

RESOLUTION #78-23
PL #79-23

By Alderman McCall, Seconded by Alderman Bennion

**TO AMEND THE CITY OF OLEAN CODE OF ORDINANCES SECTION 12-16 TO AMEND PROVISIONS
FOR VIOLATIONS REGARDING GARBAGE AND RUBBISH**

RESOLVED, that the City of Olean Code of Ordinances is hereby amended as follows:

Sec. 12-16 Inspection and enforcement.

- (a) The Code Enforcement Officer and/or his designee is hereby authorized and directed to make inspections to determine compliance with this chapter. Inspections shall be made between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, or at such other times as may be necessary in an emergency and every operator or owner shall cooperate with the Code Enforcement Officer in providing access to the premises. It shall be unlawful for any person to refuse entrance to or to impede an inspector or officer authorized pursuant to this article in the performance of his duties. Every such inspector or officer shall have the right to enter, examine, and survey all premises, grounds, structures, dwellings, multifamily dwellings or rooming houses and every part thereof at all reasonable times, or at such other times as may be necessary in an emergency, upon display of proper identification. If any owner, occupant, or other person in charge of a dwelling, dwelling unit, rooming unit, multifamily dwelling or rooming house subject to the provisions of this chapter refuses, impedes, inhibits, interferes with, restricts, or obstructs entry and free access to every part of the structure or premises where inspection authorized by this article is sought, the administrative authority may seek, in a court of competent jurisdiction, an order that such owner, occupant, or other person in charge cease and desist with such interference. Upon failure of the owner or operator to allow the Code Enforcement Officer access to the premises for inspections, the Code Enforcement Officer shall have the authority to apply to the Olean City Court for an administrative search warrant to compel compliance with this section.
- (b) Whenever the Code Enforcement Officer determines that there is a violation of the provisions of this chapter, he shall cause a written notice to be served upon the owner or operator, which shall include:
 - (1) An enumeration of conditions which violate the provisions of this chapter.
 - (2) An enumeration of the remedial action required to meet the standards of this chapter.
 - (3) A statement of a definite number of days from the date of the notice in which the owner or operator must commence and complete such remedial action.
 - a. Garbage shall be removed within three (3) days.

- b. Rubbish shall be removed within seven (7) days.
- (4) A statement of the penalties for noncompliance, as set forth herein.
- (c) Such notice shall be deemed sufficient if served upon the owner or operator as follows:
 - (1) In person;
 - (2) By first class mail to the address to which the City Tax Bills are mailed and by posting a copy of said notice on the building.
- (d) Upon failure to comply with said notice, the Code Enforcement Officer shall issue an appearance ticket returnable in the City Court.
- (e) The City Attorney, Fire Chief, or Code Enforcement Officer, shall institute appropriate action to restrain, prevent, enjoin, abate, correct, or remove such violation, and to take such other legal action as is necessary to carry out the terms and provisions of this chapter. The remedies provided for in this article shall be cumulative and not exclusive and shall be in addition to any other remedies provided by law. All remedies may be pursued concurrently or consecutively, and the pursuit of any remedy shall not be construed as an election or the waiver of the right to pursue any and all of the others.
- (f) In the event that the owner of such and receives notification to correct the violation and does not comply therewith, the Code Enforcement Office shall engage the services of a private contractor to perform the necessary work. The Code Enforcement Officer shall charge and bill the owner for the cost of such services.
- (g) The Code Enforcement Officer shall keep an account of all such work done and shall report to the Assessor all parcels of land upon which such work has been performed and the names of the owners of said parcels who have not paid for the cost of the work performed, and the Assessor shall thereupon order assessments upon such lands for the unpaid sums so reported to be placed as lien on the City tax bill.

RESOLVED, that this Resolution shall take effect immediately.

Approved: September 26, 2023