



Date:

RESOLUTION NO. __1__

LOCAL LAW NUMBER 1 OF 2023

Village of Bemus Point

Section 1. Legislative Intent.

It is the intent of this local law to allow the Village of Bemus Point to regulate unsafe buildings and structures.

Section 2. Authority.

This local law is adopted pursuant to Section 10 of the New York State Municipal Home Rule Law.

Section 3. Purpose.

Unsafe buildings and collapsed structures pose a threat to life, health and property in the Village of Bemus Point. Buildings and structures may become unsafe by reason of damage by fire or other casualty damage, the elements, age or general deterioration. Vacant buildings not properly secured at doorways and windows are nuisances and serve as a congregation area for vagrants, the homeless, mentally incompetent and children, who may be injured therein. A dilapidated building or collapsed structure may also serve as a place of rodent infestation and thereby create a health menace to the community. Debris, rubble or parts of buildings left on the ground or in disrepair and not removed constitute a dangerous, unhealthy and unsightly condition. It is the purpose of this chapter to provide for the safety, health, protection and general welfare of people and property in the Village of Bemus Point by requiring such unsafe buildings to be repaired or demolished and removed.

Section 4 . Effect on other code provisions

The provisions of this chapter shall be in addition to and in furtherance of, the New York State Uniform Fire Prevention and Building Code, including but not limited to Sections 107 and 108 of the Property Maintenance Code of New York State.

Section 5. Definitions

As used in this article, the following terms shall have the meanings indicated.

BUILDING: Any building, structure or portion thereof used for residential, business, industrial, recreational or any other purpose.

CODE ENFORCEMENT OFFICER: The Code Enforcement Officer of the Village of Bemus Point or such other person appointed by the Village Board to enforce the provisions of this chapter.

PORTOIN OF BUILDING OR STRUCTURE: Any debris, rubble or parts of buildings which remain on the ground or on the premises after demolition, reconstruction, fire or other casualty.

UNSAFE BUILDING OR STRUCTURE: Any building or structure or portion thereof which, because of its structural condition, is or may become dangerous or unsafe to the public and may include, without limitation, any or all of the following:

- A. Units open at the doorways or accessible by and a source of attraction to minors under 18 years of age, as well as to vagrants and other trespassers;
- B. Units which may become a place of rodent infestation or infestation by other insects or pests;
- C. Units consisting of debris, rubble or parts of buildings left on the ground after demolition, reconstruction, fire or other casualty; and/or
- D. Units presenting any other danger to the health, safety, morals and general welfare of the public.

Section 6. Maintenance of Buildings and Structures.

It shall be unlawful for any owner, tenant or occupant of any building or structure or portion of any building or structure in the Village of Bemus Point to maintain an unsafe building or structure as defined herein.

Section 7. Order of Village Board to repair or demolish; hearing; expense assessment; time limits

The Village Board shall thereupon consider said report, and if it finds that such building or structure is dangerous and unsafe to the public, it shall, by resolution, order its repair if the same can be safely repaired and, if not, its removal and demolition, and shall further order that a hearing be held before the Village Board at a time and place therein specified and on at least five days' notice to the owner of the building or structure or persons having an interest therein to determine whether said order to repair or remove shall be affirmed or modified or vacated and, in the event of modification or affirmance, to assess all costs and expenses incurred by the Village in the repair or removal of such building or structure against the land on which said building or structure is located. The order shall also provide that the repair or removal of the building or structure shall be commenced within 30 days after receipt of the notice and shall be completed within 60 days thereafter.

Section 8: Contents of Notice

interested parties are heard and until the hearing is completed. At the conclusion of the hearing, the Village Board shall determine by resolution to: a) revoke the order to repair

or remove; b) modify the order; or c) continue and affirm said order and direct the owner or other persons to complete the work within the time specified in the order or by such other time as shall be determined by the Village Board.

Section 11. Failure to Comply

If the owner or person so notified fails or neglects to comply with the order of the Village Board within the time specified in the order made following the public hearing, the Village Board may provide by resolution that such buildings or structure be made safe and secure or removed and demolished by Village employees, by independent contractors, or by other lawful means available to the Village.

Section 12. Assessment of Expenses

All expenses incurred by the Village in connection with the proceedings to repair and secure or demolish and remove the unsafe building or structure, including the cost of actually, removing such building, shall be assessed against the land on which the building or structure is located and shall be levied and collected in the same manner as provided in the Village Law of New York for the levy of an ad valorem levy.

Section 13. Emergency Cases.

Where it reasonably appears that a building or structure presents a clear and imminent danger to the life, safety or health of any person or property unless such building or structure is immediately repaired and secured or demolished by its owner or occupant, the Village Board may by resolution authorize the Code Enforcement Officer to immediately cause the repair or demolition of such unsafe building or structure. The expenses of such repair or demolition shall be a charge against the land on which it is located and shall be assessed, levied and collected as provided in Section 12 hereof.

Approval Date: March 21st 2023

Jeffrey E. Mohr

Signature

Mayor of Bemus Point