

**TOWN OF VIENNA
LOCAL LAW #4 OF 2016
TOWN OF VIENNA UNSAFE BUILDINGS LAW**

1. Title

This local law shall be known as the "Town of Vienna Unsafe Buildings Law."

2. Purpose

The purpose of this local law is to protect the health, safety, welfare of the residents of the Town of Vienna by providing a mechanism by which the Town can require the repair, demolition or removal of unsafe buildings or structures. This law also shall allow the Town to recover the costs expended by the Town to repair, demolish and/or remove unsafe and/or burned out buildings or collapsed structures, when the property owner or mortgagee refuses to remedy the conditions of the property.

3. Legislative Findings

The Town Board of the Town of Vienna recognizes that unsafe, collapsed, rotted or burned buildings/structures pose a threat to life and property. Buildings and other structures may become unsafe by damage from fire, flood, the elements, age or general deterioration. Vacant buildings not properly secured at doorways and windows also serve as an attractive nuisance.

4. Definitions

BUILDINGS: Any principal or accessory structure, or any portion thereof used for residential, business, industrial, recreational or other purpose. For the purposes of this law, any debris, rubble or parts of structures which remain on the ground or on the premises after demolition, reconstruction, fire or other casualty are considered to be part of the building structure.

TOWN: The Town of Vienna, New York.

5. Repair and Removal of Unsafe Buildings

The owner, or person having any interest in any wall, building, structure or foundation within the Town which for any reason shall become unsafe, dangerous, unsightly or in any way endangers the health, safety or welfare of the public shall, upon being directed by the Town Board, repair or remove any such unsafe wall, building, structure or foundation.

6. Due Process

A. Whenever any wall, building or other structure has in any manner become unfit for occupancy or shall be unsafe, detrimental or dangerous to the public health, safety or general welfare of the Town of Vienna, upon inspection and report by the Town Code Enforcement Officer, the Town Board may declare the premises a public nuisance and order the owner, or person(s) having an interest therein, to repair or remove the wall, building, structure or foundation and to clear away any debris caused thereby and to fill in the excavation to the lot level, requiring the same to be made safe and secure. After having received and placed on file the report from the Code Enforcement Office, the Town Board, if it appears that a nuisance exists, shall hold a hearing thereon and shall serve notice upon the owner, and others having an interest therein, of the unsafe condition and the time and place of said hearing.

B. The service of the notice referred to in §6(a) shall be by personal service or by certified mail, addressed to the last known address as shown by the records of the Town Assessor's Office. Said notice shall contain a description of the premises and a clear and concise statement of the particulars that the building is unsafe or dangerous, shall set forth the date, time and place for a hearing before the Town Board and must be served at least ten (10) days prior to the hearing. If the service is made by certified mail, the notice must also be posted by firmly affixing a copy of the notice on the front side of the premises.

C. If it appears upon said hearing that an unsafe condition does in fact exist, the Town Board shall declare the condition a nuisance and order the repair or removal thereof by at or before a time fixed by the Board. Notice of this determination by the Town Board shall be served upon the owner and other persons having an interest therein in the same manner as the original notice set forth above.

D. If the identity and/or whereabouts of the owner of said building is unknown, then the notice shall be published in two area newspapers of common circulation, designated by the Board as most likely to give notice to the person to be served, at least once in each of four successive weeks. Service shall be complete on the 28th day after the day of first publication, and the hearing shall be held not less than 10 days after service is complete nor later than 30 days thereafter. Proof of said publication shall be filed with the Town Board.

7. Notice of Hearing Filing

A. A copy of the original notice of unsafe building shall be filed with the County Clerk in the same manner as a notice of pendency, and shall have the same effect as a notice of pendency. Such notice once filed shall be effective for one year from the date of filing; provided, however, that it may be vacated on the order of a court of competent jurisdiction or upon the consent of the Town Board.

8. Repair or Removal by Town

In the event such owner or other interested person fails or refuses to repair or remove said building or structure within the time provided, the Town Board may cause the repair or removal of said building, wall or structure and fill in the excavation and level the property and assess the costs thereof against said property, that cost shall thereupon become a lien against the property and be collectible in the same manner as taxes levied thereon or by civil action.

9. Penalties for Offenses

Any person who shall neglect or refuse to comply with the directions of the Board under this local law shall, upon conviction, be guilty of a misdemeanor. In addition to the remedies herein set forth, and action or proceeding may be maintained in a court of competent jurisdiction to compel compliance with or to restrain by injunction any violation of this article and any order or finding made hereunder.

This Local Law of the Town of Vienna in the County of Oneida, State of New York shall take effect immediately after it has

been filed with all appropriate State Departments or agencies,
as may be required by law.

Dated: 9/26/2016

Motion made by: Supervisor Graham

Motion seconded by: Councilwoman Padavan

Voting Record:

Supervisor William Graham	<u>Aye</u>
Councilman Jason Lamb	<u>Aye</u>
Councilwoman Lorraine Padavan	<u>Aye</u>
Councilman Jason Spellicy	<u>Aye</u>
Councilwoman Gail Whitham	<u>Aye</u>

Donna M. Clark, Town Clerk

(SEAL)