



STATE OF NEW YORK
DEPARTMENT OF STATE
ALBANY, NY 12231-0001

ALEXANDER F. TREADWELL
SECRETARY OF STATE

August 13, 1996

VILLAGE OF DOLGEVILLE
41 NORTH MAIN STREET
DOLGEVILLE, NY 13329

RE: Village of Dolgeville, Local Law 2, 1996, filed 08/07/96

The above referenced material was received and filed by this office as indicated. Additional local law filing forms will be forwarded upon request.

Sincerely,

A handwritten signature in cursive script that reads "Janice G. Durfee".

Janice G. Durfee
Principal File Clerk
Bureau of State Records
(518) 474-2755

JGD:ml

REC'D AUG 15 1996

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
162 WASHINGTON AVENUE, ALBANY, NY 12231

(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~~ DOLGEVILLE
~~City~~ of
Town
Village

Local Law No. TWO (2) of the year 19⁹⁶

A local law TO AMEND CHAPTER 6, ARTICLE II, OF THE DOLGEVILLE
(Insert Title)
CODE OF ORDINANCES ENTITLED "DANGEROUS AND UNSAFE
BUILDINGS, WALLS AND STRUCTURES".

Be it enacted by the BOARD OF TRUSTEES of the
(Name of Legislative Body)

~~County~~ DOLGEVILLE
~~City~~ of as follows:
~~Town~~
Village

COPY ATTACHED

(If additional space is needed, attach pages the same size as this sheet, and number each.)

A LOCAL LAW TO AMEND CHAPTER 6 ARTICLE II OF THE CODE OF ORDINANCES ENTITLED "DANGEROUS AND UNSAFE BUILDINGS, WALLS AND STRUCTURES"

BY: TRUSTEE GROSE

BE IT ORDAINED: by the Board of Trustees of the Village of Dolgeville, NY that the Code of Ordinances Chapter 6 Article II entitled "Dangerous and unsafe buildings, walls and structures" be amended by replacing articles 6-16 through 6-25 with the following articles 6-16 through 6-28 as follows:

6-16. MAINTENANCE REQUIREMENTS.

A. It shall be unlawful for any owner, tenant or occupant of any building or structure or portion of any building or structure in the Village of Dolgeville to maintain such building or structure or portion of such building or structure in any condition or manner which shall be unsafe, as defined in S6-15 of this chapter.

B. Any owner, occupant or person in custody of real property located within the Village of Dolgeville who allows or permits a building to continue as a dangerous building after due notice, as provided in S6-20 and 6-21, shall be guilty of a violation of this chapter and shall be punished as provided in S6-23.

6-17. INVESTIGATION AND REPORT.

When, in the opinion of the Building Inspector, any building or structure located in the Village of Dolgeville shall be deemed to be dangerous or unsafe to the public, as defined in S6-15, the Building Inspector shall make a formal inspection thereof and report, in writing, to the Village Engineer his findings and recommendations in regard to the building's or structure's removal or repair.

6-18. ORDER TO REPAIR HEARING.

The Village Engineer shall thereupon consider said report and, further, order that a hearing be held before said Village Engineer at a time and place therein specified and on at least five (5) days' notice to the owner of the building or structure, or persons having an interest therein, to determine whether an order to repair or remove shall be made.

6-19. TRESPASSING PROHIBITED; VIOLATION.

In addition to serving the notice as provided in S 49-6, the Village Engineer may, if he determines that the purpose of this chapter will be further effectuated, order that no person other than the owner or his agent shall enter upon the property and shall post on such property signs indicating "no trespassing." When such a determination is made, notice of such fact shall be included as referred to in S-18. Anyone found trespassing in violation of this section shall be

liable for a fine not to exceed fifty dollars (\$50.00) for each offense.

6-20. CONTENTS OF NOTICE; VIOLATION.

A. The notice shall contain the following statements:

(1) The name of the owner or person in possession as appears in the tax and deed records.

(2) A brief description of the premises and its location.

(3) A description of the building or structure which is unsafe or dangerous and a statement of the particulars in which it is unsafe or dangerous.

(4) An order requiring the same to be made safe and secure or to be removed.

(5) That the securing or removal of said building or structure shall commence within a specified number of days of the service of the notice and shall be completed within a specified number of days thereafter.

(6) The time and place of the hearing to be held before the Village Engineer, at which hearing the owner or occupant shall have the right to contest the order and findings of said Engineer.

