

## Local Law 5-2024

A local law repealing Chapter 162, Article VIII (Housing/Property Maintenance and Building Code Administration, Vacant Building Registry) and adopting a new chapter 249 (Vacant Building and Storefront Registry).

**BE IT ENACTED by the Board of Trustees of the Village of Ossining as follows:**

**Section 1. Repealer**

Chapter 162, Article VIII (Housing/Property Maintenance and Building Code Administration, Vacant Building Registry) is repealed in its entirety.

**Section 2.** Chapter 249 (Vacant Building and Storefront Registry) is added to the Village of Ossining Code. New matter is underlined.

**§ 249-1 Legislative findings; purpose.**

**A. It is the finding of the Board of Trustees that:**

- 1. Buildings or storefronts 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 up, remain that way for many years.**
- 2. The presence of vacant buildings or storefronts can adversely affect the desirability of the immediate and neighboring areas, discourage buyers from purchasing property within the village, prevent the most appropriate use and development of properties, and contribute to the diminution of the taxable value of property in such areas affecting the ability to support the municipal services provided therefore.**
- 3. It is in the best interest of the Village of Ossining to encourage owners of vacant buildings or storefront properties to lease or otherwise utilize such properties in a productive manner rather than allowing them to remain vacant.**

**B. This chapter is intended to protect the community, character and safety of village residents and visitors as follows:**

- 1. Regulate vacant storefronts in the village's business and mixed-use districts and vacant buildings throughout the village.**
- 2. Prescribe responsibilities for property owners and property managers for the upkeep and future uses of vacant storefronts as well as provide guidance on proper maintenance and procedures.**
- 3. Enforce such regulations to protect public safety and community character.**

**§ 249-2 Definitions.**

**Unless otherwise expressly stated, the following terms shall have the meanings indicated for this chapter:**

#### **ENFORCEMENT OFFICER OR CODE ENFORCEMENT PERSONNEL**

**A duly authorized representative of the Building Department, including the Building Inspector, Assistant Building Inspector and Code Enforcement Officer.**

#### **HISTORIC BUILDING**

**A building or structure located within a historic district, identified as a village landmark, or listed on the New York State or National Register of Historic Places or which are eligible for such listing as determined by the State Historic Preservation Office.**

#### **PROPERTY MANAGER**

**A party contracted by the property owner to oversee and operate the identified property. The property manager may be an individual person or a company.**

#### **PROPERTY OWNER**

**Any person or legal entity identified as the property owner of record in the records of the Town of Ossining Assessor's Office, those identified as the owner or owners on a vacant building registration form, or a mortgagee or mortgagor in possession of the property, an assignee of rents, a receiver, an executor, a trustee, lessee or any other person or legal entity in control of the premises. Any such person shall have a joint and several obligation for compliance with the provisions of this article.**

#### **UNOCCUPIED**

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

#### **VACANT BUILDING**

**Any building or structure designed or used for residential or commercial purposes which has been unoccupied or unused for a period of 60 days or longer. Additionally, a vacant building will include any building or structure that is unoccupied as determined by the appropriate village, county or state agency.**

#### **VACANT STOREFRONT**

**Any portion of a building or structure designed or used for commercial purposes which is unoccupied, unused for commercial purposes consistent with Chapter 270 (Zoning) or is not open for business with an ongoing business concern operating in the space during customary business hours for a period of 60 days or longer. Additionally, a vacant storefront will include any portion of a building or structure that is unoccupied as determined by the appropriate state, county or village agency.**

#### **§ 249-3 Applicability**

**The provisions in this chapter shall apply to all vacant commercial storefronts and all vacant buildings in the Village of Ossining**

**§ 249-4 Vacant building and vacant storefront registration.**

- A. **The property owner shall register with the Building Department not later than 30 days after any building or storefront located in the Village becomes a vacant building or storefront or not later than 30 days after being notified by the Building Department to register. The Enforcement Officer may identify vacant buildings or storefronts through the Building Department's routine inspection process, as well as through notification by residents, neighborhood associations and other community groups, that a building or storefront may be eligible for inclusion on the registry. The property owner shall register the property annually with the Building Department. The renewal date shall be January 31 of each year.**
- 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 property owner:**
- (1) A physical description of the premises, including address, and tax identification number;**
  - (2) The names, mailing addresses, email addresses and phone numbers of the property owners along with corporate identification, if applicable;**
  - (3) The name, address and phone number of any person contracted by the property 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;**
  - (5) A telephone number where the property owner and, where applicable, the property manager can be reached at all times;**
  - (6) Description of the building or storefront's most recent use;**
  - (7) Date the building or storefront became vacant;**
  - (8) Certificate of insurance per section 249-9B; and**
  - (9) A vacant building or vacant storefront plan (Section 249-5).**

