

PROPOSED LOCAL LAW NO. ____ OF YEAR 2021

Be it enacted by the BOARD OF TRUSTEES of the VILLAGE OF WATKINS GLEN, COUNTY OF SCHUYLER, STATE OF NEW YORK, as follows:

A local law to regulate vacant buildings in the Village of Watkins Glen, New York.

Section 1.

This Local Law is enacted pursuant to the Village Law of the State of New York and the Municipal Home Rule Law of the State of New York.

Section 2. Legislative Intent; Purpose.

It is the finding of the Board of Trustees that buildings which remain vacant, with access points boarded over, are unsightly, unsafe, and have a negative effect on their surroundings. The purpose of this local law is to establish a registration requirement as a mechanism to protect neighborhoods from the negative impact and conditions that can occur due to vacancy, absentee ownership, lack of adequate maintenance and security, and to provide a method to expeditiously identify parties and their contact person(s) for each property necessary for this protection.

Section 3. Definitions.

PMCNYS – Property Maintenance Code of New York State, as amended from time to time.

SECURED BY OTHER THAN NORMAL MEANS – A building secured by means other than those used in the design of the building.

UNOCCUPIED BUILDING – A building which is not being used for an occupancy authorized by the owner.

UNSECURED BUILDING – A building or a portion of a building which is open to entry by unauthorized persons without the use of tools or ladders.

VACANT BUILDING – A building or portion of a building which is:

- A. An unoccupied and unsecured building;
- B. An unoccupied building secured by other than normal means;
- C. An unoccupied building which is an unsafe building pursuant to the PMCNYS, as the same may be amended from time to time, as determined by the Code Enforcement Official;

- D. An unoccupied building which has multiple housing or building code violations;
- E. An illegally occupied building; or
- F. Unoccupied for a period of time over 180 consecutive days, and during which time the Code Enforcement Official has issued an order to correct one or more code violations.

VACANT PROPERTY – Those parcel(s) of real estate that upon which a vacant building sits, including such vacant building, accessory structures and any other improvements located thereon.

VACANT PROPERTY OWNER – Those persons or entities shown to be the owner or owners on the records at the Schuyler County Tax Assessors Office. Any such person shall be jointly and severally obligated to comply with the provisions of this local law.

Section 4: Registration of Vacant Buildings.

Registration; maintenance; inspections; notice; remedial action by Village.

- A. A vacant property owner shall register a vacant building with the Code Enforcement Official not later than thirty (30) days after any building in the Village becomes a vacant building. The Code Enforcement Official may identify vacant buildings through his or her 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 Official, shall be accompanied by the registration fee and initial annual fee required by Section 5, and shall include the following information supplied by the vacant property owner:
 - 1. A description of the vacant property, along with the property address.
 - 2. The names, mailing address, e-mail address, telephone numbers (including cellular telephone numbers) of the vacant property owner or owners.
 - 3. If the vacant property owner does not reside in Schuyler County or in a county contiguous with Schuyler County, the name, mailing address, e-mail address and telephone numbers of a property manager located within a 25-mile radius of the Village of Watkins Glen responsible for management of the property. By designating an authorized agent under the provisions of this section, the vacant property owner consents to the property manager's receipt of any and all notices relating to the vacant property and conformance of any and all laws and

regulations. The property manager shall sign the registration and agree to be bound to the provisions of this Local Law applicable to such property managers.

4. The names, mailing address, email address and telephone number of all known lienholders and all other parties with an ownership or security interest in the vacant property.
 5. A telephone number where a party responsible for the vacant property can be reached at all times during business and nonbusiness hours.
 6. A statement whether the building is currently insured by a policy of fire insurance and, if so, the name, address and telephone number of the insurance company and the insurance agent and the amount of the coverage. If the vacant building is not currently covered by fire insurance, the vacant property owner shall set forth the reason(s) why it is not covered.
 7. A vacant building plan as described in 4.C.
- C. The vacant property owner shall within thirty (30) days of a building becoming a vacant building submit a vacant building plan which must meet the approval of the Code Enforcement Official and must contain information from one of the following three choices for the vacant property:
1. If the vacant building is to be demolished, a demolition plan must be carried out within 270 days from the date the vacant property owner submits the plan to the Code Enforcement Official.
 2. If the vacant building is to remain vacant, a plan for the securing of the vacant building, along with the procedure that will be used to maintain the vacant building and a statement of the reasons why the vacant building will remain vacant.
 3. If the vacant building is to be returned to permitted occupancy or use, a rehabilitation plan for the vacant property. The rehabilitation plan shall not extend past 365 days from the date the vacant property owner submits the plan to the Code Enforcement Official, unless the Code Enforcement Official grants an extension upon receipt of a written statement from the vacant property owner detailing good reason for the extension. Any repairs, improvements, alterations to, or demolition of, the vacant building must comply with any applicable zoning, housing, historic preservation, and building codes and must be secured as per local code, if applicable, during the rehabilitation.
- D. The vacant property owner shall at all times comply with applicable laws and codes. The vacant property owner shall notify the Code Enforcement Official of any changes in information of their vacant building registration within thirty (30) days of the change. If the vacant building plan is revised in any material way, the

