

Local Law Filing

(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 Town Village

(select one:)

of Hoosick Falls

Introductory Local Law No. 2 of the year 2022

A LOCAL LAW REPEALING THE EXISTING LOCAL LAW NO. 1 OF 2008 OF THE VILLAGE OF HOOSICK FALLS AND ENACTING A NEW LOCAL LAW ENTITLED “A LOCAL LAW PROVIDING FOR THE IDENTIFICATION AND REPAIR OR REMOVAL OF UNSAFE BUILDINGS, STRUCTURES, AND SITES”.

Be it enacted by the Village Board of Trustees of the Village of Hoosick Falls as follows:

See attached.

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

VILLAGE OF HOOSICK FALLS

INTRODUCTORY LOCAL LAW NO. 2 OF 2022 A LOCAL LAW REPEALING THE EXISTING LOCAL LAW NO. 1 OF 2008 OF THE VILLAGE OF HOOSICK FALLS AND ENACTING A NEW LOCAL LAW ENTITLED “A LOCAL LAW PROVIDING FOR THE IDENTIFICATION AND REPAIR OR REMOVAL OF UNSAFE BUILDINGS, STRUCTURES, AND SITES”.

Section 1. Findings and Purpose.

The Board of Trustees of the Village of Hoosick Falls finds that unsafe buildings, structures, and sites, and unsafe equipment contained therein, pose a threat to life and property. Buildings, structures, and sites may become unsafe by reason of damage by fire, the elements, age or general deterioration. Vacant buildings or structures not properly secured also serve as an attractive nuisance for young children who may be injured therein, as well as a point of congregation by vagrants and transients. A dilapidated building or structure may also serve as a place of rodent infestation, thereby creating a health menace to the community.

The purpose of this local law is to provide for the safety, health protection and general welfare of persons and property in the Village of Hoosick Falls by requiring that such unsafe buildings, structures or sites be repaired or demolished and removed. This local law shall apply to all buildings, structures, and sites in the Village of Hoosick Falls.

Section 2. Definitions.

BUILDING – A structure wholly or partially enclosed within exterior walls, or within exterior party walls, and roof, affording shelter to persons, animals or property.

CODE ENFORCEMENT OFFICER – The Code Enforcement Officer appointed by the Board of Trustees of the Village of Hoosick Falls pursuant to the Village Code of the Village of Hoosick Falls, or other designated employees of the Building Department of the Village of Hoosick Falls.

PERSON/OWNER – Includes the owner, occupant, mortgagee, vendee in possession, operator, assignee or rents receiver, executor, trustee, lessee, property manager, property maintenance company, agent or any other person, firm or corporation directly or indirectly in control of a building, structure or parcel of land upon which the same is located, or part thereof, including banks or other financial institutions or private lenders that have initiated but not completed foreclosure proceedings.

STRUCTURE – An assembly of materials, forming a construction framed of component structural parts for occupancy or use, including buildings.

UNSAFE BUILDING OR STRUCTURE – Any building or structure which has any or all of the following defects:

A. The interior walls or other vertical structural members thereof list, lean or buckle to such extent that a plumb line hung from the top of such wall or structure and passing through the center of gravity falls outside of the middle third of its base.

B. Thirty-three percent (33%) or more damage or deterioration of the supporting members or members thereof, exclusive of foundation, or fifty percent (50%) damage or deterioration of the non-supporting enclosing or outside walls or covering thereof.

C. Improperly distributed loads upon the floors or roofs thereof of insufficient strength to be reasonably safe for the purposes used, all pursuant to reasonably accepted standards of engineering or architecture.

D. Damage by fire, wind or other causes rendering the same dangerous to life, safety or general health and welfare of the occupants, the people of the Village of Hoosick Falls, or the general public.

E. A state of decay, dilapidation, unsanitary or unsafe condition, or in a condition failing to provide the amenities essential to decent living so as to render the same unfit for human habitation or likely to cause sickness or disease, or such as to work injury to the health, safety or general welfare of the occupants, the people of the Village of Hoosick Falls, or the general public.

