

**LOCAL LAW \_\_\_ OF 2014**

**A LOCAL LAW OF THE TOWN OF ANCRAM ALLOWING FOR THE REPAIR OR  
REMOVAL OF UNSAFE BUILDINGS**

**BE IT ENACTED** by the Town Board of the Town of Ancram, in the County of Columbia, as follows:

**1. Statutory Authority**

This Local Law is enacted pursuant to section 10 of the New York Municipal Home Rule Law and section 130 of the New York Town Law.

**2. Intent**

Buildings or structures in the Town of Ancram which are dilapidated or in a state of disrepair pose a danger to the health, safety, and welfare of the occupants of those structures or buildings, to members of the general public, and to property. The intent of this Local Law is to allow the Town to identify such buildings or structures, provide the owners of the buildings or structures with notice concerning conditions which should be remediated, and, if owners of the buildings or structures fail to take action in accordance with the Notice, to permit the Town to remove the buildings or structures and have the cost of removal become a lien against the Property.

**3. Definitions**

- a. **Owner.** An “Owner” is the record title holder of a parcel of land on which is located a Building, the Owner’s executor, legal representative, agent, or lessee or any other person having a vested or contingent interest in the parcel of land. An Owner may be one or more persons.
- b. **Building.** “Building” means a building or a structure as defined in the in the New York State Uniform Fire and Building Code.
- c. **Property.** The “Property” is the parcel of land on which the Building is located. If there is more than one parcel of land, then Property refers to all parcels.

**4. Prohibited conduct**

No Owner shall cause, maintain, or allow a Building to be unsafe or dangerous to persons or to Property or cause, maintain, or allow a Building to become unsafe or dangerous to persons or Property.

**5. Inspection**

The Town Code Enforcement Officer shall inspect any Building he believes is or may become unsafe or dangerous. He will endeavor to notify the Owner prior to conducting the inspection. His inspection may include the exterior of the Building and the interior of the Building, provided that the interior inspection is either on consent of a Building occupant, limited to common areas of the Building. If the Code Enforcement Officer reasonably believes that the Owner of the Building has abandoned it, the Code Enforcement Officer may inspect the interior portions of the Building without the Owner's consent. Nothing in this paragraph shall limit the Code Enforcement Officer's right to apply for an administrative search warrant under applicable law if required to conduct an inspection of a Building. The Town may retain the services of a licensed engineer to assist the Code Enforcement Officer in his or her inspection and to prepare an inspection report for and on behalf of the Code Enforcement Officer.

**6. Notice**

If the Code Enforcement Officer determines that the Building is or will become unsafe or dangerous, he or she shall notify the Owner of such determination by serving a written notice ("Notice") by certified mail return receipt requested or by personal service. If the Notice is sent certified mail, it shall be served on the Owner at his or her last known mailing address as determined by the Code Enforcement Officer and shall also be posted on the Property that is the subject of the Notice. For purposes of providing Notice, an address on file with the Town assessor or County Real Property Tax Agency for the Owner's receipt of real property tax information is presumptively a last known address. Service of the Notice by mail shall be complete upon depositing the mailing with the United States Postal Service. If the Notice is personally served upon the Owner, service shall be complete by personally serving the Owner with the Notice or by serving the Notice at the Owner's residence or place of business upon a person who is of suitable age and discretion as that term is used in CPLR § 308(2). No further actions need to be taken to complete service of the Notice.

**7. Notice Content**

The Notice shall inform the Owner of the date(s) of inspection, a description of the Property, and the particulars of conditions on the Property which gave rise to the Code Enforcement Officer's determination that the Building was or will become unsafe or dangerous. The Notice shall further inform the Owner of actions required of the Owner to remedy the unsafe or dangerous condition, a date by which such remedial work shall commence and a date by which it shall be completed. If the Code Enforcement Officer has determined that the Building must be demolished, the Notice shall inform the Owner of the date by which the Owner shall complete the demolition and removal of the Building. The Notice shall also inform the Owner of the time, date, and place, not prior to 30 days from service of the Notice, at which the Owner can be heard by the Town Board concerning the matters set forth in the Notice. The Notice shall not require the Owner to commence any remedial action until after the hearing date.

**8. Filing with the County Clerk**

The Town shall file the Notice with the Columbia County Clerk in the same manner as a Notice of Pendency pursuant to Article 65 of the Civil Practice Law and Rules. The failure of the Town to file the Notice pursuant to this paragraph shall not invalidate any proceedings under this Local Law.

**9. Town Board Hearing**

The Owner may appear at the Town Board hearing either in person or through his or her legal representative. The purpose of the hearing is to allow the Owner an opportunity to be heard about the contents of the Notice. The hearing shall be informal and shall not involve the taking of sworn testimony or the cross examination of witnesses. Upon conclusion of the hearing, the Town Board shall determine whether to affirm the Code Enforcement Officer's unsafe building determination in whole or in part or whether to overrule the determination. The Town Board's determination shall be a final decision.

**10. Removal of unsafe Building**

After the final decision of the Town Board, the Owner shall commence and complete remedial work or demolition within the time periods set forth in the Notice. If the Owner fails to comply with the repair or demolition requirements of the Notice, the Town, or its authorized representative, without further notice to the Owner, may enter upon the Owner's Property and demolish the Building and remove demolition debris.

**11. Cost of removal is a charge against the Property**

The Town in its sole discretion may use Town equipment and employees to demolish and remove an unsafe Building or may retain the services of an outside contractor to perform the demolition. If the Town uses Town equipment and employees the cost of removal shall be determined by calculating the hours worked by Town employees and applying the hourly salary rate for those employees. The cost of using town equipment shall be determined by apply the market rental rate for the same or similar equipment. Any expenses incidental to the removal of the Building, including legal or consultant fees, shall be included in the cost of removal. The Town shall notify the Owner by regular mail of the cost of removal. If the Owner within 30 days of the Town's mailing fails to pay the cost in full, the Town Clerk shall file, prior to the time for completing the levy of annual town taxes, a statement of the cost of removal with the Town Board. The Town in the preparation of the next succeeding tax levy of general town taxes shall levy the cost of removal upon the Property and the cost of removal shall be levied, collected and enforced in the same manner as the

The cost of removal shall be a charge against the Property and shall be included as an itemized charge by the Town in the next succeeding Town and County tax bill.

**12. Emergency Powers**

Nothing in this Local Law is intended to limit the Town or any other municipal or State entity from exercising existing emergency powers concerning the removal or securing of a Building in the event the Building creates an immediate danger to its occupants or to the public.

**13. Repeal of Existing Provisions**

This Local Law supersedes any inconsistent provisions in the local laws of the Town.

**14. Severability**

Each separate provision of this Local Law shall be deemed independent of all other provisions therein, and if any provisions shall be deemed or declared invalid, all other provisions hereof shall remain valid and enforceable.

**15. Effective Date**

This Local Law shall take effect immediately upon filing in the office of the Secretary of State in accordance with Municipal Home Rule Law § 27.