

LOCAL LAW NO. 2 of 2024

A Local Law to establish standards for the maintenance of vacant buildings and the establishment of vacant buildings and real property in default registries.

BE IT ENACTED BY THE VILLAGE OF GARDEN CITY BOARD OF TRUSTEES AS FOLLOWS:

Chapter __ Vacant Buildings

Article 1. General Provisions

§ 1. Legislative findings and purpose.

It is the purpose and intent of the Village to establish a process and address abandoned and vacant buildings, foreclosed properties and properties in foreclosure located within the Village. Such properties are unsightly and unsafe and can have a negative impact on their surroundings and neighborhoods and can have a negative impact on property values and tax base. The purpose of this Chapter is to establish requirements for the identification, registration, inspection, maintenance and securing of such buildings and properties.

§ 2. Definitions.

Unless otherwise expressly stated, the following terms shall, for the purpose of this Chapter, have the meanings indicated in this Section:

BUILDING INSPECTOR

Village of Garden City Superintendent of Buildings or his designee.

OWNER

Those shown to be the owner or owners on the records of the Village, those identified as the owner(s) on a vacant building registration form, a mortgagee in possession, a mortgagor in possession, assignee of rents, receiver, executor, trustee, lessee, other person, firm, corporation or entity in control of the premises. Any such person shall 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 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 the Building Inspector. In determining whether a building is unoccupied, the Building Inspector may consider, among other factors, the following:

- A. Whether lawful residential or business activity has ceased.
- B. Whether the building is substantially devoid of contents or contains only fixtures or personal property of a minimal value.
- C. Whether the building lacks utility services.
- D. Whether the building is the subject of a foreclosure action.
- E. The presence or recurrence 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 or major portion of a building which is:

- A. Unoccupied and unsecured;
- B. Unoccupied and secured by other than normal means;
- C. Unoccupied and an unsafe building as determined by the Building Inspector;
- D. Unoccupied and has multiple housing or Building Code violations;
- E. Illegally occupied;
- F. Unoccupied for a period of time over 90 days, and during which time the Building Inspector has issued an order to correct code violations.

Article II. Vacant Building Registry

§ 3. Vacant building registration.

- A. The owner shall register with the Village Clerk no later than 15 days after any building in the Village becomes a vacant building or not later than 15 days after being notified by the Building Inspector of the requirement to register. The Building Inspector may identify vacant buildings through its routine inspection process as well as through notification by residents, neighborhood associations and other bona fide complaint that a building may be eligible for inclusion on the registry.

B. The registration shall be submitted on forms provided by the Village Building Department and shall include the following information supplied by the owner:

- (1) A description of the premises.
- (2) The names, addresses, and telephone numbers of the owner or owners. If the owner is a corporation, partnership, or limited liability company, the address for each director, manager, or partner, as the case may be, shall be included. The address must include a street address; a post office box alone is not acceptable.
- (3) The names and addresses of all known lienholders and all other parties with an ownership interest in the building.
- (4) A telephone number where a responsible party can be reached at all times during business and nonbusiness hours and an email address.
- (5) A vacant building plan as described in Subsection C below.
- (6) Incomplete registration forms will not be accepted, and such property shall be deemed and remain unregistered.

C. The owner shall submit a vacant building plan which must meet the approval of the 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 indicating the proposed time frame for demolition and the proposed time frame for any necessary permitting through the Village.
- (2) If the building is to remain vacant, a plan for the securing of the building in accordance with standards provided in Article III of this Chapter and/or the New York State Uniform Code, if applicable, along with the procedure that will be used to monitor and maintain the property in accordance with Article III of this Chapter, 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, rehabilitation plans for the property. The rehabilitation plan shall not exceed 365 days, unless the Building Inspector grants an extension upon receipt of a written statement from the owner detailing the reasons for the extension. If no building permit has been applied for within the 365 days, the Building Inspector will send written notification to the owner of the lack of compliance with this section. The owner will be required to file an extension with a revised rehabilitation plan and reasons for noncompliance. Any repairs, improvements or alterations to the property must comply with any applicable zoning, housing, or building codes and must be secured in accordance with Article III of this Chapter, if applicable, during the rehabilitation.

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

- E. The owner and subsequent owners shall keep the building secured and safe and the building and ground properly maintained and monitored as provided in Article III of this Chapter.
- F. Failure of the owner or any subsequent owners to maintain the building and premises that results 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. A new owner shall register or reregister the vacant building with the Village Clerk within 30 days of any transfer of an ownership interest in a vacant building. The new owner(s) 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 Inspector.
- H. Vacant building fees.
 - (1) The owner of a vacant building shall pay to the Village Clerk an annual fee in such amount as determined, from time to time, by resolution of the Board of Trustees.
 - (2) The fee shall be paid in full prior to the issuance of any building permits, with the exception of a demolition permit.
 - (3) 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 prior to 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.

§ 4. Exemptions.

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 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 Building Inspector. 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.

§ 5. Inspections.

The Building Inspector shall inspect any premises in the Village for the purpose of enforcing and assuring compliance with the provisions of this Chapter. Upon the request of the Building Inspector, an 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 title procurement of a search warrant from a court of competent jurisdiction by the Building Inspector in order to enable such inspection, and the Building Inspector 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 without some.

§ 6. Failure to register; inaccurate or incomplete information.

It shall be a violation of this Article for an owner or a responsible person to provide inaccurate information for the registry or rental dwelling property or to fail to provide the information required herein for the registry.

Article III. Maintenance of Vacant Buildings

§ 7. Title.

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

§ 8. Purpose.

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.

§ 9. 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-family dwellings and multiple dwellings, mixed-occupancy buildings, nonresidential occupancy and accessory structures.
- C. Definitions in Article I of this Chapter shall apply.

