

Village of Stillwater
Vacant Building Law
Local Law No. 1 of 2016

SECTION 1: LEGISLATIVE FINDINGS AND PURPOSE.

It is the finding of the Village Board of Trustees that buildings which remain vacant are unsightly, unsafe and have a negative effect on their surroundings. These vacant structures present a potential health and safety hazard to the general public, immediate neighbors and residents and public employees performing municipal duties and services in the area or at the site of the vacant structure. The purpose of this article is to establish a program for identifying and registering vacant buildings; to determine the responsibilities of owners of vacant buildings and structures, including buildings in foreclosure; and to speed the rehabilitation of the vacant properties.

SECTION 2: DEFINITIONS.

Unless otherwise expressly stated, the following terms shall, for the purpose of this article, have the meanings indicated in this section:

“Code Enforcement Officer” means a duly authorized representative of the Village Code Enforcement Department.

“Owner” means those persons or entities shown to be the owner or owners on the records maintained by the Village Clerk’s Office, those identified as the owner or owners on a vacant building registration form, a mortgagee in possession, a mortgagor in possession, assignee of rents, receiver, executor, trustee, lessee, other person, firm or corporation in control of the premises. Any such person shall have a joint and several obligation for compliance with the provisions of this article.

“Secured by Other Than Normal Means” means a building secured by means other than those used in the design of the building.

“Unoccupied” means a building or portion thereof which lacks the habitual presence of human beings who have a legal right to be on the premises, including buildings ordered vacated by the Code Enforcement Officer. In determining whether a building is unoccupied, the Code Enforcement Officer may consider these factors, among other:

- (a) Whether lawful residential or business activity has ceased;
- (b) The percentage of the overall square footage of the occupied to unoccupied space or the overall number of occupied and unoccupied units;

- (c) The building is substantially devoid of contents or the minimal value of fixtures or personal property in the building;
- (d) The building lacks utility services;
- (e) The building is subject to a foreclosure action;
- (f) Duration of vacancy; and/or
- (g) The presence or reoccurrence of code violations.

“Unsecured” means a building or portion of a building which is open to entry by unauthorized persons without the use of tools or ladders.

“Vacant Building” means a building or portion of a building which is any of the following:

- (a) Unoccupied and unsecured;
- (b) Unoccupied and secured by other than normal means;
- (c) Unoccupied and an unsafe building as determined by the Code Enforcement Officer;
- (d) Unoccupied and has multiple housing or building code violations;
- (e) Illegally occupied;
- (f) Unoccupied for a period of time over 365 days, and during which time the enforcement officer has issued an order to correct housing or building code violations.

SECTION 3: VACANT BUILDING REGISTRATION.

- A. The owner shall register with the Code Enforcement Department not later than 30 days after any building in the Village becomes a vacant building or not later than 30 days after being notified by the Code Enforcement Department of the requirement to register. The Code Enforcement Department may identify vacant buildings through its routine inspection process as well as through notification by residents, neighborhood associations and other community groups that a building may be eligible for inclusion on the registry.
- B. The registration shall be submitted on forms provided by the Code Enforcement Department and shall include the following information supplied by the owner:
 - (1) A description of the premises, including but not limited to square footage, number of stories, age of the building and most recent use of the building.

- (2) The name, street address, mailing address, copy of driver's license and telephone number of each owner. If the owner is a corporation, limited liability company, partnership or other entity, the name, street address, mailing address, copy of driver's license and telephone number of the managing director, officer, member, partner or trustee as the case may be.
- (3) If the owner does not reside in Saratoga County or any adjoining county, the name, street address, mailing address and telephone number of any third party with whom the owner has entered into a contract or agreement for property management.
- (4) The name, street address, mailing address and telephone number of all known lienholders and all other parties with an ownership interest in the building.
- (5) A name, street address, mailing address and telephone number where a responsible natural person (not a corporation, limited liability company, partnership or other entity) can be reached at all times during business and non-business hours.
- (6) A vacant building plan as described in Subsection C.
- (7) Proof of liability insurance for the property with a coverage amount to exceed \$150,000 and provide the Code Enforcement Department with a copy of said certificate of insurance.

