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Consideration of a Resolution to schedule three (3) public sessions to receive input on the following proposed additions to Chapter 107 –Building, Vacant of the Code for the City of Cortland.

§ 107-2. Definitions.

RESPONSIBLE PARTY

Those shown to be the owner or owners of the records at the City of Cortland Assessor’s office, those identified as the owner or owners on a vacant building registration form; a mortgagee in possession; a mortgagor in possession; a mortgagee upon the filing of a lis pendens and/or an action, the purpose of which is to foreclose upon the mortgage or similar instrument that secures debt upon the real property; assignee of rents; receiver; executor; trustee; lessee; other person; firm; or corporation in control of the premises; of any real property which is in violation of this chapter shall be a responsible party for compliance with the provisions of this chapter.

§ 107-3 Responsibility for Compliance

It is the responsibility of each owner to maintain their property in accordance with the provisions of this chapter. Where applicable, tenants or lessees shall receive enforcement notices in connection with enforcement; however, the owner is ultimately responsible for compliance with this chapter.

§ 107-4 (B)

The name, street address and telephone number of a natural person 21 years of age or older, designated by the responsible person as the authorized agent for receiving process, in any court proceeding or administrative enforcement proceeding, on behalf of such responsible party or parties in connection with the enforcement of provisions of this chapter. This person must maintain an office in Cortland County, NY or must actually reside within Cortland County, NY. An owner who is a natural person and who meets the requirements of this subsection as to location of residence or office may designate himself as an agent. By designating an authorized agent under the provisions of this subsection the owner is consenting to receive any and all notices under the provisions of this chapter, the responsible party is consenting to receive any and all notices of code violations concerning the registered real estate and all process in any court proceeding or administrative enforcement proceeding brought to enforce code provisions concerning the registered real estate by service of the notice or process on the authorized agent. Any responsible party who has designated an authorized agent under the provisions of this chapter shall be deemed to consent to the continuation of the agent’s designation for the purposes of this subsection until the responsible party notifies the Code Enforcement Office of a change of authorized agent or until the responsible party files a new annual registration statement. Any responsible party who fails to register vacant real property under the provisions of this chapter shall further be deemed to consent to receive, by posting at the real estate any and all notices of code violations and all processes in an administrative proceeding brought to enforce code provisions concerning real estate.



§ 107-4

The party responsible for any building that has become vacant shall, within 30 days, acquire or otherwise maintain liability insurance in an amount of not less than \$300,000.00 for buildings designed primarily for use as residential units and not less than \$1,000,000.00 for any other building including but not limited to, buildings designed for manufacturing, industrial storage or commercial uses, covering any damage to any person or any property caused by any physical condition of or in the building. Any insurance policy acquired after the building has become vacant shall provide for written notice to the commissioner of building within 30 days of any lapse, cancellation or change in coverage. The responsible party or the responsible party authorized agent for service of process shall provide evidence of the insurance, upon request, to the Code Enforcement Office.

§ 107-4 Fees (A)

1. For the second year that the building remains vacant: the lesser of either \$5,000.00 or the annual aggregate of city, county, and school property taxes.
Should the responsible party remedied, to the satisfaction of the Code Enforcement Office, all conditions which caused the building to be defined as "vacant," per section 107-2, by the end of the second year, all fees paid for the second year shall be reimbursed.
2. For the third year that the building remains vacant: The lesser of either \$10,000.00 or twice the annual aggregate of city, county, and school property taxes.
Should the responsible party remedied to the satisfaction of the Code Enforcement Office, all conditions which caused the building to be defined as "vacant" per section 107-2 by the end of the third year, all fees paid for the third year shall be reimbursed.
3. For the Fourth year that the building remains vacant: the lesser of either \$15,000.00 or the thrice the annual aggregate of the city, county and school property taxes.
Should the responsible party remedied to the satisfaction of the Code Enforcement Office, all conditions which caused the building to be defined as "vacant" per section 107-2 by the end of the fourth year, one half of all the fees paid for the fourth year shall be reimbursed.
4. Starting in the fifth year and continuing each year thereafter that the building remains vacant: the lesser of either \$20,000.00 or quadruple the annual aggregate of city, county and school property taxes.
5. If a fee permitted by the provisions of this chapter is not paid by December 31 of the year in which it is levied, such fee shall be added to the real property city tax rolls chargeable to said property and shall be collected in the same manner as any unpaid real property city tax.

§ 107-4

- (F)
- (6)
- (b) Providing competent evidence that the building is listed for sale by a licensed realtor and is being advertised for sale at least once a month in a local newspaper or other journal. Should the property remain unsold six months after the initial listing, the responsible party shall provide the Code Enforcement Offices with a current market analysis that provides evidence that the property's listed sales price is reasonable. Thereafter the responsible party shall furnish the Code Enforcement Office additional market analysis each six months thereafter that the property remains unsold. The responsible party shall adjust the listed sales price to reflect each market analysis.

§ 107-4

- W. The responsible party shall comply with, and the property shall be subject to all provisions of chapter 220.