

Local Law No. P-6 of the year 2023.

Introduced by Mayor Rosenquest on December 7, 2023 at a Regular meeting of the Common Council.

Public Hearing to be held on Thursday, December 21, 2023 at 5:01pm in the Council Chambers, 41 City Hall Place, Plattsburgh, NY 12901.

A local law adding Section 144-20 “Vacant Building Registry” to Chapter 144 “Building Code Administration and Enforcement” to the City Code of the City of Plattsburgh.

This Local Law is enacted pursuant to the provisions of Sections 10 of the Municipal Home Rule Law of the State of New York.

Be it enacted by the Common Council of the City of Plattsburgh as follows:

1. The City Code of the City of Plattsburgh is amended by adding Section 144-20 “Vacant Building Registry” to Chapter 144 “Building Code Administration and Enforcement” to the City Code of the City of Plattsburgh to read as follows:

Chapter 144 “Building Code Administration and Enforcement”...

§ 144-20 Vacant Building Registry

A. Purpose

The Common Council of the City of Plattsburgh recognizes that the prolonged existence of vacant buildings within the City of Plattsburgh causes adverse impacts to the community and negatively affects the public health, safety and general welfare of the people of the City of Plattsburgh. The Common Council has determined that buildings which remain vacant, some with access points boarded over, are unsightly, unsafe and have a negative effect on their surroundings. This is troublesome in all neighborhoods. Unfortunately, many buildings, once vacant, remain that way for many years. The purpose behind 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 to achieve the following beneficial purposes:

- (1) The protection of the character and stability of residential and commercial areas;
- (2) The correction and prevention of housing conditions/violations that adversely affect or are likely to adversely affect the life, safety, general welfare and health, including the physical, mental and social well-being of persons residing or patronizing buildings near vacant structures; and
- (3) The preservation of the value of land and buildings throughout the City of Plattsburgh.

B. Definitions

The following definitions apply to this Section:

ENFORCEMENT OFFICER

A duly authorized representative of the Building Inspector's office, the Police Department, Department of Public Works or the Fire Department.

HABITABLE

A building or space that meets or exceeds the New York State minimum requirements for human occupancy.

OWNER

Those shown to be the owner or owners on the records available to the City of Plattsburgh, 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 section.

PERFORMANCE GUARANTY

A bond, letter of credit, cash escrow or other acceptable form of guaranty, as determined by the City's Building Inspector, to cover the City's potential cost of correcting code violations or abating unsafe or imminently dangerous conditions. The sufficiency of such performance guaranty shall be determined by the Building Inspector after consultation with the Corporation Counsel and other officials and agencies of the City of Plattsburgh as appropriate.

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 vacant or is not legally being used for an occupancy authorized by the owner.

UNSECURED

A building or portion of a building which is open, accessible or an attractive nuisance.

VACANT BUILDING

A building which in whole or in part is:

- A. Unoccupied and unsecured;
- B. Unoccupied and secured by other than normal means;

C. Unoccupied as determined by the appropriate City, county or state department or agency;

D. Unoccupied and has multiple housing or building code violations;

E. Illegally occupied and/or not habitable;

F. Unoccupied for a period of time of 45 days, unless good cause can be shown to the Office of Building Inspector that would warrant an extension of three months. For purposes of this section, good cause can include, but not be limited to, an active marketing effort to sell the property, or the death or major illness of the owner.

C. Vacant Building Registration Information

1. Commencing March 1, 2024, within thirty days of a building becoming a Vacant Building, the owner of a Vacant Building which is located in the City of Plattsburgh shall complete and sign a registration form provided by the Office of Building Inspector for each Vacant Building. The form shall indicate the name, mailing address, and telephone number of each and every owner, and if the owner is a corporation, limited liability company, partnership, or other business entity, the name, address, phone number and e-mail address of a responsible agent for that owner (the "Owner's Agent"), and the mailing address of the Vacant Building daytime and evening telephone numbers of the owner and, if applicable, the Owner's Agent, and any other pertinent data sought by the Office of Building Inspector. The form shall indicate an address for receipt of notices by mail under this chapter. The owner shall be responsible for updating such information within five business days of an event or a change in circumstances that would render the information in the registration form inaccurate.
2. The registration form shall also include a section, whereby the owner of a Vacant Building shall affirm, subject to perjury, that all information on the registration form is accurate and complete.
3. Annually thereafter, or upon an event or change in circumstance that would render the information in the registration form inaccurate, within five (5) business days of that event or change in circumstance the Owner shall submit a new Vacant Building registration form. Vacant Building registrations may not be assigned or transferred.

D. Vacant Building Plans; Security

1. All owners of a Vacant Building shall submit a vacant building plan within thirty days of registration, which must meet the approval of the Office of Building Inspector. 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 under a permit application filed with the Office of Building Inspector, indicating the proposed time frame for the building to be demolished, an affidavit executed by the owner that he will assume all costs associated with the demolition, and a performance guaranty.
 - (2) If the building is to remain vacant, a plan for the securing of the building in accordance with standards provided by the Office of Building Inspector, if applicable, such plans must be filed along with the procedure that will be used to maintain the property in accordance with the City

and State Building Code, and a statement of the reasons why the building will be left vacant and for what time period the building will be vacant, and a performance guaranty, all of which must be acceptable to the Office of Building Inspector.

(3) If the building is to be returned to appropriate occupancy or use, a rehabilitation plan for the property and a performance guaranty shall be provided. The rehabilitation plan shall not exceed 365 days, unless the Office of Building Inspector 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, historic preservation or building codes and must be secured in accordance with the City Code, or with the directions of the Office of Building Inspector, during the rehabilitation or until a new certificate of occupancy or certificate of completion has been issued.

