

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:)

of Wayland

Local Law No. 2 of the year 20²⁰

A local law Providing for the Repair or Removal of Unsafe Buildings and Collapsed Structures
(Insert Title)

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

☐ County ☐ City ☒ Town ☐ Village
(Select one:)

of Wayland as follows:

See attached for the complete text of the Local Law.

(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 Wayland was duly passed by the Town Board on August 12, 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 _____ 2011, 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.

Nancy J. Baurd

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

Date:

August 12, 2020

(Seal)

TOWN OF WAYLAND, NEW YORK
A LOCAL LAW PROVIDING FOR THE REPAIR OR REMOVAL
OF UNSAFE BUILDINGS AND COLLAPSED STRUCTURES

Local Law No. 2 of the year 2020

WHEREAS, in 1995, the Town Board of the Town of Wayland (the "Town Board") enacted Local Law No. 3 of that year (the "1995 Law") providing for the repair and removal of unsafe buildings and collapsed structures; and

WHEREAS, in 2016, the Town Board enacted Local Law No. 2 of that year (the "2016 Law") to provide for penalties for violations of the 1995 Law; and

WHEREAS, the 2016 Law contained a typographical error in its reference to the 1995 Law, thus creating the potential for confusion with respect to the relationship between the two Local Laws; and

WHEREAS, the Town Board wishes to enact a new Local Law that consolidates and amends the contents of the 1995 Law and the 2016 Law into a single Local Law, which will replace both the 1995 Law and the 2016 Law.

NOW THEREFORE, be it enacted by the TOWN BOARD of the Town of Wayland as follows:

- Section 1.** *Purpose.* Unsafe buildings pose a threat to life and property in the Town of Wayland. Buildings and structures may become unsafe because of 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, and also 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 Wayland by requiring that such unsafe buildings be repaired or demolished and removed.
- Section 2.** *Name.* This Local Law shall be known as the "UNSAFE BUILDING LAW" of the Town of Wayland.
- Section 3.** *Definitions.*
- (1) "Building" means any structure or portion thereof irrespective of its use or former use.
- (2) "Code Enforcement Officer" means the Code Enforcement Officer of the Town of Wayland or such other person appointed by the Town Board to enforce the provisions of this Local Law.

(3) "Person" means any individual, corporation, limited liability company, partnership, limited partnership, business trust, estate, trust, association, or any other legal or commercial entity of any kind or nature.

Section 4. *Investigation and Report.* If, after an on-site inspection, a Code Enforcement Officer finds that a Building

- (1) is or may become dangerous or unsafe to the public;
- (2) is open at the doorways and windows, making it accessible to and a potential object of attraction to minors, vagrants or other trespassers;
- (3) is, or may become, rodent infested;
- (4) presents any nuisance or other danger to the health, safety, morals or general welfare of the public; or
- (5) is unfit for the purposes for which it may lawfully be used,

then the Code Enforcement Officer shall report in writing to the Town Board of the Town of Wayland his findings and recommendations regarding the Building's repair or demolition and removal.

Section 5. *Town Board Order.* The Town Board shall consider such report and by resolution decide, if in its opinion the report so warrants, that such Building is unsafe, dangerous or a nuisance 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 Person or Persons that own said Building in the manner provided herein.

Section 6. *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, dangerous or a nuisance;
- (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, repair or demolition and removal of such Building shall commence within 30 days of the service of the notice and shall be completed within 60 days thereafter, unless, for good cause shown, such time shall be extended by the Town Board;
- (5) a date, time and place for a hearing before the Town Board in relation to such 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, repair or demolish and remove the Building, the Town Board is authorized to provide for its securing, repair or demolition and removal, to assess all expenses related thereto against the land on which it is located and to institute a special proceeding to collect the costs of this work, including but not limited to 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 Building as shown by the records of the Town of Wayland Assessor or of the Steuben County Clerk; or
- (2) if no such Person can be reasonably found,
 - (a) by mailing to each such owner or other recipient identified above by certified or registered mail, return receipt requested, a copy of such notice directed to the recipient's last known address as shown by the above-referenced records; and
 - (b) 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
 - (c) by securely and conspicuously affixing a copy of such notice upon the Building.

Section 8. *Filing of Notice.* A copy of the notice served as provided herein shall be filed in the office of the Steuben County Clerk.

Section 9. *Failure to Comply.* Failure by any Person to comply with an order of the Town Board as set forth herein shall be a violation of this Local Law and shall subject such Person to the penalties set forth in Section 12 herein. In addition, in the event of such failure and after a hearing as set forth herein, the Town Board may provide for the demolition and removal of such Building either by Town of Wayland employees or by contract. Except in an emergency as provided in Section 11 herein, any contract for demolition and removal pursuant to this paragraph, if such contract is valued at \$35,000.00 or more, shall be awarded through competitive bidding.

Section 10. *Assessment of Expenses.* All expenses incurred by the Town of Wayland in connection with the proceedings to repair and secure or demolish and remove a Building that is the subject of the notice described herein, including but not limited to the cost of actually removing such Building and all reasonable and necessary legal expenses incidental thereto, shall, at the option of the Town 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 by applicable law for the levy and collection of a special ad valorem levy, or
- (2) Be collected by commencement of a special proceeding against the owner or owners of said Building or structure pursuant to General Municipal Law section 78-b.

Section 11. *Emergency Cases.* Where it reasonably appears, in the judgment of the Town Board, that there is a clear and imminent danger to the life, safety or health of any Person or property, unless a Building is immediately repaired and secured or demolished and removed, the Town Board may by resolution authorize the Code Enforcement Officer to immediately cause the securing, repair or demolition and removal of such unsafe Building. The expenses of such securing, repair or demolition and removal shall be a charge against the land on which the Building is located and shall be assessed, levied and collected as provided in Section 10 herein.

Section 12. *Penalties.* Any Person who violates any provision of this Local Law or any provision of the New York State Uniform Fire Prevention and Building Code shall be guilty of a violation and subject to a fine of not less than \$50.00 nor more than \$500.00 for a first violation, and, for each subsequent violation within a five (5) year period, a fine of not less of \$50.00 nor more than \$1,000.00 or imprisonment for not more than 15 days, or both fine and imprisonment. Each day of continued violation shall constitute a separate violation.

Section 13. *Separability.* 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 herein shall remain valid and enforceable.

Section 14. *Demolition.* A permit is required for the demolition of any building. Non-refundable fees shall be charged to the permit applicant and paid by said applicant in amounts and rates established by the Town Board by resolution and shall be paid to the Town Clerk or other such Town official as designated by the Town Board.

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 Town of Wayland, including but not limited to the 1995 Law as defined herein (Town of Wayland Local Law No. 3 of the year 1995) and the 2016 Law as defined herein (Town of Wayland Local Law No. 2 of the year 2016) and they shall be, upon the effective date of this Local Law, null and void.

Section 16. *Effective Date.* This Local Law shall take effect upon its being duly filed in the office of the Secretary of State of the State of New York as provided in Section 27 of the Municipal Home Rule Law.