

Chapter 124
UNSAFE BUILDINGS

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[HISTORY:]

§ 124-1. Purpose

Unsafe buildings pose a threat to life and property in the Village of Cold Spring. Buildings and structures may become unsafe by reason of damage by 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, as well as 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. Debris, rubble or parts of buildings left on the ground and not removed constitute a dangerous, unhealthy and unsightly condition. It is the purpose of this Chapter to provide for the safety, health, protection and general welfare of persons and property in the Village of Cold Spring by requiring such unsafe buildings to be repaired or demolished and removed.

§ 124-2. Definitions.

As used in this Chapter, the following terms shall have the meanings indicated:

BUILDING – Any building, structure or portion thereof used for residential, business, recreation or other purpose.

CODE ENFORCEMENT OFFICER – The Code Enforcement Officer of the Village of Cold Spring or such other person appointed by the Board of Trustees to enforce the provisions of this Chapter.

PORTION OF BUILDING OR STRUCTURE – Any debris, rubble or parts of buildings which remain on the ground or on the premises after demolition, reconstruction, fire or other casualty.

UNSAFE BUILDING OR STRUCTURE – Any building or structure or portion thereof which:

- A. Has interior walls or other vertical structural members which list, lean or buckle to such an extent that a plumb line passing through the center of gravity falls outside of the middle one third (1/3) of its base.
- B. Exclusive of the foundation shows thirty-three (33) percent or more of damage to or deterioration of the supporting member or members or fifty (50) percent damage to or deterioration of the non-supporting enclosing outside walls or covering.
- C. Has improperly distributed loads upon the floors or roofs or in which the same are overloaded or have insufficient strength to be reasonably safe for the purpose used.
- D. Has been damaged by fire, wind or other causes so as to have become dangerous to life, safety, or the general health and welfare of the occupants or the people of the Village.

- E. Has become or is so dilapidated, decayed, unsafe, unsanitary, or which so utterly fails to provide the amenities essential to decent living that it is unfit for human habitation, or is likely to cause sickness or disease, so as to work injury to the health, safety or general welfare of those living therein.
- F. Has light, air or sanitation facilities which are inadequate to protect the health, safety or general welfare of human beings who live or may live therein.
- G. Has inadequate facilities for egress in case of fire or panic, or insufficient stairways, elevators, fire escapes or other means of communication.
- H. Has parts thereof which are so attached that they may fall and injure members of the public or property.
- I. Because of its condition, is unsafe, unsanitary or dangerous to the health, safety or general welfare of the people of the Village.
- J. Is open at the doorways or windows or walls, making it accessible to and an object of attraction to trespassers.
- K. Is or may become a place of rodent infestation.
- L. Consists of debris, rubble or parts of buildings left on the ground after demolition, reconstruction, fire or other casualty.

VILLAGE – the Village of Cold Spring

§ 124-3. Maintenance of buildings required.

It shall be unlawful for any owner, tenant or occupant of any Building or structure in the Village 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 § 124-2 of this Chapter.

§ 124-4. Inspection and report.

When, in the opinion of the Code Enforcement Officer, any Building or structure located in the Village shall be deemed to be dangerous or unsafe to the public as defined in § 124-2, the Code Enforcement Officer shall make a formal inspection thereof and report in writing to the Board of Trustees of his/her findings and recommendations in regard to the Building's or structure's removal or repair.

§ 124-5. Order to repair; hearing to be scheduled.

The Board of Trustees shall thereupon consider said report, and, if it finds that such Building or structure is dangerous and unsafe to the public, it shall, by resolution, order its repair if the same can be safely repaired and, if not, its removal and demolition, and shall further order that a hearing be held before the Board of Trustees 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 said order to repair or remove shall be affirmed or modified or vacated and, in the event of modification or affirmance, to assess all costs and expenses incurred

by the Village in the repair or removal of such structure against the land on which said Building or structure is located.

§ 124-6. Contents of notice.

The notice shall contain the following information:

- A. The name of the owner or person in possession as appears from the tax records.
- B. A brief description of the premises and its location.
- C. 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.
- D. An order requiring the same to be made safe and secure or to be removed.
- E. 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.
- F. The time and place of the hearing to be held before the Board of Trustees.
- G. 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 same, the Board of Trustees will order the repair or removal of such Building or structure by the Village, and that the Village will assess all costs and expenses incurred in such removal against the land on which such Building or structure is located.
- H. That in any case where a Building which is required to be made 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.

§ 124-7. Service and filing of notice.

- A. A copy of said notice shall be personally served upon the owner or one of the owners, executor(s), legal representative(s), agent(s), lessee(s) or other person having a vested interest in the premises as shown on the Village tax records or in the records of the Putnam County Clerk's office.
- B. If no such person can be reasonably found for such personal service, then a copy of said notice shall be mailed to such person by registered mail addressed to his/her 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 Putnam 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 written consent of the Village Attorney. The Putnam County Clerk 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.

§ 124-8. Hearing.

The Board of Trustees shall conduct the public hearing at the time and place specified in the notice to repair or demolish. It may adjourn the hearing from time to time until all interested parties are heard and until the hearing is completed. At the conclusion of the hearing, the Board of Trustees shall determine by resolution to revoke the order to repair and remove, modify said order, or continue and affirm said order and direct the owner or other persons to complete the work within the time specified in the order or such other time as shall be determined by the Board of Trustees.

§ 124-9. Failure to comply.

In the event of the refusal, failure or neglect of the owner or person so notified to comply with said order of the Board of Trustees within the time specified in said order and after the public hearing, the Board of Trustees 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 shall follow the procurement policy adopted by the Village Board of Trustees.

§ 124-10. 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 attorneys' 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 in Article 5 of the Village Law for the levy and collection of real property taxes.

§ 124-11. 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 Board of Trustees, may, by resolution, authorize the Code Enforcement Officer 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 § 124-10 hereof.

§ 124-12. Application for court order.

The Board of Trustees, 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.

§ 124-13. Collection of costs.

The Board of Trustees may commence a special proceeding pursuant to § 78-b of the General Municipal Law to collect the costs of demolition, including reasonable and necessary legal expenses.