2. All applicable laws and codes shall be complied with by the owner. The owner shall notify the Office of Building Inspector 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 material way, the revisions must be in writing and meet the approval of the Office of Building Inspector.

3. All owners shall keep the Vacant Building secured by any means necessary and/or required and shall be in compliance with all local, state, federal codes, rules and regulations to keep the building safe and secured while properly maintaining said building at all times as provided for in this Chapter. Failure of the owner or any subsequent owners to keep the building secure and safe and/or maintain the building and premises that result in remedial action taken by the City shall be grounds for the revocation of the approved plan and shall be subject to any applicable penalties provided by law.

4. Unless otherwise permitted in writing by the Office of Building Inspector, all Vacant Buildings must meet the following standards:

a. Exterior walls, doors, windows, skylights, and similar openings shall be maintained weathertight and in good condition, as determined by the Office of Building Inspector. Surfaces not inherently resistant to deterioration shall be treated with a protective coating of paint or other suitable preservative.

b. All enclosures shall be properly fitted and be of such material and surface that they are neither unsightly nor will materially detract from the general appearance of the building or the neighborhood. Coverings for doors and windows may consist of boards or similar materials finished and maintained in a manner specified by the Office of Building Inspector so as to blend in with the finish of the building.

c. Window coverings accessible from ground level shall have a clear opening of not less than two square feet to allow viewing of the interior of the property for security purposes.

d. Cracked or broken windows shall be replaced with plexiglass or other similar material in accordance with the previous subsection and meeting approval with the Office of Building Inspector.

5. Upon the sale, transfer or conveyance of a Vacant Building, the new owners shall be required to register the Vacant Building with the Office of Building Inspector within 30 days of any transfer of an ownership interest in a vacant building. The new owners shall comply with the

approved plan, the performance guaranty, if required, and the timetable submitted by the previous owner until any proposed changes are submitted and meet the approval of the Office of Building Inspector.

6. The Office of Building Inspector shall provide to owners of Vacant Buildings a proof of registration that must be displayed in a clearly visible place at the main access point of said property. Unless indicated otherwise, this registration will be valid for a period of 365 days after the initial registration of said property, and shall be replaced annually upon renewal of registration, and serve as on-site certification of said property's compliance with this article.

E. Fees

Vacant Building Registry fees, inspection fees, re-inspection fees, vacant building plan review fees, and penalties will be charged in the amount set forth in the schedule of fees adopted by the City of Plattsburgh Common Council by resolution. The fee shall be paid in full prior to the issuance of any building permits, certificates of occupancy or certificates of completion, with the exception of any demolition permit.

F. Exemptions

1. 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 45 days after the fire or extreme weather event if the property owner submits a written request for temporary exemption to the Office of Building Inspector.
2. Any Vacant Building located on property owned by the State University of New York, or the Plattsburgh Housing Authority is exempt from this Section.

G. Inspections

1. Any Enforcement Officer may inspect any premises in the City for the purposes of enforcing and assuring compliance with the provisions of this Chapter. 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. 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 designees 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.
2. The Office of Building Inspector shall complete periodic inspections of each Vacant Building and shall also submit an annual report, no later than July 1st of each year, to the Mayor and City Council, listing all buildings declared vacant under the provisions of this section and the date upon which the buildings or units were declared vacant and whether a building plan has been filed. The report shall include a list of all previously declared vacant buildings which are no longer subject to the provisions of this article.

H. Notice of Violation; Method of Service; Appeals

1. If the Office of Building Inspector determines that there are reasonable grounds to believe that premises are in violation of this Chapter, that officer shall give notice of the alleged violation to the owner or owner's agent of the premises.

2. Such notice shall be mailed via first-class, registered or certified mail to the permittee or served upon any other person in accordance with the applicable provisions of the Criminal Procedure Law.

3. Such notice shall state that all health, safety and maintenance violations must be corrected immediately per an Order to Remedy, however, in the event the Office of Building Inspector observes violations that create an imminent risk to health, safety or welfare, the Office of Building Inspector may pursue condemnation of the premises. For non-emergency violations, the Office of Building Inspector shall return at the date specified in the notice to verify conformance with the Order to Remedy. Any maintenance items which cannot be completed at this time because of weather constraints may be granted a time extension. Reasonable time extensions may be granted by the Office of Building Inspector based on consideration of all relevant factors. Such notice shall also state that, if upon re-inspection a violation still exists, the Office of Building Inspector may seek compliance pursuant to this Chapter.

4. Upon such re-inspection, any remaining health, safety and maintenance violations, or other violations of the Uniform Building Code, New York State Uniform Fire Prevention and Building Code and Plattsburgh City Code shall result in the issuance of an appearance ticket returnable in the City of Plattsburgh City Court, or other court of competent jurisdiction, pursuant to the provisions of Article 150 of the Criminal Procedure Law seeking fines and injunctive relief pursuant to Section 144-15(C) and (D) of this Chapter, and if applicable, revocation of the Short Term Rental Registration Certification and an order to vacate the structure. In the event that the City pursues an action against an Owner in a Court of competent jurisdiction for any violation described herein, then as part of the relief sought, the City may also request that the Court revoke all of the Owner's Vacant Building Registry Certificates for any Vacant Building located within the City.

5. Any party aggrieved by this Chapter may appeal to the Zoning Board of appeals pursuant to the Code of the City of Plattsburgh, Section 360-54(D)(1), and/or pursue judicial relief in a Court of competent jurisdiction.

2. This Local Law shall take effect upon approval by the Mayor and filing with the New York Secretary of State