revisions must be in writing and must be approved by the Code Enforcement Official.

- E. All vacant buildings shall be kept secured or shall be kept boarded up, both as defined in Section 4.E.1, and shall be maintained in accordance with Section 4.E.2. If a building remains a vacant building for a period of time of three (3) consecutive months or more, the vacant property owner shall provide evidence, as described in Section 4.E.6., that the vacant property owner is proceeding in an expeditious manner to remove the building from its vacant status.
 - 1. The term “secured,” for the purposes of this Section 4, shall mean that all means of ingress and egress, including but not limited to all doorways and windows, shall be in a state of good repair, without any broken glass or other damage that might allow entry or create an eyesore, and shall be securely locked. Any vacant building that is not so secured shall be promptly “boarded up,” meaning that all means of ingress and egress at all floor levels shall be covered over, as specified hereinafter, so as to ensure the continued security of the vacant building and to reduce the negative impact on the neighborhood. The vacant property owner shall board up the vacant building using, at a minimum, the following materials and methods unless another equivalent system is proposed and approved in writing by the Code Enforcement Official prior to using such system.
 - (a) Exterior grade plywood or sheathing at least 7/16 inches nominal thickness, shall be used for board material. It shall be cut to fit easily into each opening so that it covers the entire window or door frame but does not overlap onto the adjacent wall surfaces.
 - (b) Openings in excess of three feet wide shall be braced by installing at least one wood stud measuring two-inch-by-four-inch (nominal), or equal, at the midspan and for the full height of the opening.
 - (c) The boarding material shall be secured to the building in a manner approved by the Code Enforcement Official, except that one doorway shall be secured in such a manner that it can provide access to the vacant building by authorized persons. If such door contains any glass panels or wood panels less than one-inch thick, it shall be entirely covered with board material.
 - (d) The door shall be secured with a keyed lock, and its hinges shall have concealed fastenings.
 - (e) All boarding material shall be finished on the exterior with one coat of primer and two coats of exterior-grade paint in a color matching that of the adjacent walls.

- (f) The secured vacant building shall be provided with adequate ventilation to prevent the accumulation of moisture which might deteriorate the finishes and the structure. Adequate ventilation shall be deemed to be a minimum of two louvered and screened ventilation openings, each having an opening size of at least 144 square inches and placed in opposite walls of the building at the uppermost floor level, or other approved location. Interior doors at all floor levels shall be left in the open position in order to allow circulation of air. If circulation of air within and between all floors is not possible using only two vents, then additional vents shall be installed to achieve such circulation.
2. In addition to securing or boarding up the vacant building, the following minimum requirements shall be met for all vacant buildings:
 - (a) The roof shall be structurally sound and weather tight. Any damaged or missing rafters, decking, or roofing materials shall be repaired or replaced with equivalent, or similar approved material, all installed in a workmanlike manner.
 - (b) All combustible trash and debris shall be removed from the building. Any portions of the exterior of the main building or accessory buildings, including, but not limited to walls, porches, stairs, parapet walls, and chimneys, that are deteriorated so as to be in danger of collapse or to otherwise constitute a hazard or allow penetration of water into the building shall be repaired or replaced or otherwise made safe and weather tight.
 - (c) The grounds surrounding the building shall be cleared and kept cleared of all litter, rubble, debris, trash, and junk and of all grass or weeds in excess of ten inches in height. Overgrown trees shall be trimmed so as not to be in contact with the building.
 3. When it is required by this Local Law, that a vacant building be boarded up, it shall be the responsibility of the vacant property owner to have the electric and gas service, if any, temporarily shut off from the vacant building by contacting the power provider's customer service. Service may not be reconnected until approved by the Code Enforcement Official.
 4. All plumbing and heating systems that contain water shall be completely drained and kept empty between October 15 and April 15, and an antifreeze solution shall be added to all plumbing traps in the building. The foregoing requirement shall not apply if the vacant building is adequately heated during that time period.
 5. Upon the request of the Code Enforcement Official, the vacant property owner shall arrange to provide access to the interior of the vacant building by representatives of the Code Enforcement Official to inspect for compliance with

