

Town of St. Armand

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Supervisor

Davina Winemiller

Deputy Supervisor

D. Joseph Bates

Town Council Members

Donald Amell

Jennifer Fuller

Karl Law

RESOLUTION # 33 OF 2020

RESOLUTION TO ADOPT PROPOSED
LOCAL LAW NO. 2 OF 2020 ENTITLED "A LOCAL
LAW PROVIDING FOR THE REPAIR OR REMOVAL
OF UNSAFE BUILDINGS AND COLLAPSED
STRUCTURES"

Deputy Supervisor D. Joseph Bates, who moved its adoption, offered the following Resolution:

Upon the passage of a motion to consider from the floor, and the same appearing proper and necessary.

BE IT RESOLVED that the Town of St. Armand town Board hereby adopts proposed Local Law No. 2 of 2020 entitled "A LOCAL LAW PROVIDING FOR THE REPAIR OR REMOVAL OF UNSAFE BUILDINGS AND COLLAPSED STRUCTURES" within the Town of St. Armand which Local Law reads and provides as follows:

TOWN OF ST. ARMAND LOCAL LAW NO. 2 OF 2020

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 St. Armand, New York:

SECTION 1. PURPOSE

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

SECTION 2.

This Local Law shall be known as "Unsafe Buildings Law" of the Town of St. Armand.

SECTION 3. DEFINITIONS

- 1) "Building" means any building, structure or portion thereof used for residential, business or industrial purpose.
- 2) "Building Inspector" means the Code Enforcement Officer of the Town of St. Armand or such other 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 Building Inspector or upon receipt of information (verbal or written) that a building:

- 1) is or may become dangerous or unsafe to the general public,
- 2) is open at the doorways or 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,
- 5) is unfit for the purposes for which it may lawfully be used,
- 6) those whose interior walls or exterior bearing walls or other vertical structural members list, lean or buckle to such an extent as to weaken the structural support they provide,
- 7) those which, exclusive of the foundation, show 33% or more damage to or deterioration of the supporting member outside walls or covering,
- 8) those which have improperly distributed loads upon the floors or roofs or in which the same are overloaded or which have insufficient strength to be reasonable safe for the purpose used,
- 9) those which have been damaged by fire, wind or other causes so as to have become dangerous to life, safety or the general health and welfare of the occupants of this Town,
- 10) Those which have become or are so dilapidated, decayed, vermin infested, unsafe or unsanitary or which are 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 to those living therein or adjacent thereto,
- 11) Those having light, air, sanitation facilities or heat facilities which are inadequate to protect the health, safety or general welfare of human beings who live or may live therein, with particular reference to the requirements of the State Uniform Fire Prevention and Building Code as a determinant,
- 12) Those having inadequate facilities for egress in case of fire or panic or those having insufficient stairways, elevators, fire escapes or other means of communication, again referencing the requirements of the State Uniform Fire Prevention and Building Code as a determinant,
- 13) Those which have parts thereof which are so attached that they may fall and injure members of the public or property,
- 14) Those which consist of debris, rubble or parts of buildings left on the ground after demolition, reconstruction, fire or other casualty,
- 15) Those which, because of their condition are unsafe, unsanitary, overcrowded or dangerous to the health, safety or general welfare of the occupant(s) or people of this Town,
- 16) Those which are vacant and open at the doors and windows or,

- 17) Those which because of the failure of the owner or occupant to comply with notices or orders issued pursuant to this chapter, are unfit for human habitation, the Building Inspector shall cause or make an inspection thereof and report in writing to the Town Board their findings and recommendations in regard to its 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 and order its 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:

- 1) A description of the premises including 911 address and tax map number,
- 2) A statement of the particulars in which the building is unsafe or dangerous,
- 3) An Order outlining the manner in which the building is to be made safe and secure, or demolished and removed,
- 4) A statement that the securing or removal of such building or structure shall commence within a period of not more than ten (10) days to thirty (30) days of the service of the Notice, and shall be completed not more than thirty (30) to ninety (90) days thereafter, the exact time frame for such commencement and completion to be determined in each instance by the Town Board, unless for good cause shown shall be extended
- 5) 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 (5) 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, the Town Board 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

- 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 show by the records of the receiver of taxes (or tax collector) or the County Clerk; if no such person can be reasonably found by mailing such owner by registered mail a copy of such notice directed to their last known address as shown by the above records, and
- 2) By personal service a copy of such notice upon any adult person residing in or occupying said premises if such person can be reasonably found and

3) By securely affixing a copy of such notice upon the unsafe building

SECTION 8.

