

## Chapter 77

### BUILDINGS, UNSAFE

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[HISTORY: Adopted by the Board of Trustees of the Village of Caledonia 6-23-1992 as L.L. No. 1-1992 (Ch. 45 of the 1981 Code). Amendments noted where applicable.]

#### GENERAL REFERENCES

Electrical standards — See Ch. 95.

Fire prevention and building construction — See Ch. 113.

#### § 77-1. Findings; intent.

It is the finding of the Board of Trustees of the village that the existence of abandoned and unattended buildings within the village which may or may not be structurally sound constitute a danger and a threat to the safety, health, comfort and general welfare of this village. It is thus the intent of this chapter to provide for the protection of property, the preservation of peace and good order, the suppression of vice, the benefit of trade and the preservation and protection of public works as provided by § 4-412 of the Village Law.

#### § 77-2. Definitions.

The following words and phrases as used in this chapter shall have the meanings hereinafter ascribed to them:

**BOARD OF TRUSTEES** — The duly elected and constituted Board of Trustees of the village.

**BUILDING** — A house, commercial building, industrial building, barn, shed, fence or other man-made structure (the definition of which shall not be limited by the absence of enumeration) or part of the same, except buildings which are actually inhabited for residential use or used in connection with or associated with residential use.

**CODE ENFORCEMENT OFFICER** — The duly appointed Code Enforcement Officer of the village, who shall have and shall be charged with the responsibility of the carrying out of the obligations and duties set forth in this chapter.<sup>1</sup>

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<sup>1</sup> Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

DANGEROUS BUILDING:

- A. Any building which is dangerous to the public health, safety and general welfare because of its condition and which may cause or aid in the spread of disease or injury to the health, safety or general welfare of the occupants of it or of neighboring buildings;
- B. Any building which, because of lack of proper repair, construction or supervision, constitutes or creates a fire hazard; or
- C. Any building which, because of its condition or because of a lack of proper windows or doors, is available to and frequented by malefactors or disorderly persons.

VILLAGE — The Incorporated Village of Caledonia.

**§ 77-3. Continuation of violation. [Amended 11-17-1992 by L.L. No. 4-1992]**

Any owner, occupant or person in custody of real property located within the village who allows or permits a building to continue as a dangerous building after due notice as provided in § 77-4 below shall be guilty of a violation of this chapter and shall be punished as provided in § 77-6 below.

**§ 77-4. Notice.**

Whenever the Board of Trustees shall have reasonable cause to believe that any building in the village is a dangerous building, a statement setting forth such facts shall be filed by the Mayor with the Village Clerk. The Clerk shall thereupon cause written notice to be served upon the owner thereof and upon the occupant thereof, if any, by registered mail or by personal service. Such notice shall state that the building has been declared a dangerous building and that necessary repairs or improvements must be begun within fifteen (15) days after service of such notice or such person or persons will be charged with a violation of this chapter. Such notice shall be in substantially the following form:

To: \_\_\_\_\_

From: The Board of Trustees, Village of Caledonia

You are hereby notified that the Board of Trustees of the Village of Caledonia has determined that the building owned by you and located at \_\_\_\_\_ has been declared a dangerous building as provided for (herein insert particulars) after inspection by \_\_\_\_\_. In accordance with the provisions of such local law, you are hereby directed to begin all necessary repairs or improvements within fifteen (15) days after service of this notice. Failure to so comply will result in a violation of Local Law No. 1 of 1992 which provides for a penalty, upon conviction, for a fine not to exceed two hundred fifty dollars (\$250.) for each week of such violation.

**§ 77-5. Trespassing prohibited. [Amended 11-17-1992 by L.L. No. 4-1992]**

In addition to serving a notice on the owner as provided in § 77-4 above, the Board of Trustees may, if it determines that the purposes of this chapter will be further effectuated, order that no person other than the owner or his agent shall enter upon the property and shall post on such property signs indicating no trespassing. When such a determination is made, notice of such fact shall be included in the notice to the owner referred to in § 77-4 above. Anyone found trespassing in violation of this section shall be liable for a fine not to exceed fifty dollars (\$50.) for each offense.

