

TOWN OF CAIRO
LOCAL LAW #1 OF 2020
UNSAFE BUILDINGS

§1. Purpose.

This law has been enacted pursuant to § 130, Subdivision 16, of the Town Law to provide for the securing, repair, removal or demolition of buildings located in the Town which are dangerous or unsafe to the public, in order to protect the health, safety and general welfare of the inhabitants of the Town.

§2. Definitions.

Whenever they are used in this law, the following terms shall have the following meanings:

CODE ENFORCEMENT OFFICER

The Code Enforcement Officer of the Town of Cairo.

DANGEROUS OR UNSAFE BUILDINGS

All buildings or structures which have any or all of the following defects shall be deemed dangerous buildings:

- A. Those whose exterior 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 which 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 Town.
- 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 inadequate facilities for egress in case of fire or panic or those having insufficient stairways, elevators, fire escapes or other means of communication.
- G. Those which have parts thereof which are so attached that they may fall and injure members of the public or property.
- H. Those which, because of their condition, are unsafe, unsanitary or dangerous to the health, morals, safety or general welfare of the people of the Town.

UNINHABITABLE

Unfit for human habitation or likely to cause sickness or disease or likely to constitute an unreasonable danger to the public.

§3. Inspection.

Whenever any person shall advise the Code Enforcement Officer, in writing, on a form prescribed by the Town Board and signed by the complainant, that any premises within the Town of Cairo has erected upon it a building or other structure that may be dangerous or unsafe to the public or whenever the Code Enforcement Officer has reason to believe that such is the case, he shall promptly inspect said premises.

§4. Reports of Code Enforcement Officer; contents.

The Code Enforcement Officer shall file with the Town Clerk a report, in writing, setting forth the condition of any building or structure inspected by him. The report shall specify the date of the inspection, the condition which the inspector believes to be dangerous or unsafe, if any, his opinion as to the cause of such condition and his recommendation for the correction of such condition. Such report shall be filed as soon as practicable after the date of such inspection. The Town Clerk shall forthwith transmit a copy of such report to each member of the Town Board.

§5. Notice to repair.

Whenever the Code Enforcement Officer files a report with the Town Clerk, as directed in §4, alleging that a building or structure is dangerous or unsafe to the public, the Town Board shall order a notice to be served on the owner, one of the owner's executors, legal representatives, agents, lessees or other person having a vested or contingent interest in the same, either personally or by registered or certified mail, addressed to the last known address, if any, of each, as shown by the records of the Tax Collector of the Town, or in the office of the Greene County Clerk or Real Property Tax Service, or to any more appropriate address of which it shall have knowledge. If such service is by mail, a copy of said notice shall be posted on the premises. Such notice shall contain the following:

- A. A description of the premises sufficient to identify its location.
- B. A statement of the particular manner in which the building or structure is dangerous or unsafe.
- C. An order requiring same to be made safe and secure or demolished or removed.
- D. A statement that the repair, demolition or removal of the building or structure is to commence within 60 days of the service or mailing of the notice and be completed within 90 days thereafter, unless, for good cause shown, such time shall be extended by the Town Board.
- E. A date, time and place for a hearing before the Town Board in accordance with §7 in relation to such dangerous or unsafe building or structure, such hearing to take place not less than 20 business days after the date of the service of the notice.
- F. A statement that, in the event of neglect or refusal to comply with the order to repair, remove or demolish the building or structure, the Town Board is authorized to effect such repair or destruction, to assess all costs and expenses thereof incurred by the Town Board against the land upon which the building or structure is located and to institute an action at law to collect the costs and expenses of repair or destruction, including a ten-percent surcharge and legal expenses.

§6. Filing of notice.

A copy of such notice shall be filed in the office of the Greene County Clerk, which notice shall be filed by such Clerk 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, except as otherwise provided in this law. A notice so filed shall be effective for a period of one year from the date of filing; provided, however, that it may be vacated upon the order of a judge or justice of a court of record or upon consent of the Town Attorney. The Greene County Clerk shall mark such notice and any record or docket thereof as canceled of record upon the presentation of filing of such consent or the certified copy of such order.

§7. Public hearing.

The hearing set forth in the notice shall be held at a meeting of the Town Board. At said hearing, the person served with the notice as provided by §6 of this law may present evidence and testimony in opposition to the claim that the building or structure is dangerous or unsafe. If the Town Board, after such hearing, still finds that the building or structure is dangerous or unsafe to the public and if the person served still neglects or refuses to comply with the order, the Town Board shall provide for making it secure or for its repair or demolition. All costs and expenses incurred by the Town or the Town Board in connection therewith shall be assessed against the land upon which such building or structure is located.

§8. Additional notice.

If the notice required by §5 of this law shall have been given by mail, the Code Enforcement Officer is authorized to place an additional notice on the subject building or structure reading as follows: "This building has been found to be a dangerous building by the Town of Cairo Code Enforcement Officer. This notice shall remain on this building until it is secured, repaired or demolished. It is unlawful to remove this notice except at the direction of the Town of Cairo Code Enforcement Officer."

§9. Emergency cases.

In cases where it reasonably appears that there is a clear and present danger to the life, health or safety of any person unless a dangerous or unsafe building is immediately repaired or demolished, the Town Board may authorize the Code Enforcement Officer to cause its immediate repair or demolition or that it be otherwise secured. The cost therefor shall be charged against the land upon which such building is located and shall be assessed, levied and collected as hereinafter provided in §10.

§10. Assessment of expenses.

All expenses incurred by the Town in causing any building or structure to be secured, repaired or demolished, including the cost of actually removing said building or structure, shall be assessed against the land upon which such building or structure is or was located and also may be recovered in an action at law against the person served with the notice referred to in §5.

§11. Application for court order.

The Town Board, 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.

§12. Special proceeding for costs.

The Town 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.