

LOCAL LAW No. 1 of the year 1990

A local law to require the repair or demolition and removal of unsafe buildings within the Town of Mayfield.

Be it enacted by the Town Board of the Town of Mayfield as follows:

§1 - PURPOSE.

Unsafe buildings pose a threat to life and property in the Town of Mayfield. 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. 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 Mayfield by requiring such unsafe buildings to be repaired or demolished and removed.

§2 - DEFINITIONS

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

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

BUILDING INSPECTOR-The Building Inspector of the Town of Mayfield or such other person appointed by the Town Board to enforce the provisions of this chapter.

§3 - INVESTIGATION AND REPORT

When in the Building Inspector'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 as well as to vagrants and other trespassers; is or 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 purpose for which it may lawfully be used, he shall cause or make an inspection thereof and report in writing to the Town Board his finding and recommendations in regard to its repair or demolition and removal. The Building Inspector may appoint, with the consent of the Town Supervisor, an engineer, architect or a practical builder to inspect the premises and assist him with the written report of findings and recommendations.

§4 - ORDERS FOR REPAIR 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 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.

§ 5 -CONTENTS OF NOTICE

The notice shall contain the following:

- A. A description of the premises.
- B. A statement of the particulars in which the building is unsafe or dangerous.
- C. An order outlining the manner in which the building is to be made safe and secure or demolished and removed.
- D. A statement that the securing or removal of such building 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, which hearing shall be scheduled 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, the Town Board is authorized to provide for its demolition and removal, 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, including legal expenses.

§6 - SERVICE OF NOTICE

The said notice shall be served;

- A. Either personally or by registered mail addressed to the last known address, if any, of the owner or someone of the owner's executors, administrators, agents lessees or other person having a vested or contingent interest in such unsafe building as shown by the records of the Receiver of Taxes (or Tax Collector) or of the County Clerk ; 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. By securely affixing a copy of such notice upon the unsafe building.

§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 in the same manner as a notice of pendency pursuant to Article 65 of the Civil Practice Law and Rules. A 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 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.

§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 either by town employees or by contract. Except, in emergency as provided in §10 hereof, any contract for demolition and removal of a building in excess of five thousand dollars (\$5000.00) shall be awarded through competitive bidding.

§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, 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 assessment upon an improvement.

§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 is immediately repaired and secured or demolished, the Town Board may by resolution authorize the Building Inspector to 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 said building is located and shall be assessed, levied and collected as provided in §9 hereof.

§11 - COMPENSATION OF ASSISTANT TO BUILDING INSPECTOR

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

§12 - EFFECTIVE DATE

This Local Law shall take effect immediately upon filing with the New York Secretary of State.