

Chapter 64
Buildings, Unsafe and Vacant

§ 64-1 Purpose.

1. Whenever any building or part of a building in the Village of Menands, New York, shall become unsafe by reason of its use or mode of construction, the Board of Trustees shall have power to make such order, relative to the discontinuance or modification of such use and the demolition, repair or strengthening of such building, after giving the parties in interest a written or printed notice and a reasonable opportunity to be heard, as the nature of the occasion requires; and to prohibit the use of such building or part of a building until the order of said Board of Trustees is complied with. Such order shall prescribe the time within which such use shall be discontinued or modified or such demolition, repair or strengthening shall be made, and said Board of Trustees shall cause a certified copy of said order to be served upon the owner or occupants of any such building or part of a building or the agent of any such owner. If the building is vacant or the owner absent, the notice provided for herein shall be served by attaching a copy thereof to the building and delivering a copy thereof to any person having charge of the building and mailing a copy to the owner as shown by the assessment rolls of the Village. Proof of service of such notice by the Board of Trustees in this manner shall be deemed sufficient service. If after the service of such notice the owner or occupant of any such building shall neglect or refuse to comply with the order of said Board of Trustees or its agent or servant relative to the use of such building or shall neglect to comply with the order of said Board of Trustees or its servant relative to the demolition, repair or strengthening of such building, the Board of Trustees is hereby authorized and empowered to employ such labor and furnish such materials and take such steps as, in its judgment, may be necessary to make the building safe.
2. The purpose of this chapter is to promote and preserve the health, safety, and welfare of the public and residents and/or owners of property located within the Village of Menands by providing a method for the repair or removal of buildings, that from any cause, may now be or shall hereafter become dangerous or unsafe to the public and residents and/or owners of property within the Village of Menands.
3. Unsafe buildings serve as an attractive nuisance for young children who may be injured therein, may be a point of congregation by vagrants and transients, may attract rodents or insects and may also attract illegal drug activity.

§ 64-2 Title.

This chapter shall hereinafter be known and cited as "Unsafe Buildings."

§ 64-3 Applicability; severability.

- A. If a provision of this chapter is found to be inconsistent with any provision of other chapters of the Village Code or Charter, the provision or requirement which is the more restrictive or which establishes the higher standard shall prevail. A greater penalty shall not be considered as more restrictive or a higher standard.
- B. If any part, provision, section, subdivision, paragraph, or term of this chapter shall be held unconstitutional, invalid, or ineffective, in whole or in part, such determination shall not be deemed to invalidate the remaining chapter, parts, provisions, sections, subdivisions, paragraphs or terms.

§ 64-4 Definitions.

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

BUILDING

Any house, basement, cellar, wall, cottage, lot, shed, garage, well, fence, storage tank, underground container, pole, smokestack, excavation, building, structure, or portion thereof used for residential, business, industrial, recreational, or other purpose.

BUILDING INSPECTOR

The Building Inspector of the Village of Menands.

OWNER

Any person, agent, operator, firm, association, organization, partnership, company, corporation, beneficiary, trust, trustee, and all other persons having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

UNSAFE BUILDING OR STRUCTURE

A building or structure that is structurally unsound, unsanitary, or not provided with adequate ingress or egress or which constitutes a fire hazard or which has become unsafe by reason of damage by fire, the elements, age, or general deterioration or which, in relation to an existing use, constitutes a hazard to public health, safety or welfare by reason of inadequate maintenance, dilapidation, obsolescence or abandonment or which is otherwise dangerous to human life, or which has become a blighting influence on nearby properties and thereby depreciating the enjoyment and use of property in the immediate vicinity to such an extent that it is harmful to the community in which such structure is situated.

§ 64-5 Unsafe buildings prohibited.

It shall be unlawful for any owner, as defined in § 64-4 of this chapter, tenant or occupant of any building or structure or portion of any building or structure in the Village of Menands to maintain such building or structure or portion of any building or structure in any condition or manner which shall be unsafe as defined in § 64-4 of this chapter.

§ 64-6 Enforcement officer.

The Building Inspector of the Village of Menands is hereby authorized to be and shall be the enforcement officer of this chapter.

§ 64-7 Inspection and report.

