

# **Step-by-Step Procedure for Unsafe Buildings based on Town of Wales, NY, Chapter 86**

## **1. Inspection**

- The Zoning Enforcement Officer inspects all structures in the Town of Wales.

## **2. Reporting**

- If a structure is found to be dangerous or unsafe, the Officer reports this finding to the Town Board.

## **3. Notice to Owner**

- The Town Board serves notice to the property owner or relevant parties, either personally or by registered mail (with a copy posted on the premises if mailed).
- The notice must include:
  - A description of the premises.
  - Details explaining why the building is unsafe or dangerous.
  - An order to make the building safe or to remove it.
  - A timeline: repairs or removal must begin within 30 days and be completed within a reasonable time, not exceeding 90 days from the date of notice.
  - Instructions for the owner to respond within 10 days (if served personally) or 15 days (if served by mail), admitting or denying the unsafe condition.
  - A statement that if the owner neglects or refuses to comply, the Town may demolish/remove the structure, assess costs against the property, and pursue collection through a special proceeding.

## **4. Owner Response**

- The owner must respond within the specified timeframe:
  - If the owner admits the unsafe condition, they must agree to start repairs or removal within 30 days and finish within 90 days.
  - If the owner denies the condition or fails to respond, the Town files a charge in Town Justice Court.

## **5. Filing with County Clerk**

- A copy of the notice is filed with the Erie County Clerk as a notice of pendency, in accordance with Article 65 of the CPLR.

## **6. Hearing**

- The Town Justice Court holds a hearing to determine the facts.
- The Court may affirm, modify, or annul the Officer's order.

- The Court's determination may include:
  - Orders for removal if the owner defaults.
  - Assessment of costs against the land.
  - Authorization for the Town to initiate a special proceeding to collect costs, per General Municipal Law § 78-b.

## Summary Table: Unsafe Building Procedure

Step	Action/Requirement
1. Inspection	Zoning Enforcement Officer inspects structures.
2. Reporting	Officer reports unsafe findings to Town Board.
3. Notice to Owner	Town Board serves notice (personal/mail/posting); includes property details, order, timeline, and response.
4. Owner Response	Owner must admit/deny within 10 (personal) or 15 (mail) days; Town files charge if denied/no reply.
5. Filing	Notice filed with Erie County Clerk as notice of pendency.
6. Hearing	Town Justice Court holds hearing; may affirm/modify/annul order and assess costs if the owner defaults.

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### Flowchart of the Procedure

Below is a flowchart summarizing the unsafe building process:

[Flowchart]

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Inspection —> Reporting —> Notice to Owner —> Owner Response —> Filing with County Clerk —> Hearing

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## Detailed Procedure

1. **Inspection:** The Zoning Enforcement Officer inspects all structures in the Town of Wales.
2. **Reporting:** If a structure is found to be dangerous or unsafe, the Officer reports this finding to the Town Board.
3. **Notice to Owner:** The Town Board serves notice to the property owner or relevant parties, either personally or by registered mail (with a copy posted on the premises if mailed).  
The notice must include:
  - A description of the premises.
  - Details explaining why the building is unsafe or dangerous.
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  - A statement that if the owner neglects or refuses to comply, the Town may demolish/remove the structure, assess costs against the property, and pursue collection through a special proceeding.
4. **Owner Response:**
  - The owner must respond within the specified timeframe:
  - If the owner admits the unsafe condition, they must agree to start repairs or removal within 30 days and finish within 90 days.
  - If the owner denies the condition or fails to respond, the Town files a charge in Town Justice Court.
5. **Filing with County Clerk:** A copy of the notice is filed with the Erie County Clerk as a notice of pendency, in accordance with Article 65 of the CPLR.
6. **Hearing:**
  - The Town Justice Court holds a hearing to determine the facts.
  - The Court may affirm, modify, or annul the Officer's order.
  - The Court's determination may include:
    - Orders for removal if the owner defaults.
    - Assessment of costs against the land.
7. **Authorization for the Town to initiate a special proceeding to collect costs, per General Municipal Law § 78-b.**

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