AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, APRIL 13, 2010

LOCAL LAW

1. BY: COUNCIL PRESIDENT LESNICK, MAJORITY LEADER McDOW, MINORITY LEADER MURTAGH, COUNCILMEMBERS TERRERO, GRONOWSKI, SHEPHERD AND LARKIN;

A LOCAL LAW AMENDING CHAPTER 58 OF THE CODE OF THE CITY OF YONKERS ENTITLED "BUILDING AND HOUSING CODE" BY ADDING A NEW ARTICLE VIII ENTITLED "VACANT BUILDING REGISTRY"

Be it enacted by the City Council of the City of Yonkers, as follows:

Section 1. Chapter 58 of the Code of the City of Yonkers entitled "Housing and Building Maintenance Code" and is hereby amended, in part by adding thereto a new Article VIII entitled "Vacant building registry." to read as follows:

ARTICLE VIII

VACANT BUILDING REGISTRY

§58 – 32. Legislative findings.

It is the finding of this City Council that buildings which remain vacant, with access points boarded over, are unsightly, unsafe and have a negative effect on their surroundings. This is particularly troublesome in all neighborhoods. Unfortunately, many buildings, once boarded, remain that way for many years. The purpose behind this law 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 the rehabilitation of the vacant properties. It is the further intent of this City Council that condominiums are exempt from coverage of this legislation.

§58 – 33. Definitions.

Unless otherwise expressly stated, the following terms shall, for the purpose this law, have the meanings indicated:

Commissioner - The Commissioner of the Department of Housing and Buildings.

LOCAL LAW (CONTINUED)

ENFORCEMENT OFFICER – A duly authorized representative of the Department of Housing and Buildings, the Police Department and the Fire Department.

OWNER – Those shown to be the owner or owners on the records of the City of Yonkers, Department of Assessment, 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, trustee, lessee, other person, firm or corporation in control of the premises. Any such person shall have a joint and several obligation for compliance with the provisions of this Section.

SECURED BY OTHER THAN NORMAL MEANS – A building secured by means other than those used in the design of the building.

UNOCCUPIED – A building which is vacant or is not legally being used for an occupancy authorized by the owner.

UNSECURED – A building or portion of a building which is open, accessible or an attractive nuisance:

a. Unoccupied;

b. Unoccupied and unsecured by other than normal means;

c. Unoccupied as determined by the appropriate City, County or State department or agency;

d. Unoccupied and has multiple housing or building code violations;

e. Illegally occupied;

f. Unoccupied for a period of time of 45 days, unless good cause can be shown to the Commissioner of Housing and Buildings that would warrant an extension of three months.

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§58 – 34. Vacant building registration.

A. The owner shall register with the Department of Housing and Buildings not later than 30 days after any building located in an area zoned for or an abutting area zoned for residential or neighborhood commercial use in the City becomes a vacant building or not later than 30 days after being notified by the Building Department to register. The Enforcement Officer 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 provided on forms provided by the Department of Housing and Buildings and shall include the following information supplied by the owner:

(1) a description of the premises, address, block and lot number;

(2) The names, addresses and phone numbers of the owners;

(3) The name, address and phone number of any person contracted by the owner for property management;

(4) The names, addresses and phone numbers of all known lien holders and all other parties holding an ownership interest in the property; and

(5) A telephone number where a responsible person and owner can be reached at all times.

C. The owners shall submit a vacant building plan which must meet the approval of the Commissioner. 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 the property.

(2) If the building is to remain vacant, a plan for the securing of the building in accordance with standards provided by the Department of Housing and Buildings. if

LOCAL LAW (CONTINUED)

applicable such plans must be filed along with the procedure that will be used to maintain the property in accordance with the Yonkers Building Code, and a statement of the reasons why the building will be left vacant and for what time period the building will be vacant, all of which must be acceptable to the Commissioner.

(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 Commissioner 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 the City Code, or of the directions of the Commissioner, during the rehabilitation or until a new Certificate of Occupancy or Certificate of Completion has been issued.

D. All applicable laws and codes shall be complied with by the owner. The owner shall notify the Department of Housing and Buildings 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 Commissioner.

E. The owner and subsequent owners shall keep the building secured by any means necessary and/or required to keep the building safe and secured while properly maintaining said building at all times as provided for in this Article.

F. Failure of the owner or any subsequent owners to keep the building secure and safe and/or maintain the building and premises that result in remedial action taken by the City shall be grounds for the revocation of the approved plan and shall be subject to any applicable penalties provided by law.

G. The new owners shall be required to register 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 Commissioner.

H. Vacant building fees.

(1) The owner of a vacant building shall pay an annual fee of $200 for the vacant building. The fee shall be paid on January 1, or within thirty days thereafter. If the fee is not paid within such time, the owner shall be subject to another $200 fee plus penalties and additional fees that may be imposed at an administrative hearing. 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 City in monitoring the vacant building site.

(2) The first annual fee 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 a penalty of $200 and prosecution in court or an administrative hearing. If a plan is extended beyond 365 days, subsequent annual fees shall be due on the anniversary date. Any fee not paid at this time shall be subject to payment of an additional penalty of $100 a month for each month the fee remains unpaid such additional penalty coming due on the first day of each month. After six months, if the fee still remains unpaid, the penalty will increase by $100 for each month the fee remains unpaid, until the penalty reaches the amount of $2,000, at which point it will remain until the matter is resolved. If any penalty is not paid within thirty days of the due date, the owner shall be subject to prosecution in court and /or an administrative hearing.

(3) The fee shall be paid in full prior to the issuance of any building permits, with the exception of any demolition permit. The fee shall be prorated, and a refund may be issued if the building is no longer deemed vacant under the provisions of this section within 180 days of this registry.

(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 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 January 1st.

§58 -35. Exemptions.

LOCAL LAW (CONTINUED)

A building which has suffered fire damage shall be exempt from the registration requirement for a period of 45 days after the fire or extreme weather event if the property owner submits a written request for exemption from the Department of Housing and Buildings. This written request shall include the following information supplied by the owner :

A. A description of the premises, address, lot and block;
B. The names, addresses and phone numbers of the owners; and
C. A statement of intent to repair and reoccupy the building in an expedient manner or the intent to demolish the building.

§58 -36. Inspections.

The Department of Housing and Buildings shall inspect any premises in the City for the purposes of enforcing and assuring compliance with the provisions of this law. Upon the request of the Department of Housing and Buildings, an owner shall provide access to all interior portions of an unoccupied building in order to permit a complete inspection

§58-37. Penalties.

A violation of any section of this Article shall be a Class I offense."

Section 2. This Local Law shall take effect immediately.