

TOWN OF BRUNSWICK

INTRODUCTORY LOCAL LAW NO. 1 OF THE YEAR 2019 A LOCAL LAW ESTABLISHING A REGISTRY FOR VACANT BUILDINGS AND REQUIREMENTS FOR VACANT BUILDINGS

Section 1. Title

This local law shall be referred to as “A Local Law Establishing a Registry for Vacant Buildings and Requirements for Vacant Buildings”.

Section 2. Purpose and Intent

It is the finding of the Town Board that buildings which remain vacant and are not properly secured and maintained are unsightly, unsafe and have a negative effect on the surrounding community. This is particularly troublesome in residential and commercial neighborhoods. Unfortunately, many buildings, once vacant, remain that way for years. The purpose of this local law is to establish a program for identifying and registering vacant and abandoned buildings, to determine the responsibilities of owners of vacant and abandoned buildings, and to speed up the rehabilitation or demolition of vacant and abandoned buildings.

Section 3. Definitions

EMERGENCY SITUATION – Where the condition of a building, structure or any part thereof is an imminent, immediate and substantial danger to the health or safety of occupants, emergency responders and/or the general public. Such conditions include, but are not limited to, fire hazards, falling or dilapidated buildings, structures or any part thereof, loss of significant water, heat, ventilation or a lack of sanitary conditions.

ENFORCEMENT OFFICER – The duly authorized Town of Brunswick Code Enforcement Officer, or designated persons from that office.

OWNER – The person, persons or entity shown to be the owner or owners on the records of the Assessor’s Office of the Town of Brunswick, those identified as the owner or owners on a vacant building registration form, a mortgagee in possession, mortgagor in possession, or an assignee of rents, receiver, executor, administrator, trustee, lessee, other person, firm or corporation in control of the premises. Any such person will have 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 and approved plans for the building.

UNOCCUPIED – A building or portion thereof which lacks the habitual presence of human beings who have a legal right to be on the premises, including buildings ordered vacated by a Code Enforcement Officer. In determining whether a building is unoccupied, the Code Enforcement Officer may consider these factors, among others:

- A. Whether lawful residential or business activity has ceased;

- B. The percentage of the overall square footage of the occupied to unoccupied space or the overall number of occupied and unoccupied units;
- C. The building is substantially devoid of contents or the minimal value of fixtures or personal property in the building;
- D. The building lacks utility services;
- E. The building is subject to a foreclosure action;
- F. Duration of vacancy; and/or
- G. The presence or reoccurrence of code violations.

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, a portion of a building, or a structure which is any one or more of the below:

- A. Unoccupied and unsecured;
- B. Unoccupied and secured by other than normal means;
- C. Unoccupied and an unsafe building as determined by a Code Enforcement Officer;
- D. Unoccupied and a Code Enforcement Officer has issued an order to correct code violations;
- E. Illegally occupied; or
- F. Unoccupied for a period of time exceeding 30 days.

Section 4. Establishment of Registry

Pursuant to the provisions of this Local Law, the Town shall establish a registry cataloguing each registrable property within the Town, containing the information required by this Local Law.

Section 5. Registration Procedure and Requirements

A. Within ninety (90) days after the effective date of this Local Law, the owner of any vacant building on the effective date of this Local Law shall file with the Code Enforcement Officer a registration form. The owner of any building which becomes vacant after the effective date of this Local Law shall file with the Town a registration form within thirty (30) days of such building vacancy. Such registration form shall be furnished by the Town and shall set forth the following information, in addition to other information required by the Code Enforcement Officer:

- (1) Name, principal residence address, principal business address, telephone number and email address of all owners of the vacant building.
- (2) If the owner is other than a natural person, the information required by this Section for the individual(s) who are vested with the day-to-day control of the management and operations of the owner.
- (3) The address, including street name and number, of the vacant building.
- (4) Descriptive information about the vacant building.
- (5) If applicable, the name of owner’s agent, with the agent’s principal residence address, principal business address, phone number(s) and email address.
- (6) The type(s) of any fire protection system(s) located in the building.

- (7) The type and amount of material in the building considered hazardous by NFPA, NYSDOT and/or NYSDEC.
- (8) The name of the person or entity responsible for maintaining the building and parcel upon which building is located, including responsibility for compliance with the NYS Property Maintenance Code.

B. It shall be the responsibility of the owner to register any change of address, agent or any other registration information, which occurs after the filing of the registration form, within sixty (60) days of the date of change by filing written notice of such change with the Code Enforcement Officer. For purposes of this section, a post office box shall not be accepted as the owner's or agent's address. The vacant building intended to be registered shall not be accepted as the owner's or agent's address. The owner shall specify the address to which all notices, violations and invoices for fees are to be delivered.

C. If an owner's principal place of business is not located within Rensselaer County, or the owner's principal place of residence is not located in Rensselaer County, the owner must designate on the registration form an agent who resides in Rensselaer County. Such agent shall have all necessary authority to make decisions on the owner's behalf regarding the management and maintenance of any vacant building owned by owner, and by designating such agent on the registration form, owner shall be estopped from denying such authority. The registration form shall further designate the owner's agent as the agent upon whom service of legal process and all notices may be served or delivered.

