

Proposed Local Law No. 3 of 2012

"Unsafe Structure Law of the Village of Port Henry."

- 1) PURPOSE Unsafe Structures pose a threat to life and property in the Village of Port Henry. 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 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 Port Henry by requiring such unsafe buildings be repaired or demolished and removed.
- 2) DEFINITIONS
 - a) STRUCTURE- Any building, construction, house, mobile home or partially completed construction of any kind, for any use, including but not limited to residential, commercial and industrial.
 - b) CODE ENFORCEMENT OFFICER- The Code Enforcement Officer of the Village of Port Henry, or such other person appointed by the Village Board to enforce the provisions of this Local Law.
 - c) OWNER- The Title Owner of any interest in real property including any Mortgage holder when such Mortgage holder is the Owner in possession. Where there are multiple Owners of any real property, Notice to any one of them shall satisfy the requirements of this Local Law.
- 3) INSPECTION If the Code Enforcement Officer of the Village of Port Henry receives a complaint or otherwise learns that a structure within the Village has potentially become unsafe or dangerous to the public, is open at the doorways and windows, making it accessible to and an object of attraction to minors, as well as to vagrants and other trespassers; is or may become a place of rodent infestation; or presents any other danger to the health, safety, morals and general welfare of the public he or she shall make a formal inspection thereof and report in writing to the Village Board of the Village of Port Henry the findings and recommendations in regard to its removal or repair. The Owner may also engage, at his or her own expense, an engineer to inspect the premises and provide information to the Code Enforcement Officer.
- 4) FACTORS All buildings or structures which have any or all of the following defects shall be deemed dangerous or unsafe buildings:

- a) Those whose exterior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity falls outside of the middle third of its base.
 - b) Those which, exclusive of the foundation, show 33% or more of damage or deterioration of the supporting member or members or 50% of damage or deterioration of the non-supporting enclosing or outside walls or covering.
 - c) Those which have improperly distributed loads upon the floors or roofs or for which the floors have insufficient strength to be reasonably safe for the purpose used.
 - d) Those which have been damaged by fire, wind or other causes so as to have become dangerous to life, safety, morals or the general health and welfare of the occupants or the people of the Village.
 - e) Those which have become, or are, so dilapidated, decayed, unsafe, unsanitary or which so utterly fail to provide the amenities essential to decent living that they are unfit for human habitation or are likely to cause sickness or disease, so as to threaten injury to the health, morals, safety or general welfare of occupants.
 - f) Those having light, air and sanitation facilities which are inadequate to protect the health, morals, safety or general welfare of occupants.
 - g) Those having inadequate facilities for egress in case of fire or panic or those having insufficient stairways, elevators, fire escapes or other means of evacuation.
 - h) Those which have parts thereof which are so attached that they could fall and injure members of the public or property of others.
 - i) Those which, because of their condition, are unsafe, unsanitary or dangerous to the health, morals, safety or general welfare of the people of the Village.
 - j) Those which are open at the doorways or windows or walls, making them accessible to and an object of attraction to minors, as well as to vagrants and other trespassers.
 - k) Those which are, or are likely to become, places of rodent infestation.
 - l) Those which consist of debris, rubble or parts of buildings left on the ground after demolition, reconstruction, fire or other casualty.
- 5) NOTICE The Code Enforcement Officer of the Village of Port Henry shall prepare a Notice which shall include 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

requiring the structure to be made safe and secure or removed, d) the time within which the owner or other person served shall commence the securing or removal of buildings or structures, and e) the date, time and place of a hearing before the Village Board at which any interested party may present evidence or argument regarding the condition of the structure.

- 6) SERVICE OF NOTICE The Code Enforcement Officer of the Village of Port Henry shall serve a copy of the Notice by personal service or by registered mail, on the Owner or the Owner's executors, legal representatives, agents, lessees or any other person having a vested or contingent interest in same. If served by registered mail, the Notice shall be addressed to the last known address of the owner or the owner's executors, legal representatives, agents, lessees or other person having a vested or contingent interest in same, as shown by the records of the receiver of taxes and a copy of the notice shall be posted on the premises.
- 7) FILING OF NOTICE A copy of the Notice shall be filed in the office of the county clerk, such notice shall be filed in the same manner as a notice of pendency pursuant to article sixty-five of the civil practice law and rules, and shall have the same effect as a notice of pendency as therein provided. Such Notice shall be effective for a period of one year from the date of filing, unless vacated by court order or upon the consent of the Village attorney. The county clerk shall mark such notice and any record or docket thereof as canceled of record upon the presentation and filing of such consent or of a certified copy of such order.
- 8) HEARING The Owner, or any authorized representative of the Owner, may appear before the Village Board at the time and place set forth in the Notice for a hearing. Following said hearing, the Village Board shall give notice to the Owner or the Owner's representative at the hearing as to the Board's determination following said hearing. The Board may determine that the original order shall remain in full force and effect, or it may amend said order, or it may rescind said order.
- 9) FAILURE TO COMPLY Should the Owner fail or refuse to repair or remove the Structure within the time provided, the Village Board may make such repairs as the Village Board deems necessary in order to make the Structure safe to the public and the Village Board may cause all costs and expenses incurred by the Village in connection with the proceedings to remove or secure, including the cost of actually removing said building or structure, to be assessed against the land on which said buildings or structures are located.
- 10) PENALTIES Any violation of this Law shall be punishable by a fine of not more than \$250 or imprisonment for not more than 15 days, or both. Each day's continued violation shall constitute a separate offense.
- 11) REPEALER Local Law No. 1 of 1995, a local law regarding Property Maintenance, is hereby repealed.

12) EFFECTIVE DATE This Local Law shall take effect immediately upon filing in the office of the New York State Secretary of State or as otherwise provided by law.