

VILLAGE OF ADDISON, STEUBEN COUNTY

Local Law No. 2 for the year 2002

A Local Law of UNSAFE, DANGEROUS OR COLLAPSED BUILDINGS OR STRUCTURES.

Be it enacted by the Village Board of the Village of Addison as follows:

Sec. I . Repair or removal of unsafe structures authorized.

The Board of Trustees of the Village of Addison, New York shall institute proceedings for the removal or repair of any building or structure within the Village that, from any cause, may be or may hereafter become collapsed, dangerous or unsafe to the public.

Sec. II . Inspection Code Enforcement Officer.

The Village shall hire an Code Enforcement Officer, who shall make an inspection and a report of such building or structure. An inspection of a building or dwelling unit may also be performed in the following circumstances:

- A. The request of the owner, authorized agent, or tenant.
- B. Receipt of a written statement alleging that conditions or activities failing to comply with the Uniform Code exists; or
- C. Other reasonable and reliable information by the Code Enforcement Officer.

If entrance to make an inspection is refused or cannot be obtained the Village Board, after being notified by the inspector of the situation, may apply for an order to make an inspection to any court of competent jurisdiction.

S III . Notice of unsafe structure.

A. The Board of Trustees shall cause notice of such collapsed, dangerous or unsafe building or structure to be served upon the owner, the owner's executor, legal representative, agent, lessee or any other person having a vested or contingent interest in the property. Service of such notice shall first be attempted personally. In the event that personal service may not be made personally, after a good faith effort has been demonstrated, service of notice may be made by registered mail, addressed to the last known address of the owner or of the owner's executor, legal representative, agent, lessee or other person having a vested or contingent interest in the property as shown by the records of the Receiver of Taxes or in the office of the Steuben County Clerk. If served by registered mail a copy of such notice shall be posted on the premises in question.

B. Said notice may require that such collapsed, dangerous or unsafe building or structure be brought into compliance with the New York State Fire Prevention and Building Code. (Article 18 of the New York State Executive Law, Building Code Act, Section 381 (2))

C. Such notice shall contain a description of the premises, a statement of the particulars in which said building or structure is collapsed, unsafe, dangerous and an order requiring the same to be made safe and secure or removed. Said notice shall direct that steps be taken AT ONCE for repair or removal of said building, with a reinspection date be scheduled at the discretion of the Code Enforcement Officer.

D. Said notice shall also provide a date for a hearing before the Village Board which the property owner may challenge the Board's decision. In the event that said property owner wishes to appeal the Board's decision to the Supreme Court of the State of New York the standard of review shall be based on an arbitrary and capricious standard pursuant to Article 78 of New York's Civil Practice Law and Rules.

#### Sec. IV . Compliance with notice required.

The person served with such notice shall commence the repair or removal of the building or structure within a time frame determined by the Code Enforcement Officer. Repair or removal of such building or structure shall be completed within a time specified in such notice.

#### Sec. V . Inspection of structure upon non compliance.

A. In the event of neglect or refusal of the person so served with notice to comply with the same, the Board of Trustees of the Village of Addison, shall cause an inspection of the subject building or structure. Said inspection shall be made by the Code Enforcement Officer of the Village of Addison and a practical builder, engineer or architect to be named by the Board of Trustees.

B. A written report of the inspection made by the builder, engineer or architect shall be submitted to the Board of Trustees within five (5) working days after completion of the inspection.

C. The Board of Trustees shall provide for the compensation of the builder, engineer or architect and shall be reimbursed for such compensation as is hereinafter provided.

D. The Board of Trustees shall provide a copy of the inspection to the persons served with notice as hereinabove provided and shall cause the posting of a copy of the report of the inspection on the building.

Sec. VI . Removal by Village; Recovery of Costs.

A. The notice so served shall also state that, in the event that the building or other structure shall be reported unsafe or dangerous under such inspection, an application will be made pursuant to General Municipal Law s 78-b at a special term of the Supreme Court of the Sate of New York not less than five (5) nor more than ten (10) days thereafter for an order determining the building or other structure to be a public nuisance and directing that it shall be repaired or secured or removed; and, in the event that it is not so repaired, secured or removed by the owner, the owner's executor, legal representative, agent, lessee or other person serviced with the notice, then the subject building or structure shall be removed by the Board of Trustees.

B. All costs and expenses incurred by the Village of Addison in connection with the proceeding to remove or secure said building, including the cost of the inspection by the practical builder, engineer or architect and also including but not limited to the cost of actually removing said building, shall be borne by the owner. In the event that the owner shall not pay for said cost, then such costs shall be assessed as a lien against the real property on which said building or structure is located. Said costs will be added to the village tax and will appear on the next tax bill.

Sec. VII . Fines.

In the event that the offending structure is not repaired, in order to conform with local laws, within the time specified in Section III, the owner of said structure shall be subject to a fine not to exceed One Thousand Dollars and 00/100 Cents (\$1,000.00)