

City of Cortland, New York

Local Law No. 6 of the year 2010

Legislative findings and purpose.

It is the finding of the Common Council that 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 neighborhood commercial neighborhoods. Unfortunately, many buildings, once boarded, remain that way for many years. 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; and to speed the rehabilitation of the vacant properties.

Definitions.

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

ENFORCEMENT OFFICER -- A duly authorized representative of the Code Enforcement Office

OWNER -- Those shown to be the owner or owners on the records of the City of Cortland Assessors 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 -- 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 Code Enforcement Office;
- D. Unoccupied and has multiple housing or building code violations;
- E. Illegally occupied;

F. Unoccupied for a period of time over 180 days, and during which time the enforcement officer has issued an order to correct code violations.

Vacant Building Registration and Maintenance

A. The owner shall register with the Code Enforcement Office not later than 30 days after any building in the City becomes a vacant building or not later than 30 days after being notified by the Code Enforcement Office of the requirement to register. The Code Enforcement Office 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 Office and shall include the following information supplied by the owner:

- (1) A description of the premises.
- (2) The names, mailing address, email address and telephone numbers of the owner or owners.
- (3) If the owner does not reside in Cortland County or in County contiguous with Cortland County, the name, mailing address, email address and telephone numbers of any third party with whom the owner has entered into a contract or agreement for property management within twenty five radius of the City of Cortland.
- (4) The names, mailing address, email address and telephone number of all known lien-holders 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 non-business 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 building is not currently covered by fire insurance, the owner shall set forth the reason(s) why it is not so covered.
- (7) A vacant building plan as described in Subsection C.

C. The owner shall submit a vacant building plan which must meet the approval of the 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.
- (2) If the building is to remain vacant, a plan for the securing of the building, along with the procedure that will be used to maintain the property 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, a rehabilitation plan for the property. The rehabilitation plan shall not exceed 365 days, unless the Enforcement Officer grants an extension upon receipt of a written statement from the owner detailing the reasons for the extension. Any repairs, improvements, alterations to or demolition of the property must comply with any applicable zoning, housing, historic preservation or building codes and must be secured as per local code, if applicable, during the rehabilitation.

D. The Enforcement Officer shall provide the owner with a written referral to the Office of Community Development for information outlining programs available which may be useful in developing the owner's rehabilitation plan.

E. 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.

F. All vacant buildings shall be kept secured or shall be kept boarded up, both as defined in Subsection F(1), and shall be maintained in accordance with Subsection F(2) of this section. Also, once a building has been vacant for a period of three months or more, its owner shall provide evidence, as described in Subsection F(3) of this section, that said 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, shall mean that all means of ingress and egress, including but not limited to all doorways and windows, shall be in good state of repair, without any broken glass or other damage that might allow entry or create an eyesore, and shall be securely locked. Any 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 building and to reduce the negative impact on the neighborhood. Boarding up shall be done by utilizing the following minimum materials and methods unless another equivalent system is proposed in writing and approved by the Code Enforcement Officer:

(a) Exterior-grade plywood or sheathing-grade particle board, at least 1/2 inch thick, shall be used for boarding material. It shall be cut to fit neatly 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 two-inch-by-four-inch wood stud, or equal, at the midspan and for the full height of the opening.

(c) The boarding material shall be secured to the building by sixpenny (minimum size) coated nails spaced no more than six inches on center at the

edges and 12 inches on center at any intermediate bracing, except that one doorway shall be secured in such a manner that it can provide access to the 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 boarding material.

(d) The door shall be secured with at least two keyed locks, 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 color matching that of the adjacent walls.

(f) The secured 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. 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 building, the following minimum requirements shall be met for all vacant buildings:

(a) The roof shall be structurally sound and weathertight. Any damaged or missing rafters, decking or roofing materials shall be repaired or replaced with equivalent material but in no case less than two-by-six-inch wood rafters, one-half-inch thick exterior plywood and ninety-pound roll roofing, respectively, 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 weathertight.

(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 six inches in height.

(3) When it is required by this article that a building be boarded up, it shall be the responsibility of the owner to have the electric and gas service, if any, temporarily shut off from the building by contacting power customer service provider. Service may not be reconnected until repair and rehabilitation work or occupancy actually commences.

(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. This shall not apply if the building is adequately heated during that time period.

(5) The owner shall arrange to provide access to the interior of the building by representatives of the of Code Enforcement to inspect for compliance with the requirements above that pertain to the interior. However, the Code Enforcement Officer shall not conduct such an inspection without the consent of the owner, unless the Code Enforcement Officer has first obtained a warrant from a court of competent jurisdiction.

(6) The owners of buildings which for any reason remain vacant for a period of three months or more shall be subject to the procedures of this section. By the end of such three-month time period, the owner of the vacant building shall demonstrate to the Code Enforcement Office that said owner has taken all positive action to abate the vacancy of the building in an expeditious manner. This action may include but is not limited to applying for and obtaining a work permit to repair and rehabilitate the building, or to demolish it, and proceeding with the work in a timely fashion; providing competent evidence that the building is listed for sale by a licensed realtor and is being periodically advertised for sale in a local newspaper or other journal; or providing a proposed schedule of action to undertake repair and rehabilitation of the building, including a detailed financial plan for its accomplishment.

