

Chapter 63

BUILDINGS, UNSAFE

[HISTORY: Adopted by the Town Board of the Town of Conklin 8-25-2004 by L.L. No. 1-2004. Amendments noted where applicable.]

GENERAL REFERENCES

Fire prevention and building construction — See Ch. 73.

Zoning — See Ch. 140.

§ 63-1. Purpose.

Unsafe buildings pose a threat to life and property in the Town of Conklin. Buildings and structures may become unsafe by reason of damage by fire, the elements, age or general deterioration. Vacant buildings not properly secure 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 by requiring that such unsafe buildings be repaired or demolished and removed.

§ 63-2. Title.

This chapter shall be known as the "Unsafe Buildings Law of the Town of Conklin."

§ 63-3. Definitions.

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

BUILDING — Any building, structure or portion thereof intended for residential, business, industrial or other purpose pursuant to Town Code.

BUILDING INSPECTOR — The code officer of the Town or such other person appointed by the Town Board to enforce the provisions of this chapter.

TOWN — The Town of Conklin.

§ 63-4. Investigation and report.

When the Building Inspector finds, 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 18 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, he or she shall cause or make an inspection thereof and report in writing to the Town Board of the Town his/her findings

and recommendations in regard to its repair or demolition and removal.

§ 63-5. 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.

§ 63-6. Notice; contents.

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 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 upon written application to the Town Board;
- 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 business days from the date of service of the notice; and
- 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.

§ 63-7. Service of notice.

The notice shall be served:

- A. 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 unsafe building as shown by the records of the Tax Collector or of the 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; 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.

§ 63-8. Filing of notice with County Clerk.

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

§ 63-9. Refusal to comply; removal by Town; awarding of removal contract.

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 § 63-11 hereof, any contract for demolition and removal of a building shall be awarded in accordance with the requirements for competitive bidding.

§ 63-10. 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 Board, either:

- A. Be assessed against the land on which such building is located and shall be levied and collected in the same manner as provided in the Town Law for the levy and collection of a special ad valorem levy; 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 § 78-b.

§ 63-11. Emergency cases.

Where it reasonably appears that there is present a clear and imminent danger to 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 it is located and shall be assessed, levied and collected as provided in § 63-10 hereof.