

ORDINANCE #27

ADOPTED: JUNE 28, 1972  
PUBLISHED: JULY 7, 1972  
EFFECTIVE: JULY 17, 1972

AN ORDINANCE RELATING TO UNSAFE BUILDINGS AND COLLAPSED STRUCTURES  
IN THE TOWN OF BOLTON

Be it Enacted and Ordained by the Town Board of the Town of  
Bolton, Warren County , New York as follows:

SECTION

PURPOSE

It is the intent of the ordinance to provide for the removal  
or repair of buildings in business, industrial and residential  
sections that, from any cause, may now be or shall hereafter  
become dangerous or unsafe to the public.

SECTION 2

INSPECTION AND REPORT

The Town Board shall appoint the Town Ordinance Inspector for  
the purpose of making an inspection of any building or structure  
in the town which has been reported, or otherwise come, to the  
attention of the Board, as being in such condition as to be  
dangerous or unsafe to the public. The said Ordinance Inspector  
shall make such an inspection and file with the Board his written  
report upon his findings and recommendations in regard to removal  
or repair of said building or structure.

SECTION 3

ORDER

The Town Board shall consider the written report and make a  
determination from it as to whether the said building or structure  
is dangerous or unsafe to the public. If the Town Board  
determines that said building or structure is dangerous or unsafe  
to the public, it shall issue an order which shall provide that a  
notice 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 said building or  
structure. Said notice shall be served 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 said building or structure, as shown by either the records of the town tax collector, or the county clerk. If such notice be made by registered mail, a copy of the notice shall be posted on the premises.

#### SECTION 4

##### NOTICE

The said notice above provided for to be sent, shall contain:

- (a) A description of the premises.
- (b) A statement of the particulars in which the building or structure is unsafe or dangerous.
- (c) An order requiring the same to be made safe and secure or removed.
- (d) That the securing or removal of the said buildings or structures shall commence within thirty (30) days of the serving of the notice and shall be completed within sixty (60) days thereafter.
- (e) That in the event of neglect or refusal of the persons and/or corporations served with the notice to comply with the same, a survey of the premises will be made by an inspector and architect to be named by the Town Board, and a practical builder, engineer or architect appointed by the said persons or corporations so notified.
- (f) That in the event of the refusal or neglect of the persons or corporations so notified to appoint a surveyor the two surveyors named by the Town Board shall make the survey and report.
- (g) That in the event the buildings or other structures shall be reported unsafe or dangerous under such survey an application will be made at a special term of the Supreme Court in the judicial district in which the property is located 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.
- (h) That the land on which said buildings or structures are located will be assessed for all costs and expenses incurred by the Town in connection with the proceedings to remove or secure, including the cost of actually removing said building or structure.

#### SECTION 5

##### SURVEY

In the event of the neglect or refusal of the persons so notified to comply with said order of the Town Board, a survey of said premises shall be made in the following manner.

- (a) The Town Board shall appoint an inspector and architect, and the persons so notified shall appoint a practical builder,

engineer or architect who shall make the said survey and submit a written report there on in regard to the unsafe or dangerous condition of said building or structure. If the persons so notified shall refuse or neglect to appoint a surveyor within thirty (30) days after service of the notice, the two surveyors appointed by the Town Board shall proceed and report.

(b) A signed copy of such report shall be posted on the said structure.

## SECTION 6

### APPLICATION

In the event the building or other structure shall be reported unsafe or dangerous under such survey, the Town Board may pass a resolution directing the Supervisor of the Town to make an application at a Special Term of the Supreme Court of the State of New York in the Judicial District in which the property is located, 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 7

### EXPENSES

All costs and expenses incurred by the Town in connection with the proceedings to remove or secure, including the cost of actually removing said building or structure shall be assessed against the land on which said buildings or structures are located.

## SECTION 8

### COMPENSATION

The said surveyors shall be paid reasonable compensation for the service performed by them in making their survey and in preparing the report thereof.

## SECTION 9

### EFFECTIVE

This ordinance shall take effect ten days after publication and posting or immediately upon personal service as provided by Section 133 of the Town Law.