

**TOWN OF HENDERSON**  
**Unsafe Buildings and Structures Law**  
**Local Law \_\_\_\_\_ of 2021**

**Section 1. Title**

This Local Law shall be known as the "Unsafe Buildings and Structures Law of the Town of Henderson." This Local Law shall repeal, and replace Chapter 76 - Buildings, Unsafe and any Town Ordinance, Local Law, Rule or Regulation inconsistent herewith.

**Section 2. Purpose**

Unsafe building(s) or structure(s) pose a threat to life and property. Buildings and structures may become unsafe by reason of damage by fire, the elements, age or general deterioration. Vacant building(s) or structure(s) not properly secured 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. Unsafe building(s) or structure(s) 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, protection and general welfare of persons and property in the Town of Henderson by requiring that such unsafe building(s) or structure(s) be appropriately repaired and secured, or demolished and removed.

**Section 3. Authority**

This law is enacted pursuant to Articles 2 and 3 of the NY Municipal Home Rule Law and Section 130(16) of the NY Town Law, all as the same may be amended from time to time.

**Section 4. Definitions**

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

BUILDING – A dwelling wholly or partly enclosed within exterior walls or within exterior or party walls and a roof, affording shelter to persons, animals or property.

DANGEROUS/UNSAFE BUILDING OR STRUCTURE – It is intended to include, by example, any building or structure or portion thereof which:

- a. Has interior walls or other vertical structural members which list, lean or buckle to such an extent that a plumb line passing through the center of gravity falls outside of the middle 1/3 of its base;
- b. Exclusive of the foundation, shows 33% or more of damage to, or

- deterioration of, the supporting member(s) or 50% damage to or deterioration of the non-supporting enclosing or outside walls or covering;
- c. Has improperly distributed loads upon the floors or roofs or in which the same are overloaded or have insufficient strength to be reasonably safe for the purpose used;
  - d. Has been damaged by fire, wind or other causes so as to have become dangerous to life or safety or the general health and welfare of the occupants or others;
  - e. Has become or is so dilapidated, decayed, unsafe, unsanitary or which so utterly fails to provide the amenities essential to decent living that it is unfit for human habitation or is likely to cause sickness or disease, so as to possibly result in injury to the health, safety or general welfare of those living therein;
  - f. Has light, air and sanitation facilities which are inadequate to protect the health, safety or general welfare of human beings who live or may live therein;
  - g. Has inadequate facilities for egress in case of fire or panic or has insufficient stairways, elevators, fire escapes or other means of ingress and egress;
  - h. Has parts thereof which are so attached that they may fall and injure persons or property;
  - i. Because of its condition, is unsafe, unsanitary or dangerous to the health, safety or general welfare of people;
  - j. Is open at the doorways or windows or walls, making it accessible, to and an object of, attraction to minors and other trespassers;
  - k. Is or may become a place of rodent infestation; or
  - l. Consists of debris, rubble or parts or buildings left on the ground after demolition, reconstruction, fire or other casualty.

ENFORCEMENT OFFICIAL – The \_\_\_\_\_ Officer of the Town or any other individual specially empowered by Town Board Resolution with the administration and/or enforcement of this local law.

STRUCTURE - An assembly of materials, forming a construction framed of component structural parts for occupancy or use, including buildings.

## **Section 5. Inspection and Report**

When, in his or her opinion or upon receipt of information that a building or structure (1) is or may become dangerous or unsafe to the general public or an object of attraction to minors, vagrants or other trespassers; (2) is, or may become, a place of rodent infestation; (3) presents any other danger to the health, safety, and general welfare of the public; or (4) is unfit for the purposes for which it may lawfully be used, the Enforcement Official or his/her designee shall cause or make an inspection thereof and report, in

writing, to the Town Board the findings and recommendations about its repair and securing the same or demolition and removal. Said report also may include additional reports from an Engineer duly licensed in the State of New York.

#### **Section 6. Town Board Order**

The Town Board shall thereafter consider such report(s) and by Resolution, of a majority of its members, determine if, in its opinion, the report(s) warrant that such building or structure is unsafe and dangerous and Order its repair or its demolition and removal, and further Order that the notice be served upon the appropriate person(s) and in the manner provided herein.

#### **Section 7. Contents of Notice**

The notice shall contain the following:

- a. The 911 address, Tax Parcel number(s) and a description of the building(s)/structures(s);
- b. A statement of the particulars in which the building or structure is unsafe or dangerous;
- c. An Order requiring the building or structure to be made safe and secure or demolished and removed;
- d. A statement that the repair/securing or demolition/removal of such building or structure shall start within seven (7) calendar days after the date of the close of the public hearing and shall be completed within 30 days thereafter, unless extend in writing by the Enforcement Official ;
- e. The time and place for a hearing to be held before the Town Board regarding the report(s) and notice to repair/secure or demolish/remove ; and
- f. A statement that in the event of neglect or refusal to comply with the Order to repair/secure or demolish and remove the building or structure, the Town Board is authorized to provide for its demolition and removal, to assess all costs and expenses thereof against the owner(s) and to require repayment/reimbursement of all costs and expenses of demolition and removal, including administrative, engineering and legal costs and expenses.

#### **Section 8. Service of Notice**

The notice to repair or demolish shall be served on the owner(s) or owner's executors, legal representatives, agents, lessees or any other person having a vested or contingent interest in said property, by personal service or by registered mail, return receipt requested, addressed to the last known address, if any, as shown by the records

of the Receiver of Taxes and/or in the office of the Jefferson County Clerk. If such service is made by registered mail, a copy of said notice shall be posted on said building or structure.

**Section 9. Filing of Notice**

A copy of the notice shall be filed in the office of the Jefferson County Clerk, which notice shall be filed by such Clerk in the same manner as a notice of pendency pursuant to Article 65 of the Civil Practice Law and Rules by the State of New York and shall have the same effect as a notice of pendency as therein provided. A notice so filed shall be effective for one (1) year from the date of filing; provided, however, that it may be vacated upon the Order of a Judge or Justice of a court of record or upon the consent of the Town Attorney. The Jefferson County Clerk shall mark such notice and any record or docket thereof as canceled of record upon the presentation and filing of such consent or of a certified copy of such Order.

**Section 10. Refusal to Comply**

In the event of refusal, or neglect, of the person so notified to comply with said Order of the Town Board 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 with a third-party.

**Section 11. Assessment and Recovery of Costs**

The Town shall be reimbursed for all costs of work performed or services rendered by assessment and levy on the real property on which such dangerous/unsafe condition was remedied, including but not limited to the cost of demolition and removal of said building(s) or structure(s), administrative, engineering, and legal costs and expenses. The cost and expense so assessed shall constitute a lien and charge on the real property on which it is levied until paid or otherwise satisfied or discharged and shall be collected in the same manner and at the same time as other Town charges.

**Section 12. Emergency Cases**

Where it reasonably appears that there is a present, clear and imminent danger to the life, safety or health of any person or property unless an unsafe/dangerous building or structure is immediately repaired and secured or demolished and removed, the Town Board may by resolution authorize the Enforcement Official or his or her designee to immediately cause the securing or demolition and removal of such unsafe building or

structure. All costs and expenses of such securing or demolition shall be assessed as provided at Section 11.

### **Section 13. Validity**

If any section, paragraph, subdivision or provision of this law shall be declared unlawful or invalid, such determination shall apply only to the section, paragraph, subdivision, or provision adjudged unlawful or invalid and the remainder of the Local Law shall remain valid and effective to the maximum extent possible.

### **Section 14. Effective Date**

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