the requirements above that pertain to the interior. However, the Code Enforcement Official shall not conduct such an inspection without the consent of the vacant property owner or, if applicable, the property management company tasked with managing the vacant property, unless the Code Enforcement Official has first obtained a warrant from a court of competent jurisdiction.

6. If a vacant building remains vacant for a period of three (3) consecutive months or more for any reason, the vacant property owner shall be subject to the procedures of this Section 4.E.6. By the end of such three-month time period, the vacant property shall demonstrate to the Code Enforcement Official that said vacant property owner has taken all positive action to abate the vacancy of the vacant building in an expeditious manner. This action may include but is not limited to:

(a) Applying for and obtaining a work permit to repair and rehabilitate the vacant building or to demolish it, and proceeding with the work in a timely fashion;

(b) Providing competent evidence that the vacant building is listed for sale by a licensed realtor and is being periodically advertised for sale in a local newspaper or other journal; and/or

(c) Providing a proposed schedule of action to undertake repair and rehabilitation of the vacant building, including a detailed financial plan for its accomplishment.

F. The Code Enforcement Official shall examine or cause to be examined every building reported as unsafe, damaged, or vacant and shall make a written record of each such examination. He/she shall have inspected as frequently as is necessary, all buildings that are vacant or abandoned to ensure that they are properly secured or boarded up and maintained.

G. Whenever the Code Enforcement Official determines that a building, structure, or a portion thereof is an unsafe (as defined in the PMCNYS, as the same may be amended from time to time) or a vacant building, he or she shall give the owner, agent, or person in control of such building or structure an order to remedy stating the defects thereof. The order to remedy shall require the owner within a stated time either to complete repairs or improvements specified by the Code Enforcement Official with reference to the PMCNYS and/or this Local Law, as applicable, and/or register the property as a vacant property. In the event the repairs or improvements specified in the order to remedy are not completed in accordance within the time specified therein, the owner, agent, or person in control of such building or structure shall be subject to further enforcement pursuant to Section 11 of this Local Law and any other remedies otherwise available to the Village.

- H. If the Code Enforcement Official determines that there is actual and immediate danger of failure or collapse of a building, structure, or portion thereof so as to endanger life:
1. The order to remedy delivered pursuant to Subsection 4(G) above shall require the building, structure, or portion thereof to be vacated forthwith and not reoccupied until repairs and improvements specified by the Code Enforcement Official with reference to the PMCNYS and/or this Local Law, as applicable, are completed, inspected, and approved by the Code Enforcement Official. The Code Enforcement Official shall cause to be posted at each entrance of such building a notice which includes the statement: "This building is unsafe, and its use or occupancy has been prohibited by the Code Enforcement Office, Village of Watkins Glen." Such notice shall remain posted until the required repairs or demolition is completed. No person, firm or corporation, or their agents or other servants, shall remove such notice without the prior written permission of the Code Enforcement Official. No person shall enter the building except for the purpose of making the required repairs or of demolishing the same.
 2. If an owner of a property and the property manager (if any), fail, neglect, or refuse to comply with the order to remedy within the time limits specified therein, in addition to enforcement under this Local Law, the Code Enforcement Official shall, upon order of the Board of Trustees, apply to a court of competent jurisdiction for the repair or removal of the vacant building. For this purpose, the Code Enforcement Official may at once enter such building or structure and with such assistance and at such cost as may be necessary.
 3. The Code Enforcement Official may vacate adjacent structures and protect the public by appropriate barricades or such other means as be necessary and for this purpose may close a public or private way. For this purpose, if a building or the grounds around are so poorly maintained that, in the opinion of the Code Enforcement Official, the property is in violation of any applicable state or local property maintenance regulations (including but not limited to the PMCNYS), such condition shall also constitute such an emergency empowering the Village to take responsive action under this Local Law.
- I. Costs incurred by the Village in connection with proceedings to repair or remove a building or structure, as provided under Sections 4.H.2. and 3., including the actual cost of repairing or removing the same, shall be assessed against the land on which said building or structure is located, and shall be collected by the Village Clerk/Treasurer in the same manner as other special assessments are collected. Failure of the owner or any subsequent owners to maintain the building, structure, or grounds which results in remedial action taken by the Village shall be grounds for revocation of the approval plan and shall be subject to any applicable penalties provided by the law.

