

LOCAL LAW 5 OF 2025 ADDING
CHAPTER 54 TO THE SWEDEN TOWN CODE
BUILDINGS, UNSAFE

Be it enacted by the Sweden Town Board, County of Monroe, State of New York
(hereinafter referred to as the Board), as follows:

SECTION 1. TITLE (§54-1)

This Local Law shall be referred to as “Local Law 5 of 2025 Adding Chapter 54 to the Sweden Town Code - Buildings Unsafe”.

SECTION 2. AUTHORIZATION (§54-2)

This Local Law is adopted pursuant to the New York State Constitution Article IX, Town Law §261-§264 and Municipal Home Rule Law §10.

SECTION 3. PURPOSE AND INTENT (§54-3)

Unsafe buildings and structures pose a threat to life and property in the Town of Sweden. Such buildings and structures are susceptible to damage by fire, age, vacancy, lack of maintenance and/or general deterioration. They also are a nuisance for individuals, including minors, who could be injured therein as well as a point of congregation for vagrants and transients. Building and structures that are not maintained serve as a health menace to the community and, among other things, potential rodent infestation. It is the purpose and intent of this Local Law to govern such unsafe buildings and structures in order to provide for safety, health, protection and general welfare of the Town of Sweden by requiring such unsafe buildings and structures to be repaired, demolished and/or removed.

SECTION 4. DEFINITIONS (§54-4)

As used in this Chapter, the following words or phrases are defined as follows:

BUILDING – Any structure having a roof and intended for the shelter, housing and/or enclosure of persons, animals or chattel.

BUILDING INSPECTOR – The Building Inspector of the Town of Sweden or such other person appointed by the Board to enforce the provisions of this Chapter.

PREMISES – A lot, plot and/or parcel of land, including buildings or structures thereon.

STRUCTURE – A building or anything constructed, erected or placed above or below ground (other than a walk, driveway and plant life) which requires temporary or permanent location on or the support of the soil or which is attached to any structure.

SECTION 5. INSPECTION AND REPORT (§54-5)

When, in the opinion of the Fire Marshal and/or Building Inspector (or authorized designee thereof) any building is deemed to be unsafe or a danger to the public, he/she shall make a formal inspection thereof and report in writing to the Board any findings and recommendations in regard to same.

SECTION 6. BOARD ACTION (§54-6)

The Board shall thereafter consider any such report and by resolution can determine that the building is unsafe, dangerous and order its securing, repair, demolition and/or removal with the proviso that a notice be served upon a person(s) and in the matter provided in this Chapter. The Board may, at its discretion, appoint a licensed architect, builder or professional engineer to assist it in any such determination to be reasonable compensation as fixed by the Board.

SECTION 7. CONTENTS OF NOTICE (§54-7)

The notice shall contain the following:

- A. A description of the premises, including the street number and tax account number.
- B. A statement of the particulars in which the building is unsafe or dangerous.

C. An order describing the manner in which the building is to be secured, repaired, demolished and/or removed.

D. A statement that the securing, repairing, demolishing and/or removal of such building shall commence within thirty (30) days of service of the notice and shall be completed within sixty (60) days thereafter unless such time is extended by the Board.

E. The date, time and place for a hearing before the Board to be scheduled not less than five (5) business days from the date the notice is served.

F. A statement that, in the event of neglect or refusal to comply with the order to secure, repair, demolish and/or remove the building, the Board is authorized to go forward with any such action, to assess all expenses thereof against the land on which it is located and thereafter undertake legal proceedings to collect the costs of same including legal expenses as set forth in this Chapter.

SECTION 8. RECOVERY OF COSTS (§54-8)

All costs and expenses incurred by the Town in connection with any proceedings to secure, repair, demolish and/or remove a buildings shall either be assessed against the land on which the building is located or may be recovered by the Board in a civil action pursuant to the provisions of the General Municipal Law and/or the laws of the State of New York.

SECTION 9. SERVICE OF NOTICE (§54-9)

The notice shall be served in the following manner: by personal service of a copy thereof upon the owner or the owner's executors, legal representatives, agents, lessees and/or any other person(s) having a vested or contingent interest in the building as shown by the last preceding completed assessment roll of the Town of Sweden or, if no such person(s) can be reasonably found, by mailing to such person(s) by registered mail a copy of such notice directed to his/her

last known address and, if served by registered mail, by posting a copy of such notice on the premises.

SECTION 10. FILING OF NOTICE (§54-10)

A copy of the notice served as provided herein shall be filed in the Office of the County Clerk of the County of Monroe.

SECTION 11. FAILURE TO COMPLY – ACTION BY TOWN (§54-11)

In the event of the refusal or neglect of the person(s) so notified to comply with said order of the Board and after hearing, the Board shall provide for the securing, repair, demolition and/or removal of the building either by Town of Sweden employees or by contract or agreement between the Town of Sweden and a third party entity.

SECTION 12. EMERGENCY ACTION (§54-12)

In the event that a structure suddenly becomes unsafe or a hazard to the general public, such as in the case of a fire, flood, tornado, earthquake, or other similar event, the Town shall notify the owner to secure the building and/or premises in such a manner as to make it safe. If the owner or a property manager is not available or is unwilling to comply, the Fire Marshal and/or the Building Inspector, or his/her designee, shall have the authority to have the building secured in a manner so as to make the building safe with the owner being responsible for all costs associated with same. This provision is also applicable in the case of any building that becomes unsafe or hazardous to its occupants only.

SECTION 13. APPLICABILITY OF OTHER LAWS - STATE AND LOCAL (§54-13)

The provisions of this Chapter shall be in addition to, and in furtherance of, the New York State Uniform Fire Prevention and Building Code including but not limited to Sections 107

and 108 of the Property Maintenance Code of New York State. Whenever the requirements of this Chapter are at variance with the requirements of other lawfully adopted rules, regulations or ordinances of this Chapter, the most restrictive provisions or those imposing the highest standards shall govern (See Chapter 64 – Building Code and Administration; Chapter 141 – Property Maintenance).

SECTION 14. SEVERABILITY AND/OR VALIDITY (§54-14)

The invalidity or enforcement of any section, subsection, paragraph, sentence, clause, provision, or phrase of the aforementioned sections, as declared by the valid judgment of any Court of competent jurisdiction to be unconstitutional, shall not affect the validity or enforceability of any other section, subsection, paragraph, sentence, clause, provision or phrase, which shall remain in full force and effect.

SECTION 15. EFFECTIVE DATE (§54-15)

This Local Law shall take effect upon the date it is filed in the Office of the New York State Secretary of State in accordance with the Municipal Home Rule Law §27.

Dated: Brockport, New York
 , 2025