

CHAPTER 18

BUILDINGS OR STRUCTURES, UNSAFE

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[HISTORY: Adopted by the Common Council for the City of Dunkirk 7-5-1966 as Chapter XXXV of the Ordinances of the City of Dunkirk. Amendments noted where applicable.]

GENERAL REFERENCES

- Billboards and advertising structures - See Ch. 11.
- Building construction - See Ch. 15.
- Fire prevention - See Ch. 32.
- Housing standards - See Ch. 41.
- Removal of plant growth - See Ch. 53.

§ 18-1. Procedure for repair or removal.

- A. The Common Council of the City of Dunkirk may after compliance with the procedural steps hereinafter set forth, order the repair or removal of any building or structure or any parts thereof, which become or are abandoned, dilapidated, deteriorated, decayed or unattractive from any cause so as to endanger the health, safety or welfare of the public.
- B. Prior to the issuance of any order to remove or repair any building or structure in the City of Dunkirk, the Common Council shall:
 - (1) Direct the Building Inspector of the City to inspect the building or structure alleged to be a danger to the health, safety or welfare of the public, and to report the result of his inspection to the Common Council.
 - (2) In the event the Building Inspector shall report that, in his opinion, the building or structure under consideration is a danger to the health, safety or welfare of the public and should be repaired or removed, the Common Council may

direct the Building Inspector to serve a notice to repair or remove upon the owner and all other persons having an interest in such property or structure, either personally or by registered mail, addressed to his/their last known address as it appears on the current tax assessment roll of the City of Dunkirk. If service of said notice be by registered mail, a copy of the notice shall be posted upon the premises on or before the date of mailing.

- (3) Said notice to repair or remove shall contain a description of the premises. A statement of the particulars in which the building or structure is unsafe or dangerous, a statement that repair or removal of the building or structure shall commence within thirty (30) days of service of the notice, a provision for a hearing before the Building Inspector at his office in the City of Dunkirk, New York, at a time established by him, not less than three (3) nor more than ten (10) days from the services of the notice.
- (4) Said hearing shall be held for the purpose of determining whether a reasonable basis exists for the owner or interested parties to be relieved of an order to repair or remove the building or structure under consideration. The Building Inspector shall thereafter report his determination, together with his recommendation, to the Common Council, within five (5) days of said hearing.

§ 18-2. Filing of notice to repair or remove; elect; vacation.

The Building Inspector shall cause to be filed forthwith a copy of the notice to repair or remove in the office of the Clerk of Chautauqua County. Said notice shall be filed with the Clerk in the same manner as a notice of pendency, pursuant to Article 65 of the Civil Practice Law and Rules of New York State, and shall have the same effect as a notice of pendency as therein provided, except as otherwise hereinafter provided in this paragraph. A notice so filed shall be effective for a period of one (1) year from the date of filing; provided, however, that it may be vacated upon the order of a judge or justice of a court of record or upon the consent of the City Attorney. The Clerk shall mark such notice and any record or docket thereof as canceled of record upon the presentation and filing of such consent or a certified copy of such order.

§ 18-3. Repair or removal by City; lien for costs.

In the event the owner shall fail to comply with the notice to repair or remove within the time therein provided or any extension thereof, the Common Council may order the repair or removal of such building or structure by the City.

All costs and expenses incurred by the City in connection with the proceedings to repair or remove such building or structure, including the cost of actually repairing or removing the same, shall be assessed against the land and remain in lien thereon until discharged.

§ 18-4. Inconsistent ordinances repealed.

All ordinances previously enacted which are inconsistent herewith are hereby repealed.

§ 18-5. Effective date.

This chapter shall take effect July 10, 1966