

Chapter 67

BUILDINGS, UNSAFE

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[HISTORY: Adopted by the Town Board of the Town of Patterson 4-13-2005 as L.L. No. 2-2005. (readopted 4-13-2005 by L.L. No. 9-2005) Amendments noted where applicable.]

GENERAL REFERENCES

Building Construction - See Chapter 64.

Fire Prevention - See Chapter 90.

§ 67-1. Intent.

It is the intent of this chapter to provide for the removal or repair of buildings within the Town of Patterson that from any cause may now be or shall hereafter become dangerous or unsafe to the public.

§ 67-2. Repair or demolition required.

All buildings or structures which are structurally unsafe, unsanitary or not provided with adequate egress, or which constitute a fire hazard or are otherwise dangerous to human life, or which in relation to existing use constitute a hazard to safety or health by reason of inadequate maintenance, dilapidation, obsolescence or abandonment are, severally, for the purposes of this chapter, unsafe buildings. All such unsafe buildings are hereby declared to be illegal and shall be abated by repair and rehabilitation or by demolition in accordance with the procedures herein set forth.

§ 67-3. Examination and report by Building Inspector.

The Building Inspector for the Town of Patterson shall examine or cause to be examined every building reported as unsafe or damaged and shall make a written report of such examination to the Town Board.

§ 67-4. Procedure for repair or demolition.

Whenever the Building Inspector shall find any building or structure or portion thereof to be an unsafe building as defined in this chapter, he shall serve upon the owner or some one of the owner's executors, legal representatives, agents, lessees or any other person having a vested or contingent interest in same, either personally or by registered mail, addressed to the last known address, if any, of the owner or some one of the owner's executors, legal representatives, agents, lessees or other person having a vested or contingent interest in same, as shown by the records of the receiver of taxes and/or in the office of the county clerk or county register, containing a description of the premises, a statement of the particulars in which the building or structure is unsafe or dangerous and an order requiring same to be made safe and secure or removed; and if such service is made by registered mail, a copy of such notice shall be posted on the premises. The time provided in such notice for the correction or removal of such conditions shall not be less than thirty (30) days nor more than sixty (60) days. Such notice shall further provide for a survey of such premises in the event of the neglect or refusal of the person served with the notice to comply with the same, said survey to be made by an inspector and architect to be named by the Town Board and a practical builder, engineer or architect appointed by the person notified as above, and in the event of refusal or neglect of the person so notified to appoint such surveyor, the inspector and architect to be named by the Town Board shall make the survey and report.

§ 67-5. Filing of notice with County Clerk.

A copy of such notice as described in Section 67-4 above shall be filed in the office of the county clerk of the county within which such building or structure is located, which notice shall be filed by such clerk in the same manner as a notice of pendency pursuant to article sixty-five of the civil practice law and rules, and shall have the same effect as a notice of pendency as therein provided, except as otherwise hereinafter provided in this paragraph. A notice so filed shall be effective for a period of one 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 clerk of the county where such notice is filed shall mark such notice and any record or docket thereof as cancelled of record upon the presentation and filing of such consent or of a certified copy of such order.

§ 67-6. Public hearing.

A hearing shall be held before the town board, notice of which and the time and place thereof to be specified in the notice to repair or demolish which shall be served upon the owner and such persons having an interest in the property or structure as is herein prescribed.

§ 67-7. Removal of structure by the Town.

In the event such owner fails or refuses to repair or remove the same within the time provided in the notice, such building or structure may be removed by the Town.

§ 67-8. Vacation of unsafe buildings.

If the Building Inspector finds that there is actual and immediate danger of failure or collapse so as to endanger life, such notice shall also require the building, structure or portion thereof to be vacated forthwith and not re-occupied until the specified repairs and improvements are completed, inspected and approved by the building official. The Building Inspector shall cause to be posted at each entrance to such building a notice stating the following: THIS BUILDING IS UNSAFE AND ITS USE OR OCCUPANCY HAS BEEN PROHIBITED BY THE BUILDING INSPECTOR. Such notice shall remain posted until the required repairs are made or demolition is completed. It shall be unlawful for any person, firm or corporation or their agents or other servants to remove such notice without written permission of the Building Inspector, or for any person to enter the building except for the purpose of making the required repairs or of demolishing same.

§ 67-9. Emergency repair or removal; costs.

A. In cases of emergency when the Building Inspector is unable to obtain the cooperation of the owner or agent or person in control, and when in the opinion of the Building Inspector the situation involves imminent danger to human life or health, the

Building Inspector shall promptly cause such building, structure or portion thereof to be made safe or removed. For this purpose he may at once enter such structure or land on which it stands, or abutting land or structure, with such assistance and at such cost as may be necessary. He may vacate adjacent structures and protect the public by appropriate barricades or such other means as may be necessary, and for this purpose may close a public or private way.

B. Costs incurred under this section shall be paid out of the town treasury on certificate of the Building Inspector. Such costs shall be charged to the owner of the premises involved and shall be collected in the manner provided by law.

§ 67-10. Report of survey; compensation of surveyors.

Upon the completion of the survey and the report thereon, made as prescribed in Section 67-4 above, the report of the survey shall be filed with the Town Board and a copy thereof posted on the subject premises. The surveyors shall be paid a reasonable compensation for their services, which amount of compensation shall be determined by the Town Board.

§ 67-11. Costs and expenses.

All costs and expenses incurred by the town in connection with the proceedings to remove or secure, including the cost of actually removing said building or structure, shall be assessed against the land on which said buildings or structures are located.