

1988

UNSAFE BUILDING ORDINANCE

ORDINANCE PROVIDING FOR THE REPAIR OR DEMOLITION OF DANGEROUS OR UNSAFE BUILDINGS OR STRUCTURES.

The Town Board of the Town of Volney, County of Oswego, ordain and enact as follows:

SECTION 1. TITLE:

This Ordinance shall be known as the "Unsafe or Dangerous Buildings Ordinance of the Town of Volney."

SECTION 2. PURPOSE:

The purpose of this Ordinance is to provide for the removal or repair of buildings or structures in the Town of Volney that, from any cause, may now be or shall hereafter become dangerous or unsafe to the public.

SECTION 3. DEFINITIONS:

(a) An "unsafe or dangerous building" or "structure" is defined as any building or structure which has become or is so dilapidated, decayed or damaged so as to become dangerous or unsafe to life, safety or the general health and welfare of the occupants or the people of the Town of Volney.

SECTION 4. INSPECTION:

The Building Inspector is hereby designated and appointed by the Town Board to:

(a) Inspect any building or structure about which a complaint or complaints have been filed by any person to the effect that a building or structure is or may be unsafe and dangerous to the public, and

(b) Make a written report to the Town Board with all convenient speed as to his findings with respect to the building or structure.

SECTION 5. TOWN BOARD RESOLUTION

In the event that the Building Inspector finds that the building or structure is unsafe or dangerous to the public, the Town Board shall by resolution order the following:

(a) Require the owner of the building or structure to repair, make safe and secure, remove or demolish said building or structure.

(b) Require the owner of the building or structure to commence, within 30 days or other reasonable time, the repair, securing or removal of said building.

(c) For a Hearing before the Town Board concerning said building or structure.

(d) Requiring the Town Clerk to give notice to the owner, and the filing of said notice in the office of the Oswego County Clerk.

SECTION 6. NOTICE:

(A) The notice shall contain the following:

(1) A description of the premises and the building structure.

(2) A statement of the particulars in which the structure is unsafe or dangerous.

(3) The reasonable amount of time within which the person served with such notice must commence the securing or removal of the building or structure.

(4) The time and place of the Hearing before the Town Board concerning the said building or structure.

(5) A statement that in the event that such owner fails or refuses to remove, secure or repair said building or structure within the time provided, that the Town Board shall remove or cause to be removed the building or structure, and that all costs and expenses incurred by the Town in connection with the proceedings to remove or secure, including the cost of actually removing said building or structure shall be assessed against the land on which said building or structure is located.

(B) The notice shall be served personally or by registered mail on the owner or someone of the owner's executors, legal representatives, agents, lessees or any other person having a vested or contingent interest in the building or structure. In the event of service by registered mail, the notice shall be addressed to the last known address of the owner or some one of the owner's executors, legal representatives, agents, lessees or other person having a vested or contingent interest in the same, as shown by the records of the receiver of taxes and/or in the office of the County Clerk or County Register, and a copy of such notice shall be posted on the premises.

(C) A copy of said notice shall be filed in the office of the County Clerk of the County of Oswego, which notice shall be filed by such Clerk in the same manner as a notice of pendency pursuant to Article 65 of the CPLR, and shall have the same effect as a notice of pendency as therein provided, except as otherwise hereinafter provided in this paragraph. The 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 record or upon the consent of the Town Attorney. The Clerk of the County of Oswego shall make such notice and any record or docket thereof as cancelled of record upon the presentation and filing of such consent or of a certified copy of such order.

SECTION 7. REMOVAL OF BUILDING:

In the event that the owner fails to repair, remove, or secure said building or structure within the time provided, the Town Board shall remove or cause to be removed the building or structure.

SECTION 8. ASSESSMENT OF COSTS:

All costs and expense incurred by the Town in connection with the proceedings to remove or secure, including the actual cost of actually removing said building or structure shall be assessed against the land on which said building or structure is located. Also, the Town Board may commence a special proceeding to collect the costs of demolition, including reasonable and necessary legal expenses incidental to the proceedings to remove pursuant to this Ordinance.

SECTION 9. SEPARABILITY:

If any part of this Ordinance shall be found invalid, such invalidity shall apply only to such part, and the remainder of the Law shall remain valid and effective.

SECTION 10. REPEAL:

All Local Laws or Ordinances or parts of Local Laws or Ordinances in conflict with any part of this Local Law are hereby repealed.

SECTION 11. EFFECTIVE DATE:

This Ordinance shall take effect immediately.

Ordinance approved by Volney Town Board September 8, 1988. Reference on page 20 of Town Clerk minute book.