**The property owner shall promptly notify the Building Department of any changes to the information on the registration form.**

**§ 249-5 Vacant building or vacant storefront plan**

- A. **The property owner shall submit a vacant building or vacant storefront plan which plan shall be approved by the Building Inspector or Assistant Building Inspector, upon registration of the vacant building or storefront. The plan shall comply with applicable state and village codes.**
- B. **The plan shall indicate if the vacant building or storefront is to be rehabilitated or reoccupied, remain vacant or be demolished.**
- 1. If the vacant building or storefront is to be rehabilitated or reoccupied, the plan shall include the anticipated future use and an estimated date for rehabilitation or**

reoccupancy. The rehabilitation or reoccupancy plan shall not exceed 365 days unless upon a written request an extension is granted by the Building Inspector or Assistant Building Inspector. Extensions shall not exceed 365 days. Any repairs, improvements or alterations to the property must comply with applicable zoning, housing maintenance, historic preservation and building codes. The building must be secured pursuant to applicable codes during the rehabilitation until a Certificate of Occupancy or Certificate of Completion has been issued. Additionally, as escrow pursuant to section 249-9C shall be provided.

2. If the building or storefront is to remain vacant, the plan shall include a statement from the property owner explaining why the building or storefront is to remain vacant, anticipated time the vacant status of the building or storefront will continue, security and maintenance procedures during the vacancy. Additionally, an indemnification and hold harmless agreement and an escrow pursuant to section 249-9C shall be provided.
  3. If the building is to be demolished the plan submitted to the Building Department shall include a date by which the demolition is to be completed, an affidavit from the property owner assuming all costs associated with the demolition, an indemnification and hold harmless agreement in favor of the Village and an escrow pursuant to section 249-9C shall be provided.
  4. For vacant buildings that are historic buildings, the property owner shall comply with the requirements of section 270-25. Where necessary, the property owner or its designee shall submit an application to the Historic Preservation Commission to obtain a Certificate of Appropriateness.
- C. All vacant building or vacant storefront plans shall establish an escrow with the Building Department. The escrow shall be for maintenance of the vacant building or storefront. The amount of the escrow, to be determined by the Building Inspector or Assistant Building Inspector shall not exceed \$5,000.
- D. The property owner shall comply with all applicable laws and codes. The property owner or, where applicable, the property manager shall notify the Building Department of any proposed changes to the vacant building or vacant storefront plan within 30 days of the proposed change. Proposed changes to the plan shall be in writing and shall be approved by the Building Inspector or Assistant Building Inspector.
- E. Any change in ownership of the vacant building or vacant storefront shall promptly be reported to the Building Department. The new property owner shall register the vacant building or vacant storefront within 30 days of the transfer. The new property owner shall comply with the approved plan.

#### § 249-6 Maintenance of vacant buildings

- A. The property owner shall keep the vacant building secured and maintained at all times. Failure to properly maintain and secure the vacant building may result in revocation of the approved plan and subject the property owner to penalties pursuant to section 249-13.
- B. If a building is vacant for more than 60 days, the property owner shall remove all combustible

waste and refuse, lock, barricade, and guard continuously or otherwise secure all windows, doors and other openings to prevent entry by unauthorized persons.

- C. All required sprinkler, standpipe and fire alarm systems and all component parts shall be maintained in operating condition.
- D. Where any door, window or other means of ingress or egress in a vacant building is broken or open, the property owner shall promptly repair.
- E. Except for one locked exterior door, all openings to the vacant building shall be boarded up pursuant to section 249-6F where Code Enforcement personnel determine the action is necessary. Where it is determined that boarding up openings is unnecessary, doors and windows shall be maintained in good condition appropriate to the building's architecture. Windows shall be provided with appropriate window dressings which shall not include newspaper, white window paint or other similar means to conceal the building's interior. All windows and glazed doors shall be washed periodically and maintained in a clean condition. All cracked or broken windows shall be repaired or replaced.
- F. All openings shall be fitted with boards cut to actual size with new material of either plywood or pressboard having a minimum thickness of ½ inch and kept in place by affixing 2 inches by 4 inches top, bottom and center on the exterior in a neat and workmanlike manner. All plywood or pressboard used in boarding up the vacant building shall be painted using a color and quality of paint subject to approval by Code Enforcement personnel.
- G. The property owner shall ensure that the vacant building and any adjoining yard on the premises is secure and does not present a hazard to adjoining properties or the public.
- H. Each floor within the vacant building shall have at least one means of egress complying with the current New York State Fire Prevention and Building Code.
- I. The floor area of a vacant building shall be lighted by no less than one 25-watt light.
- J. All signs and associated hardware shall be removed after the building is vacant for more than 60 days.

