

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

NEW YORK
DEPARTMENT OF STATE

FILED

SEP 06 2001

County

City

Town

Village

of WILLIAMSTOWN

Local Law No. 1 of the year 2001

MISCELLANEOUS
& STATE RECORDS

A local law REGULATING UNSAFE BUILDINGS IN THE TOWN OF WILLIAMSTOWN

(Leave Blank)

Be it enacted by the TOWN BOARD of the

(Name of Legislative Body)

County

City

Town

Village

of WILLIAMSTOWN

as follows:

A Local Law providing for the repair or removal of unsafe buildings and collapsed structures.

Be it enacted by the Town Board of the Town of Williamstown, Oswego County, New York as follows:

SECTION I PURPOSE

Unsafe buildings pose a threat to life and property in the Town of Williamstown. 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 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 local law to provide for the safety, health protection and general welfare of persons and property in the Town of Williamstown by requiring such unsafe buildings be repaired or demolished and removed.

SECTION II TITLE

This local law shall be known as "Unsafe Buildings Law" of the Town of Williamstown.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

SECTION III DEFINITIONS

(1) "Building" means any building, structure or portion thereof used for residential, business or industrial purposes.

(2) "Building Inspector" means the building inspector of the Town of Williamstown or such other person appointed by the Town Board to enforce the provisions of this local law.

SECTION IV INVESTIGATION AND REPORT

When in his own opinion or upon receipt of information that a building (1) is or may become dangerous or unsafe to the general public, (2) is open at the doorways and windows making it accessible to and an object of attraction to minors under eighteen years of age, as well as to vagrants and other trespassers, (3) is or may become a place of rodent infestation, (4) presents any other danger of the health, safety, morals and general welfare of the public or (5) is unfit for the purposes for which it may lawfully be used, he shall cause or make an inspection thereof and report in writing to the Town Board his findings and recommendations in regard to its repair or demolition and removal.

SECTION V TOWN BOARD ORDER

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

SECTION VI NOTICE; CONTENTS

The notice shall contain the following:

- (1) a description of the premises,
- (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 securing or removal of such building shall be completed within thirty (30) days of the service of the notice,
- (5) a statement that in the event of neglect or refusal of the person served with the notice to comply with the same, a survey of the premises will be made and if such survey shall report the building unsafe or dangerous, an application will be made at Special Term of the Supreme Court in the Judicial District in which the property is

located for an order determining the building to be a public nuisance and directing that it shall be repaired and secured or demolished and removed and that the expenses of the proceeding to secure or remove the building, including the actual cost of securing or removing such building, shall be assessed against the land on which it is located.

SECTION VII SERVICE OF NOTICE

The said notice shall be served:

(1) by service of a copy thereof upon the owner, executor, administrator, agent, lessee or any person having a vested or contingent interest in such unsafe building as shown by the records of the receiver of taxes (or tax collector) or the county clerk in accordance with Section 308 of the Civil Procedure Law and Rules of the State of New York if no such person can be reasonably found by mailing such owner by registered mail a copy of such notice directed to his last known address as shown by the above records and

(2) by personal service of a copy of such notice upon an adult person residing in or occupying said premises if such person can be reasonably found and

(3) by securely affixing a copy of such notice upon the unsafe building.

SECTION VIII REFUSAL TO COMPLY: SURVEY

In the event of the refusal or neglect of the person so notified to comply with said order of the Town Board, the Town Board shall appoint a professional building engineer or architect, and the person so notified shall appoint a professional building engineer or architect to make a survey of the unsafe building and submit a written report thereon. If the person so notified shall refuse or neglect to appoint such a surveyor within thirty (30) days after service of said notice, the surveyor appointed by the Town Board shall procure and make the report. A signed copy of such report shall be affixed securely to such building.

SECTION IX APPLICATION TO COURT

In the event the building shall be reported unsafe or dangerous in such survey, the Town Board may by resolution, direct the supervisor of the Town to make an application at a Special Term of the Supreme Court in the Judicial District in which such property is located for an order determining the building to be a public nuisance and directing that it shall be repaired or secured or demolished and removed.

SECTION X ASSESSMENT OF EXPENSES

All expenses incurred by the Town in connection with the proceedings to repair and secure or demolish and remove the unsafe building, including the cost of actually removing such building, 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 Article Fifteen of the Town Law for the levy and collection of a special and valorem levy.

SECTION XI 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 Section 10 hereof.

SECTION XII

The surveyor appointed as provided herein shall be paid reasonable compensation as shall be fixed by the Town Board

SECTION XIII

This local law shall take effect immediately upon filing thereof in the Office of the Secretary of State.

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 1 of 2001 of the ~~(County)(City)(Town)(Village)~~ of WILLIAMSTOWN was duly passed by the TOWN BOARD on 8/27 2001, in accordance with the applicable provisions of law.
(Name of Legislative Body)

~~2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)~~

~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)(repassed after disapproval) by the _____ and was deemed duly adopted on _____ 20____ in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)~~

3. (Final adoption by referendum.)

~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 20____. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)~~

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)~~

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

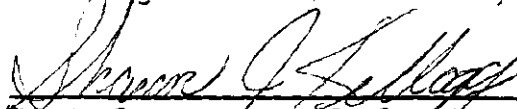
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph _____, above.



Clerk of the County legislative body, City, Town or Village Clerk
or officer designated by local legislative body
SHARON KELLOGG, TOWN CLERK

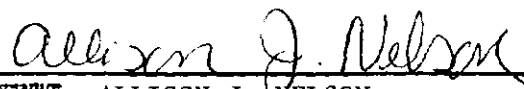
(Seal)

Date: 8/30/2001

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF OSWEGO

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.



Signature ALLISON J. NELSON
Seiter Law Firm
Attorney for

Title

County
City of WILLIAMSTOWN
Town
Village

Date: 9/4/01