

**TOWN OF TICONDEROGA
COUNTY OF ESSEX, STATE OF NEW YORK
LOCAL LAW No. 3 of 2015**

A LOCAL LAW REGULATING UNSAFE BUILDINGS

Be it enacted by the Town Board of the Town of Ticonderoga, as follows:

Section 1. Legislative Findings and Intent.

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

Section 2. Title.

This chapter shall be known as "Unsafe Buildings Law of the Town of Ticonderoga."

Section 3. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

- a. **Building.** Any building, structure or portion thereof used for residential, business or industrial purposes or accessory thereof.
- b. **Code Enforcement Officer.** The Code Enforcement Officer of the Town of Ticonderoga, or such other person appointed by the Town Board to enforce the provisions of this chapter.

Section 4. Investigation and Report.

When, in the opinion of the Code Enforcement Officer or upon receipt of information that a building is or may become dangerous or unsafe to the general public; is open at the doorways and windows making it accessible to and an object of attraction to minors under 18 years of age, as well as to vagrants and other trespassers; is or may become a place of rodent infestation; presents any other danger to the health, safety, morals and general welfare of the public; or is unfit for the purposes of 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 5. Order to Repair or Remove.

The Town Board shall thereafter consider such reports 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 6. 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 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 such building shall commence within 30 days of the service of the notice and shall be completed within 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 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 real property 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.

Said notice shall be served 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 such unsafe building and any mortgagees holding mortgages on the property where such building is located, either personally or by registered mail, addressed to the last known address, if any, of the owner or some one of the owner's executors, legal representatives, agents, lessees or other person having a vested or contingent interest in such unsafe building, as shown by the records of the Receiver of Taxes and/or in the office of the County Clerk or County Register, 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 same to be made safe and secure or removed, the date of hearing pursuant to §9 hereof; and if such service is made by registered mail, a copy of such

notice shall be posted on the premises.

Section 8. Opportunity for Hearing.

Except in the case of an emergency as provided for in §12 hereof, the Town Board shall provide a hearing at a duly called public meeting of the Town Board whereat the property owner, any mortgagee holding a mortgage on the property and any other interested party may appear and present evidence concerning the building.

Section 9. Refusal to comply; work done by Town.

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 an emergency as provided in §12 hereof, any contract for demolition and removal of a building shall be awarded in accordance with the Town's procurement policy.

Section 10. 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 real property 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 special ad valorem assessments.

Section 11. Emergencies.

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 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 real property on which it is located and shall be assessed, levied and collected as provided in §11.

Section 12. Penalties for offenses.

Any person, firm or corporation violating or refusing to comply with an order of the Town Board issued under the provisions of this chapter shall, upon conviction thereof, be punishable by a fine not exceeding \$250 or by imprisonment for a term not exceeding 15 days, or by both such fine and imprisonment.

Section 13. Severability.

If any clause, sentence, paragraph, subdivision, section, or part of this Local Law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this Local Law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 14. Effective Date.

This chapter shall take effect immediately upon filing with the Secretary of State.