

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
41 STATE STREET, ALBANY, NY 12231

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

COPY

~~COUNTY~~
~~CITY~~ of STRATFORD
Town
~~VILLAGE~~

Local Law No. 1 of the year 1999.

A local law BUILDINGS UNSAFE AND GROUND HAZARDS
(Insert Title)
provides for the repair, demolition or removal of unsafe buildings, and the repair, covering over or filling of ground hazards in the Town of Stratford.

Be it enacted by the Town Board of the
(Name of Legislative Body)

~~COUNTY~~
~~CITY~~ of Stratford as follows:
Town
~~VILLAGE~~

- Section 1-Purpose
- Section 2-Definitions
- Section 3-Investigation and report
- Section 4-Order for repair or removal
- Section 5-Contents of Notice
- Section 6-Service of Notice
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- Section 8-Failure of Compliance; removal or repair by town
- Section 9-Assessment of Expenses
- Section 10-Emergencies
- Section 11-Compensation of assissant to Code Enforcement Officer

Section 1-Purpose
Unsafe buildings and ground hazards pose a threat to life and property in the Town of Stratford. 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. Abandoned ditches or holes, uncovered wells, and open septics may also pose a health menace and a danger to the community. 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 Stratford by requiring such unsafe buildings and ground hazards to be repaired, filled, covered, or demolished and removed.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

Section 2 - Definitions

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

Building - Any building, structure or portion thereof used for residential, business or industrial purpose.

Code Enforcement Officer - The Code Enforcement Officer of the Town of Stratford or such other person appointed by the Town Board to enforce the provisions of this Local Law.

Ground Hazard - Any abandoned ditch, hole, uncovered well or open septic.

Section 3 - Investigation and Report

When in the Code Enforcement Officer's opinion or upon receipt of information that a building is or may become dangerous or unsafe to the general public; is open at the doorways and windows making it accessible to and an object of attraction to minors under eighteen (18) years of age, as well as to vagrants and other trespassers; or that a ground hazard is or may become dangerous or unsafe to the general public; and that either may become a place of rodent infestation; presents any other danger to the health, safety, morals and general welfare of the public, or is unfit for the purposes for which it may lawfully be used, he, and at the Code Enforcement Officer's desecration, along with the Town's Health Officer shall cause or make an inspection thereof and report in writing to the Town Board their findings and recommendations in regard to its repair, covering, or demolition and removal. If it is deemed necessary the Code Enforcement Officer may request in addition to the Health Officer and with the consent of the Town Supervisor, an engineer, architect, practical builder, Fulton County Sheriff's Deputy, or New York State Police Officer to inspect the premises and assist him with the written report of findings and recommendations.

Section 4 - Order for Repair, Covering or Removal

The Town Board shall thereafter consider such report and by resolution determine, if in its opinion the report so warrants, that such building or ground hazard is unsafe and dangerous and order its repair, if the same can be safely repaired, or its filling in or covering or its demolition and removal, and further order that a notice be served upon the persons and in the manner provided herein.

Section 5 - Contents of Notice

The notice shall contain the following:

- A. A description of the premises or ground hazard
- B. A statement of the particulars in which the building or the ground hazard is unsafe or dangerous
- C. An order outlining the manner in which the building or ground hazard be made safe and secure or demolished and removed.
- D. A statement that the securing or removal of such building or hazard shall commence within thirty (30) days of the service of the notice and shall be completed within sixty (60) days thereafter unless for good cause shown such time shall be extended.
- E. A date, time and place for a hearing before the Town Board in relation to such dangerous or unsafe building or ground hazard, which hearing shall be scheduled but not less than five (5) business days from the date of service of the notice.
- F. A statement that in the event of neglect or refusal to comply with the order to secure or demolish and remove the building or in the case of ground hazard a refusal to

comply the the order to secure, the Town Board is authorized to provide for its demolition and removal or its filling in or covering over, 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 or filling or covering including legal expenses.

Section 6 - Service of Notice

The said notice shall be served:

A. By personal service of a copy thereof upon the owner, executor, administrator, agent, leasee or any person having a vested or contingent interest in such unsafe building or ground hazard as shown be the records of the Receiver of Taxes (or Tax Collector) or of the County Clerk or, if no such person can be reasonably found, by mailing to such owner by certified mail a copy of such notice directed to his last known address as shown by the above records; and

B. 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

C. Be securely affixing or posting a copy of such notice upon the unsafe building or at the site of the ground hazard.

Section 7- Filing copy of Notice

A copy of the notice served as provided herein shall be filed in the office of the County Clerk of the County of Fulton.

Section 8 - Failure of Compliance; Removal by Town

In the event of the refusal or neglect of the person so notified to comply with said order of the Town Board and after the hearing, the Town Board shall provide for the demolition and removal of such building or structure or filling in or covering over of such ground hazard either by town employees or be contract. Except in emergency as provided in Section 10 hereof, any contract for demolition and removal of a building in excess of Five thousand dollars (\$5,000) shall be awarded through competitive bidding.

Section 9 - 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 , or the repair or filling in or covering over of the ground hazard, shall be assessed against the land on which such building or hazard 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.

Section 10 - Emergencies

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 ground hazard is immediately repaired, 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 ground hazard. The expenses of such repair or demolition shall be a charge against the land on which said building or ground hazard is located and shall be assessed, levied and collected as provided in Section 9 hereof.

Section 11 - Compensation of Assistant to Code Enforcement Officer

The engineer, architect, or practical builder requested as provided herein shall be paid reasonable compensation as shall be fixed by the Town Board.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 1 of 1999 of the ~~(County)~~(City)(Town)(Village) of STRATFORD was duly passed by the Town Board on June 10 1999, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not approved)(repassed after disapproval) by the _____ and was deemed duly adopted on _____ 19____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 19____. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 19____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 19____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 19____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 19____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 19____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph _____, above.

Carolyn A. Walker

Clerk of the County Legislature or City, Town or Village Clerk
or officer designated by local legislative body

(Seal)

Date: June 16, 1999

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF _____

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

Signature

Title

County _____
City _____ of _____
Town _____
Village _____

Date: _____