

(Please Use this Form for Filing your 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.

~~County~~
~~City~~ of LYNDONVILLE, NEW YORK
~~Town~~
Village

Local Law No. 1 of the year 19 87

A local law Providing for the Repair or Removal of Unsafe Buildings and Collapsed Structures (Insert title)

Be it enacted by the Board of Trustees of the (Name of Legislative Body)

~~County~~
~~City~~ of Lyndonville as follows:
~~Town~~
Village

Section 1. Purpose. Unsafe buildings pose a threat to life and property in the Village of Lyndonville. 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 Village of Lyndonville by requiring such unsafe buildings be repaired or demolished and removed.

Section 2. This Local Law shall be known as "Unsafe Buildings Law" of the Village of Lyndonville.

Section 3. Definitions. (1) "Building" means any building, structure or portion thereof used for residential, business or industrial purpose. (2) "Code Enforcement Officer" means the Code Enforcement Officer of the Village of Lyndonville or such other person appointed by the Village Board to enforce the provisions of this Local Law.

Section 4. 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 doorways and windows making it accessible to and an object of attraction to minors under eighteen (18) 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 to 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 Village

Section 6. 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 commence within thirty (30) days of the service of the notice and shall be completed within sixty (60) days thereafter, unless for good cause shown such time shall be extended, (5) a date, time and place for a hearing before the Village 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 and (6) a statement that in the event of neglect or refusal to comply with the order to secure or demolish and remove the building, the Village 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.

Section 7. Service of Notice. The said notice shall be served (1) by personal 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 of the County Clerk; or 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 any 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 8. A copy of the Notice served as provided herein shall be filed in the Office of the County Clerk of the County of Orleans.

Section 9. Refusal to Comply. In the event of the refusal or neglect of the person so notified to comply with said order of the Village Board and after the hearing, the Village Board shall provide for the demolition and removal of such building or structure either by Village employees or by contract. Except in emergency as provided in Section 11, hereof, any contract for demolition and removal of a building in excess of \$5,000.00 shall be awarded through competitive bidding.

Section 10. Assessments of Expenses. All expenses incurred by the Village of Lyndonville 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 Five (5) of the Village Law for the levy and collection of a special assessment.

Section 11. 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 Village Board may by resolution authorize the Code Enforcement Officer to immediately cause the repair or demolition of such unsafe building. The expenses of such repair or demolition shall be charged against the land on which it is located and shall be assessed, levied and collected as provided in Section 10 hereof.

Section 12. The surveyor appointed as provided herein shall be paid reasonable compensation as shall be fixed by the Village Board.

Section 13. This Local Law shall take effect immediately upon filing thereof in the office of the Secretary of State.

(Complete the certification in the paragraph which applies to the filing of this local law and strike out the matter therein which is not applicable.)

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

I hereby certify that the local law annexed hereto, designated as local law No.1..... of 19..87..
~~XXXXX~~
of the ~~City~~ of Lyndonville..... was duly passed by the Board of Trustees.....
~~XXXXX~~ Village (Name of Legislative Body)
on February 9..... 19..87.. in accordance with the applicable provisions of law.

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

I hereby certify that the local law annexed hereto, designated as local law No. of 19.....
County
of the City of was duly passed by the
Town (Name of Legislative Body)
Village
on 19..... and was approved not disapproved by the
repassed after disapproval Elective Chief Executive Officer *
and was deemed duly adopted on 19....., in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. of 19.....
County
of the City of was duly passed by the
Town (Name of Legislative Body)
Village
on 19..... and was approved not disapproved by the
repassed after disapproval Elective Chief Executive Officer *
on 19...... Such local law was submitted to the people by reason of a
mandatory referendum, and received the affirmative vote of a majority of the qualified electors voting
permissive general
thereon at the special election held on 19....., in accordance with the appli-
annual
cable provisions of law.

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

I hereby certify that the local law annexed hereto, designated as local law No. of 19.....
County
of the City of was duly passed by the on
Town (Name of Legislative Body)
Village
..... 19..... and was approved not disapproved by the on
repassed after disapproval Elective Chief Executive Officer *
..... 19...... Such local law being subject to a permissive referendum and no
valid petition requesting such referendum having been filed said local law was deemed duly adopted on

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 19..... of the City of..... having been submitted to referendum pursuant to the provisions of § 36 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 election held on 19 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 19..... of the County of, State of New York, having been submitted to the Electors at the General Election of November, 19, 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 of 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.

Deirdre M. Salow

~~Clerk of the County legislative body, City, Town or Village, Clerk or officer designated by local legislative body~~

VILLAGE CLERK

Date: February 9, 1987

(Seal)

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

STATE OF NEW YORK

COUNTY OFORLEANS.....

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.