

PUBLIC HEARING – LOCAL LAW “UNSAFE BUILDINGS” - 6:00 pm
(Proposed Local Law #2019-2)

REGULAR TOWN BOARD MEETING
April 25, 2019 - 6:00 pm
A G E N D A

Please turn off cell phones, pagers and electronic devices/ Assistive Listening Devices available for the Hearing Impaired

PLEDGE OF ALLEGIANCE

SILENT REFLECTION

AGENDA APPROVAL

APPROVAL OF LOCAL LAW # 2019 - 2

RESIDENTS STATEMENTS

QUESTION / ANSWER WITH USDA EMPLOYEES – EUROPEAN CHERRY FRUIT FLY

DEPARTMENT HEAD STATEMENTS - Accept Auctions International bid – Holiday Sign

APPROVAL OF MEETING MINUTES - Town Board Work Session – 4/8/2019

AUDIT PAYMENT Councilman Geiben

OLD BUSINESS Riverfront Park
Maintenance Bond – Legacy Drive sidewalks

PENDING 1. Boards & Commission appointments
Senior Advisory (2019)

NEW BUSINESS Residents / Public Correspondence

SUPERVISOR BRODERICK
1. Liaison Report
2. Legal
3. Engineering
4. Finance
a. Budget Adjustments

COUNCILMAN BAX
1. Liaison Report

COUNCILMAN GEIBEN
1. Liaison Report
a. Spectrum Contract

COUNCILMAN JACOBY
1. Liaison Report
a. Waive Cell Tower Fees – County/Highway

COUNCILMAN MORREALE
1. Liaison Report

RESIDENTS STATEMENTS

UPCOMING BOARDS/COMMISSION MEETINGS

Senior Advisory (Senior Center)	April 29, 2019	1:00 pm
Zoning Board of Appeals	May 9, 2019	6:30 pm
Town Board Work Session	May 13, 2019	6:00 pm
Environmental Commission	May 14, 2019	7:00 pm
Historic Preservation	May 14, 2019	7:00 pm
Planning Board	May 16, 2019	6:30 pm

**NOTICE OF PUBLIC HEARING
TOWN OF LEWISTON TOWN BOARD**

PLEASE TAKE NOTICE that a Public Hearing will be held by the Town of Lewiston, Niagara County, New York, on the 25th day of April, 2019 commencing at 6 p.m. at the Town Hall, 1375 Ridge Road, Lewiston, NY, on the repeal of Section 360-209 of the Code of the Town of Lewiston, titled “Unsafe buildings” and the amendment of the Code of the Town of Lewiston to include a new chapter, “Chapter 325: Unsafe Buildings”

Said Chapter would establish a new procedure by which the Town of Lewiston may determine a structure to be unsafe, provide notice of such determination, and provide a timeframe by which the structure will be made safe or be subject to removal. More specifically:

Pursuant to § 325-3, the Building Inspector would be authorized to perform an inspection and create a report when he/she learns that a building may be unsafe. Said report would be delivered to the Town Board and would provide a detailed description of the pertinent information regarding the unsafe characteristics of the structure.

Pursuant to § 325-4, the Town Board would consider the report and may, by resolution, order the structure to be repaired or removed, and provide for service of Order with a detailed notice of said determination on the property owner(s) or interested parties in a manner detailed in § 325-6.

The contents of said Notice and Order are detailed in § 325-5 and include: a description of the property, statement of particulars in which the building is unsafe, an Order requiring the building to be made safe, a statement that securing or removal of such building must begin within 30 days and be completed within 60 days, the setting of a time for hearing on the matter before the Town Board, a statement that a failure to comply would enable the Town Board to authorize the repair or removal of said building and charge the cost of same against the land on which the structure is located.

In the event of an emergency and imminent danger § 325-11 allows the Town Supervisor to authorize the immediate removal or repair of said structure. Where it appears to the Building Inspector that immediate action is necessary to protect the public, pursuant to § 325-12, he/she may cause the securing of said structure in a minimally designed manner that protects the public.