The Building Inspector shall make inspections of all unsafe buildings or structures within the Village of Menands. Whenever the Building Inspector suspects the existence of a dangerous or unsafe building, he shall inspect the premises on which the suspected unsafe structure exists, securing a search warrant if necessary. A written report of the inspection and the findings with respect to the existence of an unsafe building shall be prepared by the Building Inspector or an engineer hired by the Village of Menands and filed with the Building Department, Fire Department, Village Clerk, and Corporation Counsel.

§ 64-8 Determination of unsafe buildings; service of notice.

- A. If the written report finds that the building or structure is unsafe as defined in this chapter, the Building Inspector shall cause service of notice upon the owner and all other persons having any interest in such property upon which the unsafe building is located, either personally or by certified

mail, addressed to his/her last known address as shown by the records of the Assessor's office of the Village of Menands or the applicable County Clerk or County Register, containing a description of the premises, a statement of particulars in which the building or structure is unsafe or dangerous, and an order of the Building Inspector requiring the same to be repaired or demolished; and if such service is made by certified mail, the Building Inspector shall cause the posting of a copy of such notice on the premises

- B. The notice shall contain the time within which the owner so served shall commence the repair or demolition of such unsafe building.
- C. A copy of such notice must also be filed in the office of the County Clerk, which notice shall be filed by the Clerk in the same manner as a notice of pendency pursuant to Article 65 of the Civil Practice Law and Rules and shall have the same effect as a notice of pendency as therein provided, except as otherwise hereinafter provided in this subsection. A notice so filed shall be effective for a period of one year from the date of filing; provided, however, that it may be vacated upon the order of a judge or justice of a court of record or upon consent of the Village Board of Trustees of the Village of Menands. The County Clerk shall mark such notice and any record or docket thereof as canceled of record upon the presentation and filing of such consent or of a certified copy of such order.
- D. The notice shall further contain a statement that a hearing will be provided to the owner and such persons having an interest in the property or structure and such notice shall fix a time and place for a hearing before the Building Inspector, which shall not be less than five days following the date of personal service and not less than 10 days following the date of mailing and posting.

§ 64-9 Order issued after hearing.

- A. The Building Inspector shall have the power to make an order for the repair, demolition, discontinuance, or modification of the use of said building and to prohibit the use of such building or part thereof until such order is complied with. Such order shall prescribe the time within which the use shall be discontinued or such demolition, repair, or strengthening modification shall be made and shall make a finding of fact, including a statement of particulars in which the building or structure is unsafe or dangerous. Said order shall be served on the same parties and in the manner of notice in § 64-8 of this chapter.
- B. If such owner shall fail to appear at said hearing and, after being served with the order from the Building Inspector, further neglects, fails, or refuses to comply with the order from the Building Inspector within the prescribed time, the Building Inspector shall take all steps necessary to contract with a private company(s) for the removal of such building or structure. Any contracts entered into with such company(s) and the appropriation of monies to such company(s) must be approved by the Village Board of Trustees of the Village of Menands.
- C. If such owner, after appearing at said hearing, neglects, fails, or refuses to comply with the order from the Building Inspector, the Building Inspector shall take all steps necessary to contract with a private company(s) for the removal of such building or structure. Any contracts entered into with such company(s) and the appropriation of monies to such company(s) must be approved by the Village Board of Trustees of the Village of Menands.

§ 64-10 Application for a building permit or demolition permit.

An owner receiving an order to repair or demolish shall apply for an applicable building permit or demolition permit pursuant to the Village Code before beginning work on the structure. Said application shall be accompanied by adequate plans and specifications as required by the Building Inspector. Any

permit issued will have a time limit fixed for the modifications. Said time limit may be extended by the Building Inspector for good cause shown.

§ 64-11 Filing of order to repair or demolish.

An order to repair or demolish shall be filed in the office of the Albany County Clerk and shall be filed by the Clerk in the same manner and have the same effect as a notice of pendency pursuant to Article 65 of the Civil Practice Law and Rules of the State of New York. A notice so filed shall be effective for a period of one year from the date of filing; provided, however, that it may be vacated upon the order of a judge or justice of the court of record or upon consent of the Village Board of Trustees of the Village of Menands.

§ 64-12 Emergency cases.

