

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County City Town Village
(Select one.)

of Briarcliff Manor

Local Law No. 6 of the year 20²⁴

A local law A LOCAL LAW AMENDING CHAPTER 90 ARTICLE V ENTITLED "VACANT BUILDING
(Insert Title)
REGISTRY" IN THE CODE OF THE VILLAGE OF BRIARCLIFF MANOR

Be it enacted by the Board of Trustees of the
(Name of Legislative Body)

County City Town Village
(Select one.)

of Briarcliff Manor as follows:

SEE ATTACHED

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 6 of 2024 of the (County)(City)(Town)(Village) of BRIARCLIFF MANOR was duly passed by the BOARD OF TRUSTEES on MAY 7 2024, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ and was deemed duly adopted *(Elective Chief Executive Officer*)* on _____ 20 , in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ on _____ 20____. *(Elective Chief Executive Officer*)*

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ on _____ 20____. Such local *(Elective Chief Executive Officer*)* law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1 above.



Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: 5-14-24

(Seal)

A LOCAL LAW AMENDING CHAPTER
90 ARTICLE V ENTITLED "VACANT
BUILDING REGISTRY" IN THE CODE
OF THE VILLAGE OF BRIARCLIFF
MANOR

Be it enacted by the Board of Trustees of the Village of Briarcliff Manor as follows:

Section 1. Chapter 90 Article V Vacant Building Registry of the Code of the Village of Briarcliff Manor, is hereby repealed in its entirety and replaced with the following:

Chapter 90. Building Construction and Fire Prevention

Article V. Vacant Building Registry

[Added 5-4-2021 by L.L. No. 5-2021]

§ 90-43. Legislative findings; purpose.

It is the finding of the Board of Trustees that buildings, or portions thereof, which remain vacant, or with access points boarded over, are unsightly, unsafe and have a negative effect on their surroundings. Unfortunately, many buildings, once boarded, remain that way for many years. The purpose behind 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 encourage and speed the rehabilitation of vacant or underutilized properties.

§ 90-44. Definitions.

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

BUILDING INSPECTOR

The Building Inspector of the Village of Briarcliff Manor or his designee.

ENFORCEMENT OFFICER

The Building Inspector of the Village of Briarcliff Manor, the Assistant Building Inspector, an officer of the Briarcliff Manor Police Department, or the Superintendent of Public Works.

HABITABLE

A building or space that meets or exceeds the New York State minimum requirements for human occupancy.

OWNER

Those shown to be the owner or owners on the records of the Village of Briarcliff Manor Department of Treasurer or Receiver of Taxes, 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 article.

PERFORMANCE GUARANTY

A bond, letter of credit, cash escrow or other acceptable form of guaranty, as determined by the Board of Trustees, to cover the Village's potential cost of correcting code violations or abating unsafe or imminently dangerous conditions.

UNSECURED

A building or portion of a building which is open, accessible or may create an attractive nuisance.

VACANT BUILDING

Any building, structure or portion thereof designed or used for residential or commercial purposes which is substantially empty of personal property necessary to sustain normal occupancy or has been unoccupied or unused i) 180 days in the case of a residential use single-family residence; or ii) 60 days in all other cases. Additionally, a vacant building may include any building, structure or portion thereof that is unoccupied or unfurnished so as to be uninhabitable, or in the case of a commercial building, unoccupied, unleased, or otherwise unusable for commercial activity, as determined by the Building Inspector, or any appropriate county or state agency, or is being used or occupied for any purpose that is unlawful within the Village of Briarcliff Manor.

§ 90-45. Registration Required.

A.

The owner shall register with the Building Department not later than 30 days after any building, or portion thereof, located in the Village becomes a vacant building or not later than 10 days after determination of vacancy by an enforcement officer. The enforcement officer may identify vacant buildings, and the onset of such vacancy, through on-site observation and inspection, as well as through affirmation of residents, property neighbors, neighborhood associations and other community groups, water or utility usage, or police records.

B.

The registration shall be provided on forms provided by the Building Department and shall include, among other matters, the following information supplied by the owner:

(1)

A description of the premises, address, block and lot number;

(2)

The names, contact address, 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 lienholders and all other parties holding an ownership interest in the property; and

(5)

A cell 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 Building Department. 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 under a permit application filed with the Building Department, indicating the proposed time frame for the building to be demolished, an affidavit executed by the owner that he will assume all costs associated with the demolition, and a performance guaranty.

