

**VILLAGE OF LARCHMONT
BOARD OF TRUSTEES**

LOCAL LAW NO. 1-2023

**A LOCAL LAW TO AMEND THE PROPERTY MAINTENANCE LAW OF THE CODE
OF THE VILLAGE OF LARCHMONT, CHAPTER 215, BY CREATING NEW
ARTICLES TO ESTABLISH REGISTRATION AND MAINTENANCE
REQUIREMENTS FOR COMERCIAL BUILDINGS, AND TO RENUMBER THE
EXISTING ARTICLE V THEREOF**

BE IT ENACTED by the Board of Trustees of the Village of Larchmont, Westchester County, New York, as follows:

Section One. The existing Article V of Chapter 215 of the Code of the Village of Larchmont, “Administration and Enforcement”, is hereby renumbered Article VIII.

Section Two: There is hereby added to Chapter 215 of the Code of Village of Larchmont a new article, Article V, “Commercial Property Registry”, to read as follows:

**Article V
Commercial Property Registry**

§ 215-25. Findings and Purposes

The Village of Larchmont has determined that it is in the best interests of Village residents to establish standards for the registration of commercial spaces to maintain and verify contact information to ensure that the Village can contact property owners and occupants in the event of emergency situations.

§ 215-26. Definitions.

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

"Building Department" – The Village of Larchmont Building Department.

"Building Official" – The Building Engineer or Inspector of the Village of Larchmont or his or her designee.

“Commercial Building” – All buildings in the Village, except for one- and two-family residences.

“Occupant” – A person or entity who, alone or severally with others, is:

- A. An Owner using space in a building; or
- B. A tenant with a legal right to use and possess space in a building.

“Owner” – A person or entity who, alone or severally with others:

- A. Has legal or equitable title to any building or has care, charge, or control of any building in any capacity including but not limited to agent, executor, executrix, administrator, administratrix, trustee, or guardian of the estate of the holder of legal title; or
- B. Is a mortgagee in possession of any building; or
- C. Is an agent, trustee, receiver or other person appointed by the courts and vested with possession or control of a building.

§ 215-27. Registration of Commercial Spaces.

- A. No later than one hundred eighty (180) days after the effective date of this local law, and in each year thereafter according to a schedule that shall be established by the Building Department, every Owner of a Commercial Building must register with the Building Department on forms provided by such Department. Such registration form shall include the following information:
 - i. The street address and tax designation of the property.
 - ii. The Owner’s name and contact information.
 - iii. A brief description of the current use of the property, including the number of stories and the type of use(s).
 - iv. Contact information for an individual who may be contacted 24/7 in the event of an emergency. This individual shall be an Owner or a person designated by the Owner to act on their behalf.
 - v. A description of all non-residential Occupants who utilize the property, including:
 - a) The location of each Occupant’s space
 - b) A brief description of the Occupant’s current use of the space
 - c) The name and contact information of the Occupant
 - d) Contact information for a representative of the Occupant who may be contacted 24/7 in the event of an emergency. This individual shall be an Occupant or a person designated by the Occupant to act on their behalf.

- vi. Such other information as the Board of Trustees may require by Resolution from time to time.
- B. The registration requirements set forth in **215-27(A)** shall not apply to one- and two-family dwellings.
- C. Should any of the required information set forth in **§ 215-27(A)** change, the Owner shall, within thirty (30) days of such change, file a supplemental registration statement with the Building Department updating previously filed statements with current information.

§215-28. Violations and Penalties; Enforcement

- A. In addition to any of the remedies provided herein, violations of any portions of this Article shall be punishable by a fine of up to \$100 per day that the Owner is not in compliance with this Article. Violations of this law shall not be deemed a misdemeanor nor a felony.
- B. The Building Official, the Code Enforcement Officer, or their designee shall have the authority to enforce all provisions of this Article. The Village of Larchmont may also bring a civil action in a court of competent jurisdiction seeking equitable relief to enforce this Article.

Section Three. There is hereby added to Chapter 215 of the Code of Village of Larchmont a new article, Article VI, “Registration and Maintenance of Vacant Commercial Buildings

Article VI Registration and Maintenance of Vacant Commercial Buildings

§ 215-29. Findings and Purposes

The purposes of this Article are to protect the welfare and economic vitality of the residents of the Village of Larchmont by protecting property values, maintaining neighborhood integrity and accessibility, safeguarding against economic property blight, protecting Village resources, and ensuring the safe and sanitary maintenance of commercial vacant properties. Among other things, vacant street level commercial space can degrade the vitality of Larchmont’s business districts, frustrate local planning efforts, create increased specific risks of fire damage, vandalism, and unlawful entry or uses, and give rise to other public health and safety hazards. This Article is intended to promote and Village’s public welfare and economic health by

requiring property owners to register and properly maintain vacant street level commercial properties.

§ 215-30. Definitions

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

"Building Department" – The Village of Larchmont Building Department.

"Building Officer" – The Building Officer of the Village of Larchmont or his or her designee.

"Commercial Building" – All buildings in the Village, except for one- and two-family residences.

"Occupant" – A person or entity who, alone or severally with others, is:

- A. An Owner using space in a building; or
- B. A tenant with a legal right to use and possess space in a building.

