

## Local Law Filing

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Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

**County City Town x Village**

*(Select One)*

of Island Park

**Local Law No. 27 of the year 2017**

A local law establishing a Vacant Building Registry in the Incorporated Village of Island Park.

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Be it enacted by the BOARD OF TRUSTEES of the

*(Name of Legislative Body)*

**County City Town x Village**

*(Select One)*

### SECTION 1. LEGISLATIVE INTENT

A local law establishing a Vacant Building Registry in the Incorporated Village of Island Park that will identify vacant buildings, determine the responsibilities of owners of vacant buildings and structures, and to speed up the rehabilitation process of vacant properties. Buildings which remain vacant, with access points boarded over, are unsightly, unsafe and have a negative effect on their surroundings. This is particularly troublesome in residential and commercial neighborhoods. Buildings which become vacant due to foreclosure or that are vacant when foreclosed upon present additional problems. As the number of vacant properties increases due to foreclosure, the maintenance of vacant buildings becomes even more critical.

## **SECTION 2. DEFINITIONS**

In addition to the definitions of this Village Code, the following special definitions are applicable to this article. In the event of conflict, the following definitions shall be controlling:

### **ENFORCEMENT OFFICER**

A duly authorized representative of the Village of Island Park empowered with enforcement authority.

### **OWNER**

Those shown to be the owner or owners on the records of the Nassau County 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, a duly authorized agent(s), or a mortgagee that has filed an action in foreclosure on the particular premises at issue, until title to the premises is transferred to a third party. Any such person shall have a joint and several obligation for compliance with the provisions of this article.

### **SECURED BY OTHER THAN NORMAL MEANS**

A building secured by means other than those used in the design of the building.

### **UNOCCUPIED**

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

### **UNSECURED**

A building or 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. Unoccupied and unsecured;
- B. Unoccupied and secured by other than normal means;
- C. Unoccupied and an unsafe building as determined by the Department of Buildings;
- 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 code violations.

### **SECTION 3. REGISTRATION REQUIRED, FEES**

**A.** The owner shall register with the Department of Buildings not later than 30 days after any building in the Village of Island Park becomes a vacant building or not later than 30 days after being notified by the Department of Buildings of the requirement to register. The Building 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 Department of Buildings and shall include the following information supplied by the owner:

**(1)** A description of the premises.

**(2)** The names, addresses, copies of drivers' licenses, and telephone numbers of the owner or owners.

**(3)** If the owner does not reside in Nassau County or any adjoining county, the name, address, copy of driver's license, and telephone number of any third party with whom the owner has entered into a contract or agreement for property management.

**(4)** The names and addresses of all known lienholders and all other parties with an ownership interest in the building.

**(5)** A telephone number where a responsible party can be reached at all times during business and nonbusiness hours.

**(6)** A vacant building plan as described in Subsection **C**.

**(7)** Provide an undertaking to the Village of Island Park in the form of cash or certified funds acceptable to the Village Attorney, in the sum of \$25,000 for residential property or \$35,000 for commercial property, in order to secure the continued maintenance of the property throughout its vacancy and reimburse the Village for any expenses incurred in inspecting, remediating, or securing such property when such property is not in compliance with this article.

**(8)** Incomplete registration forms will not be accepted, and, if the lack of compliance results in nonregistration of the building, the owner can be prosecuted under Sections 7 and 8.

**C.** The owner shall submit a vacant building plan which must meet the approval of the Building Department. 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)** The owner and subsequent owners shall keep the building secured and safe and the building and grounds properly maintained and monitored as provided in the Village Code.

**(3)** If the building is to be returned to appropriate occupancy or use, a rehabilitation plan for the property. The rehabilitation plan shall not exceed 365 days, unless the Chief of the Building Department grants an extension upon receipt of a written statement from the owner detailing the reasons for the extension. If no building permit has been applied for within the 365 days, the Enforcement Officer will send written notification to the owner of the lack of compliance with Section 3 of this Chapter. The owner will be required to file an extension with a revised rehabilitation plan and reasons for noncompliance. Failure to respond may result in prosecution as prescribed in Sections 7 and 8. Any repairs, improvements or alterations to the property must comply with any applicable zoning, housing, historic preservation or building codes and the structure must remain secured, if applicable, during the rehabilitation.

**D.** All applicable laws and codes shall be complied with by the owner. The owner shall notify the Enforcement Officer 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 Enforcement Officer.

**E.** The owner and subsequent owners shall keep the building secured and safe and the building and grounds properly maintained and monitored at all times.

**F.** Failure of the owner or any subsequent owners to maintain the building and premises that results in remedial action taken by the Village shall be grounds for revocation of the approved plan and shall be subject to any applicable penalties provided by the law.

**G.** The new owners shall register or reregister the vacant building with the Department of Buildings 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 Chief of the Building Department.

**H. Vacant Building Fees.**

**(1)** The owner of a vacant building shall pay an annual fee as set forth in Subsection **H(2)** for the period the building remains a vacant building. The fee shall be reasonably related to the administrative costs for registering and processing the vacant building owner registration form and for the costs of the Village in monitoring and inspecting the vacant

building site. Vacant building registration fees will not be accepted until an application is complete.

