

## Chapter 114

### BUILDINGS, UNSAFE

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[HISTORY: Adopted by the Board of Trustees of the Village of St. Johnsville 6-27-1967. Amendments noted where applicable.]

#### GENERAL REFERENCES

Building construction and fire prevention — See Ch. 110.

Property maintenance — See Ch. 188.

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#### § 114-1. Title.

The title of this chapter shall be “Unsafe Buildings and Collapsed Structures Ordinance.”

#### § 114-2. Inspections. <sup>1</sup>

The Board of Trustees of this Village shall appoint a Code Enforcement Officer, whose duties it shall be to carry out the obligations of this chapter in respect to inspections and reports of unsafe and collapsed structures in business, industrial and residential sections of the said Village. At least once each calendar year said Code Enforcement Officer shall examine all buildings in said Village to determine whether any such building shall be subject to the terms of this chapter and in addition to such regular annual examination, such Code Enforcement Officer shall inspect, examine and report in respect to any building as to which his attention is directed by the Board of Trustees or other duly constituted officer of the said Village.

#### § 114-3. Duty to repair or remove dangerous building. <sup>2</sup>

In the event that any building in the business, industrial or residential section of said Village, from any cause, may now be or shall hereafter become dangerous to the public, it shall be the duty of the owner thereof to repair or remove the same. In the event of the failure of the owner of such building to repair or remove the same, then it shall be the duty of the said Code Enforcement Officer to make a complete inspection of said building and report the

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1. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

2. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

condition of same to the Board of Trustees of said Village. Upon receipt of such report, the Board of Trustees of said Village shall cause a notice to be served on the owner of said building or some one of the owner's executors, legal representatives, agents, lessees or any other person having a vested or contingent interest in the same, either personally or by registered mail, addressed to the last known address, if any, of the owner or some of the owner's executors, legal representatives, agents, lessees or other person having a vested or contingent interest in the same, as shown by the records of the Receiver of Taxes and/or in the office of the County Clerk or County Register, which 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 by the said Board of Trustees requiring the same to be made safe and secure or removed. If service of such notice shall be made by registered mail, then a copy of such notice shall also be posted on the said premises.

**§ 114-4. Time period for repair or removal.**

The said Board of Trustees shall provide, and such notice shall contain and set forth, a time within which the person so served shall commence and complete the securing or removal of such building or structure, which said time shall be at least 10 days from the date of personal service of such notice, or at least 15 days from the date of mailing such notice by registered mail and posting a copy thereof on the premises as aforesaid.

**§ 114-5. Declaration of public nuisance.**

Such notice shall also state that in the event said building or other structure shall be reported unsafe or dangerous pursuant to the survey hereinafter mentioned, that an application will be made at a Special Term of the Supreme Court in the Judicial District in which the Village of St. Johnsville, New York, is located, not less than five nor more than 10 days after such report, 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.

**§ 114-6. Neglect or refusal to comply.**

In the event of the neglect or refusal of the person so served with such notice to comply with the same, the Board of Trustees of said Village shall cause a survey to be made of the premises by an official of the Village and a practical builder, engineer or architect to be named by the said Board of Trustees, and a practical builder, engineer or architect appointed by the person notified as above; and in the event of refusal or neglect of the person so notified to appoint such surveyor, the two surveyors named by the said Board of Trustees shall make the survey and report.

**§ 114-7. Written report of survey.**

It shall be the duty of such surveyors to report, in writing, to the Board of Trustees of said Village within five days of the completion of such survey; and such written report shall be filed with any one of the following officers, to wit: the Village Clerk, the Mayor, or any Trustee of the Board of Trustees of said Village. Such report shall be signed by said

surveyors. No later than five days after filing such report as aforesaid, the said Village shall cause a signed copy thereof to be posted on the premises so surveyed.

**§ 114-8. Compensation of surveyors.**

It shall be an obligation of the Village of St. Johnsville, New York, to pay just and reasonable compensation for such survey and report to the said surveyors, and all of them.

**§ 114-9. Costs to be lien.**

All costs and expenses incurred by the Village of St. Johnsville, New York, in connection with any of the proceedings above mentioned, including inspection, survey, report, and court proceedings for removal of such building or structure, including the cost of actually removing such building or structure, shall be assessed against the land on which said buildings or structures are located, and shall be collectible as any other tax or assessment thereon, including an action at law or tax sale and foreclosure.

**§ 114-10. Emergency powers.**

Nothing in this chapter shall be construed to in any way limit, prohibit or prevent the exercise of any emergency power now possessed or hereafter to be possessed under law by the Mayor or other official of said Village for the prompt removal of nuisances and hazards in case of emergency.

**§ 114-11. Penalties for offenses.** <sup>3</sup>

In addition to the provisions of § 114-9 hereof, any person who shall fail to obey the order of the Code Enforcement Officer as hereinabove provided shall be punishable, upon conviction, by a fine not exceeding \$250 or a term of imprisonment not exceeding 15 days, or both, for each violation. Each day that such violation is permitted to exist shall continue shall constitute a separate violation.

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

