

ORDINANCE NUMBER 64

AN ORDINANCE PROVIDING FOR THE VACATION,
REMOVAL, REPAIR, OR DEMOLITION OF ANY
BUILDING OR STRUCTURE WHICH IS OR THREATENS
TO BE A PUBLIC NUISANCE, DANGEROUS TO THE
HEALTH, MORALS, SAFETY OR GENERAL WELFARE
OF THE PEOPLE OF THE VILLAGE OF OTISVILLE,
OR WHICH TEND TO CONSTITUTE A FIRE MENACE;
AND FOR THE ASSESSMENT OF THE COSTS OF
VACATION, REMOVAL, REPAIR OR DEMOLITION
THEREOF AS A MUNICIPAL LIEN OR ASSESSMENT
AGAINST SUCH PREMISES, AND TO PROVIDE PENAL-
TIES FOR THE VIOLATION OF ITS PROVISIONS.

THE VILLAGE OF OTISVILLE ORDAINS:

Section One

Dangerous Buildings Defined: All buildings or struc-
tures which have any or all of the following defects shall be
deemed "dangerous 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 of the middle third of its base.
- B) Those which, exclusive of the foundation, show thirty-three (33%) per cent or more, of damage or deterioration of the supporting member or members, or fifty (50%) per cent of damage or deterioration of the non-supporting enclosing or outside walls or covering.

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- C) Those which have improperly distributed loads upon the floors or roofs or in which the same are over-loaded, or which have insufficient strength to be reasonable safe for the purpose used.
- D) Those which have been damaged 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 Otisville.
- E) Those which have become or are so dilapidated, decayed, unsafe, unsanitary, or which so utterly fail to provide the emnities 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 of those living therein.
- F) Those having light, air and sanitation facilities which are inadequate to protect the health, moral safety or general welfare of human beings 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 communications.
- H) Those which have parts thereof which are so attached that they may fall and injure members of the public or property.
- I) Those which because of their condition are unsafe, unsanitary, or dangerous to the health, morals, safety or general welfare of the people of this Village.
- J) Those buildings existing in violation of any provision of the Building Code of this Village, or any provision of the Fire Prevention Code, or other ordinances of this Village.

Section Two

Any building or other structure, public or private, maintained in violation of the provisions of Section One is hereby declared to be a public nuisance, and a dangerous building.

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Section Three

The Building Inspector or the Village Chief of Police, the Village Health Officer, and the Chief of the Village Fire Department, and their respective deputies, are each authorized and empowered, at all reasonable times, to enter into and upon all premises within the Village of Otisville, for the purpose of examination, and inspection thereof, without liability for trespass.

Section Four

Upon complaint that any of the provisions of this Ordinance are being violated, or upon his own motion without complaint, the Village Building Inspector or the Chief of Police may make an investigation, and if he shall find that any building or other structure is maintained in violation of this Ordinance, he shall make a written determination as to violation, and to what extent the building or other structure so investigated should be repaired, or whether such building or structure should be torn down or completely removed, and immediately file same with the Clerk of said Village, for use by the Council of said Village, and by any other interested persons.

Section Five

Upon making and filing such determination as aforesaid, it shall be the duty of the Village Building Inspector or the Village Chief of Police to:

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- A) Place a notice on all "dangerous buildings" reading as follows: "This building has been found to be a dangerous building by the Village Building Inspector or the Village Chief of Police. This notice is to remain on this building until it is repaired, vacated, or demolished in accordance with the notice which has been given the owner, occupant, lessee, mortgagee, or agent of this building, and all other persons having an interest in said building as shown by the land records of the Register of Deeds of the County of Genesee. It is unlawful to remove this notice until such notice is complied with."
- B) The Village Building Inspector or the Village Chief of Police shall also notify in writing the owner, occupant, lessee, mortgagee, agent and all other persons having an interest in said building as shown by the land records of the Register of Deeds of the County of Genesee, of any buildings found by him to be a "dangerous building" within the standards set forth in Section One of this Ordinance, that: (1) the owner must vacate or repair, or demolish said buildings in accordance with the terms of the notice and this Ordinance; (2) the occupant or lessee must vacate said building or may have it repaired in accordance with the notice and remain in possession; (3) the mortgagee, agent or other persons having an interest in said building as shown by the land records of the Register of Deeds of the County of Genesee may at his own risk repair, vacate or demolish said building or have such work or act done.
- C) The Village Building Inspector or the Village Chief of Police shall also specify a time as soon as practicable thereafter when, and a place where, such person or persons may appear before the Council of said Village, and be heard by them respecting the condition of such building or structure. Such notice must be served at least four days before the date of hearing therein mentioned, by any person of suitable age and discrimination, by delivering same personally to such owner, or by registered mail, return receipt requested, directed to such person or persons at his or their last known address. The person making such service shall make proof of such service, under oath, and file