- J. Subject to Section 8 below, the Code Enforcement Official may inspect vacant buildings on an “as needed” basis and shall issue an order to remedy in the event of any accumulation of trash or debris, rodent infestation, the failure to keep said vacant building secured or boarded up as provided in this Local Law or other violation of law, ordinance, Village or state code or regulation applicable to the vacant property.
1. The vacant property owner and its property manager (if any) shall comply with the order to remedy within the time specified therein. The Code Enforcement Official may consider the danger to the health, safety, and welfare of the public in determining the time within which the vacant property owner and its property manager (if any) must comply with the order to remedy.
 2. If the vacant property owner and its property manager (if any) fail to comply with the order to remedy, the Code Enforcement Official may, upon order of the Board of Trustees, seek an order from a court of competent jurisdiction enter on the vacant property, correct said condition and assess the cost of such work against the vacant property.
 3. Assessment of any costs incurred by the Village for such work performed by the Village to correct such conditions at said the vacant property shall be relieved against the vacant property with the Village taxes.
- K. A new owner of vacant property shall register or re-register the vacant building with the Code Enforcement Official within thirty (30) days of the transfer of a legal interest in the vacant property. The new vacant property owner shall comply with the approved plan and timetable submitted by the previous vacant property owner until any proposed changes are submitted and meet the approval of the Code Enforcement Official.

Section 5 Fees.

Every vacant property owner shall pay a registration fee and an annual fee for the period the building remains vacant as stated on Schedule A. Schedule A may be from time-to-time amended by resolution of the Board of Trustees of the Village, which fees shall be reasonably related to the administrative costs of the Village in monitoring and inspecting the vacant property, and act as a mechanism to protect the character and stability of residential and commercial areas, as well as, the preservation of the value of land and buildings throughout the Village of Watkins Glen.

- A. The registration fee shall be paid within thirty (30) days after the building becomes vacant.
- B. The first-year annual fee shall be paid no later than thirty (30) days after the building becomes vacant. If the fee is not paid within thirty (30) days of being due, the vacant property owner shall be subject to collection action and/or the levying of a lien against the vacant property (the amount of which shall be added to the Village

taxes applicable to the vacant property), as well as additional penalties as prescribed herein. If a vacant building plan is extended beyond 365 days, subsequent annual fees shall be paid as determined by resolution of the Board of Trustees.

- C. The annual fee imposed by this Section 5 may be prorated and a refund may be issued if the building is: 1) No longer deemed vacant under the provisions of this Local Law; 2) The Code Enforcement Official has determined that all exterior work is complete under the relevant building permit, including items such as landscaping, parking areas, siding, windows, roofing; etc. 3) No property owner has an outstanding fines or other financial obligation to the Village of Watkins Glen.
- D. All delinquent fees shall be paid by the vacant property owner prior to any transfer of an ownership interest in any vacant property. The vacant property owner will give the purchaser written notice that the vacant property in question is vacant property under this Local Law. If the fees are not paid prior to any transfer, the new vacant property owner shall pay the annual fee no later than thirty (30) days after the transfer of ownership, and subsequent annual fees shall be due on the new anniversary date. A lien may be placed on the vacant property to collect the delinquent fees and any resulting penalties.
- E. The vacant building registration fees and annual vacant building fees shall be delivered, by mail or in person, to the Village Office. A late charge of 2% per month or any part thereof, will be assessed on any invoice which is unpaid after thirty (30) days from the date of the demand for payment or an invoice. A \$25 processing fee will be charged for each check returned due to insufficient funds or any other reason. A replacement payment must be made in cash, money order, bank or certified check, and must include the processing fee and any applicable late charges. Invoices and any additional fees that remain unpaid will be added to the vacant property owner's tax bill and will include an additional fee.

Section 6 Filing of property-specified information.

The Code Enforcement Official shall include in the file any property-specific written statements from community organizations, other interested parties or citizens regarding the history, problems, status or blighting influence of a vacant building.

