

TOWN OF SPRINGPORT
LOCAL LAW # _____ / _____ 2009

SECTION 9
UNSAFE STRUCTURES

Unsafe buildings, structures and equipment in this Town shall be identified and addressed in accordance with the following procedures:

(a.) DEFINITION: Any building, structure or equipment that has any of the following conditions such that the life, health, property or safety of its occupants or the general public are endangered:

1. Any building, structure or equipment has any means of entry or exit which is not of adequate size or obstructed, or which contains closing devices or fire protection devices which are in disrepair or non-working condition, so that there is no safe path for travel in case of a fire or emergency.
2. The building, structure or equipment or any portion thereof has been damaged by fire, wind, flood, earthquake or other cause to the extent that the structural integrity of such is less than it was prior to the damage and is less than the minimum requirement established by the New York State Building Code.
3. If for any reason such building, structure or equipment or a portion thereof is manifestly dangerous or unsafe for the purpose for which it is being used.
4. The building, structure or equipment or a portion thereof, as a result of decay, neglect, or deterioration is likely to partially or fully collapse.

5. The building, structure or equipment or a portion thereof has been constructed or repaired in violation of a specific requirement of the New York State Building Code.

6. The building, structure or equipment or a portion thereof has become a public nuisance due to its condition.

7. The building, structure or equipment portion thereof has been abandoned or otherwise left vacant and poses a risk to life, health, property or safety to the general public.

8. The building, structure or equipment portion thereof has been determined to be unsafe for entry or a hazard to fire or law enforcement personnel.

9. The building, structure or equipment portion thereof has been used for criminal activity due to any of the conditions described above.

(b.) PROCEDURES:

1. Upon notice to the Town of any unsafe building, structure or equipment as described above, the Code Enforcement Officer shall conduct an inspection thereof and make a determination as to the condition of such building, structure or equipment. The Code Enforcement Officer shall then issue a report to the Town Supervisor. After notification to the Town Supervisor the Code Enforcement Office shall initiate proceedings for the abatement of the unsafe condition by repair, removal, boarding, demolition or such other means as needed for the circumstances. The Code Enforcement Officer shall issue a COMPLIANCE ORDER in accordance with Section 15 (a) of this Local Law, excepting Section

15(a)(5) regarding the time for compliance.

2. Upon issuance of a Compliance Order as described above, the property owner shall have fifteen (15) days to submit to the Code Enforcement Officer a written plan (hereinafter "Plan"), for the abatement of the unsafe condition by repair, removal, boarding, demolition or such other means as needed for the circumstances.
3. Upon approval of the Plan by the Code Enforcement Officer, the property owner shall have an additional Ninety (90) days to complete the work specified in the Plan. In the event the Code Enforcement Officer does not approve the Plan he may, but shall not be required to, give opportunity for revisions to the Plan which will satisfy the requirements of law or the New York State Building Code. At any time the Code Enforcement Officer deems necessary he may proceed with other remedies and enforcement procedures as described in Section 15 of this Local Law in order to protect the life, health, property or safety of the property occupants or the general public.
4. In such cases wherein the property owner fails to comply with a Compliance Order, or the written Plan, as described above, the Code Enforcement Officer may cause such unsafe condition to be abated and the costs thereof shall be assessed against the property.

(c.) EMERGENCY DEMOLITIONS:

1. If any building, structure or equipment or any portion thereof has been damaged by fire, wind, flood, earthquake or other cause, or is manifestly dangerous or unsafe, or as a

result of decay, neglect, or deterioration is likely to partially or fully collapse, and poses an immediate hazard to life, health or safety of the public, it shall be deemed an emergency and ordered demolished immediately by the Code Enforcement Officer by affidavit attesting to the unsafe condition directed to the Town Supervisor and an authorization letter from the Supervisor. Prior to such demolition, notice shall be given to the owner of the property of record by hand delivery if such owner resides within the Town of Springport, by certified mail and by posting such notice at the property. Such notice shall give the property owner five (5) days to request, in writing, a hearing before the Town Board. Such a hearing shall be given within three (3) days of the request.