

LOCAL LAW No. 1 of 2007

TOWN OF READING

UNSAFE BUILDING AND STRUCTURE LAW

Be it enacted by the Town Board of the Town of Reading, in the County of Schuyler, as follows:

A. Investigation and Report.

When the Code Enforcement Officer, in his/her own opinion, or upon receipt of information that a building

- (1) is or may become dangerous or unsafe to the general public;
- (2) is open at the doorways and windows, making it accessible to and an object of attraction to minors under eighteen years of age, as well as to vagrants and other trespassers;
- (3) is or may become a place of rodent infestation;
- (4) presents any other danger to the health, safety, morals and general welfare of the public;
or
- (5) is unfit for the purposes for which it may lawfully be used,

The Code Enforcement Officer shall cause or make an inspection thereof and report in writing to the Town Board his/her findings and recommendations in regard to the buildings repair, demolition and/or removal

In addition, the Code Enforcement Officer is hereby authorized and directed to pursue any and all remedies provided under the Property Maintenance Code of New York Ste regarding dangerous and/or unsafe buildings and/or structures located in the Town.

B. 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 ca be safely repaired or its demolition and removal,, and further order that a notice be served upon the persons owing such property has determined from the last record owner. Such order shall be served in the manner provided herein.

C. Notice; Contents.

The notice shall contain the following:

- (1) a description of the premises
- (2) a statement of the particulars in which the building is unsafe or dangerous;
- (3) an order outlining the manner in which the building is to be made safe and secure, or demolished and removed

- (4) a statement that the repair or removal of such building shall commence within 30 days of the service of the notice and shall be completed within 60 days thereafter, unless, for good cause shown, such time shall be extended by the Town Board.
- (5) a date, time and place for a hearing before the Town Board 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
- (6) repair or demolish and remove the building, the Town Board is authorized to provide for its demolition and removal, to assess all expenses, including legal costs and fees, associated there with against the land on which the building is located in the manner set forth herein.

D. Service of Notice.

The notice and Order required under paragraph B above shall be served:

- (1) by personal service of a copy thereof upon the owner, executor, administrator, agent, lessee, or any person having a vested or contingent interest in such building as shown by the records of the Town Assessor or County Clerk; or if no such person can reasonably be found, by mailing such owner by registered mail a copy of such notice directed to his/her last known address as shown by the above records, or
- (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 by securely affixing a copy of such notice upon such building.

E. Filing of Notice

A copy of the notice served as provided herein shall be files in the office of the Town Clerk of the Town.

F. 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 and after completion of the hearing required hereunder, the Town Board shall provide for the demolition and removal of such building or structure either by the Town employees or by contract.

G. 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, and all reasonable and necessary legal expenses incidental thereto, shall, at the option of the Town, either:

- a. Be asses against the land on which such building is located and shall be levied and collected as a special assessment upon such land as provided in the relevant provisions of the Town Law and Real Property Law for the State of New York; or
- b. Be collected by commencement of a special proceeding against the owner of said unsafe or dangerous building or structure pursuant to General Municipal Law section 78-b.

H. Emergency Cases.

Where the building reasonably appears to present a clear and imminent danger to life, safety or health of any person or property unless such unsafe building is immediately repaired and secured or demolished, the Town Board may by resolution authorize the Code Enforcement Office to post and order the building not to be occupied; immediately repaired, or immediately cause the repair or demolition of such unsafe building, 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 paragraph G of this section.

I. Penalties

(1) Civil Penalties. In addition to those penalties proscribed by State law, any Person who violates any provision of this Local Law or any order issued under this local law, shall be liable to a civil penalty of not more than \$200 for each day or part thereof during which such violation continues. The civil penalties provided by this subdivision shall be recoverable in an action instituted in the name of the Town.

(2) Criminal Penalty. In addition to those penalties proscribed by State law, any Person who violated any provision of this Local Law or any order issued under this local law, shall constitute a violate as defined under the Penal Law of the State of New York, and shall be punishable by a fine not to exceed two hundred fifty dollars (\$250), fifteen (15) days imprisonment, or both such fine and or imprisonment. Each day such violation continues, shall constitute a separate violation.

(d) Injunctive Relief. An action or proceeding may be instituted in the name of the Town, in a court of competent jurisdiction, to prevent, restrain, enjoin, correct, or abate any violation of, or to enforce, any provision of this Local Law or any order issued under this local law. Such an action or proceeding may be commenced in the name of the Town, in the Supreme Court or in any other court having the requisite jurisdiction, to obtain an order directing the removal of the building or structure or an abatement of the condition in violation of such provisions. No action or proceeding described in this subdivision shall be commenced without the appropriate authorization from the Town Supervisor of the Town.

(e) Remedies Not Exclusive. No remedy or penalty specified in this section shall be the exclusive remedy or remedy available to address any violation described in this section, any each remedy or penalty specified in this section shall be in addition to, and not in substitution for or limitation of, the other remedies or penalties specified in this local law, state law, or any other applicable law. Any remedy or penalty specified in this section may be pursued at any times,

whether prior to, simultaneously with, or after the pursuit of any other remedy or penalty specified in this paragraph.