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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.

COUNTY OF LEWIS

Local Law No. 2 of the Year 2007

A LOCAL LAW PROVIDING FOR THE REPAIR OR REMOVAL OF UNSAFE BUILDINGS, UNSAFE EQUIPMENT AND COLLAPSED STRUCTURES

(Insert Title)

BE IT ENACTED by the Board of Legislators of the County of Lewis, as follows:

SECTION 1. PURPOSE AND INTENT

1. The Board of Legislators finds that unsafe buildings, unsafe equipment and collapsed structures pose a threat to life and property in the County of Lewis. Buildings and structures may become unsafe by reason of damage by fire, the elements, age or general deterioration. Vacant buildings that are not properly secured at doorways and windows also serve as an attractive nuisance for young children who may be injured therein, as well as point of congregation by vagrants and transients. A dilapidated building may also serve a place of rodent infestation, thereby creating a health menace to the community. Similarly, unsafe equipment may pose a threat to public health as well as risk of injury. It is the purpose of this local law to provide for the safety, health protection and general welfare of persons and property in the County of Lewis by requiring that such unsafe conditions be repaired or demolished and removed.

2. It is further the purpose of this local law to establish procedures for identifying and addressing unsafe structures and equipment pursuant to Section 1203.3(f) of the NYS Uniform Fire and Building Code (19 NYCRR 1203.3(f)).

SECTION 2. TITLE

This local law shall be known as "Unsafe Buildings and Equipment Law" of the County of Lewis.

SECTION 3. DEFINITIONS

- (1) "**Building**" means any building, structure or portion thereof used for residential, business or industrial purpose.
- (2) "**Building Code**" means the NYS Building Code as currently in effect and as the same may hereafter be amended.
- (3) "**Code Enforcement Officer**" shall mean the Code Enforcement Officer or a building inspector appointed by him or her pursuant to

Local Law No. 9 – 2006, or such other person appointed by the Lewis County Board of Legislators to enforce the provisions of this Local Law and/or Local Law No. 9 – 2006.

- (4) “**County**” shall mean the County of Lewis.
- (5) “**Board of Legislators**” shall mean the Lewis County Board of Legislators.
- (6) “**Uniform Code**” shall mean the New York State Uniform Fire Prevention and Building Code, as currently in effect and as the same may hereafter be amended (19 NYCRR 1201 *et. seq.*).

SECTION 4. APPLICATION

The provisions of this Local Law shall apply to any building or structure or equipment located in Lewis County and where the town or village where the property is located has relinquished to the County the responsibility of enforcing and administering the Uniform Code pursuant to Section 1202.1 of the Uniform Code. Provided however, that this Local Law shall have no application to an “agricultural building” as that term is defined by the Building Code.

SECTION 5. INVESTIGATION AND REPORT

1. The Code Enforcement Office shall, in addition to any other duties or responsibilities prescribed by Local Law No. 9 – 2006, the Building Code or any other general or special law, be responsible for administering and enforcing the terms of this Local Law.

2. In the event that upon conducting an inspection of property as provided under this local law, Local Law No. 9 – 2006, the Building Code or any other applicable local law, or applicable law, code, or ordinance, or upon an investigation of a complaint, the Code Enforcement Officer becomes aware that a building (whether vacant or occupied):

- (1) is or may become dangerous or unsafe to the general public;
- (2) is open at the doorways and windows making it accessible to and an object of attraction to minors under eighteen years of age, as well as to vagrants and other trespassers;
- (3) is or may become a place of rodent infestation;
- (4) presents any other danger to the health, safety, morals and general welfare of the public; or
- (5) is unfit for the purposes for which it may lawfully be used,
- (6) contains unsafe equipment as that term is defined by the Building Code,

the Code Enforcement Officer shall cause or make an investigation thereof and report in writing to the Board of Legislators his findings and recommendations in regard to its repair or demolition and/or removal.

3. If, at any time, the Code Enforcement Officer finds that an unsafe building and/or equipment should be condemned, he or she shall follow the procedures set forth in Section 115 of the Building Code, irrespective of whether he or she seeks

further action from the Board of Legislators hereunder.

4. In the event that the unsafe building or equipment contains hazardous materials, the Code Enforcement Officer shall immediately contact the NYS Department of Environmental Conservation ("DEC") for recommendations on taking appropriate action.

SECTION 6. BOARD OF LEGISLATORS ORDER

The Board of Legislators shall thereafter consider such report and by resolution determine,

- (1) if in its opinion that such building or equipment is unsafe and dangerous;
- (2) whether, in addition to any order of condemnation issued by the Code Enforcement Officer, to order the repair of the same if it can be safely repaired; or
- (3) whether to order its demolition and removal; and
- (4) in any event to order that a notice of its decision be served upon the persons and in the manner provided herein.

