

PROPOSED

Town of Spafford Local Law 2007-3:

A Local Law Pertaining to Unsafe Buildings and Structures

1. Purpose and Intent. Unsafe buildings and structures pose a threat to life and property within the Town of Spafford. Buildings and structures may become unsafe by reason of damage by fire, the elements, age, abandonment, lack of maintenance or repair, neglect or general deterioration. Unsafe buildings and structures that are, or may become, accessible internally serve as an attractive nuisance for children who may be injured therein, as well as a point of congregation for vagrants and transients. A dilapidated building or structure may also serve as a place for vermin infestation, thereby creating a threat to public health. The purpose of this law is to provide for the general safety, health and welfare of persons and property in the Town by requiring that such unsafe buildings and structures be repaired or demolished and removed.

2. Definitions.

“Abandonment” shall mean the failure to use or occupy a building for its principal intended purpose for a period of three (3) years or more for any reason, regardless of intent.

“Building” shall mean any building, structure or portion thereof used for residential, commercial, industrial or any other purpose.

“Code Enforcement Personnel” shall include the Code Enforcement Officer and all Inspectors.

“Portion of a building or structure” shall mean any debris, rubble or parts of a building that remain on the ground or on the premises after abandonment or demolition, reconstruction, fire or other casualty.

“Structure” shall mean a static construction of building materials set upon or affixed to the ground or set upon or affixed to another structure. Examples include but are not limited to: a barn, display stand, tower or pylon with or without transmission or monitoring equipment included or attached, gasoline pump and accompanying tanks, installed mobile home or trailer, reviewing stand, shed, shelter, sign, stadium, pavilion, storage bin, fence, berm or other permanent static construction.

“Unsafe Building” shall mean any building or structure, or portion thereof, which:

- a) Has interior walls or other vertical structural members which list, lean or buckle to such an extent that a plumb line passing through the center of gravity falls outside of the middle 1/3 of its base;

- b) Exclusive of the foundation, shows 33% or more of damage to or deterioration of the supporting member or members or 50% of damage to or deterioration of the nonsupporting enclosing or outside walls or covering;
 - c) Has improperly distributed load upon the floors or roofs or in which the same are overloaded or have insufficient strength to be reasonably safe;
 - d) Has been damaged by fire, wind, lack of maintenance or repair, or other causes so as to have become dangerous to life, safety, or the general health and welfare of the occupants or the people or property of the Town of Spafford;
 - e) Has become or is so dilapidated, decayed, unsafe or unsanitary or which fails to provide the amenities essential to decent or safe use or occupancy such that it is unfit for human use or occupancy or is likely to cause sickness or disease, so as to cause injury to the health, safety or general welfare of those using or occupying the building;
 - f) Has light, air, electrical or sanitation facilities which are inadequate to protect the health, safety or general welfare of persons who live or may live therein;
 - g) Has inadequate facilities for egress in case of fire or panic or insufficient stairways, elevators, fire escapes or other means of communication;
 - h) Has parts thereof that are so attached that they may fall and injure members of the public or property;
 - i) Because of its condition, is unsafe, unsanitary or dangerous to persons who live or may live therein or to the health, safety or general welfare of the people or property of the Town of Spafford;
 - j) Is open at the doorways, windows or walls, making it accessible to minors under the age of 18, vagrants, transients and other trespassers;
 - k) Is or may become a place of vermin infestation;
 - l) Consists of debris, rubble or parts of a building or structure left on the ground after abandonment or demolition, reconstruction, fire or other casualty; or
 - m) Presents any other danger to the health, safety and welfare of the people or property of the Town of Spafford.
3. Unsafe Building. Such building or structure shall be considered uninhabitable and unusable, and be repaired or demolished and removed. Any Certificate of Occupancy / Certificate of Compliance and any variances shall be rescinded immediately and permanently.

4. Investigation and report. When Code Enforcement Personnel shall, on the basis of information received or upon investigation by Code Enforcement Personnel, be of the opinion that a building or structure is unsafe, Code Enforcement Personnel shall cause or make an inspection thereof and make a report, in writing, to the Town Board, of all findings and recommendations in regard to its repair or demolition and removal.
5. Action by the Town Board. The Town Board shall thereafter consider such report and, if it finds that such building is dangerous and unsafe to the public, it shall by resolution order its repair if the same can be safely repaired and secured, and if not, order its demolition and removal, and shall further order that a hearing be held before the Town Board at a time and place therein specified to determine whether said order to repair or remove shall be affirmed or modified or vacated.
6. Contents of the notice. The description of the premises in the notice shall be adequate if it is substantially the same as the description of the premises on the Town tax assessment rolls. The notice shall contain the following:
 - a) A description of the premises upon which the building or structure is located;
 - b) A statement of the particulars in which the building or structure is unsafe, dangerous, or otherwise in violation of the code;
 - c) An order outlining how the building or structure is to be made safe or demolished and removed;
 - d) A statement that the repair or demolition and removal of such building or structure 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 limit may be extended for up to thirty (30) days. No more than one thirty-day extension shall be granted; and
 - 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 no less than seven (7) calendar days nor more than fourteen (14) calendar days from the date of service of the notice.
7. Service of notice. The notice shall be served in the manner described below:
 - a) By personal service, within the Town, of a copy thereof upon the owner, executor, administrator, agent, lessee or any person having a vested or contingent interest in such building or structure as shown by the records of the Town Assessor or of the County Clerk; or by mailing to any such persons by certified or registered mail (return receipt) to the intended recipient's last known address as shown by the records of the Town Assessor; 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 upon the premises of

the unsafe building or structure; or by securely affixing a copy of such notice upon the unsafe building or structure.

8. Filing 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 Onondaga
9. Penalties for offenses. Any person who violates any provision of this law shall be guilty of an offense under this law and shall be subject to a fine, for the first week's continuation of such violation following service of notice provided herein or any portion of that week of not less than one hundred dollars (\$100.00) nor more than two hundred fifty dollars (\$250.00), or to imprisonment for a period of not more than fifteen (15) days, or both such fine and imprisonment. In addition, any person who violates any of the provisions of this law or who shall omit, neglect or refuse to do any act required by this law shall, severally, for each and every such violation, forfeit and pay a civil penalty of one hundred dollars (\$100.00) per day for each day of continued violation in excess of the first week following the service of notice as provided herein. The imposition of penalties for any violation of this law shall not excuse the violation or permit it to continue. The application of the above penalty or penalties for any violation shall not preclude the enforced removal of conditions prohibited by this law.
10. Assessment of Expenses. All expenses incurred by the Town in connection with the proceeding to repair or demolish and remove any unsafe building or structure, including, but not limited to, the cost of actually repairing or demolishing and removing such building or structure and legal fees and expenses, shall be assessed against the land on which such building or structure 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 tax.
11. Emergency provisions. Where it reasonably appears to Code Enforcement Personnel that there is present a clear and imminent danger to the safety, health or welfare of any person or property unless an unsafe building or structure is immediately repaired or demolished and removed, the Town Board may, by resolution, authorize Code Enforcement Personnel to immediately cause the repair or demolition of such unsafe building or structure. The expense 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 subsection (10) above.
12. Effective Date. This local law shall take effect immediately upon filing in the office of the New York State Secretary of State.