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UNSAFE BUILDINGS LAW

CHAPTER 34

TOWN OF GORHAM

34.100 Purpose
34.200 Known as “Unsafe Buildings Law”
34.300 Definitions
34.400 Investigation and Report
34.500 Town Board Order
34.600 Notice; Contents
34.700 Service of Notice
34.800 Notice Served and Filed
34.900 Refusal to Comply
34.1000 Assessment of Expenses
34.1100 Emergency Cases
34.1200 Surveyor
34.1300 Effective Upon Filing
34.1400 Repeal of 1980 Ordinance

(History: Adopted by the town Board of the Town of Gorham; Local Law #2-1982; adopted June 30, 1982)

34.100 Purpose

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

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This local law shall be known as **“Unsafe Buildings Law”** of the Town of Gorham.

34.300 Definitions

(1) “Building” means any building, structure or portion thereof used for residential, business or industrial purpose.

(2) “Building Inspector” means the building inspector of the Town of Gorham or such other person appointed by the Town Board to enforce the provisions of this local law.

34.400 Investigation and Report

When in his own opinion or upon receipt of information that a building (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 public or (5) is unfit for the purposes for which it may lawfully be used, he shall cause or make an inspection thereof and report in writing to the Town Board his findings and recommendations in regard to its repair or demolition and removal.

34.500 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 notice be served upon the persons and in the manner provided herein.

34.600 Notice; Contents

The notice shall contain the following:

1. A description of the premises;
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 shall commence within thirty (30) days of the service of the notice and shall be completed within sixty (60) days thereafter, unless for good cause shown such time may 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 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 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.

34.700 Service of the Notice

The said notice shall be serviced by (1) by personal service of a copy thereof upon the owner, executor, administrator, agent, lessee, or 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 reasonably found, and (3) by securely affixing a copy of such notice upon the unsafe building.

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

34.900 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 \$5,000 shall be awarded through competitive bidding.

34.1000 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 fifteen of the Town Law for the levy and collection of a special ad valorem levy.

34.1100 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 or 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 assess, levied and collected as provided in Section 10 hereof.

34.1200 The surveyor appointed as provided herein shall be paid reasonable compensation as shall be fixed by the Town Board.

34.1300 This local law shall take effect immediately upon filing thereof in the office of the Secretary of State.

34.1400 The existing ordinance concerning buildings, dangerous or unsafe, adopted in April, 1980 is hereby repealed.