

VILLAGE OF STAMFORD, COUNTY OF DELAWARE

Unsafe/Blighted Building Law

Adopted: July 30, 1993 Updated: April 19, 2016

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**SECTION 1. TITLE**

This Chapter shall be known and may be cited at the “Unsafe Buildings Law of the Village of Stamford”.

**SECTION 2. UNSAFE BUILDINGS DEFINED**

All buildings or structures which have any or all of the following defects shall be deemed “unsafe buildings”:

- A. Those whose interior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity falls outside of the middle third of its base.
- B. Those which, exclusive of the foundation, show thirty-three percent (33%) or more, of damage or deterioration of the supporting member or members, or fifty percent (50%) of damage or deterioration of the non-supporting enclosing or outside walls or covering.
- C. Those which have improperly distributed loads upon the floors or roofs or in which the same are overloaded, or which have insufficient strength to be reasonably safe for the purpose used.
- D. Those which have been damaged by fire, wind or other causes so as to have become dangerous to life, safety, morals or the general health and welfare of the occupants or the people of the Village of Stamford.
- E. Those which have become or are so dilapidated, decayed, unsafe, unsanitary or which so utterly fail to provide the amenities essential to decent living that they are unfit for human habitation, or are likely to cause sickness or disease, so as to work injury to the health, morals, safety or general welfare of those living therein.
- F. Those having light, air and sanitation facilities which are inadequate to protect the health, morals, safety or general welfare of human beings who live or may live therein.
- G. Those having inadequate facilities for egress in case of fire or panic or those having insufficient stairways, elevators, fire escape or other means of escape.
- H. Those which have parts thereof which are so attached that they may fall and injure members of the public or property.
- I. Those which, because of their condition are unsafe, unsanitary or dangerous to the health, morals, safety or general welfare of the people of the Village of Stamford.
- J. Those buildings existing in violation of any provision of the New York State Fire Prevention and Building Code, Zoning Law of the Village of Stamford and any other applicable law of the Village of Stamford.
- K. Any building or structure which remains vacant and unattended continuously for a period of one (1) year or longer, without adequate safeguards to prevent unauthorized entry.

**SECTION 3. ENFORCEMENT OFFICER, STANDARDS FOR REPAIR, VACATION OR DEMOLITION**

This law shall be administered and enforced by the Zoning and/or Code Enforcement Officer or any other official designated by the Village Board (hereinafter the "Enforcement Officer"). The following standards shall be followed in substance by the Enforcement Officer in ordering repair, vacation or demolition:

A. If the unsafe building can reasonably be repaired so that it will no longer exist in violation of the terms of this Local Law, it shall be ordered repaired.

B. If the unsafe building is in such condition as to make it dangerous to the health, morals, safety or general welfare of its occupants, it shall be ordered to be vacated.

C. In any case where an unsafe building is so damaged or decayed, or deteriorated from its original value or structure so that it cannot be reasonably and economically restored, it shall be demolished, and in all cases where a building cannot be reasonably repaired so that it will no longer exist in violation of the terms of this Local Law, it shall be demolished. In all cases where an unsafe building is a fire or collapse hazard existing or erected in violation of the terms of this Local Law or any other Law of the Village of Stamford or the New York State Fire Prevention and Building Code, it shall be demolished.

#### **SECTION 4. UNSAFE BUILDINGS; NUISANCES**

All unsafe buildings within the terms of Section 2 of this Local Law are hereby declared to be public nuisances, and shall be repaired, vacated or demolished as hereinbefore and hereinafter provided.

#### **SECTION 5. DUTIES OF ENFORCEMENT OFFICER**

The Enforcement Officer shall:

A. Inspect any building, wall or structure about which complaints are filed by any person to the effect that or where he or she otherwise reasonably suspects that a building wall or structure is or may be existing in violation of this Local Law. The Enforcement Officer may in his or her discretion request any additional inspections by other Village, County or State officials which he or she deems necessary to assist him or her in determining if a violation exists.

B. Inspect any building, wall or structure reported (as hereinafter provided for) by the Fire Department of this Village or any Local, County, or State Police Agency as possibly existing in violation of the terms of this Local Law.

C. Notify personally or in writing 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 property, 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 Assessor or in the office of the County Clerk, of the building found by him or her to be an unsafe building within the standards set forth in Section 2 of this Local law and further as follows:

1. The owner must vacate, repair or demolish said building in accordance with the terms of the notice and this Local Law.
2. The occupant or lessee must vacate said building or may have it repaired in accordance with the notice and remain in possession only if the property is

deemed habitable by the Enforcement Officer.

3. Any mortgages, agent or other persons having an interest in said building may at his, her or its own risk repair, vacate or demolish said building or have such work or act done; provided, that any person or entity notified under this Subdivision to repair, vacate, or demolish any building shall be given such reasonable time not exceeding thirty (30) days, as may be necessary, to do, or have done, the work or act required by the notice provided for herein.

D. Set forth in the notice provided for in Subdivision C hereof: (i) a description of the building, or structure, deemed unsafe; (ii) a statement of the particulars which make the building or structure an unsafe building; (iii) an order requiring the same to be put in such condition as to comply with the terms of this Local law within such length of time, not exceeding thirty (30) days, as is reasonable; and (iv) a date, time and place for a hearing before the local Justice Court having jurisdiction in relation to such dangerous or unsafe building, which hearing shall be scheduled no less than ten (10) calendar days from the date of service of the notice.