"Owner" – A person or entity who, alone or severally with others:

- A. Has legal or equitable title to any building or has care, charge, or control of any building in any capacity including but not limited to agent, executor, executrix, administrator, administratrix, trustee, or guardian of the estate of the holder of legal title; or
- B. Is a mortgagee in possession of any building; or
- C. Is an agent, trustee, receiver or other person appointed by the courts and vested with possession or control of a building.

"Vacant Space" – Any unoccupied street level building space in the Village of Larchmont's RC or RB Zoning Districts which is not legally occupied, is abandoned, or is not open for business with an ongoing business concern operating in the space during customary business hours for a period of at least one hundred eighty (180) consecutive days or longer by occupants having legal custody or legal right of entry to such property.

§ 215-31. Registration

- A. Prior to, or not more than seven (7) days after a unit or any portion of a property becomes Vacant Space, as defined herein, the Owner(s) must register the vacancy with the Building Department on forms provided by such Department. All vacancy registrations must state the Owner's name, phone number, and mailing address as well as such information for an emergency contact, if not the same. None of the required addresses shall be a post office box. The registration shall also state the Owner's

efforts to reactivate the use of the space. Once the space is no longer vacant or is sold, the Owner must provide proof of sale or written notice and proof of lawful occupancy to the Building Department pursuant to the process outlined by such Department. The Building Officer will notify the Police and Fire Departments and DPW of the submitted registration of the Vacant Space.

- B. The Village Administrator, with the input of the Building Officer, may exempt a property Owner from the provisions of this Article upon the presentation of evidence, in such form as may be convincing to him, that the failure to use or occupy a commercial space for a period in excess of one hundred eighty (180) days does not violate the purpose or intent of this Article.
- C. When the space is to be reoccupied, a Change of Use/Occupancy Permit shall be obtained pursuant to § 384-84.

§215-32. Annual Registration Fee, Failure to Pay

- A. There shall be an annual registration fee for Vacant Space to offset the Village's costs of monitoring such space. The first annual registration fee is due at the time the Vacant Space is initially registered with the Village. Thereafter, the Owner of the Vacant Space shall receive a billing statement on an annual basis until the Village is informed of a change of status. The amount of the annual registration fee shall be specified in the fee schedule set by the Board of Trustees from time to time.
- B. After the first registration fee, the Village shall send the Owner of any Vacant Space an annual billing statement, and the Owner shall pay to the Village the fee which has been billed. Failure to pay the first or any subsequent registration fee within thirty (30) days of receipt of the billing statement shall be a violation of this Article, and the full fee shall be deemed an assessment resulting from a violation of this Article. Such fee, and any fines issued for violations of this Article, shall constitute a lien on the property, to be collected in accordance with the process described in § 251-11.

§215-33. Inspections

- A. The Village Administrator, Building Officer, Police Chief, and Fire Chief, or their designees, shall have the authority to periodically inspect the exterior and interior of Vacant Space subject to this Article for compliance with applicable laws, rules, and regulations. The Building Officer shall have the discretionary authority, but not the obligation, to cause utilities to be disconnected immediately if a potential hazard that may be dangerous to life and limb is present. If the Building Officer causes utilities to be disconnected, the Owner shall reimburse the Village for its costs in having the utilities disconnected. Failure to pay these costs within thirty (30) days of being notified that they are due shall be a violation of this Article, and the full amount of the costs shall be

deemed an assessment resulting from a violation of this Article. Such costs, and any fines issued for violations of this Article, shall constitute a lien on the property, to be collected in accordance with the process described in § 251-11.

§ 215-34 Compliance with § 215-13.1

Nothing in this Article shall abrogate an Owner's duty to maintain the Vacant Space as required by § 215-13.1.

§215-35. Violations and Penalties; Enforcement

- C. In addition to any of the remedies provided herein, violations of any portions of this Article shall be punishable by a fine of up to \$100 per day that the Owner is not in compliance with this Article. Violations of this law shall not be deemed a misdemeanor nor a felony.
- D. The Building Officer, the Code Enforcement Officer, or their designee shall have the authority to enforce all provisions of this Article. The Village of Larchmont may also bring a civil action in a court of competent jurisdiction seeking equitable relief to enforce this Article.

§ 215-36. Unsafe Buildings

Nothing in this Article shall abrogate the powers and/or duties of municipal officials to act to remedy unsafe conditions pursuant to any general statutory authority including, without limitation, the New York State Uniform Fire Prevention and Building Code and the New York State Village Law and General Municipal Law.

Section Four. There is hereby added to Chapter 215 of the Code of Village of Larchmont a new article, Article VII, "Change of Use and Occupancy of Commercial Buildings", to read as follows:

Article VII Changes of Use or Occupancy in Commercial Spaces

§ 215-37. Changes of Use or Occupancy

Before the use or occupancy of any commercial property in the Village of Larchmont is subject to change, the Owner shall first obtain a Change of Use/Occupancy permit as required by § 381-85.

Section Five. Severability. If any section, subsection, clause, phrase or other portion of this Local Law is, for any reason, declared invalid, in whole or in part, by any court, agency, commission, legislative body or other authority of competent jurisdiction, such portion shall be deemed a separate distinct and independent portion. Such declaration shall not affect the validity of the remaining portions hereof, which other portions shall continue in full force and effect.

Section Six. Effective Date. This local law shall take effect immediately upon filing with the Secretary of State.