

**LEGAL NOTICE**  
City of Oneida Public Hearing

**PLEASE TAKE NOTICE**, that in accordance with Oneida City Code Chapter 34, Article III, Unsafe Buildings and Collapsed Structures, a public hearing will be held by the City of Oneida Common Council on December 4, 2018 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 216 East Elm Street, Oneida, NY .

**PLEASE TAKE FURTHER NOTICE**, that the Report of Unsafe Structures, as per Oneida City Code Chapter 34, Article III, Unsafe Buildings and Collapsed Structures, from Reay W. Walker., City of Oneida Assistant Fire Marshal for properties located at 216 East Elm Street is available for public inspection during regular business hours at the Office of the City Clerk.

**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 one week prior to the public hearing.

Susan Pulverenti  
City Clerk

# CITY OF ONEIDA FIRE DEPARTMENT



DEPARTMENT OF PUBLIC SAFETY  
BUREAU OF FIRE

Lieutenant Reay W. Walker  
Assistant Fire Marshal

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To: City of Oneida Common Council

From: Asst. Fire Marshal Reay W. Walker

Date: October 27, 2018

Re: Unsafe Buildings

**Please Take Notice** that the building situated upon the real property located at 216 East Elm Street in the City of Oneida, Tax Map No. 30.64-1-53 (the "Property") must be repaired or removed.

On January 25, 2017, a Notice of Violation was issued and sent via U.S. Mail and Certified Mail service, notifying Mr. Scott Lewis, the Property's owner, that the building was in violation of the Code of the City of Oneida, Section 34-7, titled "Dangerous Structures", and the 2017 Uniform Code Supplement, Section 101.2.7.4, titled "Unsafe Structures and Equipment".

On April 19, 2017, a Final Order to Remedy was issued and sent via U.S. Mail and Certified Mail service, requesting compliance with the Oneida City Code, Section 34-7, titled "Dangerous Structures" and the 2017 Uniform Code Supplement, Section 101.2.7.4 "Unsafe Structures and Equipment".

The Oneida Fire Marshal's Office has not received any verbal or written correspondence from Mr. Scott Lewis, to date.

On Thursday, October 25, 2018, I visited the Property and found that all previous violations are still in existence. I did a visual inspection of the Property from the public sidewalk and took photographs of the structure as it exists today.

My first observation was the exterior stairs. They are in disrepair with weeds and tree saplings growing up through them. There are visible signs of decaying wood, the steps are not level and appear to be loose. There is no protective treatment on the stairs to protect them from the elements. They are also not properly secured to the porch. The stairs are in

such a state of disrepair that they are likely to collapse, causing injury, if someone attempted to walk up them.

Upon observation, the porch deck appears to be in major disrepair. Much of the decking is missing and open floor joists can be observed. The decking that is present shows significant deterioration as a result of being exposed to the elements. There is no protective treatment on the decking to protect it from the elements. There also is no hand rail and pieces of the trim are hanging loose. The porch is located about three feet from the public sidewalk and in its current state constitutes an imminent threat to human life, safety or health.

An inspection of the exterior of the house to which the porch is attached was also conducted. The porch roof is collapsed. There is unsupported roofing material protruding from the front of the structure that could fall causing injury to anybody that may be nearby. There are numerous areas where the siding is missing, exposing the building to the elements. There is peeling, flaking and chipping paint present on the entire exterior of the structure.

Based upon my inspection of the Property and my knowledge of the Oneida City Code, the International Fire Code ("IFC"), the International Property Maintenance Code ("IPMC") and the 2017 Uniform Code Supplement ("UCS"), 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 front porch of building is dilapidated and decaying. There are holes in the floor and areas of the floor where the decking is missing completely. The stairs leading to the porch are in severe disrepair. There are unsupported roofing materials that are protruding from the front of the structure and could collapse at any time causing injury to anybody that may be in the vicinity.

The specific violations observed as a result of this inspection are as follows:

- **UCS Section 101.2.7.4 Unsafe structures and equipment.** If during the inspection of a premises, building or structure, or any building system or equipment, in whole or in part, constitutes a clear and imminent threat to human life, safety or health, the authority having jurisdiction charged with the administration and enforcement of the Uniform Code shall exercise its powers in due and proper manner so as to extend to the public protection from the hazards of threat to human life safety or health.
- **UCS Section 101.2.7.4.1 Unsafe structures.** An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of a fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe, or of such faulty construction or unstable foundation, that partial or complete collapse is possible.
- **IPMC Section 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.
- **IPMC Section 304.2 Protective treatment.** Exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies,

decks, and fences, shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. Siding and masonry joints, as well as, those between the building envelope and the perimeter of windows, doors and skylights, shall be maintained weather resistant and water tight. Metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion, and surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surface. Surfaces designed for stabilization by oxidation are exempt from this requirement.

- **IPMC Section 305.4 Stairs and walking surfaces.** Every stair, ramp, landing, balcony, porch, deck or other walking surface shall be maintained in sound condition and good repair.

The following local law also applies:

- **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 Oneida City Code to determine and declare that the Property is a public nuisance, and to order the repair to or removal of the building.