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County City Town x Village

(Select One)

of Island Park

Local Law No. 29 of the Year 2017, amending Local Law 4 of 1987, amending Local Law2 of 1984, entitled Dangerous Buildings and Structures.

Section 1. Definitions; Word Usage

A. Definitions.

The following definitions shall apply in the interpretation and enforcement of this chapter:

CHIEF BUILDING INSPECTOR OF BUILDINGS The official, duly appointed by the Village Board, who is the Building Inspector of the Village of Island Park.

DANGEROUS BUILDING Any building or structure which has any or all of the following conditions:

(1) Those where any interior wall or walls or other structural load-bearing members list, lean or buckle to such an extent that a plumb line, passing from any overhead supporting member through the center of gravity, falls outside the middle third of its base.

(2) Those which, exclusive of the foundations, show 33 1/3% or more of deterioration of the supporting member or members, or 50% or more damage to or deterioration of the nonsupporting enclosing or exterior walls or covering.

(3) Those which have improperly distributed loads upon the floors or roofs, or in which the floors or roofs are overloaded or which have insufficient strength to be reasonably safe for the purpose used and which do not meet minimum standards prescribed by the New York State Building Construction Code.

(4) Those having inadequate or insufficient facilities for ingress or egress in the event of fire, panic or other emergency, or those having insufficient stairways, elevators, fire escapes, aisles, passageways, corridors or other means of access and which do not meet minimum standards prescribed by the New York State Building Construction Code.

(5) Those which have parts thereof which are so attached or connected in such a manner that they may fall, collapse or cause damages and injury to the occupants thereof or other persons or property.

(6) In addition to the foregoing, those which, in whole or in part used for residential, mercantile, industrial, storage, assembly, institutional or any other purpose, for want of repair, lack of sufficient fire escapes to exits, or by reason of age or dilapidated condition or from any other cause, may now be, or shall at any time hereafter become dangerous or unsafe structurally, or a fire hazard or a nuisance to the general public.

(7) A vacant building, unguarded or open at door or window.

NUISANCE Embrace whatever is dangerous to human life or detrimental to health, and shall include but not be limited to:

(1) A public nuisance.

(2) A building, structure or part thereof which has an existing electrical wiring system which is defective, or which fails to meet ventilation requirements as prescribed by applicable provisions of law, or which has plumbing, sewage or drainage facilities that are not in conformity with applicable building and plumbing codes, or which is overcrowded.

OWNER Includes the owner of record of any premises, a mortgagee, a tax lien purchaser, a lienor, and any other person having a vested or contingent interest in said premises and anyone exercising rights of ownership therein as indicated by the records of the County Clerk of Nassau County, or by the records of the receiver of taxes.

POSTING The fastening, nailing, tacking or substantially securing by any other means, of any notice, survey, order, directive or official decision, on a building or structure.

REPAIR Construed to include any alteration, structural change or the performance of any act necessary or requisite for the elimination of any hazardous, dangerous or unsafe condition of any dangerous building or structure within the purview of this chapter.

SURVEY A written determination in a report, after an on-site inspection by a designated inspector of the Village of Island Park, in conjunction with a registered architect or licensed professional engineer chosen or appointed by the Village Board.

VILLAGE The Village of Island Park

VILLAGE BOARD The Village Board of the Village of Island Park

B. Word usage.

(1) The words "or" and "and," as used herein, may be construed interchangeably where such meaning is necessary to effectuate the purpose of this chapter.

(2) Where necessary, the singular shall include the plural, and the plural shall include the singular.

(3) The word "person" shall include a partnership, corporation, association or trustee.

(4) The words "persons interested," as used herein, shall be construed to include the owner, as herein defined, and all other persons interested in the property to which such words refer.

(5) The word "structure" as used in this chapter shall be construed to include a swimming pool.

Section 2. Conditions for determination.

The fact that a building or structure exists in violation of the applicable provisions of the State Building Construction Code or of an earlier Village building code, or the state standard Building Code for places of public assembly, or the state-wide Multiple Residence Law, as the case may be, or of any provision of the Fire Prevention Ordinance of the County of Nassau or of any local law or ordinance of the Village of Island Park when found as other violations in addition to conditions deemed to be in violation of this chapter, may be considered in determining whether a building or structure is hazardous, dangerous or unsafe.

Section 3. Jurisdiction.

Under this chapter, the Chief Building Inspector of Buildings shall have jurisdiction for the purpose of demolishing, taking down or removing any hazardous, dangerous or unsafe building or structure or, alternatively, for taking remedial action toward making any of said buildings or structures safe and secure.

Section 4. Investigation and report; notice.

- A. Upon receipt of information that a building or structure may be dangerous, the Chief Building Inspector shall cause an investigation of the premises to be made and an inspection report submitted and filed in his office.
- B. After the report is filed in his office, and if the report shall confirm the existence of a dangerous building or structure, the Building Inspector shall cause a notice to the occupant, owner in fee, trustee, mortgagee, judgment creditor or purchaser at a tax sale of a tax lien affecting the subject premises, and the heirs, legal representatives and assigns of any or either of them, the guardian of any infants having any interest therein, and any other person having a lien, claim or interest appearing of record, all relating to the subject premises. The words "appearing of record" shall be construed to refer to any person on whom a notice is hereby required to be served, the nature and degree of whose interest appears from the records kept by the County Clerk, County Treasurer, surrogate of the county and Receiver of Taxes. The notice shall contain the specifications set forth in Section 5 and shall be served on the parties in interest by registered mail, postage paid, return receipt requested, and addressed to such person's last known address. The receipt of the postmaster for such registered mail or the affidavit of the person mailing it shall be sufficient evidence of the service of the notice.

Section 5. Contents of notice.

