

SECTION**12.0.0 Buildings or Structures - Unsafe or Not Conforming to Code****12.1.0 Deteriorated Buildings, Structures, or Appurtenances****12.1.1 Special Board of Investigation - Deteriorated Buildings or Structures**

Whenever it shall appear to the Commissioner of Public Works or the Building Commissioner that any building, accessory building, or part thereof has deteriorated or has been damaged by any means to the extent of being unsafe and/or a fire hazard, the Commissioner of Public Works or the Building Commissioner shall notify the owner, contractor or their agents in writing, specifying wherein such danger exists or wherein such building is unsafe and shall in such notice specify a place and date within said Village not less than five (5) days from the mailing of said notice, at which time and place the owner or his representative may if, he so desires, appear before a Board composed of the Commissioner of Public Works (Chairman), the Building Commissioner, the Chief Electrical Inspector, and the Chief of the Fire Department of the Village for a hearing to determine whether said building or any part thereof shall be condemned or shall be classed as unsafe or as a fire hazard.

12.1.2 Findings of Special Board - Deteriorated Building or Structures

At the conclusion of the hearing specified in Section 12.1.1 above, the said Board, by a majority action thereof shall make a finding as to the condition of said building or part thereof and shall notify the owner or his agent in writing of such finding. If the Board shall find that said building or any part thereof is unsafe, it shall notify the owner or his agent, in writing, to repair or remove the unsafe building or the unsafe part thereof; and, if the owner or his agent shall fail to repair or remove the said building or part thereof condemned within a reasonable time from the mailing of said notice, then the Commissioner of Public Works may proceed to remove the building or part thereof, which has been condemned, at the expense of the owner.

For the purpose of this Section, five (5) days shall be deemed a reasonable time in which the owner shall be required to begin the repairs or removal of the condemned building or portion thereof.

Any building or part thereof that has been damaged by any means to the extent of fifty percent (50%) of the value thereof, shall be deemed to be subject to removal on the order of the Board.

12.2.0 Buildings or Structures - Unsafe for the Purpose for Which it is to be Used

Whenever it shall appear to the Commissioner of Public Works or to the Building Commissioner that any building, structure, wall, or part thereof is unsafe for the purpose for which it is used, not because of deteriorations thereto, but because it has been erected, constructed, repaired, placed or removed in such a manner as to render it unsafe for the purpose for which it is used or has been erected, constructed, repaired, placed or removed contrary to the provisions of this ordinance, he shall notify the owner or his agent in writing, specifying wherein such building is unsafe or defective or constructed, repaired, placed or removed contrary to the provisions of this ordinance, and shall direct the owner or his agent, in writing, to remove or alter the said building or part thereof to the extent to comply with the provisions of this ordinance.

12.2.1 Appeal to Special Board

If the owner or agent is not satisfied with the direction of the Commissioner of Public Works or the Building Commissioner, in this regard, he may request a hearing by notifying the Commissioner of Public Works, in writing, and a time and place shall be determined for a hearing not less than five (5) days from the date of the demand therefore, which hearing shall be conducted by the Board listed in Section 12.1.1 above. This Board shall hear evidence pertinent to determining whether the said structure, building or part thereof complained of, has been erected, constructed, repaired, placed, or removed contrary to the provisions of this ordinance, and what, if any, alterations or removals shall be required to be made.

At the conclusion of its hearing, the Board, by a majority action thereof, shall render its findings in writing, copies of which shall be furnished the owner or agent. If the Board finds that the work or erection or alteration or action has been done contrary to this code, it may direct the correction of or removal of the offending structure or building or part thereof by written notice to the owner or agent thereof. If, upon the serving of said notice, the owner or agent, shall fail to make such alterations, repairs or removal as directed, the Commissioner of Public Works may, after five (5) days from the date of such notice proceed to make such alterations, repairs, removal or demolition, as directed by the Board, at the expense of the owner.

The provisions of this Section shall apply not only to structures or buildings, but to any wall, chimney, fireplace, hearth, stove, furnace, pipe, oven, boiler, or any other fire or heating apparatus used in and about any building or structure, the same as for new construction. And if any of those items mentioned shall be found in a dangerous condition, the Commissioner of Public Works shall cause them to be removed or placed in a safe condition and shall cause all buildings and enclosures which are in a dangerous fire condition to be removed or put in a safe fire condition in the manner provided herein.

12.3.0 Penalty for Violation

If an owner or agent is served with a notice directing removal or repair or alteration of a structure or building in violation of any of the paragraphs of Section 12.0.0 above and said notice or direction is served in the manner provided in this Section and such owner or agent shall fail, neglect, or refuse to comply for more than five days after the mailing of such notice or direction, to proceed to put such structure or building, or part thereof unlawfully constructed, into a safe condition as he may be directed, he shall be subject to a penalty as stated in Chapter 25, Section 25.224 for every day after the first five (5) days from the mailing of such notice that such violation, omission or refusal shall continue, and each day that such violation continues shall be considered a separate offense. **(FMC-307, 7/17/95)**

12.4.0 Recovery of Costs

Any building or structure or part thereof which shall be erected, constructed, placed, or removed contrary to the provisions of this ordinance and in violation of any direction duly issued under the provisions of this Section of the ordinance shall be deemed a nuisance and any expense that the Commissioner of Public Works shall incur in abating or correcting such nuisance in the manner provided by this Section shall be recovered from the offending owner.