Where it reasonably appears that there is present a clear and immediate danger to the life, safety or health of any person or property unless an unsafe building is immediately repaired and secured or demolished and removed, the Village of Menands may take appropriate actions pursuant to its police power to cause the repair or demolition and removal of such unsafe building. In such an event, the notification procedures and limitations set forth in this chapter need not be complied with. In addition, the Building Inspector shall contract with a private company(s) for the removal of such a building or structure without the Village Board of Trustees' approval. The expenses of such repair or demolition and removal, including legal expenses, shall be a charge against the land on which it is located and shall be assessed, levied, and collected as provided by § 64-14; provided, however, that the owner and all other persons having an interest in the property are provided with notice, served as provided by § 64-8, and an opportunity to be heard before the assessment of any lien against the land.

§ 64-13 Application to Supreme Court for order.

In addition to the remedies provided by this chapter, the Code Enforcement Officer may request that the Village Board of Trustees make an application to the Supreme Court for an order determining the building to be an unsafe building and directing that it shall be repaired and secured or demolished.

§ 64-14 Noncompliance; demolition; costs to become lien.

In the event of neglect or refusal of the person so notified to comply with said order from the Building Inspector, the Building Inspector is hereby authorized to employ labor and furnish materials and equipment to demolish said building or to make such modifications as to make it safe. Except in public emergencies that require immediate action, any contract for repair or demolition in excess of \$35,000 shall be awarded by competitive bidding pursuant to General Municipal Law § 103. The value of said work and materials shall be paid by the Village of Menands, and the cost thereof shall be a lien against the property concerned and shall be collected by the Village like other taxes and assessments.

§ 64-15 Civil action to collect costs.

The Village of Menands is authorized, after due demand having been made therefor, to commence an action at law in any court of competent jurisdiction to collect the costs of the demolition and/or modification of such property from the owner of any demolished building pursuant to this chapter.

§ 64-16 Transfer of title.

The transfer of title by the owner of the premises upon which an unsafe building is located shall be no defense to any proceedings under this chapter.

§ 64-17 Penalties for offenses.

Any person, firm, association, organization, partnership, company, or corporation who shall violate any

provision of this chapter shall be guilty of a violation and shall be subject to a penalty as set forth in Chapter 1, General Provisions, Article III, General Penalty. In case of a continued violation, each day's continuance thereof shall be deemed to be a separate and distinct violation of this chapter.

Maintenance of Vacant Buildings

§ 64-18 Title.

This article shall be known as "Maintenance of Vacant Buildings" and is supplementary to applicable provisions of the New York State Fire Prevention and Building Code.

§ 64-19 Legislative intent.

This article provides standards governing the facilities and the condition and maintenance of vacant premises to safeguard the safety, health, and welfare of the community.

§ 64-20 Scope.

This article shall be applicable to the following:

- A. Lots, plots, or parcels of land on which buildings designed for or developed for residential use or occupancy, mixed-occupancy buildings, nonresidential occupancy, or accessory structures are located; and
- B. Buildings designed for or developed for residential use or occupancy, including one- and two-family dwellings and multiple dwellings, mixed occupancy buildings, nonresidential occupancy, and accessory structures.

§ 64-21 Entry.

Provision for safe and continuous entry shall be provided to the interior of a building or structure from the exterior at a street or to a yard, court, or passageway leading to a public open area at any time entry is necessary for purposes of required maintenance or inspection.

§ 64-22 Exterior protection.

- A. Exterior walls, including foundations, shall be maintained so that groundwater and surface water do not penetrate into basements, cellars, or other interior wall areas.
- B. Exterior doors, windows, skylights, and similar openings shall be maintained weathertight.
- C. Exterior stairs, porches, entrance platforms, fire escapes, and the railings thereon shall be maintained in a safe and sound condition.
- D. Roofs shall be maintained in a watertight condition.
- E. Exterior surfaces shall be maintained in good condition. Surfaces not inherently resistant to deterioration shall be treated with a protective coating of paint or other suitable preservative.
- F. The covering of doors and windows may not consist of any substance sprayed onto the windows. 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 acceptance of the building or neighborhood and, when possible, shall be secured by normal means.
- G. The covering of doors and windows may consist of:
 - (1) Venetian or similar blind.

