

**LEGAL NOTICE**  
**City of Oneida**

**PLEASE TAKE NOTICE**, that a Public Hearing on a proposed Local Law to amend Chapter 34 of the City Code to establish a “Vacant Building Registry and Maintenance Program” be scheduled for 6:30 p.m. on February 21, 2017 in the Common Council Chambers, 109 N. Main Street, Oneida NY.

**PLEASE TAKE FURTHER NOTICE**, that the complete text of the proposed Local Law to amend Chapter 34 of the City Code to establish a “Vacant Building Registry and Maintenance Program” may be viewed at the City Clerk’s office during regular business hours, and on the City’s website, [www.oneidacity.com](http://www.oneidacity.com).

**PLEASE TAKE FURTHER NOTICE**, that any or all persons opposing said Local Law may file a written notice thereto, with the City Clerk before such hearing or attend said hearing at the time and place specified.

**PLEASE TAKE FURTHER NOTICE**, that any persons with special needs should contact the City Clerk one week prior to the hearing.

Susan Pulverenti  
City Clerk

**CITY OF ONEIDA  
PROPOSED LOCAL LAW**

**A LOCAL LAW TO AMEND CHAPTER 34 TO  
ESTABLISH A VACANT BUILDING REGISTRY AND  
MAINTENANCE PROGRAM IN THE CITY OF ONEIDA**

Be it enacted by the Common Council of the City of Oneida, that this Local Law establishes a vacant building registry and maintenance program in the City of Oneida as follows:

**SECTION 1.**

So that Chapter 34 shall be renamed, "Buildings, Vacant, Abandoned, Unsafe and Collapsed" and a new Article IV, titled "Vacant Building Registry and Maintenance" shall be added, which shall read, in its entirety, as follows:

**"§ 34-15 Legislative findings and purpose.**

It is the finding of the Common Council that buildings which remain vacant and are not properly secured and maintained are unsightly, unsafe and have a negative effect on the surrounding community. This is particularly troublesome in residential and commercial neighborhoods. The purpose of this Article is to establish a program for identifying and registering vacant building, to determine the responsibilities of owners of vacant buildings and structures, and to speed the rehabilitation or demolition of vacant properties.

**§ 34-16 Definitions.**

Unless otherwise expressly stated, the following terms shall, for purposes of this Article, have the meanings indicated in this section:

**ENFORCEMENT OFFICER:** The Fire Marshal of the City of Oneida or his/her duly authorized representative.

**OWNER:** Those shown to be the owner or owners on the records of the Assessor's Office of the City of Oneida, those identified as the owner or owners on a vacant building registration form, or any other person, firm, organization, association, partnership, company or corporation who holds the legal or beneficial title to any building, facilities or premises subject to the provisions of this Article. Any and all such persons shall be jointly and severally obligated to comply with the provisions of this Article.

**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 not being used for an occupancy authorized by the owner.

**UNSECURED:** A building or portion of a building which is open to entry by unauthorized persons without the use of tools or ladders.

**VACANT BUILDING:** A building or portion of a building which is:

- A. Unoccupied and unsecured;
- B. Unoccupied and secured by other than normal means;
- C. Unoccupied and determined by an Enforcement Officer to be an abandoned structure or a dangerous structure as set forth in Article II of this Chapter;
- D. Unoccupied and has multiple housing or building code violations;
- E. Illegally occupied;
- F. Unoccupied for a period of time exceeding 180 days.

**§ 34-17 Vacant building registration.**

- A. The owner of a vacant building shall register with Fire Marshal's Office, which shall maintain a database of vacant properties, not later than 30 days after any building in the City becomes a vacant building or not later than 30 days after being notified by the Fire Marshal's Office of the requirement to register. The Fire Marshal's Office 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 submitted on forms provided by the Fire Marshal's Office and shall include the following information supplied by the owner:
  - (1) A description of the premises.
  - (2) The name, mailing address, physical address, e-mail address and telephone number of the owner or owners.
  - (3) If the owner is a firm, organization, association, partnership, company or corporation, or is a natural person and is not a resident of Madison County or a neighboring county, said owner shall designate a managing agent who resides in or maintains a business office within Madison County or an adjoining county, and shall provide the name, mailing address, e-mail address and telephone number of said agent.
  - (4) The names and addresses of all known lienholders and all other parties with an ownership interest in the building.
  - (5) A telephone number where the owner, managing agent or other duly authorized representative can be reached at all times during business and nonbusiness hours. This telephone number must be a direct line to a natural person.

- (6) 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 Enforcement Officer. The plan, at a minimum, must contain information from one of the following three (3) choices for the property:
- (1) If the building is to be demolished, a demolition plan indicating the proposed timeframe for demolition.
  - (2) If the building is to remain vacant, a plan for securing and maintaining the building in accordance with standards provided in § 34-19 below, 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 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, historic preservation or building codes and must be secured in accordance with § 34-19 below during the rehabilitation.
- D. All applicable laws and codes shall be complied with by the owner. The owner shall notify the Enforcement Officer in writing 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 be approved by the Enforcement Officer.
- E. The owner and any subsequent owners shall keep the building secured and safe and the building and grounds properly maintained as provided in § 34-19 below.
- F. Any failure of the owner or any subsequent owners to maintain the building and premises that results in remedial action taken by the City shall be grounds for revocation of the approved plan and shall be subject to any applicable penalties provided by law.
- G. New owners of any vacant building shall notify the Enforcement Officer 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 in writing and are approved by the Enforcement Officer.

**§ 34-18 Vacant building registration fees; vacant building file.**

**A. Fees.**

- (1) The owner of a vacant building shall, within 30 days of the building becoming vacant, pay an annual fee in an amount to be established by resolution of the Common Council. An annual fee shall thereafter be due and payable each year thereafter that the building remains vacant upon the same date as the first annual fee became due. The fee shall be reasonably related to the administrative costs for registering and processing the vacant building owner registration form and for the costs incurred by the City in monitoring the vacant building site.
- (2) The fee shall be paid in full prior to the issuance of any building permits, with the exception of a 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 Article within 30 days of its registry.
- (3) 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 such transfer, the new owner shall pay the delinquent fees no later than 30 days after the transfer of ownership.
- (4) Any owner of a vacant building who fails to register and/or submit a vacant building plan within the time required by this Article or any owner who, having filed a vacant building plan, fails to follow such plan, will cause the City to spend greater resources to administer the Vacant Building Registry and to monitor the vacant building site. