

Chapter 64

BUILDINGS, UNSAFE

[HISTORY: Adopted by the Town Board of the Town of Liberty 3-12-1981. Amendments noted where applicable.]

GENERAL REFERENCES

Building construction and fire prevention administration — See Ch. 60.

Electrical inspections — See Ch. 74.

§ 64-1. Title; statutory authority.

This chapter shall be known as the "Unsafe Buildings Ordinance of the Town of Liberty" and is promulgated pursuant to the authority contained in § 130, Subdivision 16, of the Town Law of the State of New York.

§ 64-2. Purpose.

Unsafe buildings pose a threat to life and property in the Town of Liberty. 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 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. Debris, rubble or parts of buildings left on the ground and not removed constitute a dangerous, unhealthy and unsightly condition. 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 Liberty by requiring such unsafe buildings to be repaired or demolished and removed.

§ 64-3. Definitions.

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

BUILDING — A structure wholly or partly enclosed within exterior walls or within exterior or party walls and a roof, affording shelter to persons, animals or property. [Amended 7-8-1996 by L.L. No. 4-1996]

CODE ENFORCEMENT OFFICER — The official of the Town of Liberty appointed pursuant to Chapter 60, Building Construction and Fire Prevention Administration, or such other person appointed by the Town Board to enforce the provisions of this chapter. [Added 7-8-1996 by L.L. No. 4-1996]

PORTION OF BUILDING OR STRUCTURE — Any debris, rubble or parts of buildings which remain on the ground or on the premises after demolition, reconstruction, fire or other casualty.

STRUCTURE — An assembly of materials forming a construction framed of component

structural parts for occupancy or use, including buildings. [Amended 7-8-1996 by L.L. No. 4-1996]

UNSAFE BUILDING OR STRUCTURE — Any building or structure or portion thereof which:

- A. Because of its structural condition, is or may become dangerous or unsafe to the public.
- B. Is open at the doorways or windows or walls, making it accessible to and an object of attraction to minors under 18 years of age as well as to vagrants and other trespassers.
- C. Is or may become a place of rodent infestation.
- D. Consists of debris, rubble or parts of buildings left on the ground after demolition, reconstruction, fire or other casualty.
- E. Presents any other danger to the health, safety, morals and general welfare of the public.

§ 64-4. Maintenance of buildings and structures.

It shall be unlawful for any owner, tenant or occupant of any building or structure or portion of any building or structure in the Town of Liberty to maintain such building or structure or portion of any building or structure in any condition or manner which shall be unsafe as defined in § 64-3 of this Code.

§ 64-5. Investigation and report.

When, in the opinion of the Code Enforcement Officer, any building or structure located in the Town of Liberty shall be deemed to be dangerous or unsafe to the public as defined in § 64-3, the Code Enforcement Officer shall make a formal inspection thereof and report, in writing, to the Town Board his or her findings and recommendations in regard to the building's or structure's removal or repair.

§ 64-6. Order to repair or remove; hearing.

The Town Board shall thereupon consider said report and, if it finds that such building or structure is dangerous and unsafe to the public, it shall, by resolution, order its repair if the same can be safely repaired and, if not, its removal and demolition and shall further order that a hearing be held before the Town Board at a time and place therein specified and on at least five days' notice to the owner of the building or structure or persons having an interest therein to determine whether said order to repair or remove shall be affirmed or modified or vacated and, in the event of modification or affirmance, to assess all costs and expenses incurred by the Town in the repair or removal of such building or structure against the land on which said building or structure is located. Said order shall also provide that the securing or removal of said building or structure shall commence within 30 days after service of notice and shall be completed within 60 days thereafter.

§ 64-7. Contents of notice.

The notice shall contain the following statements:

- A. The name of the owner or person in possession as appears from the tax and deed records.

- B. A brief description of the premises and its location.
- C. A description of the building or structure which is unsafe or dangerous and a statement of the particulars in which it is unsafe or dangerous.
- D. An order requiring the same to be made safe and secure or to be removed.
- E. That the securing or removal of said building or structure shall commence within 30 days of the service of the notice and shall be completed within 60 days thereafter.
- F. The time and place of the hearing to be held before the Town Board, at which hearing the owner or occupant shall have the right to contest the order and findings of the Town Board.
- G. That in the event that such owner, occupant or other person having an interest in said premises shall fail to contest such order and fail to comply with the same, the Town Board will order the repair or removal of such building or structure by the Town and that the Town will assess all costs and expenses incurred in such removal against the land on which such building or structure is located.

§ 64-8. Service and filing of notice.

- A. A copy of said notice shall be personally served upon the owner or some one of the owners, executors, legal representatives, agents, lessees or other person having a vested interest in the premises as shown on the Town tax records or in the records in the Sullivan County Clerk's office.
- B. If no such person can be reasonably found for personal service, then a copy of said notice shall be mailed to such person by registered mail addressed to their last known address as shown on said records and by personally serving a copy of said notice upon any adult person residing in or occupying said premises or by securely affixing a copy of said notice upon said building or structure.
- C. A copy of said notice shall be filed in the Sullivan County Clerk's office, which notice shall be filed in the same manner as a notice of pendency pursuant to Article 65 of the Civil Practice Law and Rules, and shall have the same effect as a notice of pendency as therein provided. A notice so filed shall be effective for a period of one year from the date of filing. It may be vacated upon an order of a Judge or Justice of a court of record or upon written consent of the Town Attorney of the Town of Liberty. The Sullivan County Clerk shall mark such notice and any record or docket thereof as canceled of record upon the presentation and filing of such consent or of a certified copy of such order.

§ 64-9. Hearing.

The Town Board shall conduct the public hearing at the time and place specified in the notice to repair or demolish. It may adjourn the hearing from time to time until all interested parties are heard and until the hearing is completed. At the conclusion of the hearing, the Town Board shall determine by resolution to revoke the order to repair or remove, modify said order or continue and affirm said order and direct the owner or other persons to complete the work within the time specified in the order or such other time as shall be determined by the Town Board.

§ 64-10. Failure to comply.

In the event of the refusal, failure or neglect of the owner or person so notified to comply with said order of the Town Board within the time specified in said order and after the public hearing, the Town Board shall provide that such building or structure be made safe and secure or removed and demolished by Town employees or by independent contractors. Except in emergency cases as herein provided, any contract for repair or demolishing and removal of a building or structure in excess of \$5,000 shall be awarded through competitive bidding.

§ 64-11. Assessment of expenses.

All expenses incurred by the Town in connection with the proceedings 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 15 of the Town Law for the levy and collection of a special ad valorem levy.

§ 64-12. Emergency cases.

Where it reasonably appears that there is present a clear and imminent danger to the life, safety or health of any person or property, unless an unsafe building or structure is immediately repaired and secured or demolished, the Town Board may, by resolution, authorize the Code Enforcement Officer to immediately cause the repair or demolition of such unsafe building or structure. The expenses 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 § 64-11 hereof.

§ 64-13. Penalties for offenses. [Added 7-8-1996 by L.L. No. 4-1996]

Any violation of any of the provisions of this chapter shall be punishable by a fine of not more than \$250 or by imprisonment for not more than 15 days, or both.