

LOCAL LAW #2, 1985

UNSAFE BUILDING DEMOLITION LAW

A local law to regulate unsafe buildings and other damaged structures.

BE IT ENACTED by the Town Board of the Town of Peru as follows:

SECTION 1. TITLE.

The title of this local law shall be known as the "Unsafe Building and Collapsed Structures Law".

SECTION 2. DEFINITIONS.

BUILDING shall include any commercial or residential building and any other structure located on property located in the Town of Peru.

OWNER of a building or structure shall include the person, firm, corporation or combination thereof listed as owner of the subject property in the last tax roll of the Town or, if deceased, his legal representative.

SECTION 3. BUILDING INSPECTOR.

The Building Inspector of the Town of Peru shall be charged with the responsibility of carrying out the obligations and duties set forth in this local law.

SECTION 4. INSPECTION.

No owner of a building or other structure in the Town of Peru shall cause, suffer, allow or permit the said building or structure to become dangerous or unsafe. It shall be the duty and responsibility of the owner of any building to take all steps necessary to prevent a building from becoming dangerous or unsafe. If any building does become dangerous or unsafe, the Building Inspector shall serve a notice either personally or by certified mail, return receipt requested, on the owner and any other person having a vested or contingent interest in said building. The notice shall contain a description of the premises, a statement of the particulars in which the building is unsafe or dangerous, and an order requiring the said building to be made safe and secure or removed within a period of time stated in the notice, whichever is applicable to the particular situation. In the event of the failure of the person(s) so served with the notice to comply with same, the Building Inspector shall report such failure in writing to the Town Board. Upon receipt of such report, the Town Board shall cause to be served personally or by certified mail, return receipt requested, on the same person previously served as above, a notice requiring that person to appear before the Town Board for a hearing at the Town Hall before the Town Board at a date and time to be designated therein. The notice shall state that the person served may be represented by an attorney at the hearing. If either the notice served by the Building Inspector or

that served by the Town Board is served by certified mail, return receipt requested, a copy thereof shall also be posted on the subject premises.

SECTION 5. CONDUCT OF HEARING.

The Town Attorney shall present the case for the Town. The owner shall present his case whether personally or by his attorney. After hearing from all of the parties, the Town Board shall render a decision. If it finds that the subject building must be demolished and removed or repaired, it shall notify in writing the owner to accomplish the finding of the Board within a stated period of time. The decision and notice thereof shall further state that if the owner shall fail to comply within the stated time, then the Town by its employees or other designees shall enter upon the property and accomplish the same.

SECTION 6. COST OF NOTICE.

All costs and expenses incurred by the Town in connection with any and all of the above proceedings to remove or secure, including the cost of actually removing the said building or securing the same, shall be assessed against land on which the building or structure is located.

SECTION 7. FILING WITH COUNTY CLERK.

At any time after the initial notice hereinabove provided for has been served by the Building Inspector, he or the Town Attorney may file the original thereof in the office of the county clerk within which such building 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.

SECTION 8. COSTS OF REMOVAL.

If the owner shall fail to pay the costs and expenses incurred by the Town within ten days after being notified of the costs thereof by certified mail, the Town Clerk shall file, immediately preceding the time for making the annual assessment roll, a certificate of such actual cost and expense, with a statement as to the property upon which such cost and expense were incurred and the buildings or other obstructions removed, as the case may be, with the Assessor of the Town, who shall, in the preparation of the next assessment roll of the general town taxes, assess such amount upon such property, and the same shall be levied, collected, and enforced in the same manner, by

the same proceedings, at the same time, under the same penalties, and having the same lien upon the property assessed as the general town tax and as a part thereof.

SECTION 9. EMERGENCY PROVISIONS.

In cases of great emergency, where the delay of proceedings, as hereinbefore provided, would result in probable loss of life or property, the Supervisor shall have the power to direct the Building Inspector to proceed at once to take such action as is needed to guard the safety of persons and property.

SECTION 10. EFFECTIVE DATE.

This local law shall be filed with the Secretary of State, and shall take effect upon said filing.