

Chapter 111: BUILDINGS, UNSAFE

[HISTORY: Adopted by the City Council of the City of Geneva 7-2-1996 by Ord. No. 96-4. Amendments noted where applicable.]

GENERAL REFERENCES

Building construction — See Ch. 105.

Abandoned excavation and construction — See Ch. 151.

Housing standards — See Ch. 202.

§ 111-1. Purpose.

The purpose of this chapter is to provide for the removal or repair of buildings in the City of Geneva that from any cause may now be or shall hereinafter become dangerous or unsafe to the public.

§ 111-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

BUILDINGS — A structure wholly or partly enclosed within exterior walls, or within exterior or party walls, and a roof, affording shelter to persons, animals or property.

DANGEROUS OR UNSAFE BUILDING — A building or structure which is structurally unsound, unsanitary, or not provided with adequate ingress or egress, or which constitutes a fire hazard, or which has become unsafe by reason of damage by fire, the elements, age or general deterioration, or which, in relation to an existing use, constitutes a hazard to the public health, safety or welfare by reason of inadequate maintenance, dilapidation, obsolescence or abandonment, or which is otherwise dangerous to human life.

STRUCTURE — An assembly of materials forming a construction, framed of component structural parts for occupancy or use, including buildings.

§ 111-3. Inspection and report; notice to owner.

A. Any complaint of a dangerous or unsafe building or collapsed structure shall be investigated, inspected and reported upon by the City of Geneva Code Enforcement Office.

B. Upon the determination of the Code Enforcement Office that the building or structure is unsafe or in danger of collapse, notice of the same shall be served upon the owner of said building or structure or on the owner's executor, legal representatives, agents, lessees or any other person having a vested or contingent interest in the same, either personally or by certified mail, addressed to the last known address, if any, of the owner, or on the owner's executors, legal representatives, agents, lessees or other persons having a vested or contingent interest in the

same, as shown by the records of the Receiver of Taxes So in original. Should read "City Comptroller." and/or in the office of the County Clerk or County Registrar, containing a statement of the particulars in which the building or structure is dangerous or unsafe and an order, as further described below, requiring the same to be made safe and secure or removed. If said service shall be made by certified mail, a copy of such notice shall be posted on the premises.

§ 111-4. Repair or removal.

A. The owner or the owner's executors, legal representatives, agent, lessees or any other person having a vested or contingent interest in said property shall submit a satisfactory plan for the repair or removal of the building or structure within 90 days after the service of the notice and complete the work within the time frames set forth below. Said plan shall include drawings and specifications sufficiently complete that a building permit could be issued therefor, the qualifications and/or work experience of the individuals who will do the work, an itemized estimate of both the time required and the funds required to accomplish the work, and evidence of financial capability to pay for the work. As the building or structure rather than the property owner is what is to be cited as being in violation, the transfer of property from one owner to another shall in no way affect these time limits. The Code Enforcement Office shall make the determination as to the adequacy of the plan in accordance with the applicable provisions of the City of Geneva Municipal Code and the New York State Uniform Fire Prevention and Building Code, and issue either a building permit or a demolition permit upon approval. [Amended 7-15-1997 by Ord. No. 97-6]

(1) Time frames for completion of the work shall be as follows:

(a) For residential buildings of one or two dwelling units and all other buildings under 4,000 square feet in area, work shall be completed within six months after the service of the notice.

(b) For residential buildings of three to five dwelling units and all other buildings between 4,000 and 7,500 square feet in area, work shall be completed within nine months after the service of the notice.

(c) For residential buildings of six or more dwelling units and all other buildings over 7,500 square feet in area, work shall be completed within 12 months after the service of the notice.

(d) If the plan submitted is for the demolition and removal of the building, work shall be completed within six months after service of the notice.

(2) None of the above shall preclude compliance with all applicable zoning regulations and/or the New York State Uniform Fire Prevention and Building Code.

B. If the owner fails to submit a plan for the repair or removal of said building or

structure within the time prescribed in Subsection A, or if the owner fails to complete the repair or removal of said building or structure within the time prescribed in Subsection A, the Code Enforcement Office shall file a copy of the notice served upon the owner or his representative in the office of the County Clerk of Ontario County, which notice shall be filed by such Clerk in the same manner as a notice of pendency pursuant to Article 65 of the Civil Practice Law and Rules, and shall have the same effect as a notice of pendency as therein provided, except as otherwise hereinafter provided in this subsection. The notice so filed shall be effective for a period of one year from the date of filing; provided, however, that it may be vacated upon the order of a Judge of a court of record or upon the consent of the City Attorney. The Clerk of Ontario County shall mark such notice and any record or docket thereof as canceled or record upon the presentation and filing of such consent or of a certified copy of the order.

§ 111-5. Failure of owner to submit plan or to complete work; hearing; costs.

A. In the event that the owner or his representative shall not submit a plan or complete the work within the time provided in § 111-4A, the City Council shall call a public hearing, and shall give notice of the time and place thereof, said public hearing to be held not less than two weeks nor more than four weeks from the date of service of said notice. The purpose of said public hearing shall be to require repair or demolition of said building or structure. Said notice shall be served upon the owner and such persons having an interest in the property or structure as determined by the Code Enforcement Office. Service of said notice shall be as is provided in § 111-3 of this chapter. [Amended 7-15-1997 by Ord. No. 97-6]

B. After said public hearing, the City Council may order repair or removal of the building or structure by the city in the event that the owner fails or refuses to repair or remove the same within a time period provided by the City Council. [Amended 7-15-1997 by Ord. No. 97-6]

C. The City Council shall assess all costs and expenses incurred by the city in connection with the proceedings, including legal fees, to remove or secure the building or structure; which shall include the cost of actually repairing or removing said building or structure; and said assessment shall be a lien against the land upon which the building or structure is located and shall be added on the next tax roll to be filed.

D. Requests for additional time to complete work. [Added 7-15-1997 by Ord. No. 97-6]

(1) In the event that the owner or his representative requires additional time beyond that specified in § 111-4A to complete the work, he or she shall make a written request to City Council to hold a public hearing as described above to determine whether such an extension shall be granted. Said request shall specify:

- (a) The full name(s) and address(es) of the owner(s).
- (b) The address of the property cited.
- (c) The specific amount of time required to complete the work.

- (d) The reason(s) why such a request is made.
- (e) A detailed week-by-week work plan describing what work will be done in the time requested.

(2) City Council shall consider such a request, and if it determines that compelling reasons for the extension have been given and the amount of time requested is reasonable, grant such a request, with such conditions as are deemed appropriate.

(3) If an extension is granted as described above, but the work is still not complete by the end of said extension, and substantial progress toward completion of the work is made, the Code Enforcement Office shall administratively grant an additional extension of no more than 60 days, on the following conditions:

(a) "Substantial progress" shall be defined as the completion of no less than 75% of the work to be done.

(b) The owner shall agree to waive any rights to a further hearing before City Council.

(c) The owner shall agree to an administrative penalty to be assessed by an administrative panel consisting of the City Manager, the City Attorney and the Zoning and Building Coordinator, in the event that work is not completed within the 60 days, said penalty not to exceed \$250 for each day that the work remains incomplete.

§ 111-6. Penalties for offenses.

Any person who shall violate the provisions of this chapter, removes notices without authorization or interferes with city officials in the enforcement of this chapter, shall be subject to a fine and/or imprisonment as provided in § 1-17 of the City of Geneva Municipal Code.