

TOWN OF SARDINIA
LOCAL LAW ___ 2012
AMENDMENT OF TOWN CODE TO ADD
A NEW SECTION ___: UNSAFE OR DANGEROUS STRUCTURES

WHEREAS, the Town Code currently does not provide the Town Code Enforcement Officer with the authority to order and carryout the repairs and/or demolition of unsafe and dangerous buildings and structures; and,

WHEREAS, the Town has determined that the current remedies available to the Town to address unsafe building and structures are inadequate:

NOW THEREFORE BE IT RESOLVED, pursuant to the authority granted the Town Board under Section 130 (16) of the Town Law, that the Town Code of the Town of Sardinia, be, and the same hereby is amended by adding a new section ___, as follows:

___1 Declaration of Purpose:

Abandoned and neglected properties can pose a safety hazard to the public. The purpose of this provision is to set forth the procedures by which the Town can ensure that unsafe building and structures are either repaired or demolished by the owner of the property on which they are located, and in the event that the owner fails to do so, for the Town to remove said building and structures and to recover its expenses.

___2. Inspection

Whenever it appears to the Code Enforcement Officer that a building or structure is so deteriorated or damaged, by any cause, and that the building or structure has become, or is in danger or becoming, dangerous or unsafe to the

public, the Code Enforcement Officer shall cause said building or structure to be inspected. The Code Enforcement Officer, may request, if appropriate, that the Town Board authorize him/her to retain the services of a qualified engineer to assist the Code Enforcement Officer in determining whether the structure is unsafe and what action should be taken to make the building or structure sound, and/or whether the building or structure should be removed and/or demolished.

_____.3. Report

If the Code Enforcement Officer finds that the condition of the building or structure is such that it is dangerous or unsafe to the public, he/she shall file a report with the Town Board stating his conclusions and recommendations as to the actions required to be taken to either make the building or structure safe and sound, or that the building or structure should be removed and/or demolished. Such report shall set forth the facts supporting the Code Enforcement Officer's conclusions and recommendations.

_____.4. Service of Notice

- (a) The Town Board, upon receipt of a Report from the Code Enforcement Officer shall cause a notice to be served on the owner or some one of the owner's executors, legal representative, agents, lessees or any other person having a vested or contingent interest in the 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 representative, agents, lessees, or any 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 or county register.
- (b) If service of the notice is by registered mail, a copy of said notice shall be posted on the premises.

_____.5. Contents of Notice

The notice provided for in Section _____.4 shall contain the following:

- (a) A description of the premises.

- (b) **A statement of the particulars in which the building or structure is unsafe or dangerous.**
- (c) **An order requiring the same to be made safe and secure or removed and a statement that the work required may be commenced immediately and when it shall be completed.**
- (d) **A statement that the Town Board will hold a hearing at a specified time and place, to determine if the Town shall repair, or otherwise make safe and secure, or remove the building or structure and fill any excavation in connection therewith, if the order is not obeyed and for the assessment of all costs and expenses incurred by the Town in connection with the proceedings to remove or secure, including the costs of actually removing said building or structure, against the land on which said building or structures are located.**

____.6. Filing of Notice, Effective Period, Vacation

A copy of the notice shall be filed in the Erie County Clerk's office. The County Clerk shall file the notice in the same manner as a notice of pendency pursuant to Article 65 of the Civil Practice Law and Rules. When, filed the notice shall have the same effect as a notice of pendency, except as otherwise provided in this Section. The notice shall be effective for a period of one year from the filing date, unless earlier vacated by order of a judge or justice of a court of record or upon the consent of the Town Attorney, as authorized by the Town Board. Upon the filing of an order or consent vacating the notice, the County Clerk shall mark the notice and any record or docket thereof as cancelled of record.

____.7. Hearing

There shall be a hearing before the Town Board, notice of which and the time and place thereof to be specified in the notice to repair or demolish.

____.8 Removal of Structure

Following the hearing, the Town Board shall provide for the removal of any building or structure which the Town Board determines to be unsafe, or take whatever other action the town Board deems appropriate in its sole discretion, in the event that the owner fails or refuses to repair or remove the same within the time provided.

____.9 Assessment of Costs

The Town Board may assess all the costs and expenses incurred by the Town in connection with the proceedings to remove or secure a danger or unsafe building or structure, or other action take it deems appropriate, including without limitation, the costs of actually removing said building or structure, against the land on which said building or structure is located.

_10. Action to Abate Immediate Hazards

If, as a result of the inspection required under Section ____, the Code Enforcement Officer determines that the condition found dangerous or unsafe constitutes an immediate hazard to persons or property, he/she may take any or all of the following actions:

- (a) Order the building, or structure involved, vacated in which event it shall not thereafter be occupied until a new certificate of occupancy has been issued as provide in the Zoning Ordinance and Building Code;**
- (b) Close any street or sidewalk abutting the land involved or with the area of immediate peril;**
- (c) Erect or cause to be erected temporary barricades, warning devices or other temporary enclosures or structures; and/or**
- (d) Take such other action as he/she may deem necessary for the protection of person and other property from the risk of immediate injury.**

____. 11 Severability

Should any section or provision of this chapter be or be held invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity of the chapter as a whole or any part thereof other than said invalid or unconstitutional part.