#### § 249-7 Maintenance of vacant storefronts

- A. A vacant storefront shall be kept in good repair, painted where required and shall not become a safety hazard or nuisance. If repairs to a vacant storefront are necessary, such repairs shall be made by the property owner to permanently repair the damaged areas. Any cornice visible above a storefront shall be kept painted and in good condition and repair.
- B. Repair and maintenance of a vacant storefront shall include:
  - 1. Touch-up to interior and exterior paint.
  - 2. Repairs to holes or damage to walls and roof.

3. Sealing any leaks.
  4. Plumbing or electrical issues that could damage the property or endanger public safety.
  5. Replacement of cracked or damages doors and windows.
  6. Pest control.
  7. Operation of fire alarm and fire suppression systems.
  8. Other as needed aesthetic repairs.
- C. Windows in vacant storefronts shall be maintained in a clean and unobstructed condition.
1. Display windows are to be periodically washed and maintained.
  2. Where a storefront is vacant for more than 90 consecutive days, display windows shall be covered. Such covering shall not block full visibility through that portion of the storefront glass between 48 and 66 inches above the sidewalk. This requirement is for vacant storefronts only and therefore supersedes section 270-29E.
    - a. Types of window coverings may include:
      1. Venetian or similar blinds.
      2. Shades.
      3. Curtains.
      4. Such other covering as determined appropriate by Code Enforcement personnel.
    - b. Window coverings shall be kept in clean and neat condition. Coverings that become dirty, torn, or otherwise damaged are to be replaced immediately.
    - c. If applicable, window coverings may include a graphic related to the future business to occupy the storefront.
    - d. Window art may be used in place of a covering. Art displays must be approved by the Board of Architectural Review or, where applicable the Historic Preservation Commission prior to installation. The art displays should use a white background. Options for window art include:
      1. Drawings
      2. Paintings
      3. Murals
      4. Photography

5. Digital art
  6. Any other art options deemed appropriate by the Board of Architectural Review or Historic Preservation Commission.
- D. The interior of the vacant storefront must be kept in broom-clean condition and well-maintained for area that are visible from the street.
  - E. The property owner is responsible for keeping the vacant storefront secure.
  - F. A sign shall be posted in the window of the vacant storefront. The sign shall include contact information (name, phone number, email address and office address) for the property owner and, where applicable, property manager. The sign shall not exceed 25% of the exposed window area nor more than 16 square feet per window, whichever is less.

#### § 249-8 Vacant lots

Evergreen vegetation may be planted along the edge of the lot to shield the lot from street view. The vegetation may not exceed 6 feet in height and must be approved by Code Enforcement personnel.

#### § 249-9 Vacant building or storefront fees and insurance

##### A. Fees

1. Vacant building and vacant storefront registration fees shall be established by the Board of Trustees and published in the village's annual fee schedule.
2. The first annual registration fee shall be paid no later than 30 days after the building or storefront becomes vacant.
3. Any arrearages for the registration fee shall be paid in full before the issuance of a building permit, certificate of occupancy or certificate of compliance. This provision will not apply to demolition permits.
4. Any arrearages shall be paid by the property owner prior to transfer of ownership of a vacant building or storefront. If outstanding registration fees are not paid prior to transfer of ownership of the vacant building or vacant storefront, the Building Department shall forward an invoice to the current property owner by certified mail return receipt requested requesting payment for the outstanding fees no later than 20 days after the invoice is sent out. If payment of the invoice is not timely made the amount will be certified to the Village Treasurer and be a lien upon the property and shall be added to and become a part of the taxes to be next assessed and levied on such property, to be collected and enforced in the same manner as taxes.
5. A new property owner shall pay the annual registration fee no later than 30 days after the transfer of ownership is completed. Subsequent annual registration fees shall be due on the anniversary date of the filing of the registration form.

##### B. Insurance

The property owner shall maintain commercial general liability insurance with minimum policy limits of \$1,000,000 per person and \$2,000,000 aggregate for vacant buildings and vacant storefronts. A certificate of insurance shall be submitted with the vacant building or vacant storefront registration and annual renewal. The village shall be named as a certificate holder and shall be provided with a minimum of 20 days' prior written notice of any cancellation, material modification or non-renewal of the insurance.

**C. Escrow**

The property owner of every registered vacant building or storefront shall submit to the Building Department an escrow not to exceed \$5,000 as determined by the Building Inspector or Assistant Building Inspector. The escrow may be used to reimburse the village for expenses incurred to secure and maintain the vacant building or storefront upon the property owner's failure to do so pursuant to the approved vacant building or storefront plan.

