

# Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE  
162 WASHINGTON AVENUE, ALBANY, NY 12231

(Use this form to file a local law with the Secretary of State.)

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~~ of Victory

~~Town~~

Village

Local Law No. 1 of the year 1995

A local law providing for the repair or removal of unsafe buildings and collapsed structures.

Be it enacted by the Village Board of the

~~County~~

~~City~~ of Victory

~~Town~~

Village

as follows:

SECTION 1. Purpose. Unsafe buildings pose a threat to life and property in the Village of Victory. Buildings and structures may become unsafe by reason of damage by fire, the elements, age or general deterioration. Vacant buildings not properly secured at doorways and windows also serve as an attractive nuisance for young children who may be injured therein, as well as point of congregation by vagrants and transients. A dilapidated building may also serve as a place of rodent infestation thereby creating a health menace to the community. It is the purpose of this local law to provide for the safety, health, protection and general welfare of persons and property in the Village of Victory by requiring such unsafe buildings be repaired or demolished and removed.

SECTION 2. This local law shall be known as "Unsafe Buildings Law" of the Village of Victory.

SECTION 3. Definitions. (1) "Building" means any building, structure or portion thereof used, now or formerly, for residential, business or industrial purpose. (2) "Building Inspector" means any building inspector of the Village of Victory or such other person appointed by the Village Board to enforce the provisions of this local law.

SECTION 4. Investigation and Report. When in his own opinion or upon receipt of information that a building (1) is or may become dangerous or unsafe to the general public, (2) is open at the doorways and windows making it accessible to and an object of attraction to minors under eighteen years of age, as well as to vagrants and other trespassers, (3) is or may become a place of rodent infestation, (4) presents any other danger to the health, safety, morals and general welfare of the public or (5) is unfit for the purposes for which it

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

STATE OF NEW YORK  
DEPARTMENT OF STATE  
**FILED**  
JUL 31 1995

Alvan K. Doolittle  
Secretary of State

may lawfully be used, the Building Inspector shall cause or make an inspection thereof and report in writing to the Village Board his findings and recommendations in regard to its repair or demolition and removal.

SECTION 5. Village Board Order. The Village Board shall thereafter consider such report and by resolution determine, if in its opinion the report so warrants, that such building is unsafe and dangerous and order its repair if the same can be safely repaired or its demolition and removal, and further order that a notice be served upon the person or persons and in the manner provided herein.

SECTION 6. Notice; Contents. 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 thirty (30) days after the service of the notice and shall be completed within sixty (60) days thereafter, unless for good cause shown such time shall be extended, (5) a date, time and place for 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 and (6) a statement that in the event of neglect or refusal to comply with the order to secure or demolish and remove the building, the Village Board is authorized to provide for its demolition and removal, to assess all expenses thereof against the land on which it is located and to institute a special proceeding to collect the costs of demolition, including legal expenses.

SECTION 7. Service of Notice. The said notice shall be served (1) by personal service of a copy thereof upon the owner, executor, administrator, agent, lessee, or any person having vested or contingent interest in such unsafe building as shown by the records of the receiver of taxes (or tax collector) or of the county clerk or if no such person can be reasonably found by mailing such owner by registered mail a copy of such notice directed to his last known address as shown on the above records and (2) by personal service by a copy of such notice upon any adult person residing in or occupying such premises if such person can be reasonably found and (3) by securely affixing a copy of such notice upon the unsafe building.

SECTION 8. A copy of the notice served as provided herein shall be filed in the office of the County Clerk of the County of Saratoga

SECTION 9. Refusal to Comply. In the event of the failure, refusal or neglect of the person so notified to comply with said order of the Village Board and after the hearing, the Village Board shall provide for the demolition and removal of such building or structure either by village employees or by contract. Except in emergency as provided in Section 11 hereof, any contract for demolitions and removal of a building in excess of \$20,000.00 shall be awarded through competitive bidding.

SECTION 10. Assessment of Expenses. All expenses incurred by the Village in connection with the proceedings to repair and secure or demolish and remove the unsafe building, including the cost of actually removing such building, shall be assessed against the land on which such building is located and shall be levied and collected in the same manner as provided in Article Twenty-Two of the Village Law for the levy and collection of a special ad valorem levy or be collected by commencement of a special proceeding against the owner of the unsafe or dangerous building or structure pursuant to General Municipal Law Section 78-b.

SECTION 11. Emergency Cases. Where it is reasonably appears that there is present a clear and imminent danger to the life, safety or health of any person or property, unless an unsafe building is immediately repaired and secured or demolished, the village board may by resolution authorize the building inspector to immediately cause the repair or demolition of such unsafe building. 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 section 10 hereof.

SECTION 12. Separability. If any provision of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such adjudication shall not affect, impair or invalidate any other provision hereof, but shall be confined in its operation to the provisions directly involved in the proceeding in which such adjudication shall have been rendered.

SECTION 13. Local Law No. 3 of the year 1978 entitled "A local law relating to the removal or repair of unsafe buildings and structures" shall be repealed in its entirety simultaneously with the filing of this local law in the Office of the Secretary of State.

SECTION 14. This local law shall take effect immediately upon filing thereof in the Office of the Secretary of State.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 1 of 1995 of the ~~(County)(City)(Town)~~ (Village) of Victory was duly passed by the Village Board on July 10 1995, in accordance with the applicable provisions of law.  
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer\*.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 19\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 19\_\_\_\_, and was (approved)(not approved)(repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted on \_\_\_\_\_ 19\_\_\_\_, in accordance with the applicable provisions of law.  
(Name of Legislative Body)  
(Elective Chief Executive Officer\*)

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 19\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 19\_\_\_\_, and was (approved)(not approved)(repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 19\_\_\_\_. Such local law was submitted (Elective Chief Executive Officer\*) to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on \_\_\_\_\_ 19\_\_\_\_, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 19\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 19\_\_\_\_, and was (approved)(not approved)(repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 19\_\_\_\_. Such local law was subject to (Elective Chief Executive Officer\*) permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 19\_\_\_\_, in accordance with the applicable provisions of law.

\* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

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 19\_\_\_\_ 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 \_\_\_\_\_ 19\_\_\_\_, 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 19\_\_\_\_ of the County of \_\_\_\_\_ State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_ 19\_\_\_\_, 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 \_\_\_\_\_, above.

*Jean E. Nolan*

Clerk of the County legislative body, City, Town or Village Clerk or officer designated by local legislative body

(Seal)

Date: July 10, 1995

(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 Saratoga

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.

*Andrew J. DeArmentis*

Signature

Village Attorney

Title

County

City

~~Town~~

Village

of Victory

Date: July 17, 1995