Section 7 Exemptions from registration requirements.

The following properties shall be exempt from the registration requirements imposed by this Local Law:

- A. A building which has suffered fire damage or damage caused by extreme weather events, or other approved manner shall be exempt from the registration requirement for a period of 180 days after the date of the fire or extreme weather event, if the property owner submits a request for exemption, in writing, to the Code

Enforcement Official. This request shall include the following information supplied by the property owner:

1. A description of the premises.
 2. The names and addresses of the owner or owners.
 3. A statement of intent to repair or reoccupy the building in an expedient manner, or the intent to demolish the building.
- B. A building under active construction/renovation and having a valid building permit(s) at the time of initial inspection shall be exempt from the registration requirement for a period of 180 days.
- C. A building that is for sale and listed with a licensed State of New York realtor or for lease shall be exempted for a period of 180 days from the start of vacancy, provided that the owner submits proof to the Code Enforcement Official of such listing and for the sale or lease status.
- D. A building that has been granted an exemption pursuant to the following. Any owner of a vacant building may request an exemption from the provisions of this Local Law by filing a written application as detailed in Section 10. In determining whether a request for exemption should be granted, the Zoning Board of Appeals shall consider the following: the applicant's prior record as it pertains to Building Code violations; the amount of vacant property the applicant currently has within the Village; and the length of time that the building for which the exemption is sought has been vacant.

Section 8 Access to Buildings for Inspection.

The Code Enforcement Official shall inspect any property in the Village to enforce and assure compliance with the provision of this Local Law. Upon the request of the Code Enforcement Official, an owner may provide access to all interior portions of an unoccupied building 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 Code Enforcement Official to enable such inspection, and the Code Enforcement Official shall be required to obtain a search warrant whenever an owner refuses to permit a warrantless inspection of the property after having been advised of his or her constitutional right to refuse entry without same. This section 8 will not apply in the event the Code Enforcement Official has probable cause to believe an emergency exists relative to the property.

Section 9 Annual Reports.

The Code Enforcement Official shall submit an annual report, not later than February 15th of each year, to the Mayor and Board of Trustees, listing all vacant buildings in the Village,

the date upon which such buildings were declared vacant and whether a vacant building registration and vacant building plan has been filed for each vacant building. The report shall additionally include a list of all previously declared vacant buildings which are no longer subject to the provisions of this Local Law.

Section 10 Appeals.

Any vacant property owner who is served a notice of vacant property registration may, within ten (10) calendar days of receipt of such notice, apply for an exemption or appeal the findings of the Code Enforcement Official. Such appeal shall be made by filing a notice of appeal on forms provided for such purpose. The appeal shall be scheduled for a hearing before the Zoning Board of Appeals (“ZBA”) in accordance with Article 11 of the Zoning Code. The ZBA may go into executive session for discussion but not for a vote on any case that is before the ZBA. Appeals from the decision of the ZBA shall be in accordance with the laws of the State of New York.

Section 11 Penalties for Offenses.

Any person violating any provision of this Local Law, or providing false information to the Code Enforcement Official will be subject to the penalties set forth:

- A. Penalty. Any person, firm, company, or corporation owning, controlling or managing a use, building, structure or lot on which there has been placed, or there exists anything in violation of any of the provisions of this Law shall be guilty of an offense and subject to a fine of not more than One Thousand Dollars (\$1000.00). Every such person, firm, company, or corporation shall be deemed guilty of a separate offense for each day such Violation, omission, neglect, or refusal shall continue.
- B. Alternative Penalty. In case of any violation or, in the event of equitable relief, threatened violation, of any of the provisions-of-this Law, or conditions imposed by the Village Board, in addition to other remedies herein provided, the Village Board may institute any appropriate legal action or proceeding to prevent such unlawful erection, structural alteration, reconstruction, moving and/or use; to restrain, correct, or abate such Violation; to prevent the occupancy of such building, structure or lot; or to prevent an illegal act, conduct, business or use on or about such lot.

SCHEDULE A

PROPERTY TYPE	REGISTRATION FEE	1ST YEAR ANNUAL FEE	2ND YEAR ANNUAL FEE	3RD YEAR ANNUAL FEE	SUBSEQUENT YEARS FEE
Residential	\$75.00	\$400	\$600	\$800	\$1,000
Commercial or Mixed Use	\$125.00	\$800	\$1,200	\$1,600	\$2,000