

**TOWN OF DRYDEN, NEW YORK
LOCAL LAW NO. _____ OF THE YEAR 2017**

BE IT ENACTED by the Town Board of the Town of Dryden as follows:

SECTION 1. PURPOSE AND INTENT

The purpose of this local law is to amend certain provisions of Town of Dryden Local Law No. 1 of 2007 (hereinafter referred to as “the 2007 Local Law”) pertaining to the enforcement of the New York State Uniform Fire Prevention and Building Code (“the Uniform Code”) and the State Energy Conservation Construction Code (“the Energy Code”) in the Town of Dryden exclusive of the Villages of Dryden and Freeville and repeals Local Law No. 2 of 1981 pertaining to the repair and removal of unsafe buildings and collapsed structures.

SECTION 2: REPEAL OF LOCAL LAW NO. 2 OF 1981

Upon the effective date of this local law, Town of Dryden Local Law. No. 2 of the year 1981 (a local law providing for the repair or removal of unsafe buildings and collapsed structures) is hereby repealed and superseded.

SECTION 3: UNSAFE BUILDINGS AND STRUCTURES

Section 9 of the 2007 Local Law shall be repealed and replaced by the following provisions:

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

- A. The reason for the determination that the building, structure or equipment is unsafe shall be made and documented by the Code Enforcement Officer.
- B. The owner of the building, structure or equipment deemed to be unsafe shall be notified of the determination by regular and certified mail as to the specifics of the determination and notified that the building, structure or equipment shall not be used until the noncompliant issues are remedied and reinspected by the Code Enforcement Officer or Inspector making the original determination.

SECTION 4: VIOLATIONS

Section 15 of the 2007 Local Law shall be amended as set forth in this section.

Section 15(b) shall be amended to read as follows: “The Code Enforcement Officer and each Inspector are authorized to issue appearance tickets for any violation of the Uniform Code or the Energy Code.”

Section 15 (c) shall be amended to read as follows: “In addition to those penalties prescribed by State law, any person who violates any provision of the Uniform Code, the Energy Code or this local law, or any term of condition of any Building Permit, Certificate of Occupancy, Certificate of Compliance, Temporary Certificate, Stop Work Order, Operating Permit or other notice or order issued by the Code Enforcement Office pursuant to any provision of this local law, shall be liable for a civil penalty of no less than \$100 per

day and no greater than \$250 per day for each day or part thereof during which the violation continues. The civil penalties provided by this subdivision shall be recoverable in an action instituted in the name of the Town.

The following provisions shall be added as sections 15(e), 15(f) and 15(g), and section 15(e) shall be renumbered as section 15(h).

“Section 15 (e). Exterior Property Maintenance Violations

In the event that a Property Owner fails to comply with the Compliance Order of the Code Enforcement Officer to remedy violations of the provisions of all applicable sections of the Uniform Code, the Energy Code or this local law pertaining to exterior property and the maintenance of exterior property, within the period stated in the Compliance Order, the Town shall have the following remedies in addition to all remedies set forth in State, local or other applicable law:

1. If the property owner fails to remedy the condition(s) constituting the violation within the period stated in the Compliance Order, the Code Enforcement Officer shall present a compliance and remediation plan (“the Plan”) to the Town Board. The Plan shall detail how the Town may cause the condition(s) to be corrected through reasonable measures and shall include an estimate of the direct cost of such measures, plus legal costs and administrative costs of the town for administering, supervising and handling such work in accordance with the provisions of this local law.

2. If the Town Board adopts the Plan, notice of the Town’s intent to remedy the violation will be provided to the property owner by personal service pursuant to the New York Civil Practice Law and Rules. The notice shall include the following:

- a. a copy of the proposed Plan;
- b. that the Town intends to remedy the conditions constituting the violation;
- c. that the property owner will be billed for the cost of implementing the Plan, in the amount set forth in the Plan, and that upon the property owner’s failure to do so, the cost will be added to the property tax bill for the property;
- d. that the property owner has 30 days from the date of service of the notice to remedy the condition or request a public hearing before the Town Board on the Plan and the estimated cost thereof.

3. If the property owner requests a public hearing in writing, the Town Board will conduct such hearing and shall publish notice of such hearing and provide a copy of the notice to the property owner by regular and certified mail at least 10 days before the hearing.

4. After such public hearing, the Town Board shall determine whether to modify the plan and/or the cost of measures to remedy the violation.

5. If the Town causes the violation to be remedied in accordance with the Plan, the property owner shall receive a bill for the cost of the remediation as set forth in the Plan, with a notice that if the cost remains unpaid after 30 days, the Town will take the necessary steps to have the cost added to the property owner’s next property tax bill. The bill shall be mailed to the property owner by regular and certified mail.