§ 10. 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.

§ 11. 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 and in good condition. Doors and windows shall be locked, and hardware shall be maintained.
- 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.
- F. The covering for 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 appearance of the building or the neighborhood and, when possible, shall be secured by normal means.
- G. The covering for doors and windows may consist of:
 - (1) Venetian or similar blinds.
 - (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 Inspector so as to blend in with the finish of the building.
 - (5) Coverings approved by the Building Inspector and, when applicable, by the Planning Board.
- 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 hazard and free of debris.
- (2) All exterior signs, awnings and lighting systems, if not removed, shall be maintained in a completely operable, clean, good repair, 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 Inspector 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 local assessment on the premises, or both. This action shall be in addition to any other available remedy under this Article.

§ 12. Railings and parapet walls.

Railings or 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.

§ 13. 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.

§ 14. 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 or latching mechanisms shall not be discarded, abandoned or stored on the premises. There shall be no storage of bulk waste.

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

§ 15. Chimneys.

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

§ 16. Fuel gas.

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

§ 17. 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.

§ 18. Plumbing.

- A. The domestic water supply system 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 completely drained and shut off at the building main.
- 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 accumulation of sewage gases in buildings.

§ 19. 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 discontinued at the supply.

§ 20. Elevators, dumbwaiters and escalators.

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

§ 21. 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 waste and debris.
- E. Ground cover shall be properly established to prevent undue soil erosion due to the elements.
- F. All premises and immediate exterior property shall be maintained free from weeds or plant growth in excess of 8 inches. All noxious weeds shall be prohibited.

Article IV. Real Property in Default Registry

§ 22. Title and purpose.

The Village Board has determined there is a need to establish a real property in default registry to communicate with mortgages their maintenance obligations under the New York State Uniform Fire Prevention and Building Code, and the Garden City Village Code. Nothing in this article shall be deemed to abolish, impair, supersede or replace existing remedies of the Village, county or state, or extinguish the requirements of any local law, rule or statute of any agency having jurisdiction. In the case of a conflict between this article and other regulations, the more stringent requirement shall prevail.

§ 23. Definitions and word usage.

- A. As used in this Article, the following terms shall mean:

MORTGAGEE

A mortgagee, mortgage servicing company, lenders in a mortgage agreement, creditor, tax lien purchaser, lienor, any other person, partnership, corporation, association or trustee having a vested or contingent interest, or anyone exercising rights of ownership therein as indicated by the records of New York State Supreme Court, Nassau County, the Nassau County Surrogate's Court, the Nassau County Clerk, the Office of the Public Administrator, or the Receiver of Taxes, or any of their agents or assignees, other than the mortgagor or a government entity.

REAL PROPERTY IN DEFAULT

Any real property that is under a current notice of default, notice of mortgagee's sale, subject to a foreclosure action in New York State Supreme Court, Nassau County, pending tax assessor's lien sale, or subject of a foreclosure sale, where the title was retained by the beneficiary of a mortgage involved in the foreclosure any properties transferred under a deed in lieu of foreclosure or sale.

B. The words "or" and "and" as used herein may be construed interchangeably where such meaning is necessary to effectuate the purpose of this article. Where necessary, the singular shall include the plural and the plural include the singular.

§ 24. Real property in default registry; fees.

A. This Section shall be considered cumulative and in addition to, and not superseding, any other law or provision for same.

B. Within 15 days of the date that a mortgagee declares its mortgage on a particular parcel of real property to be in default, the mortgagee shall lawfully inspect the premises and register the real property in default in the Village's real property in default registry, which shall be maintained by the Village Clerk.

C. Registration pursuant to this Article shall contain, on forms to be provided by the Village Building Department.

- (1) The street address and section, block and lot(s) of the real property in default;
- (2) The name of the mortgagee and/or mortgage servicer;
- (3) The direct mailing address, email address and telephone number of the mortgagee and/or mortgage servicer;
- (4) The name and address, email address and telephone number of a local property manager who shall be responsible for the inspection, security and maintenance of the property if and when the mortgagee can legal possess the real property in default;
- (5) Whether the property is vacant or occupied, to the best of the mortgagee's knowledge;
- (6) The address at which the mortgagee will accept and consent to service of process, as that term is used in the New York Civil Practice Law and Rules and the New York Criminal Procedure Law, by the Village for any alleged violation by the mortgagee of the New York State Uniform Fire Prevention and Building Code, and the Village Code.

D. The mortgagee shall inform the Village Clerk of any change of information contained in the registration within two days of the change. If the mortgagee notifies the Village Building Department of the default being remedied, then the Village Clerk shall remove

the real property in default from the real property in default registry in accordance with the Retention and Disposition Schedule for New York Local Government Records.

- E. A nonrefundable fee per real property in default shall accompany the mortgagee's registration, and the mortgagee shall renew the registration within six months of a prior registration. Each renewal registration shall require a nonrefundable fee. Such fees shall be in an amount as determined, from time to time, by resolution of the Board of Trustees.

Article V. Enforcement.

§ 25. Enforcement.

This Chapter shall be enforced by the Building Inspector.

§ 26. Penalties for offenses.

Any owner, or agent of an owner acting on behalf of the owner or mortgagee violating any provision of this Chapter, including but not limited to failure to register or pay required fees, shall constitute a violation punishable upon conviction thereof by a fine in an amount not less than \$250 nor more than \$1,000. Each day of violation will be deemed to constitute a separate offense.

§ 27. Severability.

If any provision of this Chapter or the application thereof is held invalid for any reason, the remainder of this Chapter and the application thereof shall not be affected thereby.

§ 28. Effective date.

This Local Law shall take effect immediately upon filing in the office of the New York Secretary of State in accordance with the Municipal Home Rule Law.