

LOCAL LAW

INTRO NO. 1- 2008

OF THE TOWN OF EAST OTTO
COUNTY OF CATTARAUGUS
STATE OF NEW YORK

PROVIDING FOR THE REMOVAL OR DEMOLITION OF
DANGEROUS OR UNSAFE BUILDINGS OR STRUCTURES

Pursuant to Section 10 of the Municipal Home Rule Law

BE IT ENACTED by the Town Board of the Town of East Otto, Cattaraugus County, New York as follows:

SECTION 1. LEGISLATIVE INTENT

The Town Board of the Town of East Otto deems it necessary to provide for the repair or removal of buildings and structures that, from any cause, may now be or hereafter become dangerous or unsafe to the public.

SECTION 2. TITLE

This local law shall be known as the Unsafe Buildings Law of the Town of East Otto.

SECTION 3. DEFINITIONS

Unsafe Building: Any house, cabin, barn, mobile home, shed, trailer or other building, structure or edifice which is structurally unsafe, unsanitary or otherwise dangerous to human life, or which in relation to existing use constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidation, obsolescence or abandonment, or which otherwise constitutes an unsafe building or structure under the New York State Fire Prevention and Building Code.

Code Enforcement Officer: The Code Enforcement Officer of the Town of East Otto.

SECTION 4. UNSAFE BUILDINGS ILLEGAL

All unsafe buildings are hereby declared to be illegal and shall be abated by repair and rehabilitation or by demolition in accordance with procedures set forth in this local law.

SECTION 5. INSPECTION AND REPORT

- a. The code enforcement officer shall upon request of the Town Board make one or more inspections of any premises on which it is believed that any unsafe building is located and shall report to the Town Board on the condition thereof.
- b. The code enforcement officer shall make periodic inspections of the Town to assure that all existing buildings and structures are safe. The code enforcement officer shall report all observed violations of this ordinance to the Town Board.

SECTION 6.

NOTICE REQUIRING REPAIR OR REMOVAL

a. If the Town Board confirms a report of the code enforcement officer that a building is unsafe, it shall direct the code enforcement officer to serve notice on the owner or some one of the owner's executors, legal representatives, agents, lessees or any other person having a vested or contingent interest in the premises, either personally or by registered mail, addressed to the last known address, if any, of such owner or some one of the owner's executors, legal representatives, agents, lessees, or 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, containing a description of the premises, a statement of the particulars in which the building or structure is unsafe or dangerous and an order requiring that such building or structure be made safe and secure or removed within a reasonable period of time, not exceeding ninety (90) days from the date of such notice. If such service be made by registered mail, a copy thereof shall be posted on the premises.

b. Such notice shall provide that the Town Board shall hold a hearing in regard to the matter on the date and at the time and place specified therein, not more than twenty (20) days after the date of service of such notice.

c. The code enforcement officer shall file a copy of such notice in the office of the County Clerk of Cattaraugus County in the same manner as a notice of pendency if filed pursuant to Article 65 of the Civil Practice Law and Rules, and such filing shall have the same effect as a notice of pendency as therein provided, except as otherwise hereinafter provided. 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 Clerk of Cattaraugus County shall mark such notice and any record or docket thereof as cancelled of record upon the presentation and filing of such consent or of a certified copy of such order.

d. The person served with such notice shall commence the securing or removal of such building or structure within a reasonable time, the length of which shall be determined by the Town Board and set forth clearly in the aforementioned notice and shall depend upon the severity of the danger to public health and welfare posed by the building which is the subject of such notice. Such securing or removal shall, in all cases, be completed within ninety (90) days from the date of service of the aforementioned notice, or within such shorter time period as the Town

Board may deem necessary in the event it determines that the danger posed by the unsafe building requires more immediate attention. If upon application of the person served with such notice and for good cause shown, however, the Town Board may extend the time within which the securing or demolition must commence or be completed, or both.

SECTION 7.

REMOVAL BY TOWN

In the event that such owner fails or refuses to repair or remove any such building or structure within the time provided in the aforementioned notice, the Town may remove such building or structure or cause the same to be removed.

SECTION 8. ASSESSMENT OF COSTS

All costs and expenses incurred by the Town of East Otto in connection with the proceedings to remove or secure, including the cost of actually removing any such building or structure, shall be assessed against the land on which said buildings or structures are or were located.

SECTION 9. SEVERABILITY

If any clause, sentence, paragraph, section or article of this ordinance shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, which shall be confined in its operation to the clause, sentence, paragraph, section or article thereof directly involved in the controversy in which such judgment shall have been rendered.

SECTION 10. REPEAL OF PRIOR ACTS

The ordinance entitled "Ordinance Amending Section 16 Regarding Unsafe Buildings" adopted by the Town Board on April 12, 1971 is hereby repealed. To the extent that the provisions of this local law are inconsistent with any other local law, ordinance, rule or regulation adopted by the Town Board of the Town of East Otto prior to the effective date hereof, the provisions of this local law shall apply.

SECTION 11. EFFECTIVE DATE

This local law shall become effective immediately.