C. The owner shall submit a vacant building plan which must meet the approval of the Code Enforcement Officer. The plan, at a minimum, must contain information from one of the following three choices for the property:

- (1) If the building is to be demolished, a demolition plan indicating the proposed time frame for demolition and the proposed time frame for any necessary permitting through the Village.
- (2) If the building is to remain vacant, a plan for securing of the building in accordance with maintenance standards provided in Section 5, if applicable, along with the procedure that will be used to monitor and maintain the property in accordance thereof, and a statement of the reasons why the building will be left vacant.
- (3) If the building is to be returned to appropriate occupancy or use, rehabilitation plan for the property. The rehabilitation plan shall not exceed 365 days from the date of submission and will include bench marks at least every 90 days, unless the Code Enforcement Officer grants an extension for good cause shown, upon receipt of a written statement from the owner detailing the reasons for the extension. Any repairs, improvements or alterations to the property must comply with any applicable zoning, housing, historic preservation or building codes and must be secured in accordance with the maintenance standards in Section 5, if applicable, during the rehabilitation.

- D. The owner shall notify the Code Enforcement Department of any changes in information supplied as part of the vacant building registration within 30 days of the change. If the plan or timetable for the vacant building is revised in any way, the revisions must be in writing and must meet the approval of the Code Enforcement Officer.
- E. The owner and subsequent owners shall keep the building secured and safe and the building and premises properly maintained and monitored as provided in this local law.
- F. The new owners shall register or re-register the vacant building with the Code Enforcement Department within 30 days of any transfer of an ownership interest in a vacant building. The new owners shall comply with the approved plan and timetable submitted by the previous owner until any proposed changes are submitted and meet the approval of the Code Enforcement Officer.
- G. At all times, the owner shall comply with all applicable laws and codes.
- H. Failure of the owner or any subsequent owners to maintain the building and premises as required herein will be grounds for the Village to:
 - (1) Remediate the building and premises and bill the cost of the same to the owner as provided in Section 5;
 - (2) Revoke the rehabilitation plans;
 - (3) Subject the owner to fees and penalties as provided herein.
- I. The purchaser/buyer of any vacant building within the Village of Stillwater shall, at the time of closing, file a new and complete vacant building registration form. The purchaser shall also pay to the Village of Stillwater, at the time of closing, any fees associated with registering such vacant building.
- J. The seller of any vacant building within the Village of Stillwater shall, at the time of closing, pay any and all past due vacant building registration fees associated with said building that is being sold.
- K. The Code Enforcement Department shall include in the file any property-specific engineering reports, written statements from community organizations, other interested parties or citizens regarding the condition, history, problems, status or blighting influence of a vacant building.

SECTION 4: REGISTRATION FEE.

- A. The Village Board of Trustees, by resolution, may establish a fee schedule and penalties regarding the registering of vacant buildings. The registration fee shall be reasonably related to the Village's administrative costs associated with processing vacant building

registrations, monitoring and inspecting vacant buildings, securing and maintaining vacant buildings, prosecuting violations, and other related costs.

- B. The owner of a vacant building shall pay any applicable registration fees for the period the building remains a vacant building. Vacant building registration fees will not be accepted until an application is complete. If the owner fails to register or pay the fees in a timely manner, then the owner shall be subject to the applicable penalties.
- C. In the event that the owner fails to pay all such fees and penalties (i.e., “charges”) within 30 days on the issuance of a bill for such charges, the Village Clerk shall be authorized to assess the total amount of such unpaid charges against the land on which such building is located and shall cause such total of unpaid charges to be levied and collected in the same manner as the levy and collection of unpaid water and sewer charges.
- D. The registration fee shall be paid in full prior to the issuance of any building permits, with the exception of a demolition permit. The fee shall be prorated, and a refund may be issued if the building is no longer deemed vacant under the provisions of this law within 180 days of its registry.
- E. All delinquent fees and penalties shall be paid by the owner prior to any transfer of an ownership interest in any vacant building. If delinquent fees and penalties are not paid prior to any transfer, the new owner shall pay the fees and penalties due no later than 30 days after the transfer of ownership, and subsequent annual fees shall be due on the new anniversary date.

SECTION 5: MAINTENANCE OF VACANT BUILDINGS

- A. Entry. Provision for safe and continuous entry shall be provided to the interior of a building or structure from the exterior at a street or to a yard, court or passageway leading to a public open area at any time entry is necessary for purposes of required maintenance or inspection.
- B. Exterior Protection.
 - (1) The covering for doors and windows may not consist of any substance sprayed onto the windows. All enclosures shall be properly fitted and be of such material and surface that they are neither unsightly nor will materially detract from the general appearance of the building or the neighborhood and, when possible, shall be secured by normal means.
 - (2) The covering for doors and windows may consist of replacement glass, plexiglass, boards, plywood or similar materials finished and maintained in a weathertight manner. The materials will be designed to blend in with the finish of the building.
 - (3) Exterior walls, including foundations, shall be maintained so that ground- and surface water does not penetrate into basements, cellars or other interior wall areas.

