

## Chapter 34

**BUILDINGS, UNSAFE**

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**[HISTORY: Adopted by the Town Board of the Town of New Baltimore 6-6-61; amended in its entirety 3-10-81. Subsequent amendments noted where applicable.]**

**§ 34-1. Title. [Amended 12-28-87 by L.L. No. 7-1987]**

This chapter shall be known as the "Unsafe Buildings and Collapsed Structures Law of the Town of New Baltimore."

**§ 34-2. Inspection and report. [Amended 12-28-87 by L.L. No. 7-1987]**

When, in the opinion of the Building Inspector, any structure located in the Town of New Baltimore shall be deemed to be unsafe or dangerous to the public from any cause, he shall make a formal inspection thereof and report in writing to the Town Board his findings and recommendations regarding its removal or repair.

**§ 34-3. Consideration of report; determination of building as unsafe or dangerous; issuance of notice.**

Said Town Board shall thereafter consider this report and, by resolution, determine, if in its opinion the report so warrants, that said structure or building is unsafe and dangerous and order its removal or repair if the same can be safely repaired, and further order that a notice shall be given to the following persons or corporations and in the manner herein as provided.

**§ 34-4. Contents of notice.**

The notice 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 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 said buildings or structures shall commence within thirty (30) days of the serving of the notice and shall be completed within sixty (60) days thereafter, unless for good cause shown such time shall be extended.
- 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 (5) business days from the date of service of the notice.
- 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.

**§ 34-5. Service of notice.**

The notice shall be served in the following manner:

- A. By personal service of a copy thereof upon the owner or someone of the owner's executors, legal representatives, agents, lessees or any other person having a vested or contingent interest in the premises as shown by the records of the receiver of taxes and/or in the office of the County Clerk or County Register; or
- B. By registered mail, return receipt requested, upon the owner or someone of the owner's executors, legal representatives, agents, lessees or any other person having a vested or contingent interest in the premises and by securely affixing a copy of such notice upon the building or structure.

#### **§ 34-6. Filing of notice.**

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

#### **§ 34-7. Procedure upon refusal to comply.**

In the event of the neglect or refusal of the persons 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 § 34-8 hereof, any contract for demolition and removal of a building in excess of five thousand dollars (\$5,000.) shall be awarded through competitive bidding.

#### **§ 34-8. Emergency cases.**

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 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 § 34-4F hereof.

**§ 34-9. Assessment of costs and expenses.**

All costs and expenses incurred by the town in connection with the proceedings to remove or secure, including the cost of actually removing said unsafe building or structure, may be assessed against the land on which said buildings or structures are located.

**§ 34-10. Proceedings to recover costs and expenses.**

In addition to the assessment of costs and expenses provided for herein, the Town Board may, by resolution authorizing such action, commence a special proceeding pursuant to the General Municipal Law, § 78-b, in a court of competent jurisdiction to collect the costs of demolition, including reasonable and necessary legal expenses incidental to obtaining a court order to demolish, from the owner of any building or structure declared unsafe or dangerous and ordered demolished or removed by the Town Board pursuant to this chapter.