

**LOCAL LAW # 4-2021, OF THE TOWN OF MILTON
ADDING NEW
“CHAPTER 133 – UNSAFE, ABANDONED PROPERTIES
AND STRUCTURES LAW”**

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

**CHAPTER 133 – UNSAFE, ABANDONED PROPERTIES AND STRUCTURES
LAW**

§133-1. Purpose.

Unsafe buildings and abandoned properties pose a threat to the health, life, and safety of the residents and property in the Town of Milton. Buildings and structures may become unsafe by reason of damage by fire, the elements, age or general deterioration or lack of maintenance. Vacant buildings not properly secured at doorways and windows serve as an attractive nuisance for young children who may be injured therein, serve as a point of congregation by vagrants and transients, and unmaintained grounds and yards create the potential for harm to the health and safety of the neighbors due to animal and rodent infestation, disease, lack of access for emergency vehicles over driveways and for the public over sidewalks, and general unsightliness. 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 Milton by requiring that such unsafe buildings and grounds be repaired, maintained tended to, demolished or removed.

§133-2. Title.

This chapter shall be known as the “Unsafe, Abandoned Properties and Structures Law of the Town of Milton.”

§133-3. Definitions.

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

BUILDING AND STORAGE

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

BUILDING INSPECTOR

The Supervisor or Head of the Building/Zoning Department, or the Code Enforcement officer, or his/her designee or any person appointed by the Town Board to enforce the provisions of this chapter.

VACANT OR ABANDONED, OR FORECLOSURE PROPERTY

Any real property containing a residential or commercial building that, independently or in the context of all facts and circumstances, would lead a reasonable enforcement official to conclude that a property is vacant, abandoned, is occupied by a person without legal right of occupancy, or is in the process of foreclosure. Such real property conditions to be considered include but are not limited to overgrown or dead vegetation exceeding 10 inches in height, accumulation of newspapers, flyers, circulars or junk mail, past-due utility notices or disconnected utilities, accumulation of junk, trash or debris, absence of window covering such as curtains, blinds or shutters, the absence of furnishings or personal items consistent with habitation, as well as the statements of neighbors, delivery agents, and governmental employees indicating that the property is vacant, including evidence that such property is in the process of any foreclosure proceeding.

YARD

A space unoccupied by structures on the same lot with a building or structure.

§133-4. Investigation and report.

When in his own opinion or upon receipt of information that a building or premises is or may become dangerous or unsafe to the general public; is open at the 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; is unkept and dangerous due to lack of access for emergency vehicles over driveways and access over sidewalks; or is unfit for the purposes for which it may lawfully be used, the Building Inspector and/or such other person(s) designated by the Town Board, including but not limited to surveyor(s), architect(s), structural engineer(s), safety engineer(s) and demolition contractor(s), shall cause or make an inspection thereof and report in writing to the Town Board of his (their) findings and recommendations in regards to the repair, maintenance or demolition and removal of such a building, or the care and maintenance of the yard and premises.

§133-5. Town Board action upon consideration of report.

The Town Board shall thereafter consider such report and by resolution determine, if in its opinion the report so warrants, that such building or grounds are unsafe and dangerous and order it cleared, repaired or secured if the same can be safely repaired or secured, or its demolition and removal and further order that a notice be served upon the persons in the manner provided herein. Securing the property shall also include clearing of sidewalks, driveways, and fire hydrants, pest control, and securing the house, buildings or structures.

§133-6. Contents of notice: unsafe buildings.

The notice shall contain the following:

- A. A description of the premises.
- B. A statement of the particulars in which the building is unsafe or dangerous.
- C. An order outlining the manner in which the building is to be made safe and secure or demolished and removed.
- D. A statement that the securing or removal of such building shall commence within 30 days of the service of the notice and shall be completed within 60 days thereafter unless the Town Board, for good cause shown, and in its discretion, extends such time.
- E. A date, time and place for a hearing before the Town Board in relation to such dangerous or unsafe building, which hearing shall be scheduled not less than five (5) business days from the date of service of the notice.
- F. A statement that, in the event of neglect or refusal to comply with the order to secure, repair or demolish and remove the building, the Town Board is authorized to provide for its repair or demolition and removal, to assess all expenses thereof against the land on which it is located and to institute a special proceeding if needed to otherwise collect the costs of demolition, including but not limited to legal, surveying, engineering and architectural expenses.

§133-7. Abandoned, unoccupied or foreclosed property.

A. Abandoned, unoccupied or foreclosed buildings and residential housing units: In the case of abandoned, unoccupied buildings or residential housing units, or such property in any foreclosure proceeding, the Building Inspector or other person designated by the Town Board shall determine if any unkept or neglected property, open and neglected swimming pools or fencing, or any accumulation of weeds, brambles, berry vines, or other vegetation in the yards of such property which is overgrowing any structure or which exceeds an average height of 10 inches, except that which is kept in a neat and orderly manner for human consumption, or any accumulation of dead organic matter, offal, rat harborages, stagnant water, combustible materials and similar materials, or the need for snow removal for access to driveways and sidewalks for emergency vehicles or pedestrian traffic, or any other conditions which would constitute a fire, health, or safety hazard or concern.

