

LOCAL LAW FILING

New York State Department of State
41 State Street, Albany, NY 12231

(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 underling to indicate new matter.

Town of Dunkirk

Local Law No. 2 **of the year 2006.**

A local law providing for the repair or removal of unsafe buildings and collapsed structures.

Be it enacted by the Town Board of the

Town of Dunkirk

Section One - Purpose:

Unsafe buildings pose a threat to life and property in the Town of Dunkirk. The Town's buildings and structures may become unsafe by reason of damage by fire, the elements, age or general deterioration. Vacant buildings not properly secure at doorways and windows 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 may also serve as a place of rodent infestation, thereby creating a health menace to the community. It is the purpose of this Local Law to provide for the safety, health protection and general welfare of persons and property in the Town by requiring that such unsafe buildings be repaired or demolished and removed.

Section Two -

This Local Law shall be known as "Unsafe Buildings Law" of the Town of Dunkirk.

Section Three – Definitions.

(1) "Building" means any building, structure or portion thereof used for residential, business or industrial purpose.

(2) "Code Enforcement Officer" means the Code Enforcement Officer of the Town or such other person appointed by the Town Board to enforce the provisions of this Local Law.

(3) Town Board means the Town of Dunkirk.

Section Four – Investigation and Report

When the Code Enforcement Officer, in his/her own opinion, 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 eighteen years of age, as well as to vagrants and other trespassers;
- c) is or may become a place of rodent infestation;
- d) presents an other danger to the health, safety, morals and general welfare of the public; or
- e) is unfit for the purpose for which it may lawfully be used, he or she shall cause or make an inspection thereof and report in writing to the Town Board of the Town of Dunkirk his/her findings and recommendations in regard to its repair or demolition and removal.

Section Five – Assessment of Expenses

All expenses incurred by the Town in connection with the proceedings to repair and secure or demolish and remove the unsafe building, including the cost of actually removing such building, and all reasonable and necessary legal expenses incidental thereto, shall, at the option of the Town Board, either:

- a) Be assessed against the land on which such building is located and shall be levied and collected in the same manner as provided in law for the levy and collection of a special ad valorem levy, or
- b) Be collected by commencement of a special proceeding against the owner of said unsafe or dangerous building or structure pursuant to General Municipal Law section 78-b.

Section Six - Emergency Cases

Where it reasonably appears that there is present a clear and imminent danger to life, safety or health of any person or property, unless an unsafe building is immediately repaired and secured or demolished, the Town Board may, by resolution, authorize the Code Enforcement Officer to immediately cause the repair or demolition of such unsafe building. The expenses of such repair or demolition shall be a charge against the land on which it is located and shall be assessed, levied and collected as provided in section 10 hereof.

Section Seven – Separability

Each separate provision of this Local Law shall be deemed independent of all other provisions herein, and if any provisions shall be deemed invalid, all such other provisions hereof shall remain valid and enforceable.

Section Eight – Repealer

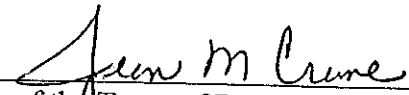
This Local Law shall supersede all prior local laws, ordinances, rules and regulations relative to the repair or removal of unsafe buildings and collapsed structures within the Town, and they shall be, upon the effective date of this ordinance, null and void.

Section Nine- Effective Date

This Local Law shall take effect upon its being duly filed in the office of the Secretary of State of the State of New York as provided in Section 27 of the Municipal Home Rule Law.

1. I hereby certify that the local law annexed hereto, designated as local law No. 2 of 2006 of the Town of Dunkirk was duly passed by the Town Board of the Town of Dunkirk on 12/12/06, 2006, in accordance with the applicable provisions of law.

(Seal)

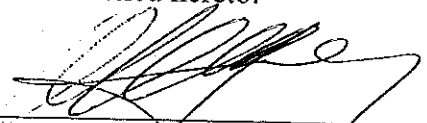

Clerk of the Town of Dunkirk

Date: 12/19/06

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF CHAUTAUQUA

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.


Attorney

Town of Dunkirk

Date: December 19, 2006