G. The Code Enforcement Office 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 once a month, or as frequently as is necessary, all buildings that are vacant or abandoned so as to ensure that they are properly secured or boarded up and maintained.

H. Whenever the Code Enforcement Office shall find a building or structure or a portion thereof to be an unsafe or vacant building, he/she shall give the owner, agent or person in control of such building or structure written notice stating the defects thereof. This notice shall require the owner within a stated time either to complete specified repairs or improvements, or to demolish and remove the building or structure or portion thereof.

I. If the Code Enforcement Officer finds that there is actual and immediate danger of failure or collapse so as to endanger life, such notice shall require the building, structure or portion thereof to be vacated forthwith and not reoccupied until the specified repairs and improvements are completed, inspected and approved by the building official. The Director of Code Enforcement shall cause to be posted at each entrance of such building a notice which includes the statement that,

THIS BUILDING IS UNSAFE AND ITS USE OR OCCUPANCY HAS BEEN PROHIBITED BY THE DIRECTOR OF CODE ENFORCEMENT, CITY OF CORTLAND.

Such notice shall remain posted until the required repairs or demolition is completed. It shall be unlawful for any person, firm or corporation or their agents or other servants to remove such notice without written permission of the Code Enforcement Officer, or for any person to enter the building except for the purpose of making the required repairs or of demolishing the same.

J. In the event that an owner or other interested party fails, neglects or refuses to comply with a notice to repair or remove a dangerous building or structure within the time limits specified in the notice provided for herein, the Code Enforcement Officer shall, upon order of the Common Council, promptly cause the affected building or structure to be repaired or removed. For this purpose he may at once enter such building or structure and with such assistance and at such cost as may be necessary.

K. The Code Enforcement Officer 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, a vacant building or the grounds around it that is so poorly maintained that, in the opinion of the Code Enforcement Officer, the property is in violation of any applicable State or local property maintenance regulations shall also constitute such an emergency empowering the City to take responsive action under this article.

L. Costs incurred by the City in connection with proceedings to repair or remove a building or structure, as provided under Subsections J and K of this section, including the cost of actually repairing or removed the same, shall be assessed against the land on which said building or structure is located and shall be collected by the Director of Administration and Finance in the same manner as other special assessments are collected. Failure of the owner or any subsequent owners to maintain the building and premises that result in remedial action taken by the City shall be grounds for revocation of the approved plan and shall be subject to any applicable penalties provided by the law.

M. The Code Enforcement Officer shall cause such vacant buildings to be inspected on a quarterly basis and shall notify the owner or agent at the address filed with the Code Enforcement Office of any accumulation of trash, debris, rodent infestation, the failure to keep said building secured or other violation of law, ordinance, City or State code or regulation at the premises.

a. The owner shall have seven days from receipt of said notice to correct such conditions unless the Code Enforcement Officer is of the opinion that a vacant building or any structure is, for any cause, dangerous to the health safety and welfare of the public or is unfit for occupancy, in which case the provisions of Chapter 104 of the Code of the City of Cortland shall apply.

b. If the owner fails to correct such conditions, the City may enter on the property, correct said condition and assess the cost of such work against

the property.

c. Assessment of any costs incurred by the City for such work performed by the City to correct violations at said property shall be carried out pursuant to § 1-22 of the Code of the City of Cortland

N. The new owners shall register or re-register the vacant building with the Enforcement Officer 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 Enforcement Officer.

Vacant building fees.

O. The owner of a vacant building shall pay an annual fee as set forth in Subsection O(1), as amended from time by resolution of the Common Council, 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 City in monitoring and inspecting the vacant building site.

(1) The first-year annual fee shall be \$250 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 § 1-22 of the Code of the City of Cortland.

(2) 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: \$500;

(b) For the third year that the building remains vacant: \$1,000;

(c) For the fourth year that the building remains vacant: \$1,500; and

(d) For the fifth, and each succeeding year, that the building remains vacant: \$2,000.

(3) The 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 article within 180 days of its registry.

(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.

P. The Enforcement Officer 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.

Exemptions.

A building which has suffered fire damage or damage caused by extreme weather events 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 Officer. This request shall include the following information supplied by the owner:

- A. A description of the premises.
- B. The names and addresses of the owner or owners.
- C. A statement of intent to repair and reoccupy the building in an expedient manner, or the intent to demolish the building.

Inspections.

The Code Enforcement Department shall inspect any premises in the City for the purpose of enforcing and assuring compliance with the provisions of this article. Upon the request of the 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 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.

Annual reports.

The Code Enforcement Department shall submit a quarterly report not later than April 15 of each year to the Mayor and Common Council listing all buildings in the City declared vacant under the provisions of this article, 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 article.

Penalties for offenses

Any person violating any provision of the Vacant Building Registry or providing false information to the Enforcement Officer shall be punished as provided by § 1-22 of the Code of the City of Cortland as § 1-22 is amended from time to time.