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

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.

Town of New Scotland

Local Law 8 of the Year 2010

Unsafe Buildings Law

Be it enacted by the Town Board of the Town of New Scotland as follows:

Section 1 Purpose

Unsafe buildings pose a threat to life and property in the Town of New Scotland. Buildings and structures may become unsafe to the general public 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 chapter to provide for the safety, health, protection and general welfare of persons and property in the Town of New Scotland by requiring such unsafe buildings that pose a threat to the general public to be stabilized and repaired or demolished and removed.

Section 2 Title

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

Section 3 Definitions

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

BUILDING

Any building, structure or portion thereof used for residential, business or industrial purpose.

BUILDING INSPECTOR

The Building Inspector of the Town of New Scotland or such other person appointed by the Town Board to enforce the provisions of this chapter.

Section 4 Investigation and report.

When in his own opinion 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 for which it may lawfully be used, the Building Inspector shall cause or make an inspection thereof and report in writing to the Town Board and the Town Historian their findings and recommendations in regard to its stabilization and repair or demolition and removal.

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 to the general public and order its stabilization and 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 Notice; contents.

The notice shall contain the following:

A.

A description of the premises, including date of construction and architectural style.

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 statement that, in the event securing or removal of the building is not completed as set forth in subdivision D, then the Town Board will hold a hearing in relation to such dangerous or unsafe building, at a time, date and place set forth in such 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, after a hearing, 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 legal expenses.

Section 7 Service of notice

The said notice shall be served 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 to such owner by registered mail a copy of such notice, directed to his last known address as shown by the above records, and by personal service of a copy of such notice upon any adult person residing in or occupying said premises if such person can be reasonable found and by securely affixing a copy of such notice upon the unsafe building. A copy of such notice may

also be sent to the New Scotland Historical Association, Clarksville Historical Association and State Historic Preservation Office, with a request that they provide the Town Board with any information they may have concerning the structure.

Section 8 Filing copy of notice

A copy of the notice served as provided herein shall be filed with the Office of the County Clerk of the County of Albany.

Section 9 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 may provide for the demolition and removal of such building or structure either by Town employees or by contract. In determining how to proceed, the Town Board shall take into account any information provided by the New Scotland Historical Association, Clarksville Historical Association, or State Historic Preservation Office, as well as any other information called to its attention in such hearing. Except in an emergency as provided in Section 11 hereof, any contract for demolition and removal of a building in excess of \$5,000 shall be awarded through competitive bidding.

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 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 ad valorem levy.

Section 11 Emergency cases.

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 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 10 hereof.

Section 12 Effective Date

This local 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. 8 of 2010 of the Town of New Scotland was duly passed by the New Scotland Town Board on September 15, 2010, in accordance with the applicable provisions of law.

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 20__ of the Town of New Scotland was duly passed by the New Scotland Town Board on _____ 20 ____, and was (approved) (not approved) (repassed after disapproval) by the _____ and was deemed duly adopted on _____, 20____, in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. ____ of 20____ of the Town of New Scotland was duly passed by the New Scotland Town Board _____ on _____ 20__ , and was (approved) (not approved) (repassed after disapproval) by the _____ on _____, 20__ . 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 _____ 20 ____ , in accordance with the applicable provisions of law.

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 20____ of the Town of New Scotland was duly passed by the _____ on _____, 20____, and was (approved) (not approved) (repassed after disapproval) by the _____ on _____ 20 ____ . Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____, 20 ____ , in accordance with the applicable provisions of law.

*** 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 20 ____ 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 _____, 20___, 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 20__ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20___, 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 1, above.


New Scotland Town Clerk

(Seal)

Date: 9/17/10

(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 ALBANY)ss.:

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.

Signature *L. Michael Mackey*
New Scotland Town Attorney

Date: 9/16/10