

Local Law No. 1 of the year 2015
Unsafe Buildings Law of the Town of Denning
Be it enacted by the Town Board of Denning as follows

Section 1. TITLE.

This local law shall be known and cited as the "Unsafe Buildings Law of the Town of Denning" replacing the Same Titled Law No. 1 of 2010.

Section 2. PURPOSE.

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

Section 3. DANGEROUS BUILDINGS DEFINED

When the Building Inspector in his/her own opinion determines that a building: Is or may become dangerous or unsafe to the general public.

All of the buildings which have any or all of the following defects shall be deemed for the purposes of this Local Law to be dangerous buildings”:

- (a) Those which have been damaged by fire, wind or other causes so as to have become dangerous to life, safety, or the general health and welfare of the people of the Town of Denning.
- (b) Those, which have become or are so dilapidated, decayed unsafe, unsanitary or which so utterly fail to provide the amenities to decent living that they are unfit for human habitation, or are likely to cause sickness or disease, so as to pose injury to the health, safety or general welfare of those living therein or thereby.
- (c) Those having inadequate facilities for egress in case of fire or panic or those having insufficient stairways, elevators, fire escapes or other means of escape.
- (d) Those, which have parts, so attached that they may fall and injure members of the public or other property.
- (e) Those being open at the doorways and windows or wall, making it accessible to and an object of attraction to minors under eighteen years of age as well as to vagrants and other trespassers.
- (f) Those that consist of debris, rubble or parts of buildings left on the ground after demolition, reconstruction, fire or other casualty.

She/he shall cause or make an inspection thereof and report in writing to the Board of the Town of Denning his/her findings and recommendations for the building’s repair or demolition and removal

Section 4. (GOVERNING BODY) 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, if it cannot be safely repaired, its demolition and removal. The Town Board shall further order that a notice be served upon the persons set forth at Section 5 herein below in the manner provided herein below at Section 6.

Section 5. SERVICE OF NOTICE.

The notice shall be served (1) by personal service of a copy thereof upon the owner or the owner's executor, administrator, agent lessee, or legal representative and any other person having a vested or contingent interest in such unsafe building as shown by the records of the Town Receiver of Taxes and the County Clerk or if no such person can reasonably be found for personal service by mailing notice to such person by registered mail directed to his/her 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 said premises if such person can be reasonably found; and (3) by securely affixing a copy of such notice upon said Premises.

Section 6. CONTENTS OF NOTICE.

Said notice shall contain the following statements:

- (1) A description of the premises by Address and Tax Map #.
- (2) A statement of the particulars in which the building or structure is unsafe or dangerous.
- (3) An order requiring the same to be made safe and secure or removed.
- (4) That the securing or removal of the said building or structure shall be the discretion of the Building Inspector.
- (5) A date, time and place for a hearing before the Town Board on the issues of the unsafe building, which hearing shall be scheduled for the next board meeting 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 repair, secure or demolish and remove the building, the Town Board is authorized to provide for its repair or 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 costs and expenses.

Section 7. COPY TO BE FILED WITH TOWN CLERK

A copy of the notice served as provided herein shall be filled in the Denning Town Clerk's Office. The Town Assessor shall also be notified.

Section 8. HEARING; FAILURE TO COMPLY.

- A. A hearing may be held before the Town Board in accordance with the notice to repair or demolish, served upon the owner and such persons having an interest in the property as hereinabove prescribed.
- B. In the event that the owner fails or refuses to repair or remove such building or structure within the time provided, the Town may remove said building or structure.

Section 9. COLLECTION OF COSTS AND EXPENSES.

All costs and expense interred by the town in connection with the proceedings to remove or secure such building or buildings, including the actual cost of repairing or removal, shall be assessed upon the land upon, which said building or buildings are located. Such assessment shall be assessed on the next town assessment roll as an additional tax to the regular tax assessment against such property and the same shall be levied and collected in the same manner as the regular town tax. In the alternative, the Town Board may commence a special proceeding in a court of competent jurisdiction to collect the costs of demolition, including reasonable and necessary legal expenses incidental to obtaining an order to demolish, from the owner of any building or structure 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 10. SAVINGS CLAUSE

If any clause, sentence, paragraph, section or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment, decree, or order shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment decree or order shall have been rendered and the remainder of this local law shall not be affected thereby and shall remain in full force and effect.

2.)

Section 11. REMEDIES.

Any person, having been served, either personally or by registered or certified mail, with an order to remedy any condition found to exist in, on, or about any building in violation of the Fire Code and Property Maintenance Code, who shall fail to comply with such order within the time fixed by the regulations promulgated. such time period to be stated in the order, and any owner, tenant, maintenance, or fire protection equipment and systems, shall be punishable by a fine of not more than five hundred dollars (\$500.00) per day of violation, or imprisonment not exceeding one year, or both.

Section 12 REPEALER.

This Local 1 Law shall supersede all prior local laws ordinances, rules and regulations relative to the repair or removal of unsafe buildings within the Town and they shall be, upon the effective date of this Town Law, null and void.

Section 13. EFFECTIVE DATE.

This local law shall take effect immediately following its adoption by the Town Board after the filing of such local law with the Secretary of State.

3.)