F. Insufficient light, air and sanitation facilities adequate to protect the health, safety or general welfare of the occupants.

G. Inadequate facilities for egress in case of fire or other emergency or insufficient stairways, elevators, fire escapes or other means of emergency escape.

H. Parts thereof which are so attached that they may fall or injure members of the public or other property or that may fall and injure the occupants thereof.

I. Existing violation of any state, federal or other municipal health, building or fire code, law, rule or regulation.

UNSAFE EQUIPMENT – Any equipment located on the premises or within a building or structure which is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or occupants of the premises, building or structure. Examples of equipment include, but are not limited to: boilers; heating equipment; elevators; escalators; electrical wiring and devices; hazardous liquids, chemicals or gases and their containers.

UNSAFE SITE – Any land, site premises or area which is in such condition that it is a hazard to life, health, property or safety of the public or anyone who uses, occupies or traverses same. Such sites may include but are not limited to residential lots, whether developed or not, and commercial lands, both vacant and occupied.

Section 3. Inspection; Report.

When, in his or her opinion or upon receipt of information that a building, structure, equipment or site is or may become dangerous or unsafe to the general public or an object of attraction to juveniles or to vagrants or other trespassers; is or may become a place of rodent infestation; presents any other danger to the health, safety, morals and general welfare of the public; or is unfit for the purposes for which it may lawfully be used, the Code Enforcement Officer shall cause or make an inspection thereof and prepare a written report to the Board of Trustees setting forth his or her findings, conclusions and recommendations regarding its securing and repair or demolition and removal. Said report may also include additional reports from a Village-designated engineer or an architect registered in the State of New York retained by the Village to assist in the enforcement of this local law.

Section 4. Board of Trustees Order; Notice.

The Board of Trustees of the Village of Hoosick Falls shall thereafter consider such report or reports and by resolution determine if, in its opinion, the report or reports warrant that such building, structure, equipment or site is unsafe and dangerous and order its securing and repair or its demolition and removal, and further order that notice be served upon the person/owner in the manner provided herein.

Section 5. Contents of Notice.

The notice shall contain the following:

- A. A description of the premises.
- B. A statement of the particulars in which the building, structure, equipment or site is unsafe or dangerous.
- C. An order requiring the building, structure, equipment or site to be made safe and secure or demolished and removed.
- D. A statement that the securing or removal of such building, structure, equipment or site shall commence within twenty (20) days after the service of the notice as hereinafter provided, and shall be completed within forty-five (45) days thereafter.
- E. The time and place for a hearing to be held before the Village Board regarding the unsafe building, structure, equipment or site and the report or reports issued in relation thereto, and the notice and order to repair or demolish and remove, such public hearing to be held no sooner than ten (10) days after the date of service of the notice as hereinafter provided.
- F. A statement that in the event of neglect or refusal to comply with the order to secure and repair or demolish and remove the unsafe building, structure, equipment or site, the Board of Trustees is authorized to provide for its securing and repair or demolition and removal, and to assess all costs and expenses thereof against the land on which it is located.

Section 6. Service of Notice.

The notice to repair or demolish shall be served on one of the person/owners or one of the person/owner's executors, legal representatives, agents, lessees or any other person having a vested or contingent interest in said property, by personal service or by certified mail, addressed to the last known address, if any, as shown by the records or the Receiver of Taxes and/or in the Office of the Rensselaer County Clerk. A copy of said notice shall be posted on said building or structure.

Section 7. Filing of Notice.

A copy of the notice as provided herein shall be filed in the office of the Rensselaer County Clerk, which notice shall be filed and maintained by such County Clerk in the same manner as a notice of pendency pursuant to Article 65 of the Civil Practice Law and Rules of the State of New York and shall have the same effect as a notice of pendency as therein provided. A notice so filed shall be effective for one (1) 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 the consent of the Village Attorney or designee. The County Clerk shall mark such notice and record or docket thereof as canceled of record upon the presentation and filing of such consent or of a certified copy of such order.

Section 8. Failure or Refusal to Comply.