6. If the sum stated in the bill is not paid within 30 days after mailing thereof to the property owner, the Town

may file a certificate with the Tompkins County Department of Assessment stating the cost of abatement and administrative and legal costs to the Town, as detailed in the bill, together with a statement identifying the property and property owner. The Tompkins County Department of Assessment shall in the preparation of the next assessment roll assess such unpaid costs upon such property. Such amount shall be included as a special ad valorem levy (administered as a move tax) against such property, shall constitute a lien, and shall be collected and enforced in the same manner, by the same proceedings, at the same time, and under the same penalties as are provided by law for collection and enforcement of real property taxes in the Town of Dryden. The assessment of such costs shall be effective even if the property would otherwise be exempt from real estate taxation.

Section 15(f): Unsafe Structures

In the event that the Code Enforcement Officer has condemned any structure located in the Town as an unsafe structure or a structure unfit for human occupancy pursuant to the applicable sections of the Uniform Code, as subsequently renumbered and/or amended, the Town shall have the following remedies in addition to all remedies set forth in State, local or other applicable law:

1. The Code Enforcement Officer shall report recommendations for repair or demolition of the structure in a written report to the Town Board.
2. The Town Board shall consider the report, and if it decides to proceed, schedule a public hearing. Notice of the public hearing shall be published and provided to the property owner by personal service pursuant to the New York Civil Practice Law and Rules at least 10 days before the date of the hearing.
3. The Town Board may contract with an engineer or architect to inspect the structure and make recommendations to the Town Board.
4. If, after the public hearing, the Town Board determines that the structure can safely be repaired, it may order the property owner to repair the structure within the time frame set forth in the order. If the Town Board determines that the structure cannot safely be repaired and should be demolished and removed, the Town Board may order such demolition and removal within the time frame set forth in the order.
5. Subject to the provisions of paragraph 15(f)(6) below, if the property owner fails to repair or demolish and remove the structure within the time period set forth in the Town Board's order, the Town Board may issue a directive that the Town cause the structure to be repaired or demolished and removed, and bill the property owner for the reasonable direct cost of such repair or demolition and removal, plus legal costs and administrative costs of the Town for administering, supervising and handling such work in accordance with the provisions of this local law.
6. Prior to issuing a directive that the Town cause the structure to be repaired or demolished and removed, the Town shall apply to the Supreme Court of Tompkins County for an order pursuant to this local law, declaring: (1) that the structure is in need of repair or demolition and removal; (2) that the Town may repair or demolish and remove the structure; (3) determining the cost of such repair or demolition and removal that will be billed to the property owner pursuant to this local law; and (4) granting a judgment against the property owner in the amount to be billed to the property owner. If the property owner refuses to grant the Town and its representatives access to the structure and the Town is unable to obtain access pursuant to other provisions of law, the Town may seek an order pursuant to this local law directing the property owner to give the Town and its representatives access to the structure for purposes of determining whether the structure can safely be

repaired or should be demolished and removed.

7. If the sum stated in the bill is not paid within 30 days after mailing thereof to the property owner, the Town may file a certificate with the Tompkins County Department of Assessment stating the cost of repair or demolition and removal and administrative costs to the Town, as detailed in the bill, together with a statement identifying the property and property owner. The Tompkins County Department of Assessment shall in the preparation of the next assessment roll assess such unpaid costs upon such property. Such amount shall be included as a special ad valorem levy (administered as a move tax) against such property, shall constitute a lien, and shall be collected and enforced in the same manner, by the same proceedings, at the same time, and under the same penalties as are provided by law for collection and enforcement of real property taxes in the Town of Dryden. The assessment of such costs shall be effective even if the property would otherwise be exempt from real estate taxation.

Section 15 (g): Collection of unpaid fines and penalties

In the event that a property owner fails to pay fines imposed by Town Court for violation of the provisions of the Uniform Code, the Energy Code, the Stormwater Management and Erosion and Sediment Control Law of the Town of Dryden, or this local law, and/or any civil penalties imposed pursuant to the aforementioned codes and laws, and such fines and penalties remain unpaid thirty days after they were levied, the Town may file a certificate with the Tompkins County Department of Assessment stating the amount of the unpaid fine or penalty, together with a statement identifying the property and landowner. The Tompkins County Department of Assessment shall in the preparation of the next assessment roll assess such unpaid costs upon such property. Such amount shall be included as a special ad valorem levy (administered as a move tax) against such property, shall constitute a lien, and shall be collected and enforced in the same manner, by the same proceedings, at the same time, and under the same penalties as are provided by law for collection and enforcement of real property taxes in the Town of Dryden. The assessment of such costs shall be effective even if the property would otherwise be exempt from real estate taxation.”

SECTION 5: PARTIAL INVALIDITY

The provisions of this local law are severable. If any court of competent jurisdiction decides that any section, clause, sentence, part or provision of this local law is illegal, invalid, or unconstitutional, such decision shall not affect, impair, or invalidate any of the remaining sections clauses, sentences, parts, or provisions of this Local Law.

SECTION 6: EFFECTIVE DATE

This local law shall take effect upon filing in the office of the New York Secretary of State in accordance with section 27 of the Municipal Home Rule Law.