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Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County  
City  
Town of Hillsdale  
Village

Local Law No. 1 of the year 2020

A local law amending the Zoning and Land Use Control Law of the Town of Hillsdale with respect to the regulation of unsafe buildings and structures.

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Be it enacted by the Town Board of the

County  
City  
Town of Hillsdale as follows:  
Village

**Section 1. Findings and Purposes.**

Unsafe buildings and structures pose a threat to life, health, and property in the Town of Hillsdale. Buildings and Structures may become unsafe by reason of damage by fire, or other casualty damage, the elements, age, or general deterioration. A dilapidated Building or collapsed structure may also serve as a place of rodent infestation and thereby create a health menace to the community. Debris, rubble, or parts of buildings left on the ground or in disrepair and not removed constitute a dangerous, unhealthy, and unsightly condition. It is the purpose of this Section to provide for the safety, health, protection and general welfare of people and property in the Town of Hillsdale by requiring such unsafe buildings to be repaired or demolished and removed.

**Section 2. Amendment to Section 14.2 To Add A Definition of Term “Unsafe Building or Structure”**

Section 14.2 of the Zoning and Land Use Control Law is amended to add a definition of the term Unsafe Building or Structure to read as follows:

**UNSAFE BUILDING OR STRUCTURE:** Any building or structure which is structurally unsound; unsanitary; not equipped with adequate ingress or egress; which constitutes a fire hazard; which has become unsafe by reason of damage by fire, the elements, age, or general deterioration; which, in relation to an existing use, constitutes a hazard to public health,

safety, or welfare by reason of inadequate maintenance, dilapidation, obsolescence or abandonment; or which is otherwise dangerous to human life.

### **Section 3.     Addition of Section 8.20**

A new Section 8.20 is added to the Zoning and Land Use Control Law to read as follows:

#### **8.20    UNSAFE BUILDINGS OR STRUCTURES**

##### **8.20-1   Unsafe Buildings or Structures Prohibited.**

It shall be unlawful for any owner, tenant, or occupant of any building or structure, or portion of any building or structure, in the Town of Hillsdale to maintain an unsafe building or structure as defined herein.

##### **8.20-2   Inspection and Report.**

When, in the opinion of the Building Inspector, any building or structure located in the Town of Hillsdale shall be deemed to be an unsafe building or structure as defined herein, the Building Inspector shall make a formal inspection thereof and report in writing to the Town Board his or her findings and recommendations with regard to the building or structure.

##### **8.20-3   Order to repair or remove; hearing; costs and expenses; ~~time limits~~.**

The Town Board 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 or, if not, its removal and demolition. The Town Board shall further order that a hearing be held before the Town Board at a time and place therein specified and on at least ten (10) 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, modified, or vacated. In the event of modification or affirmance, to assess all costs and expenses incurred by the Town in the repair or removal of such building or structure against the land on which said building or structure is located. ~~The order shall also provide that the repair or removal of the building or structure shall be commenced within thirty (30) days after receipt of the notice and shall be completed within sixty (60) days thereafter.~~

##### **8.20-4   Contents of notice.**

The notice shall contain the following:

- (a) The name of the owner or person in possession as appears from the tax and deed 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 particular ways in which it is unsafe or dangerous.
- (d) An order requiring the same to be repaired to a safe and secure condition or to be removed.
- (e) An order that the repair or removal of the building or structure shall be commenced within thirty (30) days of the service of the notice and shall be completed within sixty (60) days thereafter.
- (f) The time and place of the hearing to be held before the Town Board, at which hearing the owner or occupant shall have the right to contest the order and findings of the Town Board.
- (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 the same, the Town Board may order the repair or removal of such building or structure and assess all costs and expenses incurred in such repair or removal against the land on which such building or structure is located.

#### **8.20-5 Service and filing of notice.**

- A. A copy of the notice issued by the Town Board shall be personally served upon the owner or some one of the owners executors, legal representatives, agents, lessees, or other person having a vested interest or contingent interest in the premises as shown by the Town Assessor and/or in the office of the County Clerk or County Treasurer.
- B. If no such person can be reasonably found for personal service, then a copy of the notice shall be mailed to such person by certified mail addressed to the 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 the premises and by securely affixing a copy of said notice upon the building or structure.
- C. A copy of the notice shall be filed in the Columbia County Clerk's office 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 year from the date of filing. It may be vacated, however, upon an order of judge or justice of a court of record or upon the consent

of the Town Attorney. When vacated, the County Clerk shall mark such notice and any record or docket thereof as canceled of record upon the presentation and filing of such consent or of a certified copy of such order.

#### **8.20-6 Hearing.**

The Town Board shall conduct the public hearing at the time and place specified in the notice to repair or remove, and 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 Town Board shall determine by resolution to:

- (a) Revoke the order to repair or remove;
- (b) Modify the order; or
- (c) Continue and affirm said order and direct the owner or other persons to complete the work within the time specified in the order or by such other time as shall be determined by the Town Board.

#### **8.20-7 Failure to comply.**

If the owner or person so notified fails or neglects to comply with the order of the Town Board within the time specified in the order made following the public hearing, the Town Board may provide by resolution that such buildings or structure be made safe and secure or removed and demolished by Town employees, by independent contractors, or by other lawful means available to the Town.

#### **8.20-8 Costs assessed; collection; special proceeding.**

A. All costs incurred by the Town in enforcing this Section shall be recoverable from the owner of the premises deemed unsafe or dangerous hereunder. Such costs hereunder shall include, but not be limited to the following:

1. Actual attorney fees and disbursements for services rendered with or without the commencement of litigation;
2. Actual engineering fees and disbursements, including the costs of the Town's Building Inspector and Town Engineer;
3. Actual costs of securing, demolishing, removing or repairing the building or structure deemed dangerous or unsafe;
4. Costs of serving and/or publishing notices; and

5. Costs of title and tax searches.
- B. The costs incurred in enforcing this Section shall be added to the next assessment roll for Town taxes against the tax parcel(s) which include the unsafe or dangerous building or structure involved and shall be collected and enforced in the same manner as other taxes for that parcel(s).
- C. In addition to any other remedies herein, the Town may commence a special proceeding under Article 4 of the Civil Practice Law and Rules in a court of competent jurisdiction to collect the costs incurred by the Town in enforcing this Section. Should the Town recover and be paid said costs through such a proceeding (and after costs have been added to the assessment rolls), the assessment roll and tax records shall be adjusted accordingly to properly credit amounts so paid and recovered.

#### **8.20-9 Emergency cases.**

Where it reasonably appears that a building or structure presents a clear and imminent danger to the life, safety, or health of any person or property, unless such building or structure is immediately repaired and secured or demolished by its owner or occupant, the Town Board may by resolution authorize the Building Inspector or Town Engineer 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 § 8.20-8 hereof.

#### **Section 4. Effective Date.**

This Local Law shall take effect in accordance with the provisions of Town Law.