

Chapter 91
BUILDINGS, UNSAFE

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[HISTORY: Adopted by the Board of Trustees of the Village of Barker 3-6-1978 by L.L. No. 2-1978; amended in its entirety 1-6-2025 by L.L. No. 2-2025. Subsequent amendments noted where applicable.]

§ 91-1. Findings and purpose.

Unsafe buildings pose a threat to life and property in the Village of Barker. Buildings and structures may become unsafe by reason of damage by fire, the elements, age or general deterioration. Vacant buildings not properly secure at doorways and windows also serve as an attractive nuisance for young children who may be injured therein, as well as a point of congregation by vagrants and transients. A dilapidated building may also serve as a place of rodent infestation, thereby creating a health menace to the community. It is the purpose of this chapter to provide for safety, health protection and general welfare of persons and property in the Village of Barker by requiring that such unsafe buildings be repaired or demolished and removed.

§ 91-2. Title.

This chapter shall be known as the "Unsafe Buildings Law" of the Village of Barker.

§ 91-3. Definitions.

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

BUILDING — Any building, structure or portion thereof used for residential, business industrial or storage, or any vacant building.

BUILDING INSPECTOR — The Building Inspector of the Village of Barker or such other person appointed by the Village Board to enforce the provisions of this chapter.

§ 91-4. Investigation and report.

- A. The Building Inspector may cause or make an inspection of a building when the Building Inspector determines, in his/her own opinion, or receives information that a building:
- (1) Is or may become dangerous or unsafe to the general public;
 - (2) Is open at the doorways and windows, making it accessible to and an object of attraction to minors under 18 years of age, as well as to vagrants and other trespassers;
 - (3) Is or may become a place of rodent infestation;
 - (4) Presents any other danger to the health, safety, morals and general welfare of the public; or
 - (5) Is unfit for the purposes for which it may lawfully be used.
- B. If the Building Inspector determines that further action is warranted, he shall report in writing to the Village Board of the Village of Barker his/her findings and recommendations in regard to its repair or demolition and removal.

§ 91-5. Order to repair or demolish.

The Village Board shall thereafter consider such report and by resolution determine, if in its opinion the report so warrants, that such building is unsafe and dangerous and order its repair if the same can be safely repaired or its demolition and removal, and further order that a notice be served upon the persons and in the manner provided herein.

§ 91-6. Contents of notice.

The notice shall contain the following:

- A. A description of the premises;
- B. A statement of the particulars in which the building is unsafe or dangerous;
- C. An order outlining the manner in which the building is to be made safe and secure, or demolished and removed;
- D. A statement that the securing or removal of such building shall commence within 30 days of the service of the notice and shall be completed within 60 days thereafter, unless, for good cause shown, such time shall be extended;
- E. A date, time and place for a hearing before the Village Board in relation to such dangerous or unsafe building, which hearing shall be scheduled not less than five business days from the date of service of the notice;
- F. A statement that in the event of neglect or refusal to comply with the order to secure or demolish and remove the building, the Village Board is authorized to provide for securing the building or its demolition and removal, to assess all expenses thereof

against the land on which it is located, and to institute a special proceeding to collect the costs of securing or demolition, including legal expenses; and

- G. A statement that maintenance of a building in a dilapidated or unsafe condition constitutes a violation punishable by fine and/or imprisonment.

§ 91-7. Service of notice.

The said notice shall be served by:

- A. Personal service of a copy thereof upon the owner, executor, administrator, agent, lessee, or any person having a vested or contingent interest in such unsafe building as shown by the records of the Village Clerk or of the County Clerk or, if no such person can reasonably be found, by mailing such owner by registered mail a copy of such notice directed to his/her last known address as shown by the above records;
- B. Personal service of a copy of such notice upon any adult person residing in or occupying said premises if such person can be reasonably found; and
- C. Securely affixing a copy of such notice upon the unsafe building.

§ 91-8. Notice to be filed with County Clerk.

A copy of the notice served as provided herein shall be filed in the office of the County Clerk of the County of Niagara.

§ 91-9. Refusal to comply.

In the event of the refusal or neglect of the person so notified to comply with said order of the Village Board or failure to appear at the hearing, after the hearing, the Village Board shall provide for the demolition and removal of such building or structure either by Village employees or by contract.

§ 91-10. 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, including the cost of actually removing such building, and all reasonable and necessary legal expenses incidental thereto, shall:

- A. Be assessed against the land on which such building is located and shall be levied and collected in the same manner as provided in Section 5-518 of the Village Law.
- B. Be collected by commencement of a special proceeding against the owner of said unsafe or dangerous building or structure pursuant to General Municipal Law section 78-b.
- C. Be collected as restitution pursuant to § 91-12.
- D. Be collected as a judgment.

§ 91-11. Emergency cases.

Where it reasonably appears that there is present a clear and imminent danger to life, safety or health of any person or property, unless an unsafe building is immediately repaired and secured or demolished, the Village Board may by resolution authorize the Building Inspector to immediately cause the repair or demolition of such unsafe building. 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 § 91-10 hereof.

§ 91-12. Penalties for offenses.

In addition to the civil remedies provided for herein, any person refusing or neglecting to comply with the order of the Village Board, as set forth in § 91-6, after service of the notice as set forth in §§ 91-7 and 91-8, shall be guilty of a violation and shall, upon conviction thereof, be subject to a fine of not more than \$250 and/or to imprisonment of not more than 15 days, and each week of refusal or neglect to comply shall constitute a separate offense. This section shall not apply to persons who are notified solely because they are tenants or occupants, except that it shall apply to tenants occupying said building pursuant to a lease exceeding one year in duration.

§ 91-13. Authority.

This chapter is adopted pursuant to provisions of General Municipal Law Section 10(1)(i)(ii)(a) and New York State Constitution Article IX § 2(c)(10).

§ 91-14. Effective date.

This chapter shall take effect upon its being duly filed in the office of the Secretary of State of the State of New York.