

ARTICLE III
Vacant Building Registry

§ 64-33. Legislative findings and purpose.

It is the finding of the Village Board of Trustees that buildings that remain vacant, with access points boarded over, are unsightly, unsafe, and have a negative effect on their surroundings. This is particularly troublesome in residential neighborhoods and commercial neighborhoods. Unfortunately, many buildings, once boarded, remain that way for many years. The purpose of 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 up the rehabilitation of vacant properties.

§ 64-34. Definitions.

As used in this article, the following terms shall have the meanings indicated:

ENFORCEMENT OFFICER — A duly authorized representative of the Building Department, specifically the Code Enforcement Officer.

OWNER — Those shown to be the owner or owners on the records of the Village of Menands Village Clerk Office'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, administrator, trustee, lessee, agent, other person, firm, organization, association, partnership, company or corporation in control of the premises. Any such person shall have joint and several obligations for compliance with the provisions of this article.

SECURED BY OTHER THAN NORMAL MEANS — A building secured by means other than those used in the design of 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 an Enforcement Officer. In determining whether a building is unoccupied, the 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 or 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 that 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:

- A. Unoccupied or unsecured;
- B. Unoccupied and secured by other than normal means;
- C. Unoccupied and an unsafe building as determined by an Enforcement Officer;
- D. Unoccupied and has multiple housing or building code violations;
- E. Illegally occupied;

§ 64-35. Vacant building registration.

- A. The owner shall register with the Building Department, not later than 30 days after any building located in an area zoned for, or abutting an area zoned for, residential or neighborhood commercial use in the Village becomes a vacant building, as defined in § 64-34, or not later than 30 days after being notified by the Building Department of the requirement to register. The Building Department may identify vacant buildings through its routine inspection process as well as through notification by residents, neighborhood associations and other community groups that a building may be eligible for inclusion on the registry.
- B. The registration shall be submitted on forms provided by the Building Department and shall include the following information supplied by the owner:
 - (1) A description of the premises, including but not limited to square footage, number of stories, age of the building, and most recent use of the building.
 - (2) The names and addresses of the owner or owners. If the owner is a corporation, limited-liability company, or partnership, the address for each director, manager, or partner. The address must include a street address; a post office box is not acceptable.
 - (3) If the owner does not reside in Albany County or any adjoining county, the name and address of any third party with whom the owner has entered into a contract or agreement for property management. The address must include a street address; a post office box is not acceptable.
 - (4) The names and addresses of all known lien holders and all other parties with an ownership interest in the building. Each address must include a street address; a post office box is not acceptable.
 - (5) A name, address, and telephone number where a responsible natural person (not a corporation, partnership, or limited-liability company) can be reached at all times during business and nonbusiness hours. The address must include a street address; a post office box is not acceptable.
 - (6) A vacant building plan as described in Subsection C.
- C. 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 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 in accordance with the standards provided in Article II, § 64-22, if applicable, along with the procedure that will be used to maintain the property in accordance with Article II, 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 Building Department 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 Article II, § 64-22, if applicable, during 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 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 building secured and safe and the building and ground properly maintained as provided in Article II of this chapter.
- F. Failure of the owner or any subsequent owners to maintain the building and premises that result in remedial action taken by the Village shall be grounds for revocation of the approved plan and shall be subject to any applicable penalties provided by the law.
- G. The new owners shall register or reregister the vacant building with the Building Department within 30 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 meet the approval of the Building Department.
- H. Vacant building fees.
- (1) The owner of a vacant building shall pay an annual fee as set forth in Subsection H(2) for the period the building remains a vacant building. The fee shall be reasonably related to the administrative costs for registering and processing the vacant building owner registration form and for the costs of the Village in monitoring the vacant building site. Vacant building registration fees will not be accepted until an application is complete.
 - (2) The annual fee shall be \$1,500 and shall be paid no later than 30 days after the building becomes vacant. If the fee is not paid within 30 days of being due, the owner shall be subject to prosecution as prescribed in § 64-38. If a plan is extended beyond 365 days, for each succeeding year that the building remains vacant, the fee shall be \$1,500. All unpaid vacant building fees imposed shall be assessed as a lien against the property concerned and shall be assessed, levied, and collected by the Village like other taxes and assessments. Before the assessment of any lien against the land, the owner, as indicated by the latest records of the Village Clerk's office, shall be provided with notice

and an opportunity to be heard. An administrative surcharge of \$25 shall be imposed on all unpaid vacant building fees and shall also be assessed as a lien against the property concerned and shall be assessed, levied, and collected by the Village like other taxes and assessments.

- (3) The fee shall be paid in full prior to the issuance of any building permits, with the exception of a demolition permit. The fee shall be returned to the owner if, within one year from the date that it was paid, the building is no longer vacant, the Building Department completes all required inspections, and the appropriate permit(s) or certificate(s) are issued by the Building Department.
 - (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 for any transfer, the new owner shall pay the annual fee no later than 30 days after the transfer of ownership, and subsequent annual fees shall be due on the new anniversary date.
- I. The Enforcement Officer 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.

§ 64-36. Inspections.

The Building Department shall inspect any premises in the Village of Menands for the purpose of enforcing and assuring compliance with the provisions of this article. Upon the request of the Enforcement Officer, the 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.

§ 64-37. Annual reports.

Once a year, the Building Department shall send to the Mayor and the Village Board of Trustees a list of all buildings in the Village declared vacant under the provisions of this article, as well as a list of all previously declared vacant buildings that are no longer subject to the provisions of this article. These properties will be tracked in the Village's online management program.

§ 64-38. Penalties for offenses.

- A. Any person violating any provision of the Vacant Building Registry, including but not limited to failure to register or providing false information to the Enforcement Officer, shall be subject to a penalty as set forth in Chapter 1, General Provisions, Article III, General Penalty.
- B. The term "person," as used in this section, will include the owner, mortgagee or mortgagor in possession, assignee of rents, receiver, executor, administrator, trustee, lessee, agent or any other person, firm, organization, association, partnership, company, or corporation

directly in control of the building or part thereof.

§ 64-39. Lien.

The value of the work done and the materials furnished in doing said work or any part thereof under and by direction of said Board of Trustees, as provided for in § 64-3, shall, when properly certified by said Board of Trustees, be audited and paid by the Village in the same manner as other claims against the Village are audited and paid, and the amount so paid shall be and remain a lien against the property upon which the work is done and shall be collected by the Village from the owner of said property in the same manner as taxes are collected.