

Chapter 58

BUILDINGS, UNSAFE

[HISTORY: Adopted by the Town Board of the Town of Canadice 12-11-2006 by L.L. No. 2-2006. Amendments noted where applicable.]

GENERAL REFERENCES

Code Enforcement Officer — See Ch. 16, Art. I.

Uniform construction codes — See Ch. 52.

Land use — See Ch. 77.

Mobile homes — See Ch. 81.

§ 58-1. Purpose.

Unsafe buildings pose a threat to life and property in the Town of Canadice. Buildings and structures may become unsafe by reason of damage by fire, the elements, age or general deterioration. Vacant buildings not properly secured at doorways and windows also serve as an attractive nuisance for young children who may be injured therein, as well as a point of congregation by vagrants and transients. A dilapidated building may also serve as a place of rodent infestation, thereby being a health menace to the community. It is the purpose of this chapter to provide for the safety, health, protection and general welfare of persons and property in the Town of Canadice by requiring that such unsafe buildings be repaired or demolished and removed.

§ 58-2. Title.

This chapter of the Town Code shall be known as "Chapter 58" and shall be entitled "Buildings, Unsafe."

§ 58-3. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

BUILDING — Any building, structure or portion thereof used for residential, business or industrial purpose.

CODE ENFORCEMENT OFFICER — The Code Enforcement Officer of the Town of Canadice or such other person appointed by the Town Board to enforce the provisions of this chapter.

§ 58-4. Inspection and report.

When, in his own opinion or upon receipt of information that a building is or may become dangerous or unsafe to the general public, is open at the doorways and windows making it accessible to and an object of attraction to minors under 18 years of age, as well as to vagrants and other trespassers, is or may become a place of rodent infestation, presents any

other danger to the health, safety, morals and general welfare of the public or is unfit for the purposes for which it may lawfully be used, the Code Enforcement Officer shall cause or make an inspection thereof and report, in writing, to the Town Board his findings and recommendations in regard to its repair or demolition and removal.

§ 58-5. Town Board order; notice.

The Town Board shall thereafter consider such report and by resolution determine, if in its opinion the report so warrants, that such building is unsafe and dangerous and order its repair, if the same can be safely repaired, or its demolition and removal and further order that a notice be served upon the persons and in the manner provided herein.

§ 58-6. Contents of notice.

The notice shall contain the following:

- A. A description of the premises.
- B. A statement of the particulars in which the building is unsafe or dangerous.
- C. An order outlining the manner in which the building 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 of the service of the notice and shall be completed within 60 days thereafter, unless for good cause shown such time shall be extended.
- E. A date, time and place for a hearing before the Town Board in relation to such dangerous or unsafe building, which hearing shall be scheduled not less than five business days from the date of service of the notice.
- 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 its demolition and removal, to assess all expenses thereof against the land on which it is located and institute a special proceeding to collect the costs of demolition, including expenses.

§ 58-7. Service of notice.

The notice shall be served:

- A. By personal service of a copy thereof upon the owner, executor, administrator, agent, lessee or any person having a vested or contingent interest in such unsafe building, as shown by the records of the Receiver of Taxes (or Tax Collector) or of the County Clerk, or, if no such person can be reasonably found, by mailing such owner, by registered mail, a copy of such notice directed to his last known address as shown by the above records;
- B. By personal service of a copy of such notice upon any adult person residing in or occupying said premises if such person can be reasonably found; and
- C. By securely affixing a copy of such notice upon the unsafe building.

§ 58-8. Filing of copy of notice.

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

§ 58-9. 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 demolition and removal of such building or structure either by the Town employees or by contract. Except in an emergency as provided in § 58-11 hereof, any contract for demolition and removal of a building in excess of \$5,000 shall be awarded through competitive bidding.

§ 58-10. Assessment of expenses.

All expenses incurred by the Town in connection with the proceedings to repair and secure or demolish and remove the unsafe building, including the cost of actually removing such building, shall be assessed against the land on which such building is located and shall be levied and collected in the same manner as provided in Article 15, § 5-54 of the Town Law for levy and collection of a special ad valorem levy.

§ 58-11. Emergency cases.

Where it reasonably appears that there is present a clear and imminent danger to the life, safety or health of any person or property unless an unsafe building is immediately repaired or secured or demolished, the Town Board may, by resolution, authorize the Code Enforcement Officer to immediately cause the repair or demolition of such unsafe building. The expense of such repair or demolition shall be charged against the land on which it is located and shall be assessed, levied and collected as provided in § 58-10 hereof.

§ 58-12. Compensation of surveyor.

The surveyor appointed as provided herein shall be paid reasonable compensation as shall be fixed by the Town Board.