

## Chapter 109, BUILDINGS, UNSAFE

[HISTORY: Adopted by the Board of Trustees of the Village of Horseheads 6-23-1977 as L.L. No. 10-1977. Amendments noted where applicable.]

### GENERAL REFERENCES

**Building construction and fire prevention -- See Ch. 102.**

**Demolition of buildings -- See Ch. 105.**

**Electrical standards -- See Ch. 129.**

**Property maintenance -- See Ch. 179.**

### § 109-1. Declaration of nuisance.

All dangerous or unsafe buildings, as hereinafter defined, are hereby declared to be public nuisances, illegal and should be abated by repair and rehabilitation or by demolition, in accordance with the terms of this chapter.

### § 109-2. Definitions.

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

**DANGEROUS BUILDINGS** -- All buildings and structures or parts thereof which have any of the following defects shall be deemed "dangerous buildings":

- A. Those buildings or structures which are structurally unsafe; are unsanitary; are not provided with adequate egress; constitute a fire hazard; or are dangerous to the health, lives or properties of the owners, occupants, adjacent owners or occupants or to the inhabitants of the village generally or which, in relation to existing uses, constitute a hazard to the health, morals, safety or general welfare of the inhabitants of the Village of Horseheads by reason of inadequate maintenance, dilapidation, obsolescence or abandonment.
- B. Those excavations made below the surface of the ground, and walls surrounding the excavation for the purpose of placing a structure or building thereon, which have been abandoned or left in an unfinished state so that they have become unsafe, unsanitary or dangerous to the health, morals, safety or general welfare of the inhabitants of the village.

### § 109-3. Inspection; report; service of notice.

- A. The Code Enforcement Officer shall make a complete inspection of any premises alleged to

be in violation of § 109-1 and make a report of the condition of said building to the Board of Trustees and shall keep a record of said report.

- B. When it shall be determined by the Code Enforcement Officer and the Village Manager that a building or structure is not in compliance or conformity with the terms of § 109-1 of this chapter, a notice shall be immediately served on the owner or some one of the owner's executors, legal representatives, agents, lessees or any other person having a vested or contingent interest in said building, either personally or by certified mail, return receipt requested, addressed to the last known address 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 said building as shown by the records of the Receiver of Taxes in the office of the County Clerk. If such notice is served by certified mail, a copy of the notice shall be posted on the premises involved.

**§ 109-4. Contents of notice.**

The notice shall contain a description of the premises; a statement of the particulars in which the building or structure is dangerous; an order requiring the building to be made safe and secure or removed and stating a time within which the person served with such notice shall commence and complete the securing or removal of said building; and a statement that, if such owners shall fail to commence to repair, demolish or remove such building or structure within the time period stated, the village may do so and the costs and expenses incurred by the village in doing so will be assessed against the land on which such building or structure is located.

**§ 109-5. Survey of premises; correction by village.**

In the event of the neglect or refusal or failure of an owner or person so served to comply with said notice, a survey of the premises shall be made by an official of the village and a practical builder, engineer or architect to be named by the Board of Trustees and a practical builder, engineer or architect appointed by the person notified as above. The two (2) surveyors named shall make the survey and report to the Village Manager. In the event of the refusal or neglect of the person notified to appoint a surveyor, the surveyor for the village shall make the survey and report. The notice shall state that, in the event that the building shall be reported unsafe or dangerous under the survey, an application will be made at a special term of the Supreme Court not less than five (5) days thereafter for an order determining the building to be a public nuisance and directing that it be repaired and secured or taken down and removed. A signed copy of the report of the survey shall be posted on the building, and the surveyors shall be compensated by the village.

**§ 109-6. Assessment of costs incurred by village.**

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 said building or structure or securing the same, shall be assessed against the land on which the building or structure is located.

**§ 109-7. Costs to become tax lien.**

If the person so served as above shall fail to pay all costs and expenses incurred by the village in connection with the proceeding to remove or secure, including the costs of actually removing the building, within ten (10) days after being notified of the same, the Village Clerk shall file, immediately preceding the time for making the annual assessment roll, a certificate of such actual cost and expenses with a statement as to the property upon which such costs and expenses were incurred and 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.

**§ 109-8. Penalties for offenses.** EN(1)

Any person found guilty of a violation of this chapter shall be punishable as provided in Chapter 1, General Provisions, Article II, General Penalty.

## **Endnotes**

### **1 (Popup - Popup)**

Editor's Note: Added at time of adoption of Code; see Ch. 1, General Provisions, Art. I.