

LEGAL NOTICE

PLEASE TAKE NOTICE, that in accordance with Oneida City Code Chapter 34, Article III, Unsafe Buildings and Collapsed Structures, a Hearing will be held by the City of Oneida Common Council on September 3, 2019 at 6:30 p.m. in the Common Council Chambers, 109 N. Main Street, Oneida NY 13421 to afford the Common Council the opportunity to issue an order deeming the property to be a "Public Nuisance" and to order corrective action be taken on the property located at 311 Maple Street.

PLEASE TAKE FURTHER NOTICE that the Report of Unsafe Structures from Fire Marshal Timothy S. Cowan for property located at 311 Maple Street, as per Oneida City Code Chapter 34, Article III, Unsafe Buildings and Collapsed Structures is available for public inspection during regular business hours at the Office of the City Clerk and on the City website: www.oneidacity.com.

PLEASE TAKE FURTHER NOTICE, that any or all persons opposing said changes may file a written notice thereto, with the City Clerk before such hearing or attend the said hearing at the time and place specified.

PLEASE TAKE FURTHER NOTICE, that any person with special needs should contact the City Clerk one week prior to the hearing.

Susan Pulverenti
City Clerk

Copy City Clerk

CITY OF ONEIDA FIRE DEPARTMENT

DEPARTMENT OF PUBLIC SAFETY
BUREAU OF FIRE

Fire Marshal's Office
Timothy S. Cowan, Fire Marshal



109 North Main Street
Oneida, New York 13421
TEL: 315-363-1910
FAX: 315-363-3437
tcowan@oneidacity.com

Date: June 24, 2019

To: City of Oneida Common Council

From: Fire Marshal Timothy S. Cowan 

Subject: Unsafe Structure / 311 Maple Street

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CITY CLERK

PLEASE TAKE NOTICE that the building situated upon the real property located at 311 Maple Street in the City of Oneida, Tax Map Number 30.81-1-44 (the "property") shall be repaired or removed.

On May 17, 2019, an **Order to Remedy** was issued and sent via U.S. Mail and Certified Mail Service, notifying Gaucho Property, LLC, the property owner, that the building is in violation of the Code of the City of Oneida, Section 34-6 "Abandoned Structures" and the Fire Code of the State of New York Section 311.5 "Placards".

On May 27, 2019, an **Order to Remedy** was issued and sent via U.S. Mail and Certified Mail Service, requiring immediate corrective action due to the collapsing foundation walls. The owner (Gaucho Property, LLC) was cited from the same code sections as noted above.

On June 7, 2019, a **Final Order to Remedy** was issued and sent via U.S. Mail and Certified Mail Service requiring immediate corrective action due to the collapsing foundation walls. The owner (Gaucho Property, LLC) was cited from the same code sections as noted above.

Based upon my inspection of the Property and my knowledge of the City of Oneida Code, the International Fire Code, and the International Property Maintenance Code, I have determined that the Property is in an unsafe condition and is dangerous to the health, safety and general welfare of the public. More specifically, the foundation walls (East and West walls) have completely collapsed and the entire building is in poor condition. The building would be considered abandoned according to the Code of the City of Oneida, Section 34-6.

The following violations currently exist;

2015 International Property Maintenance Code

304.1 General. The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.

304.1.1 Unsafe conditions. The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the International Building Code or the International Existing Building Code as required for existing buildings:

6. Foundation systems that are not firmly supported by footings, are not plumb and free from open cracks and breaks, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects;

7. Exterior walls that are not anchored to supporting and supported elements or are not plumb and free of holes, cracks or breaks and loose or rotting materials, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects.

304.4 Structural members. Structural members shall be maintained free from deterioration, and shall be capable of safely supporting the imposed dead and live loads.

304.5 Foundation walls. Foundation walls shall be maintained plumb and free from cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents and other pests.

304.6 Exterior walls. Exterior walls shall be free from holes, cracks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration.

The following regulation and local law also applies;

2015 International Fire Code 311.1.1 Abandoned premises. Buildings, structures and premises for which an owner cannot be identified or located by dispatch of a certificate of mailing to the last known or registered address, which persistently or repeatedly become unprotected or unsecured, which have been occupied by unauthorized persons or for illegal purposes, or which present a danger of structural collapse or fire spread to adjacent properties shall be considered abandoned declared unsafe and abated by demolition or rehabilitation in accordance with the International Property Maintenance Code and the International Building Code.

Code of the City of Oneida, Chapter 34, Article III titled "Unsafe Buildings and Collapsed Structures", Sections 34-9 and 34-10. In accordance with Section 34-9 the owner of any building or structure which has become, for any reason, unsafe, dangerous, unsightly, or in any way endangers the health, safety or welfare of the public, must either repair or remove same upon order of the Common Council. An order requiring the repair or removal of an unsafe, dangerous, or unsightly structure is commenced pursuant to Section 34-10 (A) which provides, in part, that "whenever any wall, building or other structure, has in any manner become unfit for occupancy or shall be unsafe, detrimental

or dangerous to the public health, safety or general welfare, upon inspection and report by the office of the Fire Marshal to the Common Council and hearing held thereon as hereinafter set forth, the Common Council may declare the premises a public nuisance and order the owner, or person or persons having an interest therein, to repair or remove the wall, building, structure or foundation and to clear away any and all debris caused thereby and to fill in the excavation to the lot level, requiring the same to be made safe and secure.”

In light of the foregoing, I hereby request that the Common Council hold a hearing pursuant to Section 34-10 of the City of Oneida Code to determine and declare that the Property is a public nuisance, and to order the repair to or removal of the building.