E. Place a notice on all unsafe buildings reading as follows: "This building has been found to be an unsafe building by this Enforcement Officer. This notice is to remain on this building until it is repaired, vacated or demolished in accordance with the notice which has been given 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 property, by certified mail, addressed to the last known address, if any, of the owner or someone of the owners executors, legal representatives, agents, lessees or other person having vested or contingent interest in the same, as shown by the records of the Assessor or in the office of the County Clerk, of any building found by me to be an unsafe building within the standard set forth in Section 2 of the Unsafe Buildings Law of the Village of Stamford. It is unlawful to remove this notice until such notice is complied with."

F. File a copy of the notice described in this Section in the office of the County Clerk. Which notice shall be filed by such Clerk in the same manner as a notice of pendency pursuant to Article Sixty-Five of the Civil Practice Law and Rules, and shall have the same effect as a notice of pendency as therein provided. 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 shall mark such notice and any record or docket thereof as canceled of record upon the presentation and filing of such consent or a certified copy of such order.

## **SECTION 6. INSPECTION OF BUILDINGS**

A. The Enforcement Officer shall be authorized, in the performance of his or her duties, to conduct inspections of premises, or parts of premises and request such other officials to conduct inspections of premises or parts of premises, at such times and in such manner as the Enforcement Officer may find convenient or necessary, with the consent of the person in possession or occupancy.

B. If admission is refused or cannot be obtained from the person in possession or occupancy, the Enforcement Officer shall be authorized to obtain a warrant to make an inspection, provided reasonable or probable cause is shown.

C. In case of an emergency, the Enforcement Officer may, without a warrant, enter any premises, or parts of premises, to inspect the same, at any time, without the permission of the person in possession or occupancy.

#### **SECTION 7. PERFORMANCE OF WORK BY VILLAGE: RECOVERY OF COSTS**

If the owner, or occupant, mortgagee, or lessee fails to comply with an order of the Enforcement Officer within thirty (30) days, the Enforcement Officer shall cause such building or structure to be repaired, vacated, or demolished as the facts may warrant, under the standards hereinbefore provided for in Section 3 of this Local law. The expenses thereby incurred shall be paid by the interested person, as herein above set forth, and/or by the persons who caused or maintained such nuisance or other matter. The Enforcement Officer shall file, as a part of his or her records, an affidavit stating with fairness and accuracy, the items of expense, and that each said item was necessary and the date of execution of actions as authorized by this Local Law. The Enforcement Officer may institute suit to recover such expenses or may cause such expenses, together with a charge of fifty percent (50%) thereof, to cover supervision and administration to be charged against the property as a lien. A notice of such lien shall be mailed to or served upon the interested person, as herein above set forth, claimed liable to pay the same and a similar copy may be filed in the office of the Village Clerk and upon such filing shall be a lien on the real property to the same extent as Village taxes and shall be included in the property owner's next Village tax bill and enforced in the same manner as other Village taxes.

#### **SECTION 8. EMERGENCY CASES**

In cases where it reasonably appears that there is immediate danger to life or safety of any person unless an "unsafe building" as defined herein is immediately repaired, vacated, or demolished, the Enforcement Officer shall cause the immediate repair, vacation, or demolition of such "unsafe building". The costs of such emergency repair, vacation, demolition of such "unsafe building" shall be collected in the same manner as provided in Section 7 of this Local Law.

#### **SECTION 9. VIOLATIONS AND PENALTIES**

A. The owner of any "unsafe building" who shall fail to comply with any notice or order to repair, vacate, or demolish said building given by the Enforcement Officer of this Local Law shall be guilty of an offense and upon conviction thereof shall be fined in an amount not to exceed \$250.00 for each and every day such failure to comply continues beyond the date fixed for compliance.

B. The occupant or lessee in possession who fails to comply with any notice to vacate and who fails to repair said building in accordance with any notice given as provided for in this Local Law shall be guilty of an offense and upon conviction thereof shall be fined in an amount not to exceed \$250.00 for each and every day such failure to comply continues beyond the date fixed for compliance.

C. Any person removing the notice provided for in Subdivision E of Section 5 hereof, shall be guilty of an offense and upon conviction thereof shall be fined in an amount not to exceed

\$250.00.

**SECTION 10.           SEVERABILITY**

If any word, phrase, sentence, part, section, subsection, or other portion of this Law or any application thereof to any person or circumstance is declared void, unconstitutional, or invalid for any reason, then such word, phrase, sentence, part, section, subsection, or other portion, or the proscribed application thereof, shall be severable, and the remaining provisions of this Law, and all applications thereof, not having been declared void, unconstitutional, or invalid, shall remain in full force and effect.

**SECTION 11.           AUTHORITY**

This Local Law is enacted pursuant to the provisions of Article 9 of the Village of Law of the State of New York.

**SECTION 12.           EFFECTIVE DATE**

This Local law shall take effect immediately upon its filing with the New York State Secretary of State.