

Adopted Aug 1966

VILLAGE OF RUSHVILLE
UNSAFE BUILDING ORDINANCE.

ARTICLE I

Section 1 - Purpose

The purpose of this Ordinance is to provide for the removal or repair of buildings in business, industrial and residential sections that, from any cause, may now be or shall hereafter become dangerous or unsafe to the public.

Section 2 - Inspection and Report

When in the opinion of the Village Building Inspector who is hereby designated as the enforcement officer of this Ordinance, any building or structure located in the Village shall be deemed to be dangerous or unsafe to the public, the Village Building Inspector shall make a formal inspection thereof, and report in writing to the Village Board his findings and recommendations in regard to the building's or structure's removal or repair.

Section 3 - Order and Service of Notice

A. The Village Board shall thereafter consider said report and if it finds from said report that there is ground to believe that such building or buildings are dangerous or unsafe to the public, the Village Board, by resolution, shall order its removal or repair, if the same can be safely repaired, and further order that a notice shall be personally served upon the owner or someone of the owner's executors, legal representatives, agents, lessees or any other person having a vested or contingent interest in the premises, as shown by the last preceding assessment roll of the Village and/or by the records of the Village Clerk's Office.

B. If no such person can be reasonably found, then by mailing a copy of such notice to such person or corporation by registered mail, addressed to his last known

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address and by securely posting a copy of such notice upon said premises.

Section 4 - Contents of Notice

The said notice shall contain the following statements:

- A. A description of the premises.
- B. A statement of the particulars in which the building or structure is unsafe or dangerous.
- C. An order requiring the same to be made safe and secure or removed.
- D. That the securing or removal of the said building or structure shall commence within thirty (30) days of the service of the notice and shall be completed within sixty (60) days thereafter.
- E. That in the event of neglect or refusal of the persons or corporations served with the notice to comply with the same, a survey of the premises will be made by the Building Inspector and a practical builder, engineer or architect appointed by the person or corporation so notified, who must appoint said practical builder, engineer or architect within ten (10) days of the service of said notice; and in the event of the refusal or neglect of said person or corporation to make such appointment, the Village Building Inspector shall make the survey and report.
- F. That in the event the buildings or other structures shall be reported unsafe or dangerous under such survey, an application will be made at a Special Term of the Supreme Court in the Judicial District in which the property is located, for an order determining the building or other structure to be a public nuisance and directing that it shall be repaired and secured or taken down and removed.
- G. That the land on which said buildings or structures are located will be

assessed for all costs and expense incurred by the Village in connection with the proceedings to remove or secure, including the cost of actually removing said building or structure.

Section 5 - Proceedings in Event of Failure to Comply

A. Survey.

The Village Board shall appoint an inspector and architect, and the persons so notified shall appoint a practical builder, engineer or architect who shall make the said survey and submit a written report thereon in regard to the unsafe or dangerous condition of said building or structure. If the persons so notified shall refuse or neglect to appoint a surveyor within ten (10) days after service of the notice, the two (2) surveyors appointed by the Village Board shall proceed and report.

B. Posting.

A signed copy of such report of survey shall be posted on said structure or building within three (3) days after it has been submitted to the Village Board.

C. Compensation.

The Village Board shall fix the reasonable compensation for the surveyors.

Section 6 - Notice of Application to the Supreme Court

A. In the event the building or other structure shall be reported unsafe or dangerous under such survey, the Village Board may pass a resolution directing the Mayor of the Village to make an application at a Special Term of the Supreme Court of the State of New York in the Judicial District in which the property is located, for an order determining the building or other structure to be a public nuisance and directing that it shall be repaired and secured or taken down and removed.

B. Notice of said application shall be duly served upon the owner or such other party upon whom the first notice was served in accordance with Civil Practice Law and Rules.

C. If such order is duly made, a certified copy thereof shall be served on the same party either personally or by registered mail as hereinabove provided.

Section 7 - Costs and Expenses

All costs and expenses incurred by the Village in connection with the proceedings to remove or secure such building or buildings, including a reasonable payment of the surveyors and the actual cost of repairing or removal, shall be assessed upon the land upon which said building or buildings are located. Such assessment shall be assessed on the next Village Assessment roll as an additional tax to the regular tax assessment against such property and the same shall be levied and collected in the same manner as the regular Village tax.