D. Within thirty (30) days following the date of transfer of the legal or equitable title to any vacant building required to be registered by this Local Law, the new owner shall file with the Code Enforcement Officer a new registration form.

Section 6. Fees

The fee schedule set forth below shall apply for vacant building registrations as required herein. The fee schedule may hereafter be amended from time to time by resolution of the Town of Brunswick Town Board.

FEE SCHEDULE:

Properties shall have an annual registration fee of \$250, plus the following additional fee to be determined by building square footage:

Property Type	Year 1	Year 2	Year 3	Year 4	Further Years
Building Under 5,000 sq. ft.	\$1,000	\$1,500	\$2,500	\$3,500	\$5,000
Building of 5,000 sq. ft. and over	\$2,000	\$3,000	\$5,000	\$7,000	\$10,000

Section 7. Penalties for Offenses

A. A violation of any provision of this Local Law shall be an offense punishable by a fine not to exceed \$1,000 and an imprisonment for a term not to exceed 15 days, or both. For purposes of this Local Law, each week's continued existence of a violation shall constitute a separate violation. For purposes of the proceeding sentence, a "week" shall constitute any period of seven consecutive days.

B. The Code Enforcement Officer or a representative designated by the Code Enforcement Officer, as the case may be, is hereby authorized to issue appearance tickets pursuant to the Criminal Procedure Law in the enforcement of this Local Law.

C. An action or proceeding may be instituted in the name of the Town, in a court of competent jurisdiction, to prevent, restrain, enjoin, correct or abate any violation of, or to enforce, any provision of this Local Law. No such action or proceeding shall be commenced except upon resolution by the Town Board authorizing same.

D. No remedy or penalty specified in this section shall be the exclusive remedy or remedy available to address any violation of this Local Law, and each remedy or penalty specified in this section shall be in addition to, and not in substitution for or limitation of, any other remedies or penalties otherwise available under applicable law. Any remedy or penalty specified in this section may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any other remedy or penalty specified in any other applicable law.

E. There shall be filed annually, on or before the first day of September, with the Town Board a statement showing the unpaid registration fees for any vacant building with a brief description of the property upon which the fees were incurred and the name of the property owner. Such unpaid fees shall be added to the annual Town real property tax statement for each such parcel on which a vacant building is located, and shall be collected in the same manner and subject to the same rules, penalties and charges as apply to the collection of real property taxes of the Town.

Section 8. Vacant Building Plan

At the time of vacant building registration, 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:

PLAN A: Rehabilitate and Reoccupy

If the building is to be returned to an appropriate occupancy or use, a rehabilitation plan for the property must be submitted. The rehabilitation plan shall not exceed 365 days, unless the Town Board 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 apply with applicable zoning and building codes. The property must be secured during the period of rehabilitation. If no building permit has been applied for within the one-year period, the owner will be notified of their noncompliance. The owner will be required to file an extension with a revised vacant building registration form.

PLAN B: Stabilize and Maintain

If the building is to remain vacant, a plan for securing the building must be submitted. This must include the procedure that will be used to monitor and maintain the building in accordance with applicable requirements, and a statement of the reasons why the building is to remain vacant. The stabilization plan shall not exceed thirty (30) days unless the Town Board grants an extension upon receipt of a written statement from the owner detailing the reasons for the extension.

PLAN C: Demolish

If the building is to be demolished, a demolition plan indicating the proposed timeframe for demolition, including timeline to obtain the necessary permits. If no demolition permit has been applied for within the one-year period, the owner will be notified of their noncompliance. The Town Board has discretion to grant an extension, upon receipt of a written statement from the owner, detailing the reasons for the extension, if extenuating circumstances have prevented the demolition of the property or if the plan for the property has changed for reasons deemed legitimate by the Enforcement Officer. If no extension is granted, the property owner will be required to pay the maximum fee for their property type in all subsequent years and the owner may be prosecuted under Section 7 of this Local Law. The timeframes in this subsection shall not apply to emergency situations.

Section 9. Exemptions

A building which has suffered fire damage or damage caused by extreme weather conditions shall be exempt from the registration requirement period for a period of ninety (90) days after the date of the fire or extreme weather event if the property owner submits a request for exemption in writing to the 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.

Section 10. Registry Exempt from Disclosure

Under New York State Public Officers Law § 87, the vacant property registry (as established by this Local Law) and all vacant property registration forms shall be exempt from disclosure under the Freedom of Information Law on the grounds that such disclosure would constitute an unwarranted invasion of personal privacy. The Town Clerk shall institute strict policies to ensure that such information is available only to Town personnel engaged in the enforcement of the provisions of this Local Law and, in emergency situations, to members of law enforcement, the fire service, emergency medical services, and public utility companies. The information contained in the vacant property registry and all vacant property registration forms shall not be disclosed to any party for sale.

Section 11. Severability

If any clause, phrase, sentence, paragraph, section, or part of this Local Law is adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of this Local Law, but shall instead be confined in its operation to the clause, phrase, sentence, paragraph, section, or part directly involved in the controversy in which such judgment shall have been rendered.

Section 12. Effective Date

This Local Law shall take effect upon its filing with the Secretary of State.