(7) That in the event that such owner, occupant or other person having an interest in said premises shall fail to contest such order and fail to comply with the same, the Village Engineer will order the repair or removal of such buildings by the owner. If said owner refuses or fails to make such repairs or removal, the Village may do so and will assess all costs and expenses incurred in such repair or removal against the land on which such building or structure is located.

(8) That in any case where a building which is required to be safe and secure under this chapter is made safe by the boarding up thereof, the material for such boarding shall be painted, as near as practicable, the same color as the building.

(9) That the failure to commence and complete necessary repairs, improvements or demolition within the specified time in the notice shall constitute a violation of the law, which may be punishable by a period of incarceration and or a fine not to exceed two hundred fifty dollars (\$250.00) for each week of such violation.

6-21. SERVICE AND FILING OF NOTICE.

A. A copy of said notice shall be personally served upon the owner or one (1) of the owners, executors, legal representatives, agents, lessees or other person having a vested interest in the premises as shown on the tax records or in the records in the Herkimer County Clerk's Office.

B. If no such person can be reasonably found for personal service, then a copy of said notice shall be mailed to such person by registered mail, addressed to his last known address as shown on said records, and by personally serving a copy of said notice upon any adult person residing in or occupying said premises or by securely affixing a copy of said notice upon the building or structure.

C. A copy of said notice may be filed in the Herkimer County Clerk's Office, which notice shall be filed in the same manner as a notice of pendency pursuant to Article 65 of the Civil

Practice Law and rules and shall have the same effect as a notice of pendency as therein provided. A notice so filed shall be effective for a period of one (1) year from the date of filing. It may be vacated upon an order of a Judge or Justice of a court of record or upon the written consent of the Village Attorney. The Herkimer County Clerk shall mark such notice and any record or docket thereof as canceled of record upon the presentation and filing of such consent or of a certified copy of such order.

6-22. FAILURE TO COMPLY.

A. In the event of the refusal, failure or neglect of the owner or person so notified to comply with said order of the Village Engineer within the time specified in said order and after the hearing, the Village Engineer shall provide that such building or structure be made safe and secure or removed and demolished by Village employees or by independent contractors. Except in emergency cases as herein provided, any contract for repair or demolishing and removal of a building or structure in excess of five thousand dollars (\$5,000) shall be awarded through competitive bidding.

B. In the event of the refusal, failure or neglect of the owner or person so notified to comply with said order of the Village Engineer within the time specified and after the public hearing, such owner or person shall be guilty of a violation under the Penal Law.

6-23. PENALTIES FOR OFFENSES.

Failure to comply shall be a violation under the Penal Code. Except as provided in S-19 any person found guilty of violating this chapter shall be liable for a period of incarceration and or for a fine not to exceed two hundred fifty dollars (\$250.00) for each violation. Each week such violation shall continue shall constitute a separate violation.

6-24 ASSESSMENT OF EXPENSES.

All expenses incurred by the Village in connection with the proceedings to repair and secure or demolish and remove the unsafe building, including the cost of actually removing such building and attorney's fees shall be assessed against the land on which such building is located and shall be levied and collected in the same manner as provided for the levy and collection of real property taxes. Nothing, however, shall limit the Village from pursuing other legal remedies.

6-25 EMERGENCY SITUATIONS.

Where it reasonably appears that there is present a clear and imminent danger to the life, safety or health of any person or property unless an unsafe building or structure is immediately repaired and secured or demolished, the Village Board may, by resolution, authorize the Building Inspector to immediately cause the repair or demolition of such unsafe building or structure. The expenses of such repair or demolition shall be a charge against the land on which it is located and

shall be assessed, levied and collected as provided in S-22 hereof.

6-26 APPLICATION FOR COURT ORDER.

The Village, in its discretion, may elect to apply to the Supreme Court of the State of New York for an order directing that the building be repaired and secured or demolished and removed.

6-27 SPECIAL PROCEEDING FOR COST.

The Village may commence a special proceeding pursuant to S78-b of the General Municipal Law to collect the costs of demolition, including reasonable necessary legal expenses.

6-28 WHEN EFFECTIVE.

This chapter will take effect upon filing with the Secretary of State.

SECONDED BY: TRUSTEE DELUCA

ROLL CALL: AYES: TRUSTEES: DELUCA, GROSE, MAXWELL, GRIFFIN
AL