

ORDINANCE # 1 of 2014

AN ORDINANCE REPEALING ARTICLE V OF CHAPTER 86 OF THE MUNICIPAL CODE ENTITLED “NONRESIDENTIAL BUILDINGS AND VACANT RESIDENTIAL BUILDINGS” AND AMENDING CHAPTER 158 OF THE MUNICIPAL CODE BY THE ADDITION OF A NEW PROVISION ENTITLED “VACANT BUILDING REGISTRATION”

BE IT ORDAINED by the Common Council of the City of Oneonta as follows:

Section 1. Article V of Chapter 86 of the City of Oneonta Municipal Code entitled “Nonresidential Buildings and Vacant Residential Buildings” is hereby repealed in its entirety.

Section 2. Chapter 158 entitled “Housing Code” of the City of Oneonta Municipal Code is amended by the addition of the following:

VACANT BUILDING REGISTRATION

§ 158- 67 A. Purpose.

The purpose of this chapter is to establish a program for identifying and registering vacant residential buildings to determine the responsibilities of owners of vacant buildings and structures and to speed the rehabilitation of vacant properties.

§158-67 B. Definitions.

Unless otherwise expressly stated, the following terms shall, for the purpose of this chapter, 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 on the records of the City of Oneonta Assessor'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, land contract vendee, other person, firm or corporation in control of the premises. Any such person shall have a joint and several obligations for compliance with the provisions of this chapter.

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 any occupancy authorized by the City of Oneonta Code Enforcement Office.

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:

1. Unoccupied and unsecured.
2. Unoccupied and secured by other than normal means.
3. Unoccupied and is unsafe as determined by the Code Enforcement Office.
4. Unoccupied and for which the Code Officer has issued an order to correct 2 or more code violations or has authorized the remediation of 2 or more violations in a twelve month period .

§ 158- 67 C Vacant Building Registration.

A. The owner shall register with the Code Enforcement Office not later than 60 days after any residential building located in the City of Oneonta becomes a vacant building, as defined in §158- 76 B, or not later than 60 days after being notified by the Code Enforcement Office of the requirement to register the building. The Code Office may identify vacant buildings through its routine inspection process as well as through notification by residents and business owners that a building may be required to be registered as a vacant building with the Code Enforcement Office.

B. The registration shall be submitted on forms provided by the Code Enforcement Office and shall include the following information provided by the owner:

- (1) A description of the premises.

(2) The names and addresses of the owner or owners.

(3) If the owner does not reside in the City of Oneonta or within the Postal Zip Code areas designated by the Code Enforcement Office, the name and address of the agent designated to act on behalf of the owner as required by the City Code.

(4) The names and addresses 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 vacant building plan as described in Subsection C.

C. The owners shall submit a vacant building plan, which must meet the approval of the Code Enforcement Office. 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, or alterations to the property must comply with any applicable zoning, housing, building, and historic district regulations. The building must be secured 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 a 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 buildings secured and safe and the building and ground properly maintained as provided in Chapter 3 of the Property Maintenance Code of New York State. All exterior boarding material used to cover over openings including doors and windows, shall be painted with an exterior grade protective coating.

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

G. New owners shall register or reregister the vacant building with the Code Enforcement Office within 60 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 approved by the Code Enforcement Office.

§ 158- 67 D. Registration fees; building file.

A. Fees.

(1) The owner of a vacant building shall pay an annual fee of \$500. The fee shall be reasonably related to the administrative costs for registering and processing the vacant building owner registration forms and for the costs of the City in monitoring the vacant building site.

(2) The first annual fee shall be paid no later than 60 days after the building owner has been notified by the Code Enforcement Officer that the building is subject to the requirements of this chapter. If the fee is not paid within 60 days of being due or if completed registration forms are not submitted to the Code Office, the owner shall be subject to an Administrative Fee for failing to register a vacant building. This fee shall be determined by resolution of the Common Council. All subsequent annual fees shall be due on January 1st of each succeeding calendar year, even if a whole year has not passed since the original fee

was paid. If the annual fee has not be paid by January 31st , administrative fees shall accrue.

(3) The fee, and any administrative fees accrued by the property owner, shall be paid in full prior to the issuance of any building and demolition permits.

(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 60 days after the transfer of ownership, and subsequent annual fees shall be due as set forth herein.

B. The Code Enforcement Office 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.

§ 158-67 E . Exemptions.

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

§ 158-67 F. Penalties for offenses.

Any violation of any provision of the vacant building registry shall be punishable as a violation under this Code or under any other appropriate state law, statute, or regulation.

§158-67 G. Appeals

Any property owner who wishes to dispute the determination of the Code Enforcement Office that a property is required to be registered as a vacant property under the terms of this statute or is aggrieved by the actions taken by the Code Enforcement Office under the terms of Chapter 158-67, may have their appeal heard by the City of Oneonta Housing Board of Appeals under the procedures outlined in §158-71 of this code.

Section 3. This Ordinance shall take effect on June 1, 2014.