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the same with the Clerk of the Village immediately after making such service. If such owner or other persons cannot be found, or are absent from the Village, such notice may be served upon any tenant or occupant of such building or other structure, or any person found in charge thereof, with the same effect as if served upon the owner himself.

Section Six

- At the time and place specified for such hearing the Village Council shall consider such determination of the Village Building Inspector or the Village Chief of Police, together with all pertinent evidence introduced by either the Village Building Inspector or the Chief of Police or the owner of such building or structure. Any person holding a mortgage or other lien upon such building or structure, or having any interest therein shall have the right to be heard in such proceedings. The Council may affirm, reverse or modify the determination of the Village Building Inspector or the Chief of Police, and shall, by resolution, enter an order on the records accordingly. The determination of the Village Building Inspector or the Chief of Police, as affirmed or modified by the Council shall be final, and conclusive insofar as it involves findings of fact, or exercise of discretion.

Section Seven

If the order of the Council is to repair, tear down or remove, the owner, occupant, lessee, mortgagee or agent of such building or structure shall be given not less than fifteen (15) days from the entry of such order by the Council to signify in

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writing his or their intention to comply therewith, and to begin the necessary work. When the work or repairing, tearing down or removing, as the case may be, is begun, it shall be the duty of the said person or persons to carry same forward with reasonable diligence. Failure of the said person or persons to signify in writing his intention to comply with the terms of the order of the Council in a violation of this Ordinance.

Section Eight

If the Owner, occupant, lessee, mortgagee or agent of such building or structure shall fail to comply with the Order of the Council within the time hereinbefore limited, or, having begun the work of repairing, tearing down or removing, such building or structure in compliance with such order, shall fail to prosecute such work with reasonable diligence, the Village Building Inspector or the Chief of Police is hereby authorized to cause the proper Village officials to proceed forthwith to make such repairs or to tear down or remove such buildings or structures, as the case may be, on behalf of the Village of Otisville.

Section Nine

Any expense which may be incurred by the Village in repairing, tearing down or removing any building or structure under the authority of Section Eight hereof, shall be a debt due from the owner of such building or structure to the Village of Otisville, and may be recovered by charging the costs against

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the land on which the building existed as a municipal lien, or cause such costs to be added to the tax duplicate as an assessment or to be levied as a special tax against the land upon which the building stands or did stand, or to be recovered in an action of assumpsit against the owner.

Section Ten

Any person, firm or corporation which violates or fails to comply with any of the provisions of this Ordinance, or any order made under the authority thereof, shall be guilty of a misdemeanor and shall, upon conviction, be punished by a fine of not to exceed One Hundred (\$100.00) Dollars for each offense, and a further sum of Ten (\$10.00) Dollars for each and every day, such failure to comply continues beyond the date fixed compliance, or by imprisonment in the County Jail for a period of not to exceed ninety (90) days, or by both such fine and imprisonment in the discretion of the Court.

Section Eleven

This Ordinance may be cited and referred to as "The Unsafe Building and Structure Ordinance." It shall not be construed in any way to effect or delete the provisions of any sections of Ordinances Number 49 and 51 as previously adopted by the Village of Otisville, but shall be construed in addition thereto, wherever necessary or applicable.

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Section Twelve

This Ordinance shall take effect and be in force twenty (20) days after the date of its adoption and approval.

DATED: August 3, A.D., 1964

Ordinance Declared Adopted.

APPROVED, ADOPTED and ORDERED published in three public places in the Village of Otisville on this 3RD day of August, A.D., 1964.

Loren J. ...
Village President

Ernest L. Griswold
Village Clerk

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