

Local Law No. 4 of the Year 2025
Local Law Regulating Unsafe Buildings

Allegany Town Board

Be it enacted by the Town Board of the Town of Allegany, County of Cattaraugus and State of New York, to protect the health, safety and welfare of the residents of the Town of Allegany, as follows:

SECTION 1. TITLE

This Local Law shall be known as Amendments to Local Law 3 of 2023 entitled “Unsafe Buildings Law.”

SECTION 2. AUTHORITY

New York Town Law, New York General Municipal Law and New York Municipal Home Rule Law.

SECTION 3. PURPOSE, LEGISLATIVE INTENT AND LEGISLATIVE FINDINGS

The purpose of this local law is to mitigate and eliminate unsafe buildings upon the following findings:

(A) Unsafe buildings pose a threat to life and property in the Town. Buildings and structures may become unsafe by reason of damage by fire, the elements, age or general deterioration.

(B) 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 of vagrants and transients.

(C) A dilapidated building may also serve as a place of rodent infestation thereby creating a health menace to the community.

(D) It is the purpose of this chapter to provide for the safety, health, protection and general welfare of persons and property in the Town, by requiring unsafe buildings be repaired or demolished and removed.

(E) All debris and contents from the demolished building shall be removed from the property and disposed of properly.

(F) Building debris and contents shall not be buried within Town limits.

(G) Any and all basements, crawl spaces and the like shall be filled with clean fill to grade level.

SECTION 4. TEXT OF AMENDMENT TO TOWN OF ALLEGANY ZONING ORDINANCE III

SECTION 1: GENERAL PROVISIONS

1.02 PURPOSE; REQUIREMENTS.

(A) Unsafe buildings pose a threat to life and property in the Town. Buildings and structures may become unsafe by reason of damage by fire, the elements, age or general deterioration.

(B) 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 of vagrants and transients.

(C) A dilapidated building may also serve as a place of rodent infestation thereby creating a health menace to the community.

(D) It is the purpose of this chapter to provide for the safety, health, protection and general welfare of persons and property in the Town, by requiring unsafe buildings be repaired or demolished and removed.

(E) All debris and contents from the demolished building shall be removed from the property and disposed of properly.

(F) Building debris and contents shall not be buried within Town limits.

(G) Any and all basements, crawl spaces and the like shall be filled with clean fill to grade level.

1.03 TITLE.

This chapter shall be known as “Unsafe Buildings Law” of the Town.

1.04 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BUILDING. Any building, structure or portion thereof used for residential business or industrial purpose.

CODE ENFORCEMENT OFFICER. The Code Enforcement Officer of the Town, or some other person appointed by the Town Board to enforce the provisions of this chapter.

DEBRIS. Any remnants of a building.

2: INVESTIGATION; REPORT TO TOWN BOARD.

When, in the Opinion of the Code Enforcement Officer, or upon receipt of information that a building:

- (A) Is or may become dangerous or unsafe to the general public;
 - (B) Is open at the doorways and windows making it accessible to and an object of attraction to minors under 18 years of age, as well as to vagrants and other trespassers;
 - (C) Is or may become a place of rodent infestation;
 - (D) Presents any other danger to the health, safety, morals and general welfare of the public;
- or
- (E) Is unfit for the purposes for which it may lawfully be used,

The Code Enforcement Officer shall cause or make an inspection thereof and report in writing to the Town Board his or her findings and recommendations in regard to its repair or demolition and removal.

1.06 DETERMINATION AND ORDER.

The Town Board shall thereafter consider the report and by resolution determine if, in its opinion, the report so warrants, that the 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 persons and in the manner provided herein.

1.07 NOTICE OF ORDER; CONTENTS.

The notice shall contain the following:

- (A) A description of the premises;
- (B) A statement of the particulars in which the building is unsafe or dangerous;
- (C) An order outlining the manner in which the building is to be made safe and secure, or demolished and removed;
- (D) A statement that the securing or removal of the building shall commence within 30 days of the service of the notice, and shall be completed within 60 days thereafter, unless for good cause shown, the time shall be extended;

(E) A date, time and place for a hearing before the Town Board in relation to the dangerous or unsafe building, which hearing shall be scheduled not less than five business days from the date of service of the notice; and

(F) A statement that in the event of neglect or refusal to comply with the order to secure or demolish and remove the building, the Town 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, debris removal and fill, including legal expenses.

1.08 SERVICE OF NOTICE; COPY FILED WITH COUNTY CLERK.

(A) The notice shall be served:

(1) By the personal service of a copy thereof upon the owner, executor, administrator, agent, lessee or any person having a vested or contingent interest in the 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 the owner by registered mail a copy of the notice directed to his or her last known address as shown by the above records; and

(2) By personal service of a copy of the notice upon any adult person residing or occupying the premises if the person can be reasonably found and by securely affixing a copy of the notice upon the unsafe building.

(B) A copy of the notice served, as provided herein, shall be filed in the Office of the County Clerk of the County of Cattaraugus. Failure to so file shall not invalidate any action taken by the Board or its lawful agents under or according to this chapter.

1.09 FAILURE TO COMPLY WITH ORDER.

(A) In the event of the refusal or neglect of the person so notified to comply with the order of the Town Board and after the hearing, the Town Board shall provide for the demolition and removal of the building or structure either by Town employees or by contract except in emergency, as provided below.

(B) Any contract for demolition and removal of a building shall comply with the requirements of N.Y. Gen. Mun. Law Art. 5-A.

1.10 ASSESSMENT OF REMEDIATION EXPENSES.

All expenses incurred by the Town in connection with the proceeding to repair and secure or demolish and remove the unsafe building, shall be assessed against the land on which the building is located and shall be levied and collected in the same manner as provided in N.Y. Vil. Law Art. 5, for the levy and collection of a special ad valorem levy.

1.11 EMERGENCY REMEDIATION.

Where it 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, debris removed and filled, the Town Board may, by resolution, authorize the Code Enforcement Officer to immediately cause the repair or demolition, debris removal and fill of the unsafe building shall be a charge against the land on which it is located and shall be assessed, levied and collected as provided above.

SECTION 5. EFFECTIVE DATE

This Local Law shall take effect immediately upon adoption by the Town Board of the Town of Allegany and filing with the Secretary of State.