

Local Law 1 1981:
March 17, 1981

A local law providing for the repair and removal of unsafe buildings and collapsed structures.

Be it enacted by the Town Board of the Town of Portville as follows:

SECTION I

Unsafe Buildings pose a threat to life and property in the Town of Portville. Buildings and structures may become unsafe by reason of damage by fire, the elements, age or general deterioration. Vacant buildings not properly secured and doorways and windows also serve as an attract of 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 Portville by requiring such unsafe buildings be repaired or demolished and removed.

SECTION II

This Local Law shall be known as "Unsafe Buildings Law" of the Town of Portville.

SECTION III

Definitions. (1) "Buildings" means any building, structure or portion thereof used for residential, business or industrial purpose. (2) "Building Inspector" means the building inspector of the Town of Portville 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 attractions to minors under eighteen years of age, as well as vagrants and other trespassers, (3) is or may become a place of rodent infestation, (4) presents any other danger to the health, safety, moral and general welfare of the public, or (5) is unfit for the purposes 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, Content. 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 Town Board in relation to such dangerous or unsafe building, which hearing shall be scheduled not less than five 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 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 but not limited to necessary and reasonable legal expenses.

SECTION VII

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 VIII

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

SECTION IX

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 demolition and removal of such building or structure either by Town employees or by contract. Except in emergency as provided by Section II hereof, any contract of demolition and removal of a building in excess of \$5,000 shall be awarded through competitive bidding.

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 15 of the Town Law for the levy and collection of a special of valorem levy.

SECTION XI

Emergency Cases. Where it reasonably appears that there is present a clear and imminent danger to the life, safety and 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 expense 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 X hereof.

SECTION XII

The building inspector or other person appointed by the Town Board to enforce the provisions of this Local Law shall be paid reasonable compensation as shall be fixed by the Town Board.

SECTION XIII

This Local Law shall take effect immediately upon this filing thereof in the Office of the Secretary of State of the State of New York.