

Village of Freeport
Local Law No. 88 of the year 2014

A local Law Adding Chapter 88 of The Code of The Village of Freeport Entitled "Vacant Building Registration" To Require Annual Registration of Vacant Buildings

Be enacted by the Board of Trustees of the Village of Freeport as follows:

Section 1. Legislative Intent. This code amendment will require an annual registration of vacant and abandoned buildings, structures and dwellings in the Village of Freeport which cause a deterioration of communities and areas within the Village. Registration will enable the Village to have contact information for owners to hold them accountable.

Section 2. Text Amendment. Adding Chapter 88 of the Code of the Village of Freeport entitled "Vacant Building Registration" as follows:

§87-1 Legislative Intent

The Village Board finds that the proliferation of vacant and abandoned buildings, structures and dwellings in the Village of Freeport causes a deterioration of communities and areas within the Village of Freeport and has a negative impact on the value of property in close proximity to the vacant and abandoned buildings, structures and dwellings. Furthermore, the Village Board finds that vacant and abandoned buildings, structures and dwellings have caused a serious threat to the safety and welfare of the residents of the Village and had eroded the quality of life of all who live and work in the Village. Abandoned and vacant buildings, structures and dwellings are places of infestation of rodents, vermin, insects, wild animals and other health-threatening creatures and diseases, provide shelter to criminals and vagrants who use such places to evade the police and to conduct illicit activities, and are an attractive nuisance to children and adults alike.

§87-2 Definitions

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

BOARDED BUILDING(S) AND STRUCTURE(S): A building(s) or structure(s) with 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.

OCCUPIED BUILDING(S) OR STRUCTURE(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, non-transient 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, or the most recent, federal, state, or city 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.

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.

VACANT BUILDING(S) OR STRUCTURE(S): A building(s) or structure(s) where no person or persons actually currently conducts a business, or resides or lives 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, non-transient basis. Or wherein electric and water accounts, inspections by Building Department Personnel verify that the structure(s) is vacant.

§87-3 Annual registration of vacant buildings and registration fees.

{1) Vacant building registration and fees.

A. Any owner of any building which has been vacant for more than 120 consecutive days shall file with the Building Department a Vacant Building Registration. Said Registration shall be in a form prescribed by the Building Department which shall include the street address and parcel number of each such vacant building, the names and addresses of all owners, in accordance with subsections "i" through "vii" below, and any other information deemed necessary by the Building Department, 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 or housing code requirement. The registration fee(s), as required herein, shall be billed by the Building Department and shall be paid by **March 1** of each year. For purposes of this section, the following shall also be applicable:

[i] If the owner is a corporation, the names and residence addresses of all officers and directors of the corporation shall be provided and shall be accompanied by a copy of the most recent annual franchise tax report filed with the Secretary of State;

[ii] If the owner is a limited liability company, the name and residence address of the Managing Member.

[iii] If the owner is an estate, the name and business address of the executor or administrator of the estate shall be provided;

[iv] If the owner is a trust, the name and address of all trustees, grantors shall be provided;

[v] If the owner is a partnership, the names and residence addresses of all partners with an interest of ten (10%) percent or greater shall be provided;

[vi] If the owner is any other form of unincorporated association, the names and residence addresses of all principals with an interest of 10% or greater shall be provided;

[vii] If the owner is an individual person, the name and residence address of that individual person shall be provided.

(B) Local agent.

[i] If none of the persons listed in subsections "i" through "vii" above are within the County of Nassau, the registration statement also shall provide the name and address of a person who resides within the County of Nassau and who is authorized to accept service of process on behalf of the owners.

[ii] Registration statement shall designate a responsible, local party or agent for purposes of notification in the event of an emergency affecting the public health, safety or welfare and maintenance of property.

(2) Fee.

(A) The owner(s) of the vacant property(ies) shall be responsible to register and pay the **annual nonrefundable registration fee of \$250.00. Thereafter, said fee shall be billed by the Building Department annually on March 1 of each year.**

(B) One Vacant Building Registration may be filed to include all vacant buildings situated upon a single property of an owner so registering. The \$250.00 fee shall apply to the property upon which the buildings are situated. A separate fee need not be paid for each building upon a single property.

(C) This fee shall be charged to the owner(s) as long as the building remains vacant. **The registration fee shall increase by \$250.00 each year, for each year that the property remains vacant.**

(3) Appeal rights.

The owner shall have the right to appeal the imposition of the registration fees to the Superintendent of Buildings, upon filing an application in writing to the

Superintendent of Buildings no later than thirty 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.

(4) One-time waiver of registration fee.

A one-time waiver of the registration fee for up to 90 days may be granted by the Superintendent of Buildings upon application of the owner, and upon review and advice of the Village Attorney. A one-time waiver of the registration fee for up to a 90 days waiver may be given if a owner provides information that they are actively pursuing mitigation/rehabilitation funding and can be renewed for an additional 90 days provided that this documentation is satisfied, within 30 calendar days from the date of the bill for the registration fee, or if denied by the Superintendent of Buildings, upon appeal to the Superintendent of Buildings if the owner:

(A) Demonstrates with satisfactory proof that he/she is in the process of demolition, rehabilitation, or other substantial repair of the vacant building; and demonstrates the anticipated length of time for the demolition, rehabilitation, or other substantial repair of the vacant building;

(B) or demonstrates he/she is actively attempting to sell or lease the property during the vacancy period;

(C) and 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.

(5) Two-year waiver.

Upon application by the owner and satisfaction of Subsection 4 above, the Superintendent of Buildings may grant a one-time two-year waiver of the registration fee, or if denied by the Superintendent of Buildings, upon appeal to the Superintendent of Buildings, if the owner meets the criteria for nonprofit organizations.

(6) Delinquent registration fees as a lien.

(A) After the owner is given notice of the amount of the registration fee due, except for those owners that have properly perfected an appeal as provided above, **by Certified Mail**, and the owner fails to pay the amount due **within thirty (30) days**, said amount shall constitute a debt due and owing to the Village. Ownership verification shall be by Tax Bill, Water Bill, Electric Bill, Assessors Records, Deed, or internet records accepted by New York State Courts. This obligation shall constitute a lien and a charge on the real property concerned until paid or otherwise satisfied and shall be collected by the Village Treasurer in the same manner provided by law for delinquent taxes

(B) 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 Superintendent of Buildings within thirty (30) days of the occurrence of such changes and advise the Superintendent of Buildings in writing of those changes;

(C) Exceptions. This section shall not apply to any building owned by the United States, the State, the County, nor to any of their respective agencies or political subdivisions;

§87-4 Duty of the Building Department is to maintain and notify.

The Superintendent of Buildings 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.

§ 87-5 Violations; penalties.

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 section, 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 \$15,000 for each failure to register, or for each failure to pay a required vacant building registration fee.

Section 3. Authority. The Village Board is vested with the authority to make these amendments by local law pursuant to Municipal Home Rule Law §10 and in conformance with Municipal Home Rule Law §20 and Village Law §264 and §265.

Section 4. This local law shall become effective immediately upon filing with the Secretary of State of the State of New York.