

# Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE  
41 STATE STREET, ALBANY, NY 12231

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

STATE OF NEW YORK  
DEPARTMENT OF STATE

6 pages

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.

F I L E D

AUG 13 2002

~~COUNTY~~

~~CITY~~

Town

~~VILLAGE~~

of Westville

MISCELLANEOUS  
& STATE RECORDS

Local Law No.

# 4

of the year 2002

A local law UNSAFE BUILDING LAW OF TOWN OF WESTVILLE  
(Insert title)

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

~~COUNTY~~

~~CITY~~

Town

~~VILLAGE~~

of Westville

as follows:

SEE ATTACHED

## UNSAFE BUILDING LAW OF TOWN OF WESTVILLE

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 Westville as follows:

### SECTION 1 PURPOSE

Unsafe buildings pose a threat to the life and property in the Town of Westville. 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 Town of Westville, by requiring such unsafe buildings be repaired or demolished and removed.

### SECTION 2 TITLE

This local law shall be known as "UNSAFE BUILDING LAW" of the Town of Westville.

### SECTION 3 DEFINITIONS

- A. "BUILDING" means any building, structure or portion thereof, used or previously used, for residential, business or industrial purposes.
- B. "CODE OFFICER" means the code officer or building inspector of the Town of Westville, or such person appointed by the Town Board to enforce the provisions of this Local Law.

### SECTION 4 INVESTIGATION AND REPORT

When in the opinion of the code officer or building inspector, or upon receipt of information that a building:

- A. Is or may become dangerous or unsafe to the general public; or
- B. Is open at doorways and windows making it accessible to and an object of attraction to minors under eighteen years of age, as well as vagrants and other trespassers; or
- C. Is or may become a place of rodent infestation; or

- D. Presents any other danger to the health, safety, morals and general welfare of the public; or
- E. It is unfit for the purpose for which it may lawfully be used;

The code officer shall make an inspection thereof and report in writing to the Planning Board his findings. In turn the planning board will issue, in writing, it's findings and recommendations with respect to its repair, demolition and removal to the Town Board of Westville.

#### **SECTION 5 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 or its demolition and removal, and further order that a notice be served upon the persons and in the manner provided herein.

#### **SECTION 6 NOTICE - CONTENTS**

The notice shall contain the following:

- A. A description of the premises.
- B. The name and address of the person or persons of record that own the unsafe structure, and the names and addresses of any person occupying the property.
- C. A statement of the particulars in which the building is unsafe or dangerous.
- D. An order outlining the manner in which the building is to be made safe and secure, or demolished and removed.
- E. A statement that the securing or removal of such building shall commence within (30) days of service of the notice and shall be completed within (60) days thereafter, unless for good cause shown, such time shall be extended.
- F. 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.
- G. A statement that in the event of refusal to comply with the order to secure or demolish and remove the building, the Town Board will instruct the code officer to serve in person or by certified mail, a summons for the owner and occupants to appear in court.

#### **SECTION 7 SERVICE OF NOTICE**

The said notice shall be served by the code officer or by certified mail upon the owner, executor, administrator, agent, tenant, lessee and any person having a vested or contingent interest in such

unsafe building as shown by the records of the receiver of taxes or County Clerk, at his last known address, and shall be served at least (10) ten days prior to the return date of the notice. A copy of the notice, with proof of service thereof, shall be kept on file at the code office, and shall be filed at the Town Clerk's Office.

**SECTION 8 PENALTIES**

Any person who shall violate this local law shall be guilty of an offense and subject to a fine not more than Two Hundred and Fifty Dollars (\$250.00) or guilty by a penalty of Two Hundred and Fifty Dollars (\$250.00). Every such person shall be deemed guilty of a separate offense for each week such violation, disobedience, omission, neglect, or refusal shall continue.

**SECTION 9 APPLICABILITY WITH OTHER LAW**

In the event this law varies from superceding State Law, that law shall govern. In the event of any inconsistency with other Town of Westville laws, this law shall govern.

**SECTION 10 EFFECTIVE DATE**

This law shall be effective upon filing with the Secretary of State.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that 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. #4 - Unsafe Building Law of 2002 of the (County)(City)(Town)(Village) of Westville was duly passed by the Town Board on July 8, 2002 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 19\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 19\_\_\_\_, and was (approved)(not approved)(repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted on \_\_\_\_\_ 19\_\_\_\_, in accordance with the applicable provisions of law.  
*(Elective Chief Executive Officer\*)*

**3. (Final adoption by referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 19\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 19\_\_\_\_, and was (approved)(not approved)(repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 19\_\_\_\_. 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 \_\_\_\_\_ 19\_\_\_\_, in accordance with the applicable provisions of law.  
*(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 19\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 19\_\_\_\_, and was (approved)(not approved)(repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 19\_\_\_\_. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 19\_\_\_\_, in accordance with the applicable provisions of law.  
*(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 19\_\_\_\_ 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 \_\_\_\_\_ 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 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.

*Linda M. Jackson*

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

(Seal)

Date: 7/8/02

(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 Franklin

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.

*Richard H. Edwards*

Signature Richard H. Edwards

Attorney for the Town of Westville

Title

~~XXXXXX~~  
~~XXXX~~ of Westville  
Town  
~~VILLAGE~~

Date: 7/8/02