

§ 59-1. Title.

This chapter shall be known and may be cited as the "Unsafe Buildings Law of the Village of Sodus, New York."

§ 59-2. General Intent.

Unsafe buildings pose a threat to life and property in the Village of Sodus. Buildings and structures may become unsafe by reason of damage by fire, 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 creating a health menace to the community. It is the purpose of this chapter to provide for the safety, health, protections and general welfare of persons and property in the Village of Sodus by requiring that such unsafe buildings be repaired or demolished and removed.

§ 59-3. Definitions and word usage.

Except where specifically defined herein, all words used in this chapter shall carry their customary meanings. Words used in the present tense shall include the future. Words used in the singular number shall include the plural, and words used in the plural number include the singular, unless the context indicates the contrary. The word "shall" is always mandatory. The word "may" is permissive. "Building" or "structure" includes any part thereof. The word "lot" includes the word "plot" or "parcel." The word "person" includes an individual person, a firm, a corporation, a copartnership and any other agency of voluntary action. The phrase "used for" includes "arranged for" and "occupied for," "maintained for," "intended for" and "designed for."

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

CODE ENFORCEMENT OFFICER – The supervising Code Enforcement Officer of the Village of Sodus, his/her designees or such other person appointed by the Village Board to enforce the provisions of this chapter.

UNSAFE BUILDING – All buildings or structures which have any or all of the following defects shall be deemed "unsafe buildings":

- A. Those whose interior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity falls outside the middle third of its base.
- B. Those which, exclusive of the foundation, show 33% or more of damage or deterioration of the supporting member or members of 50% of damage or deterioration of the non-supporting enclosing or outside walls or covering.
- C. Those which have improperly distributed loads upon the floors or roofs or in which the same is overloaded or which have insufficient strength to be reasonably safe for the purpose used.
- D. Those which have been damage by fire, wind or other causes so as to have become dangerous to life, safety, morals or the general health and welfare of

the occupants or the people of the Village of Sodus.

- E. Those which have become or are so dilapidated, decayed, unsafe, or unsanitary or which so utterly fail to provide the amenities essential to decent living that they are unfit for human habitation or are likely to cause sickness or disease, so as to work injury to the health, morals, safety or general welfare to those living therein.
- F. Those having light, air and sanitation facilities which are inadequate to protect the health, morals, safety or general welfare of humans who live or may live therein.
- G. Those having inadequate facilities for egress in case of fire or panic or those having insufficient stairways, elevators, fire escapes or other means of escape.
- H. Those which have parts thereof which are so attached that they may fall and injure members of the public or property thereof.
- I. Those which because of their condition are unsafe, unsanitary or dangerous to the health, morals, safety or general welfare of the people of the Village of Sodus.
- J. Those buildings existing in violation of any provision of the Uniform Code, Zoning law of the Village of Sodus, or any other applicable laws, codes, or ordinances.
- K. Any building or structure which remains vacant and unattended continuously for a period of one year or longer without adequate safeguards to prevent unauthorized entry.

VACANT - Any parcel of land in the Village that contains any building or structure that is not lawfully occupied or inhabited by human beings as evidenced by conditions that would lead any reasonable person to believe the structure is not occupied with a lawful tenant, or lawful occupant, or without a certificate of occupancy.

§ 59-4. Applicability.

These sections shall be considered cumulative and not superseding or subject to any other law or provision for same, but rather shall be an additional remedy available to the Village above and beyond any other state, county, or Village provisions for same.

§ 59-5. Investigation and report.

When, in his/her 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 for unwanted, unsafe, or illegal activity the Code Enforcement Officer shall cause or make an inspection thereof and report, in writing, to the Village Board his/her findings and recommendations in regard to its repair or demolition and removal.

§ 59-6. Determination of unsafe condition.

The Village Board shall hereafter consider such report and, by resolution, determine, if in its opinion the repaired or its demolition and removal and further order that a notice be served upon

the persons and in the manner provided herein.

§ 59-7. 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 will commence within 30 days of service of the notice and shall be completed within 60 days thereafter.
- E. A date, time and place for a hearing before the Village Board in relation to such dangerous and 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 Village Board is authorized to prove for its securing or demolition and removal, to assess all expenses thereof against the land on which it is located and to institute a special proceeding to collect the costs of securing or demolition, including legal expenses.

§ 59-8. Hearing.

- A. The Village Board shall conduct a hearing to inquire into the facts and circumstances of the case. Thereafter, the Village Board shall make a determination to affirm, modify or annul the order of the Code Enforcement Officer which required the premises be made safe or removed.
- B. Said determination may also include appropriate orders to be carried out in the event of a default by the owner in the term of said determination. Said orders may include, but shall not be limited to, causing the structure to be removed and assessing the cost and expenses thereof of this proceeding and the removal of the structure against the land on which said structure is located and to institute a special proceeding against the owner to collect said costs pursuant to §78-b of the General Municipal Law.
- C. The owner or his representative shall be given an opportunity to give evidence and cross examine witnesses at said hearing.

§ 59-9. Emergencies.

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 and secured or demolished, the Village Board may, by resolution, authorize the Code Enforcement officer to immediately cause the repair or demolition of such unsafe building. The expenses of such repair or demolition shall be a charge against the land on which it is located.

§ 59-10. Administration, enforcement and penalties.

This chapter shall be administered and enforced by the Code Enforcement Officer. The requirements of this chapter may be enforced as follows;

- A. By taking any and all actions prescribed for correction of violations as set forth under §87.
- B. By taking any and all actions prescribed for correction of violations as set forth under §59.
- C. Penalties for offenses. Any person who fails to comply with any provision of this chapter or fails to comply with any notice, order or directive of the Code Enforcement Officer or his/her representative after expiration of the time for compliance established in accordance with this chapter shall, upon conviction, be punished by a fine of not more than \$1,000 or by imprisonment not to exceed 15 days, or both, for such violation. In the event of any failure to so comply, each and every day that such violation continues shall constitute a separate offense, and the penalties prescribed above shall be applicable to each such separate offense.

§ 59-11. Immunity of Enforcement Officer.

Any Code Enforcement Officer or any person authorized by the Town to enforce the sections here within shall be immune from prosecution, civil or criminal, for reasonable, good faith entry upon real property while in the discharge of duties imposed by this chapter.

§ 59-12. Severability.

If any section, sentence, clause or phrase of this chapter is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this chapter.