

Chapter 42

BUILDINGS, UNSAFE

[HISTORY: Adopted by the Town Board of the Town of Skaneateles 1-10-1983 by L.L. No. 1-1983. Amendments noted where applicable.]

GENERAL REFERENCES

Building construction — See Ch. 40.
Electrical standards — See Ch. 61.
Fire prevention — See Ch. 70.
Flood damage prevention — See Ch. 72.

§ 42-1. Title.

This chapter shall be known as the "Unsafe Buildings Local Law of the Town of Skaneateles, 1983."

§ 42-2. Findings; purpose.

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

§ 42-3. Definitions.

Unless otherwise expressly stated, the following terms for the purpose of this chapter have the meanings indicated in this section.

BUILDING — Any building, structure or portion thereof used for residential, business, industrial or any other purpose.

UNSAFE BUILDINGS OFFICER — Such person as may be designated by the Town Board, by resolution, or, if none is so designated, the Zoning Enforcement Officer for the Town of Skaneateles.

§ 42-4. Investigation and report.

When the Unsafe Buildings Officer shall, on the basis of information received by him or upon his own investigation, be of the opinion 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 persons under 18 years of age, 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 purposes for which it may lawfully be used, he shall cause or make an inspection thereof and make a report, in writing, to the Town Board of his findings and recommendations in regard to its repair or demolition and removal.

§ 42-5. Action by Town Board.

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, its securing or its demolition and removal and further order that a notice be served upon the persons and in the manner provided herein.

§ 42-6. Contents of notice.

- A. The notice shall contain the following:
- (1) A description of the premises upon which the building is located;
 - (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 demolished and removed;
 - (4) A statement that the repair, 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;
 - (5) 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 calendar days from the date of service of the notice; and
 - (6) A statement that, in the event of neglect or refusal to comply with the order to repair or secure or demolish and remove the building, the Town Board is authorized to provide for its securing or repair or 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 securing or repair or demolition and removal, including legal expenses.
- B. The description of the premises in the notice shall be adequate if it is substantially the same as the description of the premises contained on the Town tax assessment rolls.

§ 42-7. Service of notice.

The notice shall be served:

- A. By personal service, within the Town of Skaneateles, of a copy thereof upon the

owner, executor, administrator, agent, lessee or any person having a vested or contingent interest in such building as shown by the records of the Town Assessor or of the County Clerk; or by mailing to any of such persons by certified or registered mail to his 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 by securely affixing a copy of such notice upon the unsafe building.

§ 42-8. 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.

§ 42-9. Refusal to comply.

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 securing or repair or the demolition and removal of such building, either by Town employees or by contract. Except in emergency as provided in § 42-12 hereof, any contract for securing or repair or demolition and removal of a building in excess of \$5,000 shall be awarded through competitive bidding.

§ 42-10. Assessment of expenses.

All expenses incurred by the Town in connection with the proceeding to repair or secure or demolish and remove the unsafe building, including the cost of actually securing, repairing or demolishing and removing such building and legal fees and expenses, 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 the Town Law for the levy and collection of a special ad valorem levy.

§ 42-11. Penalties for offenses. [Amended 12-10-1985 by L.L. No. 11-1985]

Any person who violates any provision of this chapter shall be guilty of an offense against this chapter and shall be subject to a fine, for the first week's continuation of such violation following service of notice as provided herein or for any portion of that week, of not more than \$250 or to imprisonment for a period of not more than 15 days, or both such fine and imprisonment. In addition, any person who violates any of the provisions of this chapter or who shall omit, neglect or refuse to do any act required by this chapter shall severally, for each and every such violation, forfeit and pay a civil penalty not to exceed \$100 a day for each day of continued violation in excess of the first week following service of notice as provided herein. The imposition of penalties for any violation of this chapter shall not excuse the violation or permit it to continue. The application of the above penalty or penalties for any violation of this chapter shall not preclude the enforced removal of conditions prohibited by this chapter.

§ 42-12. Emergency provisions.

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 or secured or demolished and removed, the Town Board may, by resolution, authorize the Unsafe Buildings Officer to immediately cause the repair or securing or demolition of such unsafe building. The expense of such repair or securing or demolition shall be a charge against the land on which it is located and shall be assessed, levied and collected as provided in § 42-10 hereof.