**Chapter 90**

**Buildings, Unsafe**

[HISTORY: Adopted by the Town Board of the Town of Catskill 9-7-1982 by L.L. No. 2-1982. Amendments noted where applicable.]

**GENERAL REFERENCES**

Building construction and fire prevention – See Ch. **87**.

Zoning – See Ch. **160**.

**§ 90-1. Purpose**

Unsafe buildings pose a threat to life and property in the Town of Catskill. Buildings and structures may become unsafe by reason of damage by fire, the elements, age or general deterioration. 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 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 chapter to provide for the safety, health protection and general welfare of persons and property in the Town of Catskill by requiring that such unsafe buildings be repaired or demolished and removed.

**§ 90-2.** **Title.**

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

**§ 90-3.** **Definitions.**

As used in this chapter, the following terms shall have the meanings indicated:

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

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

DANGEROUS OR UNSAFE BUILIDING – A building or structure which is structurally unsound, unsanitary or not provided with adequate ingress or egress or which constitutes a fire hazard or which has become unsafe by reason of damage by fire, the elements, age or general deterioration or which, in relation to an existing use, constitutes a hazard to public health, safety or welfare by reason of inadequate maintenance, dilapidation, obsolescence or abandonment or which is otherwise dangerous to human life. [Added 5-4-1999 by L.L. No. 1-1999]

**§ 90-4.** **Investigation and report.**

When in the Code Enforcement Officer’s opinion or upon receipt of information that a building is or may become dangerous or unsafe to the general public, is open at 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, 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 report, in writing, to the Town Board his findings and recommendations in regard to its repair or demolition and removal.

**§ 90-5. Town Board order.**

The Town Board shall thereafter consider such report and by resolution determine, if in its opinion the report so warrants, that such buildings is unsafe and dangerous and order its repair if the same can be repaired or its demolition and removal, and further order that a notice be served upon the persons and in the manner provided herein.

**§ 90-6. Notice; contents.**

The notice shall contain the following:

1. A description of the premises.
2. A statement of the particulars in which the building or structure is unsafe or dangerous.
3. An order outlining the manner in which the building or structure is required to be made safe and secure or demolished and removed.
4. A statement that the securing or removal of such building shall commence within 20 days of the service of the notice and shall be completed within 30 days thereafter, unless for good cause shown such time shall be extended.
5. A notice of the time and place of a hearing before the Town Board wherein any interested party may be heard in regard to a Town Board order issued under **§ 90-5** hereof.

**§ 90-7.** **Service of notice.**

Said notice shall be served on the owner or someone of the owner’s executors, legal representatives, agents, lessees or any other person having a vested or contingent interest in the same, either personally or by certified mail, addressed to the last known address, if any, of the owner or someone of the owner’s executors, legal representatives, agents, lessees or other person having a vested or contingent interest in the same, as shown by the records of the Receiver of Taxes and/or in the office of the County Clerk or County Registrar, and if such service is made by certified mail a copy of such notice shall be posted on the premises. In addition thereto a copy of such notice shall be filed in the office of the County Clerk of the county in which such building or structure is located, which notice shall be filled by such Clerk in the same manner as a notice of pendency pursuant to Article 65 of the Civil Practice Law and Rules.

**§ 90-8. Refusal to comply.**

In the event of the refusal or failure of the person or persons so notified to comply with said order of the Town Board within the time provided therein, the town may proceed to safely repair and/or demolish and remove said building or structure.

**§ 90-9.** **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, shall be assessed against the land on which such building is located and shall be levied and collected in the same manner as provided in Article 15 of the Town Law for the levy and collection of a special ad valorem levy.

**§ 90-10.** **Emergency cases.**

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, 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 **§ 90-9** hereof.

**§ 90-11.** **Penalties for offenses.**

[Added 5-4-1999 by L.L. No. 1-1999]

1. Any person or persons who shall violate any provisions of this chapter shall be guilty of an offense punishable by a fine not exceeding $250 or imprisonment for a period not exceeding 15 days, or both such fine and imprisonment. Each day’s continued violation shall constitute a separate offense.
2. If a fine is imposed and is not paid within 30 days or such other time period established by a court of competent jurisdiction, then following mailing of the notice described herein, the unpaid fines shall be doubled and shall be assessed by the Town as a lien against the fine debtor’s real property in the Town and added to the current tax roll by the Town as an unpaid charge attributable to the real property. Prior to assessing this lien for unpaid fines, the Town shall mail a notice to the fine debtor at his/her last known address by certified mail, return receipt requested and regular first-class mail stating that unless the fines are paid within 15 days of the notice date, they will be assessed and collected as an unpaid charge attributable to the real property.