VILLAGE OF STILLWATER

UNSAFE BUILDING LAW

Adopted: LL No. 1 of 2005; Amended: LL No. 2 of 2022

1. Purpose

Unsafe buildings pose a threat to life and property in the Village of Stillwater. Buildings and structures may become unsafe or uninhabitable to the occupants or others by reason of inadequate construction, damage by fire, the elements, age, deferred maintenance, structural deficiencies or general deterioration. Vacant buildings not properly secured at entry points and windows serve as an attractive nuisance for children who may be injured therein, as point of congregation by vagrants and transients, and a harbor for illegal activities. Dilapidated buildings may also serve to create health menaces to the community through rodent and other infestations or the emanation of toxic materials. It is the purpose of this Local Law to provide for the safety, health, protection and general welfare of the citizenry and the preservation of property and property values in the Village of Stillwater by requiring unsafe building to be repaired, made structurally sound, demolished and removed.

The Local law shall be known as the "Unsafe Building Law" of the Village of Stillwater.

2. Authority

This Local Law is adopted pursuant to the general powers granted to the Village of Stillwater by the Constitution and laws of the State of New York.

3. Repeal of Previous Related Local Laws

This Local law hereby repeals Village of Stillwater "Ordinance Relating to the Removal or Repair of Unsafe Buildings within the Village of Stillwater," and Village Local Law No. 2 Of 1996 "Removal of Dangerous Buildings or Structures."

4. Definitions

1. "Building" means any man-made structure or portion thereof, on or within the land.
2. "Village of Stillwater" or "Village" means the principal Code Enforcement Officer or Bureau Chief of Fire Services of the Village of Stillwater or, in the event of the unavailability of such officer, the Village Mayor or Deputy Mayor.

5. Investigation and Report

When in the opinion of the Village of Stillwater, or upon receipt of information that a building (1) is or may become dangerous or unsafe to the general public, or (2) is open at entry points and windows, making it accessible to and an object of attraction, to minors, vagrants, other trespassers, or (3) is or may become a place of rodent infestation, or (4) is or may become a place to harbor illegal activities, or (5) presents any other danger to the health, safety, morals and general welfare of the public, or (6) is unfit for the purposes for which it may lawfully be used, including human habitation, the Village of Stillwater shall make or cause to be made an inspection thereof and report, in writing, to the Village Board the Village's findings and recommendations in regard to its repair or demolition and removal.

6. Notice to Property Owner

A. Notice of the Village's report and the required remedial action shall be served on the owner or on the owner's executor, legal representative, agent, lessee or any other person having a vested or contingent interest in the property. Service shall be made either personally or by certified mail, return receipt requested.

B. The notice shall include a description of the premises, a statement of the particulars in which the building or structure is unsafe or dangerous and an order requiring the premises to be made safe and secure or removed. The notice shall also include a statement that the securing or removal of such building shall be completed within thirty days after the service of the notice and shall be completed within 60 days thereafter. Unless upon good cause shown the Village extends such time. Any such extension may not exceed thirty additional days.

C. The notice shall also schedule a hearing before the Village Board, which hearing shall be scheduled not fewer than five business days from the date of service of the

notice, and a statement that in the event of neglect or refusal to comply with the order to secure or demolish and remove the building the Village 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 judicial proceeding to collect the costs of demolition, including legal expenses; and hearing transcript advertisement.

D. A copy of the Village of Stillwater's aforesaid report shall accompany the notice, and a copy of such notice shall be posted on the premises.

7. Notice to be Posted and Filed with the County Clerk

A copy of the aforesaid notice shall be posted on the Village Bulletin Board and filed in the office of the County Clerk of Saratoga County, which notice shall be filed by the County Clerk in the same manner as a notice of pendency pursuant to Article 65 of the Civil Practice Law and Rules, and shall have the same effect as a notice of pendency as therein provided, except as otherwise hereinafter provided in this paragraph. A notice so filed shall be effective for a period of one 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. The County Clerk of Saratoga County shall mark such notice and any record or docket thereof as cancelled of record upon the presentation and filing of such consent or of a certified copy of such order.

