

**INCORPORATED VILLAGE OF AMITYVILLE: LOCAL LAW # 7 OF YEAR 2016**

A local law to amend the Code of the Village of Amityville (CVA) by adding a new Chapter 53 requiring the registration of vacant buildings.

BE IT ENACTED by the Board of Trustees of the Inc. Village of Amityville as follows:

Section 1. CVA §53-1. Legislative intent.

The ravages of Superstorm Sandy coupled with certain economic impacts and ever changing lifestyles, place new responsibilities upon Village government to assure safe and well maintained properties. The maintenance of a Vacant Building Register will aid in assuring the health, safety and enforcement of property maintenance, by providing better access to and communication with property owners and those having an interest in particular properties to assure compliance.

Section 2. CVA §53-2. Definitions.

For purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them as follows:

- A. Boarded building(s) and structure(s). A building(s) or structure(s) with a sheet(s) of plywood, wood or similar material(s) in front or in place of one or more exterior doors, other than a storm door, or of one or more windows.
- B. Occupied building(s) or structures(s). Any building(s) or structure(s) wherein one or more persons actually conducts a business or resides in all or any part of the building as the business occupant, or as the legal or equitable owner(s)/occupant(s) or tenant(s) on a permanent, nontransient basis, or any combination of the same. For purposes of this section, evidence offered to prove that a building is so occupied may include, but shall not be limited to, the regular receipt of delivery of regular mail through the United States Postal Service; proof of continual telephone, electric, gas, heating, water and sewer services; a valid Village business license, if applicable, or the most recent, federal or state income tax statements indicating that the subject property is the official business or residence address of the person or business claiming occupancy; or proof of pre-rental inspection.
- C. Owner(s). Any person, partnership, limited-liability company, corporation or other entity who, alone or jointly with others, shall have legal title to any premises, with or without accompanying actual possession thereof; or who shall have charge, care or control of any dwelling unit as a cooperative shareholder or as executor, administrator, trustee, receiver or guardian of the estate or as a mortgagee in possession, title or control, including but not limited to a bank or lending institution, regardless of how such possession, title or control was obtained.
- D. Vacant building(s) or structure(s). A building(s) or structure(s) where no person or persons actually currently conduct a business, or reside or live in any part of the building or structure as the legal or equitable owner(s) or tenant-occupant(s), or owner- occupant(s), or tenant(s) on a permanent, nontransient basis.

Section 3. CVA §53-3. Vacant building registration and requirements.

A. Vacant building registration and fees.

- (1) Any owner of any building which has been vacant or not occupied for more than 120 consecutive days shall file with the Village Clerk a Vacant Building Registration. Said Registration shall be in a form prescribed by the Village Clerk which shall include the street address and parcel

number of each such vacant building, the names and addresses of all owners or interest holders, in accordance with Subsection A(1)(a) through (g) below, and any other information deemed necessary by the Village Clerk, and shall be notarized. In no instance shall the registration of a vacant building and the payment of registration fees be construed to exonerate the owner, agent or responsible party from responsibility for compliance with any other building code, zoning code or governmental regulations. The registration fee(s), as required herein, shall be due upon registration and then billed by the Village Clerk for subsequent years and be paid by January 1<sup>st</sup> of each year. For purposes of this section, the following shall be provided:

- (a) If the owner is a corporation, the names and residence addresses of all officers and directors of the corporation, and accompanied by a copy of the most recent annual franchise tax report filed with the Secretary of State.
- (b) If the owner is a limited-liability company, the names and residence addresses of the manager, managing member or those holding an interest of ten (10%) percent or greater.
- (c) If the owner is an estate, the name and residence address of the executor or administrator.
- (d) If the owner is a trust, the name and residence address of all trustees and grantors.
- (e) If the owner is a partnership, the names and residence addresses of all partners with an interest of ten (10%) percent or greater.
- (f) If the owner is any other form of unincorporated association, the names and residence addresses of all principals with an interest of ten (10%) or greater.
- (g) If the owner is an individual person or persons, the name and residence address of such individuals.

(2) Local agent.

- (a) If none of the persons listed in Subsection A(1)(a) through (g) above are within the state, the Registration Statement also shall provide the name and address of a person who resides within the state and who is authorized to accept service of process or legal notices on behalf of the owner(s).
- (b) The Registration Statement shall designate a responsible, local party or agent for the purposes of notification in the event of an emergency affecting the public health, safety or welfare.

(3) Exceptions. This section shall not apply to owners who have a second home or temporarily reside elsewhere, who demonstrate by sworn affidavits and other documentation that the premises is being regularly cared for and monitored by a family member(s) or an entity engaged to provide such service.

B. Fee.

- (1) The owner(s) of the vacant or non-occupied property(ies) shall be responsible to register and pay an annual nonrefundable registration fee of \$250. Thereafter, said fee shall be billed by the Village Clerk annually on November 1<sup>st</sup>.

(2) One Vacant Building Registration may be filed to include all vacant buildings situated upon a single property of an owner so registering. The fee of \$250 shall apply to the property upon which the buildings are situated. A separate fee need not be paid for each building upon a single tax lot.

C. Appeal rights. The owner shall have the right to appeal the imposition of the registration fees to the Building Inspector, upon filing an application in writing to the Village Clerk no later than 30 calendar days from the date of the billing statement. On appeal, the owner shall bear the burden of providing proof that the building is occupied.

D. One-time waiver of registration fee. A one-time waiver of the registration fee for up to 90 days may be granted by the Village Clerk upon application by the owner and upon review and advice of the Village Attorney, within 30 calendar days from the date of the bill for the registration fee; or upon appeal to the Building Inspector, if the owner:

- (1) Demonstrates with satisfactory proof that s/he is the process of demolition, rehabilitation, or other substantial repair of the vacant building; and demonstrates the anticipated length of time for such demolition, rehabilitation, or other substantial repair; and
- (2) Is current on all registration fees and all other financial obligations and/or debts owed to the Village which are associated with the vacant property.

E. Delinquent registration fees as a lien.

- (1) After the owner is given notice by First Class Mail of the amount of the registration fee due, except for those owners that have properly perfected an appeal as provided above, and the owner fails to pay the amount due within 30 days, said amount shall constitute a debt due and owing to the Village.
- (2) Duty to amend registration statement. If the status of the registration information changes during the course of any calendar year, it is the responsibility of the owner, responsible party or agent for the same to contact the Village Clerk within 30 days of such occurrence and advise the Village Clerk in writing of those changes.

Section 4. CVA §53-4. Duty of village clerk to maintain and notify.

The Village Clerk shall maintain the Vacant Building Registrations in the normal course of business and shall notify the local police, fire and ambulance services of all locations on the registry.

Section 5. CVA §53-5. Penalties for offenses.

Any owner, or agent of an owner acting on behalf of the owner, who fails to register a vacant building or to pay any fees required to be paid pursuant to the provisions of this chapter, within 30 days after they become due, shall constitute a violation punishable upon conviction thereof by a fine in the amount of not less than \$1,000 nor more than \$5,000 for each failure to register, ore repeated failure after notice, or for each failure to pay a required Vacant Building Registration Fee. A claim that a bill for registration fees has not been received shall not be a defense for failure to comply.

Section 6. Effective Date.

This local law shall take effect immediately upon adoption, subject to filing with the Secretary of State.