In the event of the failure, refusal or neglect of the person or persons served with the notice to comply with the order of the Village Board, and unless the order of the Village Board is rescinded after the hearing, the Village Board may, subsequent to the hearing, provide for the securing and repair or demolition and removal of such building, structure, equipment or site, either by Village employees or by contract. Except in the case of emergency as provided in Section 9 hereof, any contract for the securing and repair or demolition and removal of the building or structure shall be awarded in accordance with law and the Village Purchasing Policy.

Section 9. Emergency Cases.

Where it reasonably appears to the Code Enforcement Officer that there is present a clear and imminent danger to the life, safety or health of any person or property unless an unsafe building, structure, equipment or site is immediately repaired, secured or demolished and removed, the Code Enforcement Officer, with the written approval of the Village Mayor, may immediately cause the securing and repair or demolition and removal of such unsafe building, structure, equipment or site. The expenses of such repair or demolition and removal shall be a charge against the real property on which the building or structure is located and assessed as provided in Section 10.

Section 10. Assessment of Costs and Expenses.

The Village shall be reimbursed for all costs of work performed or services rendered, including attorney's fees, expenses, costs and disbursements, by assessment and levy on the real property on which the unsafe building, structure, equipment or site is or was located, including but not limited to the cost of actually securing and repairing or removing and disposing of said building, structure, equipment or site. The expense so assessed shall constitute a lien and charge on the real property on which the building, structure, equipment or site is or was located and, once levied, shall continue until paid or otherwise satisfied or discharged, and shall be collected in the same manner and at the same time as other Village taxes, levies and charges.

Section 11. Costs and Expenses Which May be Assessed.

Costs and expenses which may be assessed as hereinbefore provided shall include, but not be limited to, the following:

- A. Actual attorney's fees and disbursements for services rendered with or without the commencement of litigation.
- B. Actual professionals' (e.g. Village-designated engineers, architects, outside engineers) fees and disbursements, including the costs and expenses of the Village Code Enforcement Officer and other employees of the Village Building Department, and also all costs, fees or other expenses associated with all required County and/or State requirements to complete all such work.
- C. Actual costs of securing, demolishing, removing or repairing the building, structure, equipment or site deemed dangerous or unsafe.
- D. Costs of filing, recording, serving and/or publishing notices.
- E. Costs of tax and/or title searches.

F. All filing fees associated with the review process and litigation, if any.

Section 12. Administrative Liability.

No officer agent or employee of the Village of Hoosick Falls shall render himself or herself personally liable for any damages that may accrue to persons or property as a result of any act required or permitted in the discharge of any duty imposed upon such officer, agent or employee of the Village of Hoosick Falls as a result of any act required or permitted in the discharge of any duty imposed upon any such officer, agent or employee pursuant to the provisions of this local law shall, at the request of said person, be defended by and at the cost of the Village of Hoosick Falls or its insurance carrier.

Section 13. Repeal. Village of Hoosick Falls Local Law No. 1 of 2008 is hereby repealed.

Section 14. Severability.

If any section or subdivision, paragraph, clause, or phrase of this law shall be adjudged invalid or held unconstitutional by any court of competent jurisdiction, any judgment made thereby shall not affect the validity of this law as a whole or any part thereof other than the part or provision so adjudged to be invalid or unconstitutional.

Section 15. Effective Date.

This local law shall take effect immediately upon filing with the Secretary of State of the State of New York.

(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 Introductory Local Law No. 2 of 2022 of the (County)(City)(Town)(Village) of Hoosick Falls was duly passed by the Village Board of Trustees on _____, 2022, 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 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ and was deemed duly adopted on _____ 20____ 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 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ on _____ 20____. Such local law was submitted 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 _____ 20____, in accordance with the applicable provisions of law.~~
(Name of Legislative body)
(Elective Chief Executive Officer)*

~~**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 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.~~
(Name of Legislative body)
(Elective Chief Executive Officer)*

* 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 20____ 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 _____ 20____, 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 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, 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 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 1, above.

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

(Seal)

Date: _____