

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
162 WASHINGTON AVENUE, 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.

County

~~City~~

~~Town~~

~~Village~~

of Schenectady

Local Law No. 1 of the year 1992

A local law UNSAFE BUILDINGS LAW
(Insert Title)

Be it enacted by the TOWN BOARD of the
(Name of Legislative Body)

County

~~City~~

Town

~~Village~~

of Duaneburg as follows:

As per attached 3 copies of Law

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

TOWN OF DUANESBURG

LOCAL LAW NO. 1 OF THE YEAR 1992

A LOCAL LAW AMENDING LOCAL LAW NUMBER 1 OF THE YEAR 1978, KNOWN AS THE "UNSAFE BUILDINGS LAW" OF THE TOWN OF DUANESBURG

BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF DUANESBURG AS FOLLOWS:

SECTION 1. PURPOSE. Unsafe buildings pose a threat to life and property in the Town of Duanesburg. 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 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. It is the purpose of this local law to provide for the safety, health protection and general welfare of person and property in the Town of Duanesburg by requiring such unsafe buildings be repaired or demolished and removed.

SECTION 2. TITLE This local law shall be known as the "Unsafe Buildings Law" of the Town of Duanesburg.

SECTION 3. SUPERSEDING EFFECT. This local law shall supersede and replace Local Law Number 1 of the year 1978, which is the former "Unsafe Buildings Law" of the Town of Duanesburg.

SECTION 4. DEFINITIONS. (1) "Building" means any building, structure or portion thereof used for residential, agricultural, business or industrial purpose.

(2) "Building Inspector" means the building inspector of the Town of Duanesburg or such other person appointed by the Town Board to enforce the provisions of this local law.

SECTION 5. INVESTIGATION AND REPORT. When in his 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 Building Inspector shall cause or make an inspection thereof and report in writing to the Town Board his findings and recommendations in regard to its repair or demolition and removal.

SECTION 6. TOWN BOARD 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 its demolition and removal, and further order that a notice be served upon the persons and in the manner provided herein.

SECTION 7. 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 removed, (4) the time and place of a hearing before the Town Board, (5) a statement that the securing or removal of such building shall commence within thirty (30) days after service of the notice and shall be completed within sixty (60) days thereafter, unless for good cause shown such time shall be extended (6) a statement that in the event of neglect or refusal of the person served with the notice to comply with the same, a survey of the premises will be made and if such survey shall report the building unsafe or dangerous, an application will be made at Special Term of the Supreme Court in the Judicial District in which the property is located for an order determining the building to be a public nuisance and directing that it shall be repaired and secured or demolished and removed, and that the expenses of the proceeding to secure or remove the building, including the actual cost of securing or removing such building shall be assessed against the land on which it is located.

SECTION 8. SERVICE OF NOTICE. The said notice shall be served on the owner or some one of the owner's executors, legal representatives, agents, lessees or any other person having a vested or contingent interest in same, either personally or by registered mail, addressed to the last known address, if any, 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 same, as shown by the records of the receiver of taxes and/or in the office of the county clerk; and if such service is made by registered mail, a copy of the notice shall be posted on the premises.

SECTION 9. FILING OF NOTICE. The said notice shall be filed in the office of the Schenectady county clerk in the same manner as a notice of pendency pursuant to article sixty-five of the civil practice law and rules.

SECTION 10. REFUSAL TO COMPLY; SURVEY. In the event of the refusal or neglect of the person so notified to comply with said order of the Town Board, the Town Board shall appoint the building inspector and either an architect or engineer, and the person so notified shall appoint a practical builder, architect or engineer to make a survey of the unsafe building and submit a written report thereon. If the person so notified shall refuse or neglect to appoint such a surveyor within forty days after service of the said notice, the two surveyors by the Town Board shall proceed and make the report. A signed copy of such report shall be affixed securely to such building.

SECTION 11. APPLICATION TO COURT. In the event the building shall be reported unsafe or dangerous in such survey, the Town Board may by resolution direct the supervisor of the town to make an application at a Special Term of the Supreme Court in the Judicial District in which such property is located for an order determining the building to be a public nuisance and directing that it shall be repaired or secured or demolished and removed.

SECTION 12. ASSESSMENT OF EXPENSES. All expenses incurred by the Town of Duanesburg 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 said building is located and shall be levied and collected in the same manner as provided in article fifteen of the Town Law for the levy and collection of a special ad valorem levy.

SECTION 13. SURVEYOR COMPENSATION. The engineer or architect appointed a surveyor hereunder by the Town Board shall be paid reasonable compensation.

SECTION 14. EFFECTIVE DATE. This local law shall take effect immediately upon filing thereof in the Office of the Secretary of State.

(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 1992 of the ~~(County)~~(City)(Town)(Village) of Duanesburg was duly passed by the Town Board on 11/12 1992, 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.

Dawn L Meier Deputy Town Clerk
Clerk of the County legislative body, City, Town or Village Clerk
or officer designated by local legislative body

(Seal)

Date: Novemeber 17, 1992

(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 Schenectady

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.

Gerald A. [Signature]
Signature
Town Attorney
Title

COUNTY
City of Duanesburg
Town
~~Village~~

Date: Nov 18, 1992