**(2)** The first-year annual fee shall be \$500 and shall be paid no later than 30 days after the building becomes vacant. If the fee is not paid within 30 days of being due, the owner shall be subject to prosecution as prescribed in Sections 7 and 8. If a plan is extended beyond 365 days, subsequent annual fees shall be paid as follows:

**(a)** For the second year that the building remains vacant: \$1,000;

**(b)** For the third year that the building remains vacant: \$1,500;

**(c)** For the fourth year that the building remains vacant: \$2,000; and

**(d)** For the fifth, and each succeeding year that the building remains vacant: \$3,000.

**(3)** The fee shall be paid in full prior to the issuance of any building permits, with the exception of a demolition permit.

**(4)** All delinquent fees shall be paid by the owner prior to any transfer of an ownership interest in any vacant building. If the fees are not paid prior to any transfer, the new owner shall pay the annual fee no later than 30 days after the transfer of ownership, and subsequent annual fees shall be due on the new anniversary date.

**I.** The Building 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.

**J.** The purchaser/buyer of any vacant building within the Village shall, at the time of closing, file a new and complete vacant building registration form. The purchaser shall also pay to the Village, at the time of closing, the fees associated with registering such vacant building.

**K.** The seller of any vacant building within the Village shall, at the time of closing, pay any and all past-due vacant building registration fees associated with said building that is being sold.

**L.** In the event that any such funds are utilized as set forth above, such person, business, organization, bank or lender shall restore it to the full amount referenced in Subsection **B(7)** above, within 15 calendar days after written demand by the Village, sent by regular mail and certified mail, return receipt requested, to such person, business, organization, bank or lender at an address designated by them for service of notices, or else to their last known address. It shall be unlawful for such person, business, organization, bank or lender to fail to timely restore funds as required herein.

#### **SECTION 4. EXEMPTIONS**

A building which has suffered fire damage or damage caused by extreme weather conditions shall be exempt from the registration requirement for a period of 90 days after the date of the fire or extreme weather event if the property owner submits a request for exemption, in writing, to the Department of Buildings. Upon evaluation of the circumstances and at the discretion of the Chief of the Building Department, additional time beyond the ninety-day period may be granted. This request shall include the following information supplied by the owner:

- A.** A description of the premises.
- B.** The names, addresses, copies of drivers' licenses, and telephone numbers of the owner or owners.
- C.** If the owner does not reside in Nassau County or any adjoining county, the name, address, copy of driver's license, and telephone number of any third party with whom the owner has entered into a contract or agreement for property management.
- D.** A statement of intent to repair and reoccupy the building in an expedient manner or the intent to demolish the building.

#### **SECTION 5. INSPECTIONS**

The Department of Buildings shall inspect any premises in the Town of Hempstead for the purpose of enforcing and assuring compliance with the provisions of this article. Upon the request of the Enforcement Officer, an owner shall provide access to all interior portions of an unoccupied building in order to permit a complete inspection.

#### **SECTION 6. CORRECTIVE MEASURES**

Where it reasonably appears that there is failure to maintain a vacant property in accordance with the applicable Village of Island Park Village Code, as evidenced by the issuance of a notice of a violation or an appearance ticket, that persists for more than 10 days after such notice or appearance has been served, the Village may take remedial action to bring the property into compliance with the Village Code, utilizing the deposited funds established in Section 3 in order to pay the full and actual cost of the work that was completed. An administrative fee of \$100 shall be assessed against the undertaking for each instance that a corrective measure is taken.

## **SECTION 7. EMERGENCY MEASURES**

Where it reasonably appears that there is imminent danger to the life or safety of any person unless a vacant building, as defined herein, is immediately repaired, secured, or demolished, the Department of Buildings shall cause the immediate repair, fencing, board-up or demolition of such dangerous property, building, or structure. In the event that an emergency measure must be taken, in addition to or in lieu of any other enforcement remedy at his disposal, the Chief of the Building Department may utilize the deposited funds established in Section 3 to pay the full and actual cost of actions necessary to eliminate the imminent danger, life safety, or hazard.

## **SECTION 8. PENALTIES FOR OFFENSES**

For any and every violation of the provisions of this article, the owner, general agent or contractor of a building or premises where such violations have been committed or shall exist, and the lessee or tenant of an entire building or entire premises where such violations have been committed or shall exist, or the owner, general agent, contractor, lessee or tenant of any part of a building or premises in which part such violation has been committed or shall exist, and the general agent, architect, builder, contractor or any other person who knowingly commits, takes part in or assists in any such violation or who maintains a building or premises in which any violation shall exist, shall be guilty of an offense punishable by a fine of not less than \$1,000 and not exceeding \$2,500 or by imprisonment for a period not to exceed 15 days, or both, for conviction of a first offense; for conviction of a second offense, both of which were committed within a period of five years, such violation shall be punishable by a fine of not less than \$2,500 nor more than \$5,000 or by imprisonment for a period not to exceed 15 days, or both; and, upon conviction of a third or subsequent offense, all of which were committed within a period of five years, such violation shall be punishable by a fine of not less than \$5,000 nor more than \$10,000 or by imprisonment for a period not to exceed 15 days, or both. Each week's continued violation shall constitute a separate additional violation.

## **SECTION 9. SEVERABILITY**

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court's order or judgement shall not effect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgement or order shall be rendered.

**SECTION 10. EFFECTIVE DATE**

This local law shall take effect immediately upon filing with the Secretary of State.