ARTICLE II

Section 1 - Alternate or Additional Procedures

Pursuant to the authority and powers granted in the statute of local governments, particularly Subdivision 5 of Section 10 thereof, the following alternate or additional procedures may be followed:

A. Upon the making of a survey report by the Building Inspector that the building or structure is reported unsafe or dangerous to the public, the Village Board may direct the Building Inspector to serve a notice upon the owner, and all other persons

having an interest in such property or structure, either personally or by registered mail, addressed to his last known address as shown by the records of the Village Assessor and/or in the office of the County Clerk, containing a description of the premises, a statement of the particulars in which the building or structure is unsafe or dangerous and an order of the Building Inspector requiring same to be repaired or removed; and if such service is made by registered mail, for the posting of such notice on the premises.

B. Such owner so served shall commence the repair or removal of such building or structure within thirty (30) days after service of such notice.

C. A hearing shall be held before the Building Inspector at a time and place specified in the notice to repair or demolish not sooner than two (2) weeks nor later than the date given to commence repair or removal, if the owner requests same at least one week before the scheduled date for the hearing. If no hearing is requested, the order so served shall take effect as provided in the notice.

D. At the hearing, the owner, the Village, and any other interested parties may present witnesses and any other proof relating to the matters and all parties may appear in person or with their attorneys.

E. At the conclusion of the hearing, the Building Inspector shall make a determination in writing and a copy of same shall be served either personally or by registered mail on all parties who appeared therein.

F. The determination shall state whether the original survey report is sustained, modified or reversed. If reversed, no further proceeding shall be had.

G. If the original survey is sustained, in whole or in part, the Building Inspector shall also include an order directing the owner to proceed in accordance therewith and shall further specify that unless the work is commenced within ten (10) days

after service and completed within a reasonable time thereafter, which the Building Inspector shall designate, the penalties hereinafter provided shall be invoked.

Section 2 - Removal or Repair of Unsafe or Dangerous Building or Structure.

Upon notification that the owner of the unsafe building or structure has failed or refused to repair the unsafe building or structure within the time specified in the final order, the Building Inspector shall report same to the Village Board. The Village Board may direct that the Village shall cause the repair or removal of the unsafe building. After the work has been completed the Building Inspector shall file with the Village Board a verified statement of all the direct costs of same, together with a charge of fifty per cent (50%) in addition thereto as compensation to the Village for administering, supervising and handling said work.

Section 3 - Assessment and Lien

Upon receipt of the verified statement, the Village Board shall direct that the amount thereof including the charges added thereto shall constitute a lien against the said premises and direct that the same shall be added to the next assessment roll of general Village taxes and shall be collected and enforced in the same manner, by the same proceedings, at the same time and under the same penalties, as the general Village tax and as a part thereof. In addition thereto, interest shall run thereon from the date of filing the verified statement to the date of actual payment at eight and one-half (8 1/2) percent per annum.

Section 4 - Personal Liability

Notwithstanding any provision herein to the contrary, the Village may at its election institute suit against the owner of the said premises for the direct costs, together with a charge of fifty (50) percent in addition thereto as compensation to the Village for administering, supervising and handling said work, and enter judgment thereon

against the owner personally for the aforesaid amount. The imposition and collection of any fine or penalty hereinafter prescribed shall not bar the right of the Village to collect the costs of the removal or repair of any unsafe building or structure as herein prescribed.

Section 6 - Completion of Work

The failure of the owner to complete the repairs or to remove the unsafe building or structure as specified in the final notice of the Building Inspector shall subject the owner to the same procedure and penalties as herein set forth.

ARTICLE III
GENERAL PROVISIONS

Section 1 - Transfer of Title

The transfer of title by the owner of premises upon which an unsafe building or structure is located shall be no defense to any proceedings under this ordinance.

Section 2 - Separability

Each separate provision of this ordinance shall be deemed independent of all other provisions herein, and if any provision shall be deemed or declared invalid, all other provisions hereof shall remain valid and enforceable.

Section 3 - Penalties

Any person upon whom a notice as provided in this ordinance has been served, who fails, neglects or refuses to place such unsafe building or structure in a safe condition as designated in such notice, or who shall violate any of the provisions of this local law or orders given pursuant thereto or who shall resist or obstruct the

Building Inspector in carrying out the provisions of this ordinance shall upon conviction thereof be subject to a fine of not more than Two Hundred Fifty Dollars (\$250.00). Each week on which such violation continues shall constitute a separate offense.

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