

NOTICE OF ADOPTION OF LOCAL LAW NO. 2 OF THE YEAR 1980, ENTITLED

"A LOCAL LAW REGULATING UNSAFE BUILDINGS IN THE TOWN OF DUNKIRK, NEW YORK."

Notice is hereby given, that there was adopted LOCAL LAW NO. 2 of the year 1980, entitled "A LOCAL LAW REGULATING UNSAFE BUILDINGS IN THE TOWN OF DUNKIRK", at a regular monthly meeting of the Town Board held on the 8th day of October, 1980 at the Town Hall, Willow Road, Town of Dunkirk, New York.

RESOLVED, after consideration that this Board does hereby enact and ordain the law attached to and hereby made a part of this resolution, with the same force herein; and be it further

RESOLVED, that this Local Law be entered in the official minutes of this meeting and that a certified copy thereof be mailed to the State Comptroller of the State of New York, four (4) certified copies be mailed to the Office of the Secretary of State of the State of New York, one certified copy in the Town Clerk's Office, Town of Dunkirk, New York; and be it further,

RESOLVED, that this Local Law No. 2 of the year 1980 will take effect when it is filed with the Secretary of State, State of New York with a copy thereof certified by the Town Clerk under the corporate seal of the Town showing the date of its passage and entry in the minutes.

NOW, ON MOTION OF Councilman Mourer, seconded by Councilman Bifaro, the following was presented for adoption,

TOWN OF DUNKIRK, NEW YORK

LOCAL LAW NO. TWO OF THE YEAR 1980.

"A LOCAL LAW REGULATING UNSAFE BUILDINGS IN THE TOWN OF DUNKIRK.

BE IT ENACTED by the Town Board of the Town of Dunkirk, as follows:

Section 1. Purpose. No person firm or corporation or association, who or which is the owner of a building in the Town of Dunkirk, shall cause, suffer, allow or permit the said building to become dangerous or unsafe to the public. In the event that any building now is or here-after becomes dangerous or unsafe to the public, from any cause whatsoever, the said owner or occupant shall repair or remove the said building or structure.

a. Definition of Structure/Building: Any facility constructed or used for residence, business, industry, or other public or private purposes, or accessory thereto, including tents, lunch wagons, dining cars, mobile homes, billboards, signs and similar facilities whether stationary or moveable. Also any structures having a roof and intended for the shelter, housing or enclosure of persons, animals or chattels.

Section 2. Inspection. In the event of the failure of the owner to repair or remove the same, the Building Inspector of the Town of Dunkirk shall make a complete inspection and report of the condition of the said building to the Town Board of said Town.

Section 3. Notice to Owner. The Town Board shall then direct by resolution that notice will thereafter be served on the owner or some one of the owner's executors, legal representatives, agents, lessees or any other person having a vested or contingent

interest in same, either personally or by registered mail, addressed to the last known address, if any, of the owner or some one of the owner's executors, legal representatives, agents, lessees or other person having a vested or contingent interest in same, as shown by the records of the receiver of taxes and/or in the office of the county clerk or county register; and if such service be made by registered mail, for a copy of such notice to be posted on the premises. That said notice shall contain a description of the premises, a statement of the particulars in which the building or structure is unsafe or dangerous and in order requiring the said building or structure to be made safe and secure or removed. The said notice shall also provide for the time within which the person served with the said notice shall commence and complete the securing or removal of the building or structure.

Section 4. Survey of Premises. In the event of the neglect or refusal of the person so served with the said notice to comply with same, a survey of the premises shall be made by the Building Inspector, and an architect, engineer or practical building to be named by the Town Board of said Town, and a practical builder, engineer or architect appointed by the person notified as above, within thirty (30) days of the date of the notice, and in the event of the refusal or neglect of the person so notified to appoint such surveyor, the two surveyors named shall make the survey and report. The notice shall further provide that in the event the building or other structure shall be reported dangerous or unsafe under such survey, an application will be made at a

Special Term of a Supreme Court, in the VIII Judicial District of the State of New York for an order determining the building or other structure to be a public nuisance and directing that it shall be repaired and secured or taken down and removed.

Section 5. Posting of Survey Report. A signed copy of the report of the surveys shall be posted on the building and the surveyors appointed by the Town Board shall be compensated by the Town.

Section 6. Costs of the Notice. All costs and expenses incurred by the Town in connection with any and all of the above proceedings to remove or secure, including the cost of actually removing the said building or structure or repairing and securing the same, shall be assessed against the land on which the building or structure is located.

Section 7. Costs of Removal. If such owner or person served as herein above provided shall fail to pay the costs and expenses incurred by the Town within ten (10) days after being notified of the costs thereof by registered mail, the Town Clerk shall file, immediately preceding the time for making the annual assessment role, a certificate of such actual costs and expenses with a statement as to the property upon which such cost and expenses were incurred, the buildings or other obstructions removed, as the case may be, with the Town Tax Receiver, who shall in the preparation of the next assessment roll of the general Town taxes, assess such amount upon such property, and the same shall be levied, collected and enforced in the same manner, by the same proceedings at the same time, under the same penalties, and having

the same lien upon the property assessed as the general Town tax and as a part thereof.

Section 8. Building Inspector. The Town of Dunkirk's Building Inspector shall be charged with the responsibility of carrying out the obligations and duties set forth in this Local Law.

Section 9. Effective Date. This Local Law shall become effective immediately upon filing in the Office of the Secretary of State.

Dated: October 8, 1980
Town of Dunkirk,
New York.


MARY G. READING
Town Clerk, Town of Dunkirk,
New York.

STATE OF NEW YORK)
COUNTY OF CHAUTAUQUA)
TOWN OF DUNKIRK) ss.

I, MARY G. READING, Town Clerk of the Town of Dunkirk, Chautauqua County, New York, do hereby certify that I have compared the preceding local law with the original thereof filed in my office at the Town of Dunkirk, County of Chautauqua, New York, and that the same is a true and correct copy of said original thereof as appears in the minutes dated October 8, 1980 and that the same is a true and correct copy of the same and of the whole thereof, and I further certify that all members of the Town Board of the Town of Dunkirk had due notice of said meeting being held, according to the statute of law.

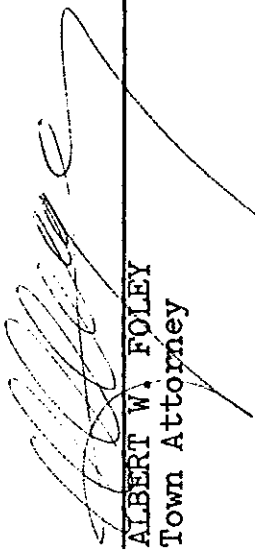
In Witness Whereof, I have hereunto set my hand and seal of said Town this 21st day of October, 1980.


MARY G. READING, Town Clerk
Town of Dunkirk, County of
Chautauqua, State of New York.

TO THE TOWN BOARD OF THE TOWN OF DUNKIRK
COUNTY OF CHAUTAQUA

I, the undersigned Town Attorney, Town of Dunkirk, State of New York, do hereby certify that Local Law No. 2 of the year 1980 contains the correct text as adopted by the Town Board of the Town of Dunkirk on the 8th day of October, 1980, and that all proper proceedings have been had or taken for the enactment of this Local Law.

October 8, 1980


ALBERT W. FOLEY
Town Attorney