- (2) Drapes, curtains, or shades.
 - (3) Decorative patterned paper, neatly installed with all seams straight and uniformly taped.
 - (4) Boards or similar materials finished and maintained in a manner recommended by the Building Department so as to blend in with the finish of the building.
 - (5) Coverings approved by the Building Inspector or Code Enforcement Officer.
- H. Cracked or broken glass windows shall be replaced with glass.
- I. In addition to the standards prescribed above, vacant commercial and retail buildings shall comply with the following standards:
- (1) Any and all window display areas shall be kept clean, free of hazards, and free of debris.
 - (2) All exterior signs, awnings, and lighting systems, if not removed, shall be maintained in a completely operable, clean, sightly, non-deteriorated, and safe condition.
 - (3) Any window covering shall have a clear opening of two square feet to allow a view of the interior of the store for security purposes. Such opening shall be installed no lower than three feet above grade and no more than six feet above grade and may be in either the show window or the door.
- J. If the owner shall fail to comply with the provisions of this section regarding exterior protection, the Building Department may, after notice of noncompliance and intent to remedy is mailed to the owner, perform, or cause such work to be performed and may recover the expense either by action or by a local assessment on the premises, or both. This action shall be in addition to any other available remedy under this article.

§ 64-23 Railings and parapet walls.

Railings and parapet walls shall be maintained at open sides of balconies, mezzanines, porches, accessible roofs, exit passageways, areaways, motor vehicle parking decks, and ramps and around floor openings.

§ 64-24 Interior protection.

- A. Structural members shall be maintained to resist and prevent deterioration.
- B. Unheated attics, spaces below flat roofs, and crawl spaces shall be ventilated to minimize deterioration.
- C. Ceilings, walls, floors, and stairways shall be maintained in a safe and sound condition.

§ 64-25 Garbage and refuse; infestation; junk.

- A. The accumulation or storage of garbage or refuse in buildings or on lots is prohibited.
- B. Buildings and structures shall be maintained free of insects, vermin, and rodent harborage and infestation.
- C. Refrigerators and similar equipment with locking mechanisms shall not be discarded, abandoned, or stored without first removing the locking devices or the hinges of the doors.

- D. Junked or unregistered vehicles, equipment, and materials shall not be stored in open areas of premises.

§ 64-26 Chimneys.

Chimneys, smokestacks, flues, gas vents, smoke pipes, and connectors shall be maintained structurally safe and smoke tight.

§ 64-27 Fuel gas.

Fuel gas pipe systems shall be maintained gastight, safe, and operative under conditions of use or shall be disconnected at the main.

§ 64-28 Fuel oil.

Tanks shall be maintained so as not to be a hazard or shall be discontinued in a manner consistent with Chapter C of the State Uniform Fire Prevention and Building Code (9 NYCRR).

§ 64-29 Plumbing.

- A. The domestic water supply of the building shall be connected to an approved source, shall not be subject to contamination and shall not be connected to unsafe water supplies or shall be disconnected at the main and the system completely drained.
- B. Stormwater drainage systems shall be maintained so as to function properly and be kept free from obstructions, leaks, and defects. Sewage systems shall be similarly maintained or shall be sealed so as to prevent the accumulation of sewage gases in buildings.

§ 64-30 Electrical.

Electrical fixtures, devices, wiring and systems shall be maintained in safe working condition in a manner which will avoid a potential source of ignition or shock, or service shall be disconnected at the supply.

§ 64-31 Elevators, dumbwaiters, and escalators.

Elevators, dumbwaiters, and escalators shall be maintained or taken out of service, in accordance with ANSI A17.1.

§ 64-32 Exterior property areas.

- A. Surface and subsurface water shall be appropriately drained to protect buildings and structures and to prevent ponding.
- B. Fences, walls, other minor construction, and accessory structures shall be maintained in safe, good, and substantial condition.
- C. Steps, walks, driveways, parking spaces and similar paved areas shall be maintained to afford safe and convenient passage.
- D. Yards, courts, and vacant lots shall be kept clean and free of hazards and debris.
- E. Ground cover shall be properly established to prevent undue soil erosion due to the elements.
- F. Heavy undergrowth and accumulations of plant growth that are noxious or detrimental to health or safety shall be eliminated.

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 **IX**, § **64-22**, if applicable, along with the procedure that will be used to maintain the property in accordance with Article **IX**, 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 **IX**, § **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 **IX** 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, 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 Villagelike 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 Villagelike 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.