

A LOCAL LAW REGARDING UNSAFE PREMISES

adopted 05/25/36

BE IT ENACTED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF WELLSVILLE,
NEW YORK, AS FOLLOWS:

Section 33-1 DEFINITION

PERSON - When used in this ordinance, shall mean and include natural persons, corporations, partnerships, associations, joint stock companies, societies and all other entities capable of being sued.

Section 33-2 NOTICE OF UNSAFE PREMISES

A. Whenever in the opinion of the Director of Public Works any unsafe condition exists which endangers life or property, he shall have authority to order any owner, agent or person in possession, charge or control of such premises, or part thereof, to put the same in safe condition or take down the same or any part thereof within reasonable time as may be determined by the order. Notice that such order has been served upon the owner, shall be given by the Clerk to all tenants occupying the premises. Whenever the Clerk shall be unable to find the owner of such premises or any agent or person in possession, charge or control thereof, upon whom such notice may be served, he shall address, stamp and mail such notice to such person at his last-known address, and in addition thereto, shall place, or cause to be placed, the notice herein provided for upon such premises at or near its principal entrance, and shall so post, or cause to be posted, in a conspicuous place at each entrance to such premises in large letters a notice as follows:

NOTICE:

"A dangerous condition exists on these premises and has been ordered abated by the Village of Wellsville."

B. Such notice shall remain posted until the required changes have been made. It shall be unlawful for any person to remove, deface or destroy such notices without permission of the Director of Public Works.

Section 33.3 WHEN UNLAWFUL TO USE PREMISES

If the owner, agent, or person in possession, charge or control of such premises or part thereof, when so notified, shall fail, neglect or refuse to place such premises or part thereof, in a safe condition and to adopt such precautionary measures as shall have been ordered by the Director of Public Works within the time specified in such notice, in such case, at the expiration of such time, it shall be unlawful for any person to occupy or to use such premises, or part thereof, until it is placed in a safe condition in compliance with the order of the Director of Public Works. In any case, when the premises or part thereof are in dangerous or unsafe condition and have not been placed in a safe condition within the time specified and as required in the notice of the Director of Public Works, such premises, or part thereof, shall be forthwith vacated, and it shall be unlawful for any person to enter the same except for the purpose of making repairs or changes required by the Director of Public Works.

Section 33.4 APPEAL TO THE BOARD OF TRUSTEES

The owner of any premises, agent or person in possession charge or control, who is ordered to put the same in safe condition or take down the same, may, within twenty-four (24) hours after the service of such order, appeal to the Board of Trustees of the Village from such order, setting forth his objections thereto, who shall review such order and file its decision thereon and its determination shall be final.

Section 33.5 REMOVAL OR REPAIR OF BUILDINGS

If, at the expiration of the time specified in such notice or order as finally determined by the Board of Trustees, such order shall not have been complied with, the Director of Public Works is hereby authorized to proceed forthwith to make or cause such repairs to be made as are necessary to put such premises in a safe condition or to tear down or destroy the same or such part thereof as may be provided in the final order. The expense of making such repairs or taking down such premises or part thereof, shall be charged to the owner of such premises. The cost and expense of such labor, performed and materials used in repairing such premises or part thereof or demolishing the same, under and by the direction of the Director of Public Works shall, when properly certified by the Director of Public Works, be audited and paid by the village, in the same manner as other claims

against the village are audited and paid. A bill for the expense incurred thereby shall be presented to the owner personally or by leaving the same at his residence, or if he be a nonresident, by mailing the same to him at his last-known place of residence, or, if the name of such owner or his place or residence cannot be ascertained after due diligence, by posting the same in a conspicuous place on the premises. If such owner shall fail to pay the same within ten (10) days thereafter, the Clerk shall file, immediately preceding the time for making the annual assessment roll, a certificate of the actual cost of the work and materials furnished with a statement as to the property upon which the work was performed and for which the materials were furnished, the repairs made, the buildings or other obstructions removed, as the case may be, with the assessors of the village, who shall, in the preparation of the last 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. The imposition and collection of any fine or penalty prescribed herein shall not bar the right of the village to collect the cost of the removal or repair of any unsafe premises, or part thereof, as herein prescribed.

Section 33.6 EMERGENCY PROVISIONS

In 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 Director of Public Works to proceed at once to take action as is needed to guard the safety of persons and property. In such cases the Director of Public Works shall have full power and authority to provide all necessary means therefor and all expenses therefor shall be paid and collected as provided in Section 33.5

Section 33.7 PENALTY

Any person upon whom a notice as provided in this ordinance has been served, fails, neglects or refuses to place such premises or part thereof, in a safe condition as designated in such notice, or who shall violate any of the provisions of this ordinance or orders given pursuant thereto or who shall resist or obstruct the Director of Public Works or his employees in carrying out the provisions of this ordinance shall, upon conviction therefore, be subject to a fine of not less than fifty (\$50.) or more than five hundred dollars (\$500), or to imprisonment for

not less than one (1) month or more than one (1) year, or both such fine and imprisonment, and each day on which such violation continues shall constitute a separate offense.

Section 33.8 REPEAL OF PRIOR ORDINANCES

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 33.9 EFFECTIVE DATE

This ordinance shall take effect immediately.