8. Hearing

A. The hearing shall be before a quorum of the Village Board. Witnesses shall provide sworn testimony, and the proceedings shall be transcribed. Formal rules of evidence shall not apply.

B. The Village Board shall enter the report of the Village of Stillwater in the minutes and receive additional sworn testimony from the Village of Stillwater or others, as the Board finds relevant. The owner of the subject property is entitled to testify or provide the relevant testimony of others.

C. At the conclusion of the hearing, the Village Board may render a determination, or it may reserve decision. The findings shall be the basis for an order requiring the

owner to remediate any unsafe condition. Such order may include, but not be limited to, completion of specified repairs or improvements, or vacating the building, or the demolition and removal of the building or a portion thereof. Any such remedial action must be completed within thirty days.

9. Refusal to comply

In the event of the failure, refusal or neglect of the person so notified to comply with an order of the Village Board after a hearing pursuant to Section 8 of the Local Law, the Village Board shall provide for the ordered remediation of the unsafe condition either by village employees or by contract. Except in emergency as provided in Section 10 hereof, any contract for demolition and removal of a building shall be awarded through competitive bidding pursuant to General Municipal Law.

10. Power to Act in Emergencies

A. Whenever the Village of Stillwater finds, with the concurrence of the Code Enforcement Officer, or the Bureau Chief of Fire Services, or the Village's professional engineers, or the Town of Stillwater Police, or the Chief of the Newland Wood Fire Company, or the Saratoga County Public Health Officer, that the condition of a building is such which, in their opinion, requires immediate action to abate a direct hazard or an immediate danger to the health, safety or welfare of the occupants of said building or of the public, the Village Mayor or the Deputy Mayor may, without prior notice or hearing take any action authorized herein which is reasonable necessary to abate or remove the condition.

B. Such action may include but is not limited to demolition of the building or structure, vacating the occupants of the premises and of surrounding premises, closing of public or private streets or rights-of-way, termination of utility service, erection of barricades and other protections and the performance of physical work on the premises.

C. Following such action, notice of same shall be served on the owner in the same manner as effecting service as provided in Section 6 of the Local Law. Such notice shall be served within 48 hours of initiating such action.

11. Assessment of expenses

All expenses incurred by the Village in connection with the proceedings to repair, secure or to demolish and remove the unsafe building, including the cost of the work and inspections and any fees incurred by the Village for engineering and legal services shall be charged to the owner of the premises. In the event that the owner fails to pay all such expenses within 30 days on the issuance of a bill for such expenses, the Village Clerk shall be authorized to assess the total amount of such unpaid expenses against the land on which such building is located and shall cause such total of unpaid expenses to be levied and collected in the same manner as the levy and collection of unpaid water and sewer charges.

12. Annual Appropriation

A. In preparing the annual Village Budget the Mayor shall make provision for a contract for the repair or demolition of unsafe building by the Village pursuant to this Local Law. The Mayor shall also estimate the amount of costs to be recovered in the ensuing fiscal year through the enforcement provision of this Local Law.
B. At the first meeting of each fiscal year, the Village Board shall award a contract for the repair or demolition of unsafe buildings. The contract shall be awarded based upon competitive bids pursuant to General Municipal Law, submitted no later than May 15th of the preceding fiscal year.

13. Immunity of the Village of Stillwater

No action may be maintained against the Village of Stillwater and/or a duly designated Code Enforcement Officer of the Village or any other agent of the Village for the value of damages for injury to, or destruction of, property under the provisions of this Local Law.

14. Provisions Supplemental to State Law

The provisions of this Local Law shall not supersede, but rather shall be supplementary to, the provisions of law contained in the New York State Constitution, Eminent Domain Procedures Law, Executive Law, General Municipal Law, Village Law, Uniform Fire

Prevention and Building Code, Public Health Regulations of the Consolidated Health District of Stillwater, and any other applicable local law, ordinance, rule or regulation.

15. Severability

If any provision of this Local Law or its application thereof to any person or circumstance is held invalid; the validity of the remainder of the provisions of this Local Law and the application thereof to other persons and circumstances shall not be affected thereby.

16. Effective date

This Local Law shall take effect immediately upon filing thereof in the Office of the Secretary of State.