- (4) Exterior doors, windows, skylights and similar openings shall be maintained weathertight.
- (5) Exterior stairs, porches, entrance platforms, fire escapes and the railings thereon shall be maintained in a safe and sound condition.
- (6) Roofs shall be maintained in a watertight condition.
- (7) Exterior surfaces shall be maintained in good condition. Surfaces not inherently resistant to deterioration shall be treated with a protective coating of paint or other suitable preservative.
- (8) Cracked or broken glass windows shall be replaced with glass.
- (9) In addition to the standards prescribed above, vacant commercial and retail buildings shall comply with the following standards:
 - a. Any and all window display areas shall be kept clean, free of hazard and free of debris.
 - b. All exterior signs, awnings and lighting systems, if not removed, shall be maintained in a completely operable, clean, sightly, nondeteriorated and safe condition.
 - c. Any window covering shall have a clear opening of two square feet to allow a view of the interior of the store for security purposes. Such opening shall be installed no lower than three feet above grade and no more than six feet above grade and may be in either the show window or the door.

C. Interior protection.

- (1) Structural members shall be maintained to resist and prevent deterioration.
- (2) Unheated attics, spaces below flat roofs and crawl spaces shall be ventilated to minimize deterioration.
- (3) Ceilings, walls, floors and stairways shall be maintained in a safe and sound condition.

D. Railings and parapet walls. Railings or parapet walls shall be maintained at open sides of balconies, mezzanines, porches, accessible roofs, exit passageways, areaways, motor vehicle parking decks and ramps and around floor openings.

E. Garbage and refuse; infestation; junk; graffiti.

- (1) The accumulation or storage of garbage or refuse in buildings or on lots is prohibited.
 - (2) Buildings and structures shall be maintained free of insects, vermin and rodent harborage and infestation.
 - (3) Refrigerators and similar equipment with locking mechanisms shall not be discarded, abandoned or stored without first removing the locking devices or the hinges of the doors.
 - (4) Junked or unregistered vehicles, equipment and materials shall not be stored in open areas of premises.
 - (5) Graffiti shall be removed from all exterior surfaces, upon all buildings and structures and all interior surfaces in public space.
- F. Chimneys. Chimneys, smokestacks, flues, gas vents, smoke pipes and connectors shall be maintained structurally safe and smoketight.
- G. Fuel gas. Fuel gas pipe systems shall be maintained gastight, safe and operative under conditions of use or shall be disconnected at the main.
- H. Fuel oil. Tanks shall be maintained so as not to be a hazard or shall be discontinued in a manner consistent with Chapter C of the State Uniform Fire Prevention and Building Code (9 NYCRR).
- I. Plumbing. The domestic water supply system of the building shall be connected to an approved source, shall not be subject to contamination and shall not be connected to unsafe water supplies or shall be disconnected at the main and the system completely drained.
- J. Stormwater. Stormwater drainage systems shall be maintained so as to function properly and be kept free from obstructions, leaks and defects. Sewage systems shall be similarly maintained or shall be sealed so as to prevent accumulation of sewage gases in buildings.
- K. Electrical. Electrical fixtures, devices, wiring and systems shall be maintained in safe working condition in a manner which will avoid a potential source of ignition or shock or service shall be discontinued at the supply.
- L. Elevators, dumbwaiters and escalators. Elevators, dumbwaiters and escalators shall be maintained or taken out of service, in accordance with ANSI A17.1.
- M. Exterior property areas.
- (1) Surface and subsurface water shall be appropriately drained to protect buildings and structures and to prevent ponding.

- (2) Fences, walls, other minor construction and accessory structures shall be maintained in safe, good and substantial condition.
- (3) Steps, walks, driveways, parking spaces and similar paved areas shall be maintained to afford safe and convenient passage.
- (4) Yards, courts and vacant lots shall be kept clean and free of hazards and debris.
- (5) Ground cover shall be properly established to prevent undue soil erosion due to the elements.
- (6) Heavy undergrowth and accumulations of plant growth which are noxious or detrimental to health or safety shall be eliminated.
- (7) Any excavations or other attractive nuisance shall be filled in or secured to prevent access. Swimming pools must be closed to prevent access, collapse, an attractive nuisance or unsanitary conditions.
- (8) The owner shall comply with all other applicable state and local regulations concerning the maintenance of the property.

N. If an owner shall fail to comply with the provisions of this subsection regarding the protection and maintenance of any building or premise, the Code Enforcement Department may, after notice of noncompliance and intent to remedy is provided to the owner, perform or cause such work to be performed and may recover the expense either by action or by local assessment on the premises (to be levied and collected in the same manner as the levy and collection of unpaid water and sewer charges), or both. This action shall be in addition to any other available remedy under this local law.

