

Local Law Filing

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County
City
Town
Village

of FRANKLIN

STATE OF NEW YORK
DEPARTMENT OF STATE
FILED
DEC 12 2007

Local Law No. 1 of the year 20 07

MISCELLANEOUS
& STATE RECORDS

A local law *(Insert Title)*

UNSAFE BUILDINGS

Be it enacted by the of the Board of Trustees of the
(Name of Legislative Body)

County
City
Town
Village

of Village of Franklin as follows:

§ 1-1. Definitions.

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

UNSAFE BUILDINGS -- All buildings or structures that have any or all of the following defects:

- A. Those whose interior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity falls outside of the middle third of its base.
- B. Those which, exclusive of the foundation, show 33% or more of damage or deterioration of the supporting member or members or 50% of damage or deterioration of the nonsupporting enclosing or outside walls or covering.
- C. Those that have improperly distributed loads upon the floors or roofs or in which the same are overloaded, or which have insufficient strength to be reasonably safe for the purpose used.
- D. Those which have been damaged by fire, wind or other causes so as to have become dangerous to life, safety, morals or the general health and welfare of the occupants or the people of the Village of Franklin.

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

- E. Those which have become or are so dilapidated, decayed, unsafe, unsanitary or which so utterly fail to provide the amenities essential to decent living that they are unfit for human habitation, or are likely to cause sickness or disease, so as to work injury to the health, morals, safety or general welfare of those living therein.
- F. Those having light, air and sanitation facilities which are inadequate to protect the health, morals, safety or general welfare of human beings who live or may live therein.
- G. Those having inadequate facilities for egress in case of fire or panic or those having insufficient stairways, elevators, fire escapes or other means of escape.
- H. Those which have parts thereof which are so attached that they may fall and injure members of the public or property.
- I. Those which, because of their condition, are unsafe, unsanitary or dangerous to the health, morals, safety or general welfare of the people of this Village.
- J. Those buildings existing in violation of any provision of the Code of the Village of Franklin.
- K. Any building or structure that remains vacant and unattended continuously for a period of three years.

§ 1-2. Standards for repair, vacation or demolition; special rules for historic structures.

The following standards shall be followed in substance by the Village Code Enforcement Officer and the Village Board in ordering repair, vacation or demolition:

- A. If the unsafe building can reasonably be repaired so that it will no longer exist in violation of the terms of this law, it shall be ordered repaired.
- B. If the unsafe building is in such condition as to make it dangerous to the health, morals, safety or general welfare of its occupants, it shall be ordered to be vacated.
- C. In any case where an unsafe building is 50% damaged or decayed, or deteriorated from its original value or structure, it shall be demolished, and in all cases where a building cannot be repaired so that it will no longer exist in violation of the terms of this chapter, it shall be demolished. In all cases where an unsafe building is a fire hazard existing or erected in violation of the terms of this chapter or any other provisions of the Code of the Village of Franklin or laws of the State of New York, it shall be demolished.
- D. In any circumstance where the building subject to the provisions of this section is more than 50 years old, it shall be deemed to have historic value to the community. Prior to the demolition of such building, the Owner must obtain a "Historic Building Demolition Permit."
- E. Prior to the demolition of any building that is more than 50 years old, and thus deemed to have historic value to the community, the owner must obtain a "Historic Building Demolition Permit."

§ 1-3. Declaration of nuisance.

All unsafe buildings within the terms of § 1-1 of this chapter are hereby declared to be public nuisances and shall be repaired, vacated or demolished as hereinbefore and hereinafter provided.

§ 1-4. Duties of Village Code Enforcement Officer.

The Village Code Enforcement Officer shall:

- A. Inspect any building, wall or structure about which complaints are filed by any person to the effect that a building wall or structure is or may be existing in violation of this chapter.
- B. Inspect any building, wall or structure reported (as hereinafter provided for) by the Fire or Law Enforcement Agencies of this Village as probably existing in violation of the terms of this chapter.
- C. Notify personally or in writing the owner or some one of the owner's executors, legal representatives, agents, lessees or another person having a vested or contingent interest in the property, by registered mail, addressed to the last known address, if any, of the owner or some one of the owner's executors, legal representatives, agents, lessees or other person having a vested or contingent interest in the same, as shown by the records of the Assessor or in the office of the County Clerk, of any building found by him to be an unsafe building within the standards set forth in § 1-1 of this law.
 - (1) The owner must vacate or repair or demolish said building in accordance with the terms of the notice and this law.

(2) The occupant or lessee must vacate said building or may have it repaired in accordance with the notice and remain in possession.

(3) Any mortgagee, agent or other persons having an interest in said building may at his own risk repair, vacate or demolish said building or have such work or act done, provided that any person notified under this subsection to repair, vacate or demolish any building shall be given such reasonable time, not exceeding 30 days, as may be necessary to do, or have done, the work or act required by the notice provided for herein.

D. Set forth in the notice provided for in Subsection C hereof a description of the building or structure deemed unsafe, a statement of the particulars which make the building or structure an unsafe building and an order requiring the same to be put in such condition as to comply with the terms of this chapter within such length of time, not exceeding 30 days, as is reasonable.

