

LOCAL LAW ENTITLED, "VACANT BUILDING REGISTRY #1"

BE IT ENACTED by the Town Board of the Town of Bennington as follows:

SECTION I. PURPOSE

It is the findings of the Town of Bennington that vacant buildings are unsightly, unsafe, and have a negative effect on the community. Unfortunately, many buildings once vacant, remain that way for years. The purpose of this local law is to establish a program for identifying and registering vacant residential and commercial buildings, to set forth the responsibilities of owners of vacant buildings, and to speed the rehabilitation of vacant properties.

SECTION II. DEFINITIONS

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

- A. **CODE ENFORCEMENT OFFICER**-The duly authorized representative of the Town of Bennington.
- B. **OWNER** — Those shown to be the owner on the records of the Town of Bennington Assessor's Office, 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, land contract vendee, other person, firm or corporation in control of the premises. Any such person will have a joint and several obligations for compliance with the provisions of this chapter
- C. **SECURED BY OTHER THAN NORMAL MEANS** -- A building secured by means other than those used in the design of the building.
- D. **UNOCCUPIED** – A building which lacks the habitual presence of human beings who have a legal right to be on the premises, including buildings ordered vacated by a Code Enforcement Officer. In determining whether a building is unoccupied, the Code Enforcement Officer may consider these factors, among others:
 - 1) whether lawful residential or business activity has ceased;
 - 2) the percentage of overall square footage of the occupied to unoccupied space or the overall number of occupied and unoccupied units;
 - 3) the building is substantially devoid of contents or the minimal value of fixtures or personal property in the building;
 - 4) the building lacks utility services;
 - 5) the building is subject to foreclosure action;
 - 6) duration of vacancy; and/or
 - 7) the presence or reoccurrence of code violations.
- E. **UNSECURED** —A building or portion of a building which is open to entry by unauthorized persons without the use of tools or ladders.
- F. **VACANT BUILDING** -- A building, or portion of a building, which is any one or more of the below:
 - 1) Unoccupied and unsecured;
 - 2) Unoccupied and secured by other than normal means.

- 3) Unoccupied and is unsafe as determined by the Code Enforcement Office.
- 4) Unoccupied and for which the Code Officer has issued an order to correct 2 or more code violations or has authorized the remediation of 2 or more violations in a twelve month period.
- 5) Illegally occupied; or
- 6) Unoccupied for a period of time over 90 days.

SECTION III. VACANT BUILDING REGISTRATION

- A. The owner shall register with the Code Enforcement Officer not later than 30 days after any residential or commercial building located in the Town of Bennington becomes a "vacant building" as defined above, or not later than 30 days after being notified by the Code Enforcement Officer of the requirement to register the building. The Code Enforcement Officer may identify vacant buildings through his/her routine inspection process as well as through notification by residents and business owners that a building may be required to be registered as a vacant building.
- B. The registration shall be submitted on prescribed forms provided by the Code Enforcement Officer and shall include the following information provided by the owner:
 - 1) A description of the premises, i.e. square footage, number of stories, age of the building, and most recent use of the building.
 - 2) The names and addresses of the owner or owners
 - 3) The names and addresses of all known lien holders 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 non-business hours.
 - 5) A vacant building plan as described in Subsection C below.
- C. The owner shall submit a vacant building plan which must meet the approval of the Code Enforcement Officer. The plan, at a minimum, must contain information from 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 Town.
 - 2) If the building is to remain vacant, a plan for the securing of the building, along with the procedure that will be used to maintain the property 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, a rehabilitation plan for the property; the rehabilitation plan shall not exceed 365 days, unless the Code Enforcement Officer 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, building, and historic district regulations. The building must be secured during the rehabilitation. Applicants who select this plan shall not be required to pay a fee in year

one, but will be required to pay the maximum fee for their property type if they are found to be in non-compliance for lack of progress on the rehabilitation plan as determined by the Code Enforcement Officer.

- D. The Code Enforcement Officer shall review the completed application and, at their discretion, may refer it to the Planning Board.
- E. All applicable laws and codes shall be complied with by the owner. The owner shall notify the Code Enforcement Officer of any changes in information supplied as a 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 Code Enforcement Officer.
- F. The owner and subsequent owners shall keep the buildings secured and safe and the building and ground properly maintained in accord with the Property Maintenance Code of New York State Fire Prevention and Building Code. Failure of the owner or any subsequent owners to maintain the building and premises that results in remedial action taken by the Town shall be grounds for revocation of the approved plan and shall be subject to applicable penalties by the law.
- G. Within 30 days of the transfer of ownership of a vacant building, the new owners shall register or re-register the vacant building with the Code Enforcement Officer. The new owners shall be bound by the approved plan and timetable submitted by the previous owner until any proposed changes are submitted and approved by the Code Enforcement Officer.

SECTION IV. VACANT BUILDINGS FEES

- A. The owner of a vacant building shall pay an annual fee for the period the building remains a vacant building. Such fee shall be reasonably related to the administrative costs for registering and processing the vacant building registration form, reviewing and approving rehabilitation plans, securing and providing rehabilitation assistance and the costs of monitoring and inspecting the vacant building site. The annual fees shall be in accordance with the fee schedule below:

Property type	Year 1	Year 2	Year 3	Each Subsequent Year
All Buildings with an Approved Rehabilitation Plan	\$0	If no extension is granted, then the maximum fee for the relevant property type will be charged each subsequent year.		
1-3 Unit Residential	\$250	\$500	\$750	\$1,000
4+ Residential Unit and all Commercial Property	\$500	\$1,000	\$1,500	\$2,000

SECTION V. BUILDING FILE

The Code Enforcement Officer shall maintain a complete file on each vacant building in the Town, which shall include, at a minimum, the vacant building registration form, record of payment of vacant registration fees, inspection records, records of complaints or other comments by neighbors, community organizations or others as to the status or blighting influence of the building, and any photographs or plans of the vacant building.

SECTION VI. SEVERABILITY/VALIDITY

If any article, section, subsection, paragraph, sentence, clause or provision of this chapter shall be adjudged by any court of competent jurisdiction to be invalid, such adjudication shall not affect, impair or invalidate the remainder thereof but shall be confined in its operations article, section, subsection, paragraph, sentence, clause or provision thereof directly involved in the controversy in which such judgment shall have been rendered.

SECTION VII. REPEAL

Any ordinance or local law inconsistent with the foregoing be and the same hereby is repealed.

SECTION VIII. EFFECTIVE DATE

This Local Law shall take effect with its filing with the New York State Secretary of State.