(2)

If the building is to remain vacant, a plan for the securing of the building in accordance with standards provided by the Building Department; if applicable, such plans must be filed along with the procedure that will be used to maintain the property in accordance with the Village's 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, and a performance guaranty, all of which must be acceptable to Building Inspector.

(3)

If the vacant building is to be returned to appropriate occupancy or use, a rehabilitation plan for the property and a performance guaranty shall be provided. The rehabilitation plan shall be subject to the approval of the Building Inspector, and must be completed within six months, or other such time as granted by the Building Inspector. Any proposed revisions or delays to the rehabilitation plan must be submitted in writing and approved by the Building Inspector. Any repairs, improvements or alterations to the property must comply with all applicable zoning, housing, historic preservation or building codes, and the property or building must be secured to the satisfaction of the Building Inspector during the rehabilitation or until a new certificate of occupancy has been issued.

D.

The owner shall notify the Building Department of any changes in information supplied as part of the vacant building registration within 30 days of such change.

E.

Any 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, the performance guaranty, if required, and the timetable submitted by the previous owner until any proposed changes are submitted and meet the approval of the Building Inspector.

F.

Any person owning, or having charge or control of, any vacant building, or portions thereof, shall remove all combustible materials, including waste and refuse, therefrom, and lock, barricade, guard continuously or otherwise secure all windows, doors and other openings in the building to prevent entry by unauthorized persons.

G.

In vacant or unoccupied buildings or portions thereof, all required sprinkler, standpipe and fire and smoke alarm systems and all component parts shall be maintained in operating condition at all times.

H.

Where any door, window or other means of ingress or egress from a vacant building or structure has become broken or unsecure or otherwise fails to prevent entry to the building, the property owner shall promptly make repairs, and the Building Inspector may order the building or structure repaired so as to comply with the requirements detailed in this article.

I.

Exterior doors shall remain locked, and all openings shall be boarded up as detailed in Subsection J when deemed by the Building Inspector to be necessary for the protection of the public health, safety and welfare. Doors and glass windows of vacant buildings shall be maintained in good condition appropriate to the architecture of the building and shall provide appropriate window dressings where the Building Inspector has deemed it necessary to shield the public's view into the vacant building. Appropriate window dressings shall not include newspaper, white window paint or any visually displeasing substance. All show windows and glazed doors shall be periodically washed and maintained in a clean and sanitary condition. All cracked or broken show windows or glazed doors shall be repaired or replaced as necessary.

J.

All openings shall be fitted with boards cut to actual size with new material of either plywood or pressboard having a minimum thickness of 1/2 inch and retained in place by affixing two inches by four inches top, bottom and center on the exterior in a neat and workmanlike manner. All plywood or pressboard used in boarding up shall be painted in a color and quality of paint subject to the approval of the Building Inspector.

K.

All storefronts shall be kept in good repair, painted where required, and shall not be permitted to become a safety hazard or nuisance. In the event that repairs to a storefront become necessary, such repairs shall be made so as to permanently repair the damaged areas. Any cornice visible above a storefront shall be kept painted and otherwise in good condition and repair.

L.

The owner or other responsible party for the maintenance of a vacant building shall take such steps as may be required to ensure that the building and any adjoining yard on the premises remains secure and does not present a hazard to adjoining properties or the public. Each floor area within the vacant building shall maintain at least one means of egress which complies with the New York State Fire Prevention and Building Code, as may be revised.

M.

The floor area of each vacant building shall be illuminated by no less than a twenty-five-watt light fixture, or an equivalent energy-efficient bulb.

N.

All customized signs and associated hardware shall be removed within sixty (60) days after the commercial occupancy associated with such signage is no longer in use.

O.

The Building Department, Police Department, and Department of Public Works may inspect any premises in the Village for the purposes of enforcing and assuring compliance with the provisions of this article, and at any time in the event of an emergency. Upon the request of an enforcement officer, an owner shall provide access to all interior portions of an unoccupied or vacant building in order to permit a complete inspection. If an owner refuses to allow such inspection, the Village shall promptly seek a warrant for such administrative inspection from a court of competent jurisdiction.

P.

The Building Inspector, or his designee, shall do periodic inspections of each vacant building or unit. The Building Inspector shall also submit a biannual report, no later than April 15 and October 15 of each year, to the Board of Trustees, listing all buildings declared vacant under the provisions of this article and the date upon which the buildings or units were declared vacant and whether a building plan has been filed. The report shall include a list of all previously declared vacant buildings which are no longer subject to the provisions of this article.

