

TOWN OF GUILFORD
LOCAL LAW NO. 2 FOR THE YEAR 2023
A LOCAL LAW ENTITLED “UNSAFE STRUCTURES”

Be it enacted by the Town Board of the Town of Guilford as follows:

Section 1. Purpose; statutory authority; name.

The Town Board of the Town of Guilford enacts this Local Law for the protection of the public health, safety, and general welfare of the inhabitants of the Town to enforce the removal or repair of buildings that from any cause have become dangerous or unsafe to the public.

This local law shall be known as the “Unsafe Structures Local Law.”

Section 2. Unsafe Structure Procedure

In the event that the Chenango County Fire and Building Code Enforcement Department, or other duly authorized individual designated by the Town Board of the Town of Guilford (collectively, the “Code Enforcement Officer”), has condemned any structure located in the Town of Guilford as an unsafe structure or a structure unfit for human occupancy pursuant to the applicable sections of the New York State Uniform Fire Prevention and Building Code (the “Uniform Code”) and the State Energy Conservation Construction Code (the “Energy Code”), as subsequently renumbered and/or amended, or any other provision of federal, state, or local law providing for the same, the Town shall have the following remedies in addition to all remedies set forth in federal, state, local or other applicable law:

- A. The Code Enforcement Officer shall report recommendations for repair or demolition of the structure in a written report to the Town Board. The Town Board may contract with an engineer or architect to inspect the structure and make recommendations to the Town Board. If the property owner refuses to grant the Town and its representatives access to the structure for purposes of any of the foregoing, 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.
- B. The Town Board shall consider the report and recommendation(s), and if it decides to proceed, schedule a public hearing. Notice of the public hearing shall be published in the Town’s official newspaper and provided to the property owner by personal service pursuant to the New York Civil Practice Law and Rules at least ten (10) days before the date of the hearing.
- C. 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.
- D. Subject to the provisions of subparagraph “E” 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 charge 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 chapter.

- E. 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 Chenango County for an order pursuant to this chapter, 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 chapter; and (4) granting a judgment against the property owner in the amount of the cost of repairs or removal, plus fees, costs and expenses, including attorneys' fees, of the court action.
- F. If the sum stated in the judgment is not paid within 30 days after mailing thereof to the property owner, the Town may file a certificate with the Chenango County Department of Assessment stating the cost of repair or demolition and removal and administrative costs to the Town, as detailed in the judgment, together with a statement identifying the property and property owner. The Chenango 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 Guilford. The assessment of such costs shall be effective even if the property would otherwise be exempt from real estate taxation.

Section 2. Remainder

Except as hereinabove amended, the remainder of the Code of the Town of Guilford shall remain in full force and effect.

Section 3. Separability

The provisions of this local law are separable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid, unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words, or parts of this local law or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this local law would have been adopted if such illegal, invalid, or unconstitutional provision, clause, sentence, subsection, word or part had not been included therein, and as if such person or circumstance, to which the local law or part thereof is held inapplicable, had been specifically exempt therefrom

Section 4. Effective Date

This Local Law shall take effect immediately upon filing with the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.