A copy of the Notice served as provided herein shall be filed in the Office of the Essex County Clerk of the County of Essex, NY.

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 shall provide for the demolition and removal of such building or structure either by Town 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 \$30,000.00 (US DOLLARS) 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 special ad valorem levy or be collected by the commencement of a special proceeding against the owner of said unsafe or dangerous building or structure pursuant to General Municipal Law Section 78-b.

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 expenses of such repair or demolition shall be charged against the land on which it is located and shall be assessed, levied and collected as provided in Section 10 hereof.

SECTION 12. HEARING

The hearing shall be conducted before the Town Board. The Code Enforcement Officer shall present his/her report to the Town Board in writing. The owner or his/her representative, if present, shall call such witnesses as he/she deems necessary. The Town Board shall make written findings of fact from the testimony offered as to whether or not the building in questions is an unsafe building. If such owner shall neglect, fail or refuse to comply and shall fail to appear at said hearing, then the Town Board shall direct the repair or demolition of the building forthwith. If such owner shall neglect, fail or refuse to comply and after appearing at said hearing, the Town Board finds that the building is a public nuisance and directs its repair or demolition, the owner shall repair or demolish said building within the time prescribed by the

Town Board. If the owner fails or neglects to repair or demolish said building as directed by the Town Board following the hearing, then the Town Board shall direct the repair or demolition of same forthwith.

SECTION 13.

This Local Law shall take effect immediately upon filing thereof in the Office of the Secretary of State of the State of New York.

SECTION 14.

All Ordinances, Local Laws and parts thereof inconsistent with this Local Law and parts hereof are hereby repealed.

SECTION 15.

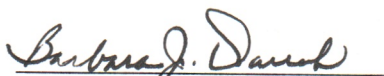
Each separate provision of this Local Law shall be deemed independent of all other provisions herein, and if any provision shall be deemed invalid, all other provisions hereof shall remain valid and enforceable.

BE IT FURTHER RESOLVED that the Town Board of the Town of St. Armand shall hold and conduct a Public Hearing on the foregoing proposed Local Law on the 10th day of March, 2020, at 6:20 pm at the Town Hall in Bloomingdale, NY, to hear any and all persons concerning the same, and

BE IT FURTHER RESOLVED that the Clerk of the Town of St. Armand will publish a notice of such hearing the designated Town newspaper at least five (5) days prior to said hearing.

This Resolution was duly seconded by Councilperson Karl Law, and adopted upon a Roll Call vote as follows:

Supervisor Davina Winemiller	AYE
Deputy Supervisor D. Joseph Bates	AYE
Councilperson Donald Amell	AYE
Councilperson Jennifer Fuller	AYE
Councilperson Karl Law	AYE


Barbara J. Darrah
St. Armand Town Clerk

Dated: April 14, 2020



Local Law Filing

(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.

County City Town Village
(Select one:)

FILE COPY

of ST. ARMAND

Local Law No. 2 of the year 2020

A local law PROVIDING FOR THE REPAIR OR REMOVAL OF UNSAFE BUILDINGS AND
(Insert Title)
COLLAPSED STRUCTURES".

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

County City Town Village
(Select one:)

of ST. ARMAND

as follows:

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(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 2020 of the ~~(County)(City)~~(Town)(Village) of ST. ARMAND was duly passed by the TOWN OF ST. ARMAND TOWN BOARD on APRIL 14, 2020, 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 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ and was deemed duly adopted *(Elective Chief Executive Officer*)* 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 approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ on _____ 20____. *(Elective Chief Executive Officer*)*

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 (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) *(Name of Legislative Body)* (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.

Bubac J. Danah

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

Date: April 14, 2020

(Seal)