§ 325-13 provides that a person refusing or neglecting to comply with this Chapter would be guilty of a violation and subject to a fine of not more than \$250 and imprisonment of not more than 15 days.

The complete text of said Law is on file at the Office of the Town Clerk, and is available for review by any interested person during business hours. At such Public Hearing, all persons interested, who wish to be heard, will be heard.

Dated: March 25, 2019

By Order of the

TOWN OF LEWISTON TOWN BOARD

Donna R. Garfinkel

Town Clerk, Town of Lewiston

Copy: T.B

Building
PP

4/22/19

Town of Lewiston

A Local Law Repealing and Replacing the Unsafe Buildings Provision of the Town Code of the Town of Lewiston.

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

- 1) Section 360-209 of the Code of the Town of Lewiston is hereby repealed.
- 2) The Town Code of the Town of Lewiston is hereby amended to include:

Chapter 325: Unsafe Buildings.

§ 325-1. Purpose. The purpose of this section is to protect the health, safety and welfare of the people in the Town of Lewiston from any dangers resulting from unsafe or dilapidated buildings and structures.

§ 325-2. Definitions. As used in this chapter, the following terms shall have the meanings indicated:

BUILDING - Any building, structure or portion thereof.

BUILDING INSPECTOR - The Building Inspector of the Town of Lewiston or such other person appointed by the Town Board to enforce the provisions of this chapter.

§ 325-3. Inspection and report.

A. The Building Inspector shall perform or cause to be performed an inspection when he/she determines or receives information that a building:

- (1) Is or may become dangerous or unsafe;
- (2) Is open at the doorways, windows, walls, roof, foundation, or any other openings, making it accessible to and an object of attraction to youth, vagrants or other trespassers;
- (3) Is or may become a place of rodent or wildlife infestation;

- (4) Is unfit for the purposes for which it may lawfully be used; or
- (5) Presents any other danger to the health, safety, morals and/or general welfare of the public.

B. The Building Inspector shall thereafter prepare and file in his office a report of said inspection. If the Building Inspector determines that further action is warranted, he shall deliver said report with such determination to the Town Board of the Town of Lewiston, and make recommendations regarding the building's repair, demolition or removal.

C. Any report delivered to the Town Board for further action shall contain at a minimum:

- (1) A detailed description of the premises and of the deficiencies, structural or otherwise, rendering the building dangerous or unsafe.
- (2) Where possible, photographs depicting the dangerous or unsafe conditions.
- (3) Analysis showing what measures might be taken to render the building safe and the feasibility of such measures.
- (4) Any other pertinent information concerning the condition of the building or the dangers posed by it.

§ 325-4. Order to repair or demolish. The Town Board shall consider such report and by resolution determine, if in its opinion the report so warrants, that such building is unsafe or dangerous and order its repair or its demolition and removal. The Town Board shall further cause service of such notice with order in the manner provided herein.

§ 325-5. Contents of notice. The contents of the notice shall include the following:

- A. A description of the premises;
- B. A statement of the particulars in which the building is dangerous or unsafe;

- C. An order requiring the building to be made safe and secure or demolished and removed including specifics outlining the manner in which the structure 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 after service of the notice and shall be completed within 60 days after service of the notice, unless for good cause shown such time shall be extended;
- E. A statement containing the date, time and place for a hearing before the Town Board regarding said dangerous or unsafe building;
- F. A statement that in the event of neglect or refusal to comply with the order to secure or demolish and remove the building, the Town Board is authorized to provide for securing the building and/or its demolition and removal, to assess all expenses thereof against the land on which it is located, and to institute a special proceeding to collect the costs of securing or demolition, including legal expenses;
- G. A statement that maintenance of a building in a dangerous or unsafe condition constitutes a violation punishable by fine and/or imprisonment.

