

Bill RVC 13-08

A local law to amend the Code of the Village of Rockville Centre, in relation to dangerous and unsafe buildings and premises.

Section one. Chapter 122 of the Code of the Village of Rockville Centre is hereby amended, to read as follows:

"Chapter 122. Buildings and Premises, Dangerous and Unsafe

§122-1. Purpose. The purpose of this chapter is to promote, protect and preserve the health, welfare and property of residents of and owners of property within the Village of Rockville Centre, by providing for the removal or repair of buildings, structures and premises that from any cause may be or become dangerous, unsafe, a public nuisance or fire hazard.

§ 122-2. Inspector, inspections and reports. The Superintendent of Building Department or the designee of the Superintendent is authorized and designated to inspect any building, structure or premises within the Village of Rockville Centre which the Superintendent of Building Department or the designee of the Superintendent has reason to believe is or may be, from any cause, dangerous or unsafe to the public, or a public nuisance or hazard, and promptly thereafter to report to the Board of Trustees in writing with respect to any such inspection. Such report shall specify the date(s) of inspection, the condition(s) found which are deemed to be dangerous or unsafe, or a public nuisance or hazard, an opinion as to the cause of such condition, and recommendations for correction of such conditions.

§ 122-3. Notice. Upon receipt of such report, and if the Board of Trustees shall so order, the Village Clerk shall cause a notice to be served on the owner or one or more of the owner's legal representatives, or another person having any interest in the property. Such notice shall be given by personal delivery, or by certified mail, return receipt requested, addressed to such person(s) at their last known address, as shown in the Village tax records and/or in the office of the Nassau County Clerk. Such notice shall state:

- A. A description of the premises.
- B. The particulars in which the building, structure and/or premises is unsafe or dangerous.
- C. A description of work or action required to be performed to make the building, structure and/or premises safe and secure or remove any hazard.
- D. The time within which such remedial action must be taken.
- E. That the building, structure and/or premises will be inspected in the event of failure or refusal to complete such remediation within such period of time, such inspection to be made by the Superintendent of Building Department or the designee of the Superintendent, and by a builder, engineer or architect

designated by the Superintendent of Building Department or the designee of the Superintendent, and a report of such inspection shall be filed with the Board of Trustees.

F. That in the event such report concludes that the building, structure and/or premises remain unsafe or dangerous, the Board of Trustees may authorize an application to a court of appropriate jurisdiction for an order determining the building, structure and/or premises to be a public nuisance and directing such remedial action as may be required to remove any hazard to the public, and that such remedial action shall be performed at the expense of the owner of the property , as the court may determine.

§ 122-4. Posting of notice. A copy of such notice shall be posted on the front door of the building or structure, or in another conspicuous location on the building, structure and/or premises within one day after personal delivery or mailing of the notice.

§ 122-5. Service of inspection report. A copy of the inspection report shall be served by personal delivery or by certified mail, return receipt requested, upon the owner of the property, at the address listed for such owner in the Village tax rolls or the records of the Nassau County Clerk, and a copy thereof shall be posted at the building or structure in the manner provided in section 122-4 hereof, within one day after such delivery or mailing.

§ 122-6. Compensation. The builder, engineer or architect designated by the Superintendent of Building Department or the designee of the Superintendent pursuant to § 122-3 hereof shall receive a fee to be fixed by the Board of Trustees, which fee shall be a Village charge, but which the Village may charge to the property owner. Any unpaid fee shall be and become a lien on said property as of the date of such assessment in the same manner as provided for a lien for unpaid property taxes.

§ 122-7. Emergency Action. In the event the Superintendent of Building Department or the designee of the Superintendent determines that an condition exists which constitutes an imminent danger to the public or public property, the Superintendent of Building Department or the designee of the Superintendent may issue such emergency order or determination as appropriate to protect the public from imminent injury or hazard, including, without limitation, an order to vacate the building, structure and/or premises, or an order directing the performance of immediate remedial work, at the expense of the property owner, as may be necessary to prevent such imminent injury or hazard.

§ 122-8. Assessment of costs. All costs and expenses incurred by the Village in connection with any emergency action taken by the Superintendent of Building Department or the designee of the Superintendent pursuant to §122-7 hereof, or for any judicial proceedings instituted pursuant to this chapter or pursuant to any law authorizing such proceedings with respect to any unsafe or dangerous

building or premises , shall be assessed against the property, and shall be and become a lien on said property as of the date of such assessment in the same manner as provided for a lien for unpaid property taxes. The lien of the Village for such costs and expenses shall have priority over all other liens and encumbrances, except the liens of taxes and assessments which constitute prior liens.

§ 122-9. Remedies not to be exclusive. The remedies of the Village as set forth in this chapter shall not be exclusive, and the Village shall have any other and further remedy available at law or otherwise, by injunction or otherwise, pursuant to the laws of the State of New York. Any and all such remedies shall be deemed cumulative and the pursuit of any remedy shall not be construed as an election or the waiver of the right to pursue any and all others.

§ 122-10. Penalties for offenses.

A. It shall be unlawful for any person or entity to knowingly maintain or cause to be maintained, or to knowingly allow or permit any other person or entity as agent, lessee or otherwise to maintain, any dangerous, unsafe or hazardous building, structure, or premises, and any owner, occupant, lessee or other person or other entity who shall knowingly maintain or cause to be maintained, or knowingly allows or permits to be maintained, any such dangerous, unsafe or hazardous building, structure or premises, in violation of any order issued as provided in this chapter, or shall be guilty of an offense and upon conviction thereof shall be fined in an amount as provided by law.

B. For the purpose of Subdivision A of this section, each day during which there is a violation of this chapter or any such order shall constitute a separate offense."

Section two. If any clause, sentence, paragraph, or section of this local law shall be held invalid by any court of competent jurisdiction, or the application of this local law to any person or set of circumstances shall be held invalid, such invalidity or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section, or operation of this local law directly involved in the controversy in which the judgment shall have been rendered. To further this end, the provisions of this local law are hereby declared to be severable.

Section three. This local law shall take effect immediately upon adoption and filing pursuant to the Municipal Home Rule Law.