B. Where the Building Inspector or other designated person determines that such condition exists, he shall order a notice posted at the premises. The notice shall be served upon the owner in the manner detailed by §133-9, below.

§133-8. Contents of notice: external maintenance.

The notice shall contain the following:

- A. A description of the premises.
- B. A statement of the particulars in which the accumulation of such material, or the neglect of lawns, scrubs, a swimming pool or fencing, or accumulation of snow or ice, or garbage and rubbish constitutes a fire, health, and/or safety hazard.
- C. An order outlining the manner in which the building, premises or yard is to be maintained as reasonably necessary to mitigate any fire, health or safety hazard identified.
- D. A statement that the accumulation of such material shall be removed or corrected, or premises repaired within 30 days of the service of the notice unless the Building Inspector, for good cause shown, and in his discretion, extends such time.
- E. A date and time and place by which objections to the Inspector's determination shall be heard or received in relation to such notice.
- F. A statement that, in the event of neglect or refusal to comply with the order to maintain the premises as reasonably necessary and provided in the notice, the Building Inspector shall provide for the cutting or removal of such overgrown yards, scrubs, brambles, weeds, and any accumulation of such organic material, or the removal of garbage, rubbish, snow and/or ice, as is reasonably necessary to mitigate the infestation, fire, health or safety hazard and shall assess all expenses thereof against the land on which it is located in the manner provided and/or by tax levy, and if necessary, to institute a special proceeding to collect said costs
- G. A statement providing that persons or mortgagees have an opportunity to object to the proposed action and shall be heard prior to action by the Town.

§133-9. Service of notice.

Said notice shall be served by personal service of a copy thereof upon the owner, executor, administrator, agent, lessee or any person having a vested or contingent interest in such unsafe building or abandoned or unkept structure or premises as shown by the records of the receiver of taxes (or tax collector) or of the County Clerk, or, if not such person can be reasonably found, by mailing such owner by registered mail a copy of such notice directed to his last known address as shown by the above records; or by personal service of a copy of such notice upon any adult person residing in or occupying said premises if such person can be reasonably found; or by securely affixing a copy of such notice upon the unsafe building, or, in the case of a vacant, abandoned or foreclosed upon

property, by affixing the notice upon any structure or residence upon the property, and by registered mail to the mortgagee at the address listed in public records.

§133-10. Refusal to comply.

In the event of the refusal or neglect of the person so notified to comply with said order of the Town Board, and after the hearing described in §133-6E, the Town Board shall provide for the repair or demolition and removal of such building or structure either by Town employees or by contract. Except in emergency, as provided in §133-13, the Town Board, prior to the commencement of the repair or the demolition of the building, shall cause to be served upon the persons and in the manner provided in §133-9, a final notice that the Town Board intends to provide for the repair or demolition and removal of such building or structure either by Town employees or by contract. Except in an emergency, as provided in §133-13, any contract for repair or demolition and removal of a building in excess of \$10,000.00 shall be awarded through competitive bidding.

§133-11. Assessment of expenses: unsafe buildings.

All expenses incurred by the Town in connection with any proceedings under this Chapter to repair and secure, or demolish and/or remove an unsafe building, including the cost of actually removing such building and all costs incidental thereto, 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.

§133-12. Assessment of expenses: abandoned or foreclosed property.

Where the Building Inspector determines that an unkept or unmaintained premises or building, or neglected swimming pools or fencing, or the accumulation of weeds or overgrown vegetation in abandoned, unoccupied buildings or residential housing units, or such property in any foreclosure proceeding, is unsafe, and a danger to the health and safety of the community, as described herein and that the condition has not been remediate as ordered by the notice described herein, the Building Inspector or other person so designated shall refer the report to the Town Board, who may order or contract for such yard, building or pool maintenance or closure as is reasonably necessary to maintain public health and safety, and who shall record the time and material, and expense required for such work and maintenance, and on an annual basis if circumstance warrant such. Upon authorization by the Town Board, expenses incidental to the maintenance authorized by this chapter 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.

§133-13. Emergency cases.

If the Town Board finds that there is present a clear and imminent danger to the life, safety or health of any person or property unless an unsafe building or yard is immediately tended to, repaired and secured or demolished, the Town Board may, by resolution, authorize the Building Inspector to immediately cause the repair, maintenance or demolition of such. The expense of such repair, maintenance or demolition shall be a charge against the land on which it is located and shall be assessed, levied and collected with the real property taxes assessed to said property as set forth in Sections 133-11 and 133-12.

133-14. Fines.

In addition to all remedies set forth herein, and to any fines and penalties set forth by other local or State laws, failure to timely remedy the issues ordered and comply, will subject the property owner, and in the event of a foreclosure, the lender, to fines and penalties of \$350.00, which said fine said accrue daily without further notice, and accrue so long as and until such time as the violation and deficiencies are corrected by the owner or lender, or by the Town as set forth in this Chapter.