE III. Hearing

- a. At the time and date specified in the notice to repair, demolish, or remove, the Town Board shall conduct the public hearing. The Town Board shall allow the representation of testimony and evidence regarding the conditions of the property with reference to those particulars contained in the noticed. An adjournment may occur from time to time until the hearing is completed and until all interested parties are heard.
- b. At the conclusion of the hearing the Town Board shall determine whether to revoke the order to repair, demolish, or remove, or continue said order and direct the owner and/or other interested persons to complete the work within a specified time which shall be reasonable to the time needed to perform the work and the necessity to protect the general public.

ARTICLE IV. Failure to Comply with Order

- a. In the event that the owner and persons in interest shall fail to comply with the final order of the Town Board to repair, demolish, or remove, the Town Board shall order such building or structure to be made safe and secure,

repaired, demolished, or removed and assess all the costs and expense, including the cost associated with the remedies and a charge of not to exceed 10% of the costs of administration and supervision against the land on which such building or structure is located at the same time and in the same manner as general Town taxes.

ARTICLE V. Emergencies

a. Procedures: In the cases of an immediate danger to the life or safety of any person or property, unless an unsafe building or structure is immediately repaired or demolished and the owner or other responsible person in charge fails to take immediate action or cannot be located with due diligence, the Code Enforcement Officer shall report such facts immediately to the Town Board Supervisor and if the Town Supervisor confirms the findings of the Code Enforcement Officer, the Code Enforcement Officer shall cause the immediate repair, removal, or demolition of such unsafe building or structure. The costs of such emergency repair, removal, or demolition shall be assessed as set forth in section g.

ARTICLE VI. Enforcement

a. Transfer of Title: The transfer of title by the owner of the premises upon which an unsafe building or structure is located shall be no defense to any proceedings under this law.

b. Personal liability: Notwithstanding any provision herein to the contrary, the Town may at its election institute suit against the owner of said premises for the direct costs, together with the administration charges which are not to exceed 10% of the costs to compensate the Town for administering, supervising, and handling said work and enter judgment thereon against the owner personally for the aforesaid amount, The imposition and collection of any fine or penalty hereinafter described shall not bar the right of the said Town to collect the costs of removal, repair, or demolition of any unsafe structure or building as herein described

Section 3. All laws inconsistent with any provision or provisions of this law are hereby repealed.

Section 4. This law shall take effect immediately upon adoption and publication according to law.

BY ORDER OF THE TOWN BOARD OF THE TOWN OF CHEMUNG