§ 325-6. Notice. The notice with order shall be served in the following manner:

- A. A copy of the notice shall be served on the owner or some one of the owner's executor, administrator, agent, lessee, or any person having a vested or contingent interest in such unsafe building, either personally or by registered mail. If served by registered mail, the notice shall be 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 same as shown by the records of the Town Assessor or of the Niagara County Clerk.
- B. Personal service of a copy of such notice with order upon any adult person residing in or occupying said premises if such person can be reasonably located;

C. Securely affixing a copy of such notice with order upon the unsafe building; and

E. Filing a copy of the notice with order in the office of the Niagara County Clerk.

§ 325-7. Modification of order. If after the hearing is conducted the Town Board finds that the determination that the building is dangerous or unsafe was in error, or if it is shown that actions have been taken to render the building safe, the Town Board may rescind or modify its previous order.

§ 325-8. Order compliance. The owner or the owner's executors, legal representatives, agents, lessees, or any other person having a vested or contingent interest in said building shall commence the satisfactory repair or removal of the structure within 30 days after service of the notice and complete repair or removal within 60 days after service of the notice, unless such time is extended for good cause.

§ 325-9. 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, the Town Board shall provide for the security and/or demolition and removal of such building or structure either by Town employees or by contract.

§ 325-10. Assessment of expenses. All expenses incurred by the Town in connection with the proceedings to repair and secure or demolish and remove the dangerous or unsafe building, including the cost of actually removing such building, and all reasonable and necessary legal expenses incidental thereto shall, at the option of the Town Board either:

A. Be assessed against the land on which such building is located and shall be levied and collected in the same manner as provided in § 130 of the Town Law for the levy and collection of a special ad valorem levy; or

B. Be collected by commencement of a special proceeding against the owner of said dangerous or unsafe building or structure pursuant to General Municipal Law § 78-b.

§ 325-11. Emergency cases. Where it reasonably appears that there is present a clear and imminent danger to life, safety or health of any person or property unless an unsafe building is immediately repaired and secured or demolished, the Town Supervisor may authorize the Building Inspector, other Town

employees, or outside contractors to immediately cause the repair or demolition of such dangerous or unsafe building. 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 § 325-10 hereof.

§ 325-12. Securing building. Where it appears to the Building Inspector that a building is dangerous or unsafe and that immediate action is necessary to protect the public, he may take immediate action to secure the premises, including boarding up unsecured entry points and/or installing fencing. Such measures shall be the minimum necessary to protect persons, including youth and trespassers from bodily danger. The expenses of such measures shall be a charge against the land on which it is located and shall be assessed, levied and collected as provided in § 325-10 hereof.

§ 325-13. Penalties for offenses. In addition to the civil remedies provided for herein, any person refusing or neglecting to comply with the order of the Town Board as set forth in § 325-4, after service of the notice as set forth in § 325-6, shall be guilty of a violation and shall, upon conviction thereof, be subject to a fine of not more than \$250 and/or to imprisonment of not more than 15 days, and each week of refusal or neglect to comply shall constitute a separate offense. This section shall not apply to persons who are notified solely because they are tenants or occupants, except that it shall apply to tenants occupying said building pursuant to a lease exceeding one year in duration.

§ 325-14. Provisions not exclusive. The provisions of this chapter are not exclusive and are additional to any actions that may be brought for code violations or otherwise under the law.



Copy: T.B.,
atty

OG

4/23/19

New York European Cherry Fruit Fly Program
Property Access Request

United States Department of Agriculture is requesting permission to trap for an invasive pest, the European Cherry Fruit Fly (ECCF) on your property.

- USDA has my permission to place an ECFF trap(s) on my property. I understand that the trap(s) will be serviced at least every two weeks and will be removed on or before September 30th.
- I would like to be notified each time trap service is performed. A door hanger will be left to notify you of our visit
- Trap service notification is not necessary
- USDA Does Not Have permission to place an ECFF trap(s) on my property

Property Location(s): _____

Authority granted by: _____
Printed name

Signature *Date*

Phone number: _____



Field Use Only

Property resides in grid numbers:

Property Notes:

Host materials

# of <i>Prunus</i> spp.	# of <i>Lonicera</i> spp.	# of <i>Berberis</i> spp.	# of <i>Cornus</i> spp.	# of <i>Symphoricarpos</i> spp.