§ 90-46. Fees.

A.

The owner of a vacant building shall pay non-refundable annual fees, as determined by a resolution of the Board of Trustees and published in the Master Fee Schedule. Any fees not timely paid shall be subject to penalties. The fee shall consider and include (i) the administrative costs for registering and processing the vacant building owner registration form; (ii) the costs to the Village in monitoring the vacant building site; and (iii) the purpose and intent of this chapter to encourage the renovation or reoccupation of vacant or distressed properties.

B.

For all vacant buildings, the first annual fee, and each annual fee thereafter shall be paid in arrears and due by January 31 of each calendar year following the initial vacancy.

C.

Annual fees shall be prorated to reflect the number of months of vacancy during the prior calendar year. Each annual fee shall be computed by multiplying one twelfth of the relevant annual fee as published in the Master Fee Schedule by the number of whole months of the prior calendar year during which the building, or portion thereof, remained vacant.

D.

If any fee is not paid by January 31 of the year due, the owner shall be subject to a penalty of \$200 per month for each of the first five months the fee remains unpaid. After six months, if the fee still remains unpaid, the penalty will increase by \$200 per month for each month the fee remains unpaid, until the penalty reaches the amount of \$4,000, at which point it will remain until the matter is resolved. If any penalty is not paid within 30 days of the due date, the owner shall be subject to prosecution in court. Any outstanding fees may be assigned as a lien against the property.

E.

Vacant buildings shall continue to accrue fees hereunder until such time as work has commenced under a lawfully issued building permit or demolition permit for the building, or portion thereof, deemed to be vacant, as per § 90-46 hereunder.

F.

All outstanding fees shall be paid in full prior to the issuance of any permits issued by the Building Department.

§ 90-47. Exemptions.

The first year's fee shall be suspended for the vacancy of retail, office, or multi-tenant residential space that is less than fifty percent (50%) of the usable square footage of any building, provided that:

- a. The vacant building is properly registered as per § 90-45 herein.
- b. All other conditions of § 90-45 are met including, but not limited to, those related to appearance, safety, and maintenance.
- c. The vacant space remains free from any violations of Chapter 90. Building Construction and Fire Prevention, Chapter 161 Property Maintenance, and any other sections of the Village Code of Briarcliff Manor and other applicable laws.
- d. The owner of such vacated space continues to use his best efforts to market the available space to potential occupants.

§ 90-48. Appeals.

A.

The property owner may appeal any adverse decision under this article by filing a written request for review with the Village Clerk. Such filing shall include the reasons for appeal and be received by the Village Clerk no later than ten (10) days after receipt of the determination.

B.

The appeal will be considered by the Vacant Buildings Review Board, which shall consist of the Village Manager or his designee, the Village Counsel or his designee, and the Chief of Police or his designee.

C.

A timely request for appeal shall stay any action of the Building Department until the Vacant Buildings Review Board has decided the appeal. If a request for appeal is not made within the ten-day period, the decision shall stand as final.

D.

The property owner shall be entitled to a hearing in front of the Vacant Buildings Review Board only if requested in the written appeal for review.

E.

The Vacant Buildings Review Board shall consider all applicable facts, including but not limited to the evidence submitted by the property owner and any documentation or reporting of the Building Department, the Police Chief, and the Fire Inspector, while reviewing the decision of a Code Enforcement Officer, Building Inspector or Assistant Building Inspector. The Vacant Buildings Review Board shall make its decision on the basis of the preponderance of the evidence. The decision shall be rendered within 30 days after the request for an appeal is filed. The decision of a majority of the members of the Vacant Buildings Review Board shall affirm,

reverse or modify the action of the Code Enforcement Officer, Building Inspector or Assistant Building Inspector. The decision of the Board is final as to administrative remedies with the Village.

§ 90-49. Penalties for offenses.

Any person violating any of the provisions of this article shall, upon conviction thereof, be subject to a minimum fine of \$500 and a maximum fine of \$1,000 per offense. Every violation of any provision of this article shall be a separate and distinct offense, and in the case of a continuing violation, each day of continuing violation thereof shall be deemed to be a separate and distinct offense.

Section 2. Severability. The invalidity of any word, section, clause, paragraph, sentence, part or provision of this local law shall not affect the validity of any part of this local law which can be given effect without such valid part or parts.

Section 3. Effective Date. This local law shall take effect immediately upon filing in the Office of the Secretary of State of New York in accordance with the provisions of the Municipal Home Rule Law.