

Local Law 2-1990 Repair or Removal of Unsafe Buildings and Collapsed Structures

Be it enacted by the Village Board of the Village of Fonda as follows:

Section 1 Purpose; Unsafe buildings pose a threat to human life and property in the Village of Fonda. Buildings and structures may become unsafe by reason of damage by fire, the elements, vacant for 60 days, 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 Village of Fonda by requiring such unsafe residential, business, industrial and agriculture buildings be repaired and secured or demolished and removed.

Section 2 Title; The local law shall be known as "Unsafe Buildings Law" of the Village of Fonda

Section 3 Definitions:

- 1 Buildings means any building, structure or portion thereof used for residential , business, industrial and agricultural purposes.
- 2 Building Inspector means the building inspector of the Village of Fonda or such other person appointed by the Village Board to enforce the provisions of this local law.
- 3 The word abandoned shall mean uninhabited, Once abandoned, a structure shall continue to be deemed abandoned until one or more persons has inhabited it as a bona fide inhabitant for a period of at least forty-five (45) days. Failure to make timely payment of real estate taxes shall not be deemed a requisite of abandonment.
- 4 The word uninhabited shall mean unoccupied by a person or persons on a regular basis, so as to constitute said persons or persons' dwelling place or abode. A structure may be uninhabitable within the meaning of subsections five (5) of this section even though it is not uninhabited.

Section 4 Violations; Violations of this local law of the Village of Fonda shall be subject to the provisions of applicable law, Upon determination by the Building Inspector that a violation of this local law exists, he shall send by first class mail or deliver in person written notice to the last known owner of record of the property, as determined by the assessment records, informing said owner of the violation of the specific provisions of this local law and stating that action is to be taken by said owner to correct the violations in twenty (20) days, or proceeding to compel compliance with the local law will be instituted. Any violation of this local law may also be enjoined pursuant to law.

Section 5 Penalties; Every person convicted of violating this local law shall for a first conviction thereof be punished by a fine of not more than two hundred fifty (\$250.00) dollars or by imprisonment for not more than twenty (20) Days or both such fine and imprisonment; for a second conviction within eighteen (18) months thereafter such person shall be punished by a fine of not more than five hundred (\$500.00) dollars or by imprisonment for not more than sixty (60)days or by both imprisonment and such fine; upon a third or subsequent conviction within eighteen (18) months after the first conviction, such person shall be punished by a fine of not more than one thousand (\$1,000.00) dollars or by imprisonment of not more than ninety (90) days or by both such fine and imprisonment. Upon the fourth conviction within eighteen (18) months the Village Justice will turn all information available to the Village Board of the Village of Fonda.

Section 6 Investigation and Report; The Building Inspector will investigate and report after the fourth conviction within the Village Courts to the Village Board. 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) abandonment for a period in excess of one year (3) is open at the doorways and

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windows making it accessible to and an object of attraction to minors under eighteen (18) years of age, as well as to vagrants and other trespassers; (4) is or may become a place of rodent infestation, (5) presents any other danger to the health, safety, morals and general welfare of the public or (6) is unfit for the purposes for which it may lawfully be used, he shall make an inspection thereof and report in writing to the Village Board his findings and recommendations in regard to its repair or its demolition and removal.

Section 7 Village Board Order; The Village 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 or secured if the same can be safely repaired or properly secured, or its demolition and removal and further order that a notice be served upon the persons and in the manner provided herein.

Section 8 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 shall be extended, 5. a date time and place for a hearing before the Village 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 Village 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 9 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 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.

Section 10 Filing of Notice A copy of the notice served as provided herein shall be filed in the office of the County Clerk of the County of Montgomery

Section 11 Refusal to comply In the event of the refusal or neglect of the person so notified to comply with said order of the Village Board and after the hearing, the Village Board shall provide for the property to be secured or repaired or for the demolition and removal of such building or structure either by Village employees or by contract, Except in emergency as provided in Section 13 hereof, any contract for demolition and removal of a building in excess of seven thousand (\$7,000.00) dollars shall be awarded through competitive bidding.

Section 12 Assessments of Expenses All expenses incurred by the Village in connection with the proceeding to repair, secure or demolish and remove the unsafe building, including the cost of actually removing such building, and all reasonable and necessary legal expenses incidental thereto shall at the option of the Fonda Village Board 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 article fifteen of the Village law for the levy and collection of a special ad valorem levy or, 2. be

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collected by commencement of a special proceeding against the owner of said unsafe or dangerous building or structure pursuant to General Municipal Law Section 78b.

Section 13 Emergency Cases Where it reasonable appears that there is presents a clear and imminent danger to the life, safety or health of any person and property, unless any unsafe building is immediately repaired and secured or demolished, the Village Board may by resolution authorize the Building Inspector to immediately cause the repair, secure or the demolition and removal 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 with section 12 hereof.

Section 14 Separability Each separate provision of this local law shall be deemed independent of all other provisions therein, and if any provision shall be deemed or declared invalid, all other provisions hereof shall remain valid and enforceable.

Section 15 Repealer This local law shall supersede all prior local laws, ordinances, rules and regulations relative to the repair or removal of unsafe buildings and collapsed structures within the Village of Fonda and they shall be upon the effective date of this ordinance null and void

Section 16 Effective Date This Law shall take effect immediately upon filing with the Secretary of State.