**§ 77-6. Penalties for offenses. [Amended 11-17-1992 by L.L. No. 4-1992]**

Except as provided in § 77-5 above, any person found guilty of violating the provisions of this chapter shall be liable for a fine not to exceed two hundred fifty dollars (\$250.) for each violation. Each week that such violation shall continue shall constitute a separate violation.

**§ 77-7. Alternate procedure for repair or removal.**

A.<sup>2</sup> No person, firm, corporation or association that is the owner of a building in the Village of Caledonia shall cause, suffer, allow or permit a building to become dangerous or unsafe to the public. It shall be the duty and responsibility of the owner of any such building to take all steps necessary to prevent a building from becoming dangerous or unsafe to the public from any cause whatsoever. If such building does become dangerous, the owner shall repair or remove said building. In the event of the failure of the owner to repair or remove said building, the Code Enforcement Officer of the village shall make a complete inspection and report the condition of said building to the Board of Trustees. Notice shall thereafter be served on the owner or some one (1) of the owners, executors, legal representatives, agents, lessees or any other person having a vested or contingent interest in said building. Said notice shall contain a description of the premises, a statement of the particulars in which the building or structure is unsafe or dangerous and an order requiring said building or structure to be made safe and secure or removed. Said notice shall also provide for the time within which the person served with said notice shall commence and complete the securing or removal of the building or structure. Such notice shall be in substantially the following form:

You are hereby notified that the Board of Trustees of the Village of Caledonia has determined that the building owned by you and located at \_\_\_\_\_ has been declared a dangerous building as provided for and defined in Local Law No. 1 of 1992 in that (herein insert the particulars) after inspection by the Code Enforcement Officer of the Village of Caledonia. In accordance with the provisions of such local law, you are hereby directed to begin all necessary repairs or improvements within fifteen (15) days after service of this notice and to complete the repairs so that the building is no longer a dangerous building, or in the alternative, you shall remove the building or structure, said repair or removal to be completed within thirty (30) days after the receipt of this notice by you. In the event of your neglect or refusal to comply with the terms of this notice and the

<sup>2</sup> Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

provisions of the local law, a survey of the premises shall be made by an inspector or architect who will be named by the Board of Trustees, together with a particular builder, engineer or architect appointed by you. In the event of your refusal or neglect to appoint a builder, engineer or architect, then the Board of Trustees shall appoint two (2) surveyors who shall make a survey of the premises and report to the Board of Trustees. In the event that the building or other structure is reported dangerous or unsafe, an application shall be made at a special term of the Supreme Court, Livingston County, for an order determining the building or other structure to be a public nuisance and directing that it shall be repaired or secured or taken down and removed. Other provisions of the local law require the cost of these proceedings to be paid for by you.

- B. In the event of the neglect or refusal of the person so served with said notice to comply with the same, a survey of the premises shall be made by an inspector or architect 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. In the event of the refusal or neglect of the person so notified to appoint such surveyor, two (2) surveyors shall be appointed by the Board of Trustees, and the two (2) surveyors shall make the survey and report. The notice shall further provide that in the event the building or other structure is reported dangerous or unsafe under such survey, an application shall be made at a special term of the Supreme Court, Livingston County, for an order determining the building or other structure to be a public nuisance and directing that it shall be repaired and secured or taken down and removed. Surveyors appointed by the Board of Trustees shall be compensated by the village.

**§ 77-8. Posting of survey report.**

A signed copy of the report of the surveyors shall be posted on the building.

**§ 77-9. 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 said building or structure or securing the same, shall be assessed against land on which the building or structure is located.

**§ 77-10. 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 (10) 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 and the buildings or other obstructions removed, as the case may be, with the assessing authority for 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, upon the same penalties and having the same lien upon the property assessed as the general village tax and as a part thereof.

**§ 77-11. Emergency provisions.<sup>3</sup>**

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

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<sup>3</sup> Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.