E. Report to the Village Board any noncompliance with the notice provided for in Subsections C and D hereof.

F. Appear at all hearings conducted by the Village Board and testify as to the condition of unsafe buildings.

G. Place a notice on all unsafe buildings reading as follows: "This building has been found to be an unsafe building by this Village Code Enforcement Officer. This notice is to remain on this building until it is repaired, vacated or demolished in accordance with the notice which has been given the owner, or some one of the owner's executors, legal representatives, agents, lessees or another person having a vested or contingent interest in the property, by registered mail, addressed to the last known address, if any, of the owner or some one of the owner's executors, legal representatives, agents, lessees or other person having vested or contingent interest in the same, as shown by the records of the Assessor or in the office of the County Clerk, of any building found by me to be an unsafe building within the standards set forth in § 1-1 of this law. It is unlawful to remove this notice until such notice is complied with."

§ 1-5. Duties of Village Board.

The Village Board shall:

A. Upon receipt of a report of the Village Code Enforcement Officer, as provided for in Subsection E of § 1-4 hereof, give written notice to the owner, or some one of the owner's executors, legal representatives, agents, lessees or any other person having a vested or contingent interest in the property, by registered mail, addressed to the last known address, if any, of the owner or some one of the owner's executors, legal representatives, agents, lessees or other person having a vested or contingent interest in the same, as shown by the records of the Assessor or in the office of the County Clerk, of any building found by him to be an unsafe building within the standards set forth in § 1-1 of this law, to appear before them on the date specified in the notice to show cause why the building or structure reported to be an unsafe building should not be repaired, vacated or demolished in accordance with the statement of particulars set forth in the Village Code Enforcement Officer's notice provided for herein in Subsection D of § 1-4.

B. Hold a hearing and hear such testimony as the Village Code Enforcement Officer or the owner, or some one of the owner's executors, legal representatives, agents, lessees or any other person having a vested or contingent interest in the property as shown by the records of the Assessor or in the office of the County Clerk shall offer relative to the unsafe building.

C. Make written findings of fact from the testimony offered pursuant to Subsection B as to whether or not the building in question is an unsafe building within the terms of § 1-1 hereof.

D. Issue an order based upon findings of fact made pursuant to Subsection C of this section, commanding the owner, or some one of the owner's executors, legal representatives, agents, lessees or any other person having a vested or contingent interest in the property as shown by the records of the Assessor or in the office of the County Clerk, to repair, vacate or demolish any building found to be an unsafe building within the terms of this chapter, and provided that any person so notified, except the owners, shall have the privilege of either vacating or repairing said unsafe building; or any person not the owner of said unsafe building but having an interest in said building may demolish said unsafe building at his own risk to prevent the acquiring of a lien against the land upon which said unsafe building stands by the Village as provided in Subsection E hereof.

E. If such person fails to comply with the order provided for in Subdivision D hereof, within 10 days, the Village Board shall report such fact to the Common Council, who shall cause such building or structure to be repaired, vacated or demolished as the facts may warrant, under the standards hereinbefore provided for in § 1-2 of this chapter and shall cause the costs of such repair, vacation or demolition, together with an additional charge of 50% thereof for administration and supervision, to be charged against the land on which the building existed as a municipal lien, or cause such costs to be added to the tax rolls as an assessment, or to be levied as a special tax against the land upon which the building stands or did stand, or to be recovered in a suit at law against the owner; provided that in cases where such procedure is desirable and any delay thereby caused will not be dangerous to the health, morals, safety or general welfare of the people of this Village, the Village Board shall authorize the Village Attorney to take legal action to force the owner to make all necessary repairs or demolish the building.

F. Report to the Village Attorney the names of all persons not complying with the order provided for in Subsection D of this section.

§ 1-6. Emergency cases.

A. In cases where it reasonably appears that there is immediate danger to the life or safety of any person unless an unsafe building as defined herein is immediately repaired, vacated or demolished, the Village Code Enforcement Officer shall report such facts to the Village Board, and the Village Board shall cause the immediate repair, vacation or demolition of such unsafe building.

B. The costs of such emergency repair, vacation or demolition of such unsafe building shall be collected in the same manner as provided in Subsection E of § 1-5.

§ 1-7. Owner absent from Village.

In cases, except emergency cases, where the owner, occupant or lessee is absent from the Village, all notices or orders provided for herein shall be sent by registered mail to the party in interest as described in Subsection C of § 1-4 to the last known address of such party in interest, and a copy of such notice shall be posted in a conspicuous place on the unsafe building to which it relates. Such mailing and posting shall be deemed adequate service.

§ 1-8. Administrative liability.

No officer, agent or employee of the Village of Franklin shall render himself personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties under this chapter. Any suit brought against any officer, agent or employee of the Village of Franklin as a result of any act required or permitted in the discharge of his duties under this chapter shall be defended by the Village Attorney until the final determination of the proceeding therein.

§ 1-9. Duties of firefighters.

Any firefighter of any Fire Department while acting in the capacity of a firefighter within the Village, may make a report in writing to the Village Code Enforcement Officer of any building or structures which are, may be or are suspected to be unsafe buildings within the terms of this chapter.

§ 1-10. Duties of Law Enforcement Agencies.

All law enforcement officials shall make a report, in writing, to the Village Code Enforcement Officer of any buildings or structures which are or may be deemed to be unsafe buildings within the terms of this law. Such reports must be delivered to the Village Code Enforcement Officer within 24 hours of the discovery of such building.

§ 1-11. Penalties for offenses. Any person violating any provision of this chapter shall be punished as provided in the Code of the Village of Franklin.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20__ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20__, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20__ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20__, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph _____ 1_____, above.

(Seal)

Eduvina Barreto
Clerk of the county legislative body, City, Town or Village Clerk
or officer designated by local legislative body
Date: 12/06/2007

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF OTSEGO

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

[Signature]
Signature

Village Attorney
Title

County
City of Franklin
~~Town~~
Village
Date: 12/10/07