SECTION 7. NOTICE; CONTENTS

Notice of the Board of Legislators' decision shall be given as provided in this Local Law. The notice shall contain the following:

- (1) a description of the premises;
- (2) a statement of the particulars in which the building or equipment is deemed unsafe or dangerous;
- (3) an order outlining the manner in which the building or equipment is to be made safe and secure, or demolished and removed;
- (4) 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;
- (5) a date, time and place for a hearing before the Board of Legislators 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; and
- (6) a statement that in the event of neglect or refusal to comply with the order to secure or demolish and remove the building or equipment, the Board of Legislators 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 8. SERVICE OF NOTICE AND FILING

The said notice shall be served

- (1) 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 such owner by registered mail a copy of such notice directed to his last known address as shown by the above records; AND
- (2) 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
 - (3) by securing affixing a copy of such notice upon the unsafe building or equipment.

A copy of the notice served as provided herein shall be filed in the office of the County Clerk.

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 Board of Legislators and after the hearing, the Board of Legislators shall provide for the demolition and removal of such building or equipment or structure either by County employees or by contract. Except in emergency as provided in section 11 hereof, any contract for demolition and removal of a building in excess of \$20,000.00 shall be awarded through competitive bidding.

SECTION 10. ASSESSMENT OF EXPENSES

All expenses incurred by the County in connection with the proceedings to repair, secure, demolish and/or remove the unsafe building or equipment, including the cost of actual removing such building, and all reasonable and necessary legal expenses incidental thereto, shall, at the option of the Board of Legislators, either:

- (1) Be assessed against the land on which such building is located and shall be levied and collected in the same manner as provided in Section 270 of the County Law for the levy and collection of a special ad valorem levy, or
- (2) Be collected by commencement of a special proceeding against the owner of said unsafe or dangerous building or structure in Supreme Court, County of Lewis.

SECTION 11. EMERGENCY CASES

Where it reasonably appears to Board of Legislators, upon its review of the report of the Code Enforcement Officer, that there is present a clear and imminent danger to life, safety or health of any person or property, unless the unsafe building or unsafe equipment is immediately repaired and secured or demolished, the Board of Legislators may by resolution authorize the Code Enforcement Officer to immediately cause the repair or demolition of such unsafe building or equipment. If the Board of Legislators reasonably finds that such an emergency exists, the bidding requirements of Section 9 above shall be dispensed with. The expenses 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. SEPARABILITY

Each separate provision of this local law shall be deemed independent of all other provisions herein, and if any provisions shall be deemed invalid, all other provisions hereof shall remain valid and enforceable.

SECTION 13. EFFECTIVE DATE

This local law shall take effect upon its being duly filed in the office of the Secretary of State of the State of New York as provided in Section 27 of the Municipal Home Rule Law.

(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. 2 of 2007, of the County of Lewis was duly adopted by the Lewis County Board of Legislators on May 1, 2007, 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 County, City, Town, Village of _____ was duly passed by the _____ on _____, 20__, and was approved, not disapproved, 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 County, City, Town, Village of _____ was duly passed by the _____ on _____, 20__, and was approved, not disapproved, 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 a 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 the County of Lewis was duly passed by the Lewis County Board of Legislators on _____. Such Local Law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____, 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 chairman 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.)~~

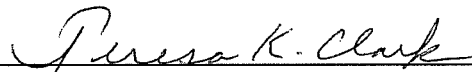
I hereby certify that the Local Law annexed hereto, designated as Local Law No. _____ of 20__, of the City of _____ having been submitted to referendum pursuant to the provisions of Section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified 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 the 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 of 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.



Clerk of the Lewis County Board of Legislature
Clerk or officer designated by local legislative body
TERESA K. CLARK, CLERK

Date: June 6, 2007

(Seal)

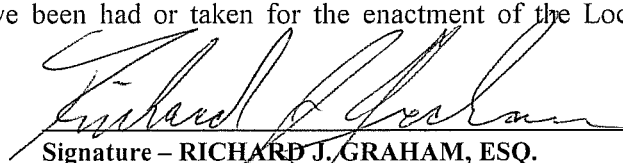
(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized Attorney of locality.)

STATE OF NEW YORK)

ss:

COUNTY OF LEWIS)

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 – **RICHARD J. GRAHAM, ESQ.**
LEWIS COUNTY ATTORNEY

County of Lewis

Date: June 6, 2007