- A. The notice shall contain the following:
 - (1) A description of the premises.
 - (2) A statement of the particulars in which the building is unsafe or dangerous.
 - (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 or removal of such building shall commence within 20 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.
 - (5) A date, time and place for a hearing before the Village Board in relation to such dangerous or unsafe building, which hearing shall be scheduled not less than five business days from the date of service of the notice.

(6) A statement that in the event of neglect or refusal to comply with the order to secure and make safe or demolish and remove the building, the Village Board is authorized to provide that said building be secured and made safe or demolished, taken down and removed, to assess all expenses thereof against the land on which it is located, and to institute a special proceeding to collect the costs of securing or demolishing, including legal expenses.

B. Service of this notice shall be by personal service or by registered mail, and, if by registered mail, a copy of the notice shall be posted on the premises.

Section 6. Compliance.

Any person so served with such notice shall commence the securing or removal and/or abatement of the dangerous building or structure within 10 days, and shall employ sufficient labor and assistance to secure or demolish and remove such building or structure within a reasonable period of time thereafter, not to exceed 45 days. An extension may be issued by the Village Board upon written request.

Section 7. Refusal, neglect or failure to comply; notice of survey.

Upon refusal, neglect or failure of the person or persons served with a notice and order to comply with the requirements and specifications therein, or upon his or their rejection of such notice, a notice of survey shall be served upon him by the Chief Building Inspector, either in person or by registered mail, giving notice that a survey of the premises described in the notice will be made at a time and place therein specified. A copy of such notice shall be posted on the premises.

Section 8. How survey made; determination; posting.

A. The survey shall be made by two competent persons, of whom one shall be the Chief Building Inspector or a building inspector designated by him, and the other shall be a registered architect or a licensed professional engineer appointed by the Village Board.

B. Within a reasonable time after the survey is completed, the determination thereof shall be made by such persons in writing and filed in the office of the Department of Buildings, and a copy thereof shall be posted on the subject building or structure.

C. All notices posted pursuant to any provision of this chapter are to remain on the building or structure until it is repaired, secured, demolished or removed, or made to comply with the directions which have been given the owner.

D. The two persons designated pursuant to the provisions of Subsection A hereof shall make the survey, and, should they disagree, they shall appoint a third person, whose decision shall be final, to take part in the survey, who shall be either a practical builder, licensed professional engineer or registered architect, either one having at least 10 years' practice in his respective profession.

Section 9. Compensation and reimbursement.

- A. The architect or engineer appointed by the Village Board, as hereinbefore provided, who may act on any survey required by this chapter or the third surveyor, who may be called in the event of a disagreement as provided in Section 8, Subsection D hereof, shall be entitled to a fee to be determined and fixed by the Village Board, which is to be paid upon the voucher of the Chief Building Inspector.
- B. The Chief building Inspector shall receive a fee of \$250 for work performed and services rendered involving any dangerous or unsafe one- or two-family dwelling and shall receive a fee of \$500 for work performed and services rendered involving any other dangerous or unsafe building or structure.
- C. A cause of action is hereby created for the benefit of the Village against the owner of the dangerous building or structure surveyed and of the lot or parcel of land on which the dangerous building or structure is located, for the amount disbursed by the Village for such survey, with interest, as defined in Subsection A hereof and for work performed and services rendered, as defined in Subsection B hereof.

Section 10. Filing of notice.

A copy of the notice described in Section 5 of this chapter shall be filed in the office of the County Clerk of Nassau County and shall have the same effect as a notice of pendency.

Section 11. Refusal to comply with order.

In the event of the refusal or neglect of the person so notified to comply with the order of the Village Board after the hearing, by resolution duly adopted, the Village Board shall provide for the securing and making safe or the demolition and removal of such building or structure by Village employees or by contract. Except in emergency, as provided in Section 15 of this chapter, any contract for the securing and making safe or the demolition and removal of a building in excess of \$5,000 shall be awarded through competitive bidding.

Section 12. Interference with Chief Inspector's duties.

It shall be unlawful for any person, whether or not interested in the property affected by this chapter, to interfere with, obstruct or hinder the Chief Building Inspector or his representative, or any person acting in his behalf, in performing his duties as set forth in this chapter.

Section 13. Village to be reimbursed.

A. All expenses incurred by the village in connection with the proceedings to repair and secure or demolish and remove the dangerous building or structure, including without limitation the cost of actually repairing and securing or demolishing and removing such building, title search expenses 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.

B. The Village Board 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.

Section 14. Demolition.

Any provision of this chapter to the contrary notwithstanding, the Village Board is hereby authorized to cause the demolition of any dangerous building or structure at the Village's expense at the written request of the owner of such building or structure. Any expenses incurred by the Village shall be reimbursed to the Village pursuant to the provisions of Section 13 hereof.

Section 15. Emergency cases.

Any provision of this chapter to the contrary notwithstanding, where it reasonably appears that there is imminent danger to the life or safety of any person unless a dangerous building or structure, as defined herein, is immediately repaired, vacated or demolished, the Building Inspector shall cause the immediate repair, vacation or demolition of such dangerous building or structure. The cost of such emergency repair, vacation or demolition of such dangerous building or structure shall be collected in the same manner as provided in Section 13 hereof.

Section 16. Penalties for offenses.

Any person or persons, other than those duly authorized by the Chief Building Inspector, removing from a building or structure any notice prescribed by this chapter or committing an offense against the provisions of Section 12 hereof, is guilty of a violation punishable by a fine not exceeding \$250 or imprisonment for a period not exceeding 15 days for each such offense, or by both such fine and imprisonment.

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

County City Town x Village
(Select One)

of Island Park as follows:

This local law shall take effect immediately upon filing with the Secretary of State.