**§ 249-10 Exemptions.**

**A. 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 45 days after the fire or extreme weather event if the property owner submits a written request to the Building Department. This written request shall include the following information supplied by the property owner:**

- (1) A physical description of the premises, address, and tax identification number;**
- (2) The names, addresses and phone numbers of the property owners and, where applicable, property manager;**
- (3) A statement of intent to repair and reoccupy the building in an expedient manner or the intent to demolish the building;**
- (4) An escrow in an amount not to exceed \$5,000 as determined by the Building Inspector or Assistant Building Inspector;**
- (5) If a building is actively undergoing renovation or restoration under a building permit, the status of the building shall be reviewed at the time of a request for permit extension for inclusion in the registry.**

**B. A property for which a building permit has been received and work is actively proceeding shall be exempt from the registration requirement for a period of six months from the date of the written request for an exemption which has been submitted to the Building Department. If additional time is needed, the Building Inspector or Assistant Building Inspector may grant one additional exemption by which time the work on the building shall be completed. The written request shall include the following information supplied by the owner:**

- (1) A physical description of the premises, address, and tax identification number;**
- (2) The names, addresses and phone numbers of the property owners and, where applicable, property manager; and**

**(3) A statement indicating the expected date of the completion of the development of the property.**

**§ 249-11 Inspections and reports.**

- A. Code Enforcement personnel may inspect any property in the Village for the purposes of enforcing and assuring compliance with the provisions of this chapter. Upon the request of Code Enforcement personnel, a property owner shall provide access to all interior portions of an unoccupied building in order to permit a complete inspection. Nothing contained herein, however, shall diminish the property owner's right to insist upon the procurement of a search warrant from a court of competent jurisdiction by Code Enforcement personnel in order to enable such inspection, and Code Enforcement personnel shall be required to obtain a search warrant whenever a property owner refuses to permit a warrantless inspection of the premises.**
- B. Code enforcement personnel shall do periodic inspections of each vacant building or storefront. The Building Department shall submit a biannual report, no later than April 15 and October 15 of each year, to the Village Manager, listing all buildings and storefronts declared vacant under the provisions of this article and the date upon which the buildings and storefronts were declared vacant and whether a vacant building or vacant storefront plan has been filed. The report shall include a list of all previously declared vacant buildings and storefronts which are no longer subject to the provisions of this article.**

**§ 249-12 Appeals.**

- A. The property owner may appeal any adverse decision of the Building Inspector or Assistant Building Inspector under this chapter to the Zoning Board of Appeals by filing a written request for review with the Building Inspector or Assistant Building Inspector, setting forth the reasons for the appeal, within 10 days after receipt of the determination.**
- B. The appeal will be considered by the Zoning Board of Appeals pursuant to the procedures in section 270-49.**
- C. A timely request to appeal shall stay any action of the Building Department until the Zoning Board of Appeals has decided the appeal unless the Building Inspector or Assistant Building Inspector certifies to the Zoning Board of Appeals that a stay would result in imminent peril to life or property in which situation the action of the Building Department will not be stayed other than by a restraining order which may be granted by the Zoning Board of Appeals or by a court of record on notice. If a request for appeal is not made within the 10-day period, the action of the Building Inspector or Assistant Building Inspector is final.**
- D. The Zoning Board of Appeals shall consider the evidence submitted by the property owner while reviewing the decision of the Building Inspector or Assistant Building Inspector. The Zoning Board of Appeals shall make its decision on the basis of the preponderance of the evidence. The Board shall render a decision within 30 days after the request for an appeal is filed unless the chairperson of the Zoning Board of Appeals determines that additional time is needed. The Zoning Board of Appeals shall affirm, reverse or modify the action of the Building Inspector or Assistant Building Inspector. The decision of the Zoning Board of Appeals is final as to administrative remedies with the Village. Should an article 78 proceeding be pursued, such action must be commenced no later than 30 days after the decision of the Zoning Board of Appeals is filed with the Village Clerk.**

**§ 249-13 Penalties for offenses.**

- A. Notwithstanding any provision of this Code inconsistent herewith, for each violation of this article, the property owner and, where applicable, property manager shall be liable for a fine or penalty of not less than \$500 nor more than \$1,000 for the first violation; not less than \$1,000 nor more than \$3,500 for a second violation within 12 months of the first violation and not less than \$3,500 nor more than \$5,000 for subsequent violations within 18 months of the first violation. Each day that a violation continues to exist shall constitute a separate and distinct violation.**
  
- B. When the Village obtains a judgment in any action against the owner, in addition to the appropriate methods of enforcement of the judgment established in the New York Civil Practice Law and Rules, such judgment for penalties shall be assessed and collected in the same manner as Village taxes.**

**Section 3.      Effective date**

**This local law shall become effective upon filing with the Secretary of State pursuant to section 27 of the Municipal Home Rule Law.**