SECTION 6: EXEMPTIONS.

The Code Enforcement Officer, in its sole discretion, may grant the owner an extension of time to register a vacant building for a period up to 90 days where the Code Enforcement Officer determines that the vacant building suffered damage due to fire, extreme weather or other catastrophic event. The owner must submit a request for such exemption in writing to the Code Enforcement Department. This request shall include a description of the premises; the names, street addresses, mailing addresses and telephone numbers of the owner or owners; an explanation of the event that resulted in the building's vacancy; and a statement of intent to repair and reoccupy the building in an expedient manner, or the intent to demolish the building.

SECTION 7: INSPECTIONS.

The Code Enforcement Department shall inspect any premises in the Village for the purpose of enforcing and assuring compliance with the provisions of this local law. Upon the request of the Code Enforcement Officer, an owner may provide access to all interior portions of an unoccupied building in order to permit a complete inspection. Nothing contained herein,

however, shall diminish the owner's right to insist upon the procurement of a search warrant from a court of competent jurisdiction by the enforcement officer or his or her designee in order to enable such inspection, and the Code Enforcement Officer shall be required to obtain a search warrant whenever an owner refuses to permit a warrantless inspection of the premises after having been advised of his or her constitutional right to refuse entry without same. Any Code Enforcement Officer or other person authorized by the Village to enforce any provision of this local law shall be immune from prosecution, civil or criminal, for reasonable, good faith entry upon real property while in the discharge of duties imposed by this local law.

SECTION 8: ANNUAL REPORTS.

The Code Enforcement Department shall submit an annual report to the Mayor and Village Board of Trustees listing all buildings in the Village declared vacant under the provisions of this law, the date upon which they were declared vacant and whether a vacant building registration and vacant building plan has been filed for the building. The report shall additionally include a list of all previously declared vacant buildings, which are no longer subject to the provisions of this Vacant Building Law.

SECTION 9: NOTICE.

Notices required pursuant to this Vacant Building Law shall be served upon the owner either:

- (1) personally; or
- (2) by posting in a conspicuous place upon the premises affected and a copy thereof sent by certified mail, return receipt requested, to the owner at his or her address on file with the Village, and if no address is on file, then to his or her last known address or place of residence.

SECTION 10: PENALTIES FOR OFFENSES.

Any person violating any provision of the Vacant Building Law, including but not limited to failure to register or providing false information to the Code Enforcement Department, shall be subject to the following fines:

- A. Such person will be subject to a fine of \$1,000 or imprisonment not exceeding 15 days, or both.
- B. The term "person," as used in this section, will include the owner, occupant, mortgagee or mortgagor in possession, assignee of rents, receiver, executor, administrator, trustee, lessee, agent or any other person, firm or corporation directly in control of the building or part thereof.
- C. Each day of violation will be deemed to constitute a separate offense.

- D. Violations of this law shall be considered violations and/or offenses, and not misdemeanors.

SECTION 12: ADMINISTRATION

The Village Board of Trustees may hire a third party to administer any part this local law, including but not limited to the registration of vacant buildings and collection of registration fees. The expenses of such third party administrator may be paid from the registration fees and/or fines imposed and collected pursuant to this local law.

SECTION 11: AUTHORITY, SEVERABILITY, EFFECTIVE DATE.

- A. Authority. This local law is adopted pursuant to the general powers granted to the Village of Stillwater by the Constitution and laws of the State of New York, and granted in particular by the Municipal Home Rule Law § 10(1)(ii)(a)(6).
- B. Immunity of the Village of Stillwater. No action may be maintained against the Village of Stillwater and/or a duly designated Code Enforcement Officer of the Village or any other agent of the Village for the value of damages or loss resulting from injury to, or destruction of, property under the provisions of this local law.
- C. Provisions Supplemental to State Law. The provisions of this local law shall not supersede, but rather shall be supplementary to, the provisions of law contained in the New York State Constitution, Eminent Domain Procedures Law, Executive Law, General Municipal Law, Village Law, Uniform Fire Prevention and Building Code, Public Health Regulations of the Consolidated Health District of Stillwater, and any other applicable local law, ordinance, rule or regulation.
- D. Severability. If any provision of this local law shall be held invalid, in whole or in part, such determination shall not be deemed to affect, impair or invalidate the remainder of this local law.
- E. Effective date. This Local Law shall take effect immediately upon filing thereof in the office of the New York State Secretary of State in accordance with section 27 of the Municipal Home Rule Law.