

**TOWN OF MOREAU
LOCAL LAW 10 OF 2025
AMENDING SECTION 74-9 OF THE MOREAU TOWN CODE
RELATING TO UNSAFE BUILDINGS AND STRUCTURES**

BE IT ENACTED by the Town Board of the Town of Moreau, Saratoga County, New York as follows:

Section 1. Purpose. The purpose of this Local Law is to provide for the health, safety, protection and general welfare of persons and property in the Town by updating provisions of the Town Code relating to the identification of unsafe buildings and structures and requiring their repair or demolition and removal.

Section 2. Authority. This Local Law is adopted pursuant to Section 10 of the Municipal Home Rule Law and Section 130 of the Town Law.

Section 3. Repeal of existing Section 74-9 and adoption of a new Section 74-9. Section 74-9 of the Moreau Town Code is repealed and new Section 74-9 is adopted to read as follows:

Section 74-9. Unsafe buildings and structures.

A. Investigation and Report. Whenever the Building, Planning & Development Coordinator, the Code Enforcement Officer or any other Town Official appointed by the Town Board for this purpose (alternatively referred to in this section as “Code Official”), has reason to believe that a building or structure exhibits any one or more of the following characteristics, the Code Official shall cause an investigation to be made and shall file with the Town Clerk a written report on the need for repair or demolition and removal of the building or structure:

- (1) walls or other vertical structural members list, lean or buckle;
- (2) damage or deterioration to supporting components, or significant damage or deterioration of the non-supporting enclosing or outside walls or covering;
- (3) improperly distributed loads upon the floors or roofs, or floors or roofs that are overloaded or which have insufficient strength to be reasonably safe for the purpose used;
- (4) substantial damage by fire, water or natural elements, or dilapidated or decayed conditions, or unsanitary conditions, or conditions otherwise unfit for human habitation or use;
- (5) inadequate light or air, or inadequate sanitation facilities, or otherwise unsanitary or unfit for human habitation or use;

(6) inadequate facilities for egress in case of fire or other emergency, including insufficient exits, stairways, elevators, fire escapes or other means of escape;

(7) materials so attached that they appear likely to fall and injure inhabitants or members of the public or other property;

(8) debris, rubble or parts of buildings left on the ground after demolition, reconstruction, fire or other casualty;

(9) any other characteristics that the Code Official believes makes the building or structure unsafe and an imminent danger to inhabitants or public health and safety.

B. Notice to Property Owner. Upon filing of the written report with the Town Clerk, the Code Official shall serve upon the property owner a notice containing:

(1) A description of the building or structure;

(2) An explanation of why the building or structure is unsafe;

(3) An order outlining the manner in which the building or structure is to be repaired or demolished and removed;

(4) A statement that the repair or demolition and removal of such building or structure shall commence within 30 days of the service of notice and shall be completed within 60 days thereafter unless, for good cause shown, such time shall be extended;

(5) A date, time and place for a hearing before the Town Board in relation to such unsafe building or structure, which hearing shall be scheduled not less than five business days from the date of service of the notice;

(6) A statement that in the event of neglect or refusal to comply with the order to repair or demolish and remove the building or structure, the Town Board is authorized to provide for its demolition and removal, and to assess against the real property on which it is located all expenses thereof, including engineering and attorney fees.

C. Service of Notice. The Notice to Property Owner shall be served upon the owner personally, or by registered or certified mail return receipt requested. If the Notice to Property Owner is served by mail, it shall be mailed to the address or addresses on file with the Assessor, and a copy of the Notice shall be posted near the entrance of the building or structure.

D. Filing of Notice. The Notice to Property Owner shall be filed with the County Clerk in the same manner as a Notice of Pendency, and filed with the Town Clerk.

E. Hearing and determination by Town Board. The Town Board shall conduct a hearing at the place and time specified in the Notice to Property Owner and shall consider the

relevant information provided by the Code Official and the Property Owner. The Town Board shall make a determination it believes adequately protects the inhabitants of the building or structure and the public health and safety. The Town Board may confirm the order of the Code Official, modify the order of the Code Official, vacate the order of the Code Official, or issue a new order.

(1) If the Town Board determines that the building or structure is unsafe but can be repaired to render it safe, the Town Board may order the owner to repair it.

(2) If the Town Board determines that the building or structure is unsafe and in such condition as to make it unfit for human habitation, the Town Board may order it to be vacated.

(3) If the Town Board determines that the building or structure is unsafe and that 50% of the building is damaged or decayed or deteriorated from its original value or structure, the Town Board may order the owner to demolish and remove it.

(4) If the Town Board determines that the building or structure is unsafe and that it cannot be reasonably repaired to be made safe, the Town Board may order the owner to demolish and remove it.

(5) The Town Board shall set deadlines for the repair or the demolition and removal.

(F) Order of Town Board. The determination of the Town Board shall be by written order filed with the Town Clerk, who shall serve a copy on the Property Owner in the same manner as a Notice to Property Owner is to be served.

(G) Failure to comply. If the order of the Town Board states that failure of the Property Owner to comply with the order within the time periods specified in the order will result in the Town causing the building or structure to be demolished and removed because of an ongoing danger to life, safety or health of any person, and if the Property Owner fails to comply with the order, then the Code Official shall cause such building or structure to be secured, demolished and removed.

(H) Emergencies. Where it reasonably appears that there is a clear and imminent danger to the life, safety or health of any person unless an unsafe building is immediately secured and repaired or demolished and removed, the Town Board may by Resolution authorize the Code Official to immediately cause the unsafe building to be secured or demolished and removed. In such event, the Property Owner shall be entitled to hearing before the Town Board after the property is secured or demolished and removed.

(I) Assessment of costs. All costs and expenses of the investigation and report, hearing, and of securing, demolition and removal of the building, including engineering and attorney fees, shall be assessed upon the real property on which the building or structure is located.

(J) Remedy not exclusive. No order or act by the Town to secure, demolish and remove a building or structure under this section shall be the exclusive remedy or penalty available to address any violation of this Chapter, any other chapter of the Town Code, or any provision of State Law or regulations, including the Uniform Fire Prevention and Building Code, and the remedy or penalty under this section shall be in addition to and not in substitution for or limitation of the other remedies or penalties available under any other section of this Chapter, any other chapter of the Town Code, or any provision of State Law or regulations, including Executive Law section 382.

Section 4. Amendment of Section 74-3. Section 74-3 of the Moreau Town Code is amended by adding a new subdivision F to read as follows:

- F. The Building, Planning and Development Coordinator appointed by the Town Board shall supervise the Office of the Code Enforcement Officer and may exercise all the powers and duties to administer and enforce this Chapter and related provisions in the Moreau Town Code. The Building, Planning and Development Coordinator appointed by the Town Board shall also administer and enforce Chapters 124 and 149, and fulfill the responsibilities of the various titles of Zoning Administrator, Zoning Enforcement Officer, Zoning Inspector, and similar titles referenced in the Moreau Town Code.

Section 5. Severability. The invalidity of any clause, sentence, paragraph or provision of this Local Law shall not invalidate any other clause, sentence, paragraph or part thereof.

Section 6. Effective Date. This Local Law shall take effect immediately upon filing by the Office of the New York Secretary of State.