

CHAPTER 5

UNSAFE BUILDING DEMOLITION LAW

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SECTION 5-1. TITLE

Title of this local law shall be known as the “Unsafe Building Demolition Law”, and shall be Chapter 5 of the Arcade Village Code.

SECTION 5-2. BUILDING INSPECTOR

The Board of Trustees of the Village of Arcade shall appoint a Building Inspector who will be charged with the responsibility of carrying out the obligations and duties set forth in this local law.

SECTION 5-3. INSPECTION

No person, firm, or corporation or association, who or which is the owner of a building in the Village of Arcade, shall cause suffer, allow or permit the said building to become dangerous or unsafe to the public.

In the event that any building now is or hereafter becomes dangerous or unsafe to the public, from any cause whatsoever, the said owner shall repair or remove the said building.

In the event of the failure of the owner of any such building to repair or remove the same, the Building Inspector of the Village of Arcade shall make a complete inspection and report of the condition of the said building to the Board of Trustees of said Village. Notice shall thereafter be served on the owner or some one of the owners, as shown on the last tax roll, executors, legal representatives, agents, leasees or any other person having a vested or contingent interest in the said building. The said notice shall contain a brief description of the premises a statement of the particulars in which the building or structure is unsafe or dangerous and an order requiring the said building or structure to be made safe and secure or removed. The said notice shall also provide for the time

within which the person served with the said notice shall commence and complete the securing or removal of the building or structure.

In the event of the neglect or refusal of the person so served with the notice to comply with the same, a survey of the premises shall be made by an inspector, architect, engineer or practical builder to be named by the Board of Trustees of said Village, and a particular builder, engineer or architect appointed by the person notified as above, and in the event of the refusal or neglect of the person so notified to appoint such inspector, the sole inspector named shall make the survey and report. The notice shall further provide that in the event the building or structure shall be reported dangerous or unsafe under such survey, an application will be made at a Special Term of the Wyoming County Court for an order determining the building or other structure to be public nuisance and directing that it shall be repaired and secured or taken down and removed.

SECTION 5-4. POSTING OF SURVEY REPORT

A signed copy of the report of the inspectors shall be posted on the building and the inspectors appointed by the Board of Trustees shall be compensated by the Village.

SECTION 5-5. COSTS OF NOTICE

All costs and expenses incurred by the Village in connection with any and all of the above proceedings to remove or secure, including the cost of actually removing the said building or structure or securing the same, shall be assessed against the land on which the building or structure is located.

SECTION 5-6. COSTS OF REMOVAL

If such owner or person served by mail as hereinabove provided shall fail to pay the costs and expenses incurred by the Village within ten days after being notified of the costs thereof by registered mail, the Village Clerk shall file, immediately preceding the time for making the annual assessment roll, a certificate of such actual cost and expense with a statement as to the property upon which such cost and expense were incurred, the buildings or other obstructions removed, as the case may be, with the Assessor of the Village, who shall in the preparation of the next assessment roll of general village taxes, assess such amount upon such property and the same shall be levied, collected and enforced in the same manner, by the same proceedings, at the same time, under the same penalties, and having the same lien upon the property assessed as the general village tax and as a part thereof.

SECTION 5-7. EMERGENCY PROVISIONS

In the cases of great emergency, where the delay of proceedings, as hereinbefore provided, would result in probable loss of life or property, the Mayor shall have the power to direct the Building Inspector to proceed at once to take such action as is needed to guard the safety of persons and property.

SECTION 5-8. EFFECTIVE DATE

This local law shall be filed with the Secretary of State, and shall take effect 20 days after its adoption.

Local Law No. 1-1979
Adopted: October 2, 1979
Filed: October 9, 1979