

Local Law Filing

(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 underlining to indicate new matter.

County City Town Village

(Select one:)

of AUGUSTA

Local Law No. ! of the year 20 21

A local law " To Provide For The Securing, Repair, Removal Or Demolition
(Insert Title)
Of Unsafe Buildings And Structures In The Town Of Augusta"

Be it enacted by the Town Board of the
(Name of Legislative Body)

County City Town Village

(Select one:)

of Augusta as follows:

** See Attached

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 1 of 2021 of the (County)(City)(Town)(Village) of Augusta was duly passed by the Town Board on February 17 2021, in accordance with the applicable provisions of law.

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ and was deemed duly adopted on _____ 20____, in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ on _____ 20____.

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph _____ above.

Jowya M. Furness
Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: *February 19, 2021*

(Seal)



**TOWN OF AUGUSTA
LOCAL LAW NO. 1 OF 2021**

**A LOCAL LAW TO PROVIDE FOR THE SECURING, REPAIR,
REMOVAL OR DEMOLITION OF UNSAFE BUILDINGS AND
STRUCTURES IN THE TOWN OF AUGUSTA**

Be it enacted by the Town Board of the Town of Augusta as follows:

Section 1. LEGISLATIVE PURPOSE AND INTENT.

Unsafe buildings and collapsed structures pose a threat to life, health, and property in the Town of Augusta. Buildings and structures may become unsafe by reason of damage by fire, or other casualty damage, the elements, age or general deterioration. Vacant buildings not properly secured at doorways and windows are nuisances and serve as a congregation area for vagrants, the homeless, mentally incompetent and children who may be injured therein. A dilapidated building or collapsed structure may also serve as a place of rodent infestation and thereby create a health menace to the community. Debris, rubble or parts of buildings left on the ground or in disrepair and not removed constitutes a dangerous, unhealthy and unsightly condition. It is the purpose of this Local Law to provide for the safety, health, protection and general welfare of people and property in the Town of Augusta by requiring such unsafe buildings, structures and/or premises to be secured, repaired, removed and/or demolished.

Section 2. AUTHORITY

This Local Law is enacted pursuant to the New York State Constitution and New York Municipal Home Rule Law 10.

Section 3. DEFINITIONS

As used in this Local Law, the following terms shall have the meanings indicated.

BUILDING- Any building, structure or portion thereof used for residential, business, industrial, agricultural, recreational or any other purpose.

CODE ENFORCEMENT OFFICER-The Code Enforcement Officer of the Town of Augusta or such other person appointed by the Town Board to enforce the provisions of this Local Law.

PORTION OF BUILDING OR STRUCTURE-Any debris, rubble or parts of buildings which remain on the ground or on the premises after demolition, reconstruction, fire or other casualty.

UNSAFE BUILDING OR STRUCTURE- Any building or structure or portion thereof that endangers the health, safety or welfare of the public, and may include, without limitation, buildings or structures with any or all of the following:

- A. Open at the doorways or accessible by and a source of attraction to minors under 18 years of age, as well as to vagrants and other trespassers;
- B. Which may become a place of rodent infestation, or infestation by other insects or pests;
- C. Those which are so dilapidated, decayed, unsafe and/or unsanitary that they are unfit for human/animal habitation in accordance with normally accepted standards set for human/animal habitability;
- D. Parts thereof which are so inadequately attached that they may fall and injure members of the public or property;
- E. Consisting of debris, rubble or parts of buildings left on the ground after demolition, reconstruction, fire or other casualty; and/or
- F. Presenting any other danger to the health, safety, morals and general welfare of the public.

Section 4. MAINTENANCE OF BUILDINGS AND STRUCTURES.

It shall be unlawful for any owner, tenant or occupant of any building or structure or portion of any building or structure in the Town of Augusta to maintain an unsafe building or structure as defines herein.

Section 5. INVESTIGATION AND REPORT.

When, in the opinion of the Code Enforcement Officer any building or structure located in the Town of Augusta shall be deemed to be an unsafe building or structure as defined herein, the Code Enforcement Officer shall make a formal inspection thereof and report in writing to the Town Board his findings and recommendations with regard to the building or structure.

**Section 6. ORDER TO SECURE, REPAIR OR REMOVE;
HEARINGS; COSTS AND EXPENSES; TIME LIMITS.**

The Town Board shall thereupon consider said report from the Codes Enforcement Officer and if it finds that such building or structure is dangerous and unsafe to the public, it shall, by resolution, order its repair if the same can be safely secured and/or repaired, if not, its removal and demolition, and shall further order that a hearing be held before the Town Board at a time and place therein specified and at least five days' notice to the owner of the building or structure or persons having an interest therein to determine whether said order to repair or remove shall be affirmed or modified or vacated and, in the event of modification or affirmance, to assess all costs and expenses incurred by the Town in the repair or removal of such building or structure against the land on which building or structure is located. The order shall also provide that the repair or removal of the building or structure shall be commenced within 30 days after receipt of the notice and shall be completed within 60 days thereafter.

Section 7. CONTENTS OF NOTICE.

The notice shall contain the following statements:

- A. The name of the owner or person in possession as appears from the tax and deed records.
- B. A brief description of the premises and its location.
- C. A description of the building or structure which is unsafe or dangerous and a statement of the particular ways in which it is unsafe or dangerous.
- D. An order requiring the same to be secured and/or repaired to a safe and secure condition or to be removed.
- E. An order that securing, repairing and/or removing of the building or structure shall be commenced within 30 days of the service of the notice and shall be completed within 60 days thereafter.
- F. The time and place of the hearing to be held before the Town Board, at which hearing the owner or occupant shall have the right to contest the order and findings of the Town Codes Officer.
- G. That in the event that such owner, occupant or other person having an interest in said premises shall fail to contest such order and fail to comply with the same, the Town Board may order the repair or removal of such building or structure by the Town and that the Town will assess all costs and expenses incurred in such repair or removal against the land on which such building or structure is located.

Section 8. SERVICE AND FILING OF NOTICE.

- A A copy of the notice issued by the Town Board shall be personally served upon the owner or some one of the owners executors, legal representatives, agents, lessees or other person having a vested interest or contingent interest in the premises as shown by the collector of taxes and/or in the office of the Oneida County Clerk or Oneida County Treasurer.
- B. If no such person can be reasonably found for personal service, then a copy of the notice shall be mailed to such person by regular mail and certified mail addressed to their last known address as shown on said records and by personally serving a copy of said notice upon any adult person residing in or occupying the premises or by securely affixing a copy of said notice upon the building or structure.
- C. **Notice to be prepared and delivered by Codes Officer**

Section 9. HEARING.

The Town Board shall conduct the hearing at the time and place specified in the notice to secure, repair and/or remove, and may adjourn the hearing from time to time until all interested parties are heard and until the hearing is completed. At the conclusion of the hearing, the Town Board shall determine by resolution to:

- A. Revoke the order to repair or remove;
- B. Modify the order; or
- C. Continue and affirm said order and direct the owner or other persons to complete the work within the time specified in the order or by such other time as shall be determined by the Town Board.

Section 10. FAILURE TO COMPLY.

If the owner or person so notified fails or neglects to comply with the Town Board within the time specified in the order made following the hearing, the Town Board may provide by resolution that such buildings or structure be made safe and secure or removed and demolished by Town

employees, by independent contractors, or by other lawful means available to the Town.

Section 11. COST ; COLLECTION; SPECIAL PROCEEDING.

A. All cost incurred by the Town in enforcing this Local Law shall be recovered from the owner of the premises deemed unsafe or dangerous hereunder. Such costs hereunder shall include, but not be limited to the following:

- 1) Actual attorney fees and disbursements for services rendered with or without the commencement of litigation;
- 2) Actual engineering fees or disbursements, including the costs of the Town's Code Enforcement Officer;
- 3) Actual costs of securing, repairing, removing and/or demolishing the building or structure deemed dangerous or unsafe;
- 4) Costs of serving and/or publishing notices; and
- 5) Costs of title and tax searches.

B. The cost incurred in enforcing this Local Law shall be added to the next assessment roll for Town taxes against the tax parcel(s) which include the unsafe or dangerous building or structure involved and shall be collected and enforced in the same manner as other taxes for that parcel(s).

C. In addition to any other remedies herein, the Town may commence a special proceeding under Article 4 of the Civil Practice Law and Rules in a court of competent jurisdiction to collect the costs incurred by the Town in enforcing this Local Law. Should the Town recover and be paid said costs through such a proceeding (and after costs have been added to the assessment rolls), the assessment roll and tax records shall be adjusted accordingly to properly credit amounts so paid and recovered.

Section 12. EMERGENCY CASES.

Where it reasonably appears that a building or structure presents a clear and imminent danger to the life, safety or health of any person or property, unless such building or structure is immediately secured and repaired or demolished by its owner or occupant, the Town Board may by resolution authorize the Code Enforcement Officer or Town Engineer to immediately cause the repair or demolition of such unsafe building or structure. 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 11 hereof.

Section 13. SEVERABILITY.

If the provisions of any article, section, subsection, paragraph, subdivision or clause of this Local Law shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any article, section, subsection, paragraph, subdivision or clause of this Local Law.

Section 14. EFFECTIVE DATE.

This Local Law shall be effective upon filing with the office of the Secretary of State.

1. **(Final adoption by local legislative body only)**

I hereby certify that the local law annexed hereto, designated as local law no. 1 of 2021 of the Town of Augusta was duly passed by the Town Board on FEBRUARY 17, 2021, in accordance with the applicable provisions of law.

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the same manner indicated above.

(Seal)



Sonya M. Furness
Hon. Sonya Furness, Town Clerk
Town of Augusta

Date: FEBRUARY 19, 2021

STATE OF NEW YORK
DEPARTMENT OF STATE

ONE COMMERCE PLAZA
99 WASHINGTON AVENUE
ALBANY, NY 12231-0001
WWW.DOS.NY.GOV

ANDREW M. CUOMO
GOVERNOR

ROSSANA ROSADO
SECRETARY OF STATE

March 2, 2021

Sonya M. Furness
Town Clerk
185 N Main Street, PO Box 686
Oriskany Falls NY 13425

RE: Town of Augusta, Local Law 1 2021, filed on February 25, 2021

Dear Sir/Madam:

The above referenced material was filed by this office as indicated. Additional local law filing forms can be obtained from our website, www.dos.ny.gov.

Sincerely,
State Records and Law Bureau
(518) 473-2492



**Department
of State**