

Chapter 80
BUILDINGS, UNSAFE

GENERAL REFERENCES

Building construction and fire prevention — See Ch. 76.

§ 80-1. Purpose.

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

§ 80-2. Inspection and report by Code Enforcement Officer.

Upon direction of the Board of Trustees, the Code Enforcement Officer shall inspect any building designated by the Board as being possibly dangerous or unsafe to the public and the Code Enforcement Officer shall file with the Village Clerk a report of his inspection within 30 days after such inspection.

§ 80-3. Notice to owner.

- A. If such report indicates that such building or structure so inspected is dangerous or unsafe to the public, the Village Clerk shall cause a notice to be served on the owner of such building or structure or on some one of the owner's executors, legal representatives, agents, lessees or any other person having a vested or contingent interest in the same, either personally or by registered mail addressed to the last known address, if any, of the owner or some one of the owner's executors, legal representatives, agents, lessees or other person having a vested or contingent interest in the same, as shown by the records of the receiver of taxes, which notice shall contain:
- (1) A description of the premises.
 - (2) A statement of the particulars in which the building or structure is unsafe or dangerous.
 - (3) An order requiring the same to be made safe and secure or removed.
 - (4) A statement that, in the event of the neglect or refusal to comply with such order, a survey will thereafter be made of the premises pursuant to this chapter and that in the event that the building or other structure shall be reported unsafe or dangerous to the public under such survey, that an application will be made by the Village at a special term of the Supreme Court in the judicial district in which the property is located not less than five nor more than 10 days after the filing of such survey report with the Village Clerk 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.

(5) A copy of this chapter.

- B. If such service is made by registered mail, a copy of such notice is to be posted on the premises on the day of mailing.

§ 80-4. Duty of person served.

Within 30 days of the serving or mailing and posting of said notice, the person so served therewith is to commence the securing or removal of such building or structure and is to continue therewith with due diligence.

§ 80-5. Refusal to comply; subsequent procedures.

- A. In the event of the neglect or refusal of the person so served with said notice to comply with the same, the Board of Trustees is to cause a survey of said premises to be made, the same to be made by the:
- (1) Code Enforcement Officer.
 - (2) A practical builder, engineer or architect to be named by the Board of Trustees for such purpose.
 - (3) A practical builder, engineer or architect to be appointed by the person upon whom the notice was served as above, but in the event of the refusal or neglect of the person so served with such notice to appoint such third surveyor, the two surveyors named by the Board of Trustees shall make the survey and file a report thereof with the Village Clerk who will thereupon cause to be posted a signed copy of said survey report on the building or structure that is the subject of such survey report.
- B. Notice to appoint surveyor. Before the Board of Trustees directs such survey to be made, as herein provided, the Village Clerk shall cause to be served upon the person who was previously served with the notice under § 80-3 herein another notice, either personally or by registered mail, which notice shall state that unless the person so served makes an appointment of a practical builder, engineer, or architect to serve on said survey board as herein provided within 20 days after the service of such notice, the two surveyors to be named by the Board of Trustees shall thereupon make the survey and report.
- C. Survey report: application to Supreme Court. In the event that, under such survey report, the building or other structure shall be reported unsafe or dangerous to the public, the Village of Palmyra, acting by its Board of Trustees, will make application not less than five nor more than 10 days after the filing of such survey with the Village Clerk at a special term of the Supreme Court within the judicial district in which the premises are located for an order determining such building or other structure to be a public nuisance and directing that it shall be repaired or secured or taken down and removed.
- D. Compensation of surveyors. The compensation of said surveyors shall be set and paid by the Board of Trustees.

§ 80-6. Assessment of costs and expenses.

All costs and expenses incurred by the Village in connection with the proceedings to remove or secure, including the cost of actually removing said building or structure, shall be assessed against and be a lien upon the land on which said buildings or structures are located and shall be added to the Village assessment and tax roll.

§ 80-7. Alternate or additional procedures.

Pursuant to the authority and powers granted in the Statute of Local Governments, particularly Subdivision 5 thereof, the following alternate or additional procedures may be followed:

- A. Upon the making of a survey report that the building or other structure is reported unsafe or dangerous to the public, the Board of Trustees may direct the Code Enforcement Officer 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 Assessors 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 Code Enforcement Officer requiring the 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 two weeks after service of said notice.
- C. A hearing shall be held before the Code Enforcement Officer at a time and place specified in the notice to repair or demolish not sooner than one week nor later than the date given to commence repair or removal, if the owner requests the same at least three days 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 matter and all parties may appear in person or with their attorneys.
- E. At the conclusion of the hearing, the Code Enforcement Officer shall make a determination in writing and a copy of the 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 proceedings shall be had.
- G. If the original survey is sustained, in whole or in part, the Code Enforcement Officer shall also include an order directing the owner to proceed in accordance therewith and shall further specify that unless the work is commenced within 10 days after service, the penalties hereinafter provided shall be invoked.

§ 80-8. Penalties for offenses.

Any person who shall fail to obey the order of the Code Enforcement Officer as

hereinabove provided shall be guilty of a violation which shall constitute disorderly conduct and any person violating the same shall be a disorderly person. The penalty for each and every violation shall be and hereby is fixed at a sum not to exceed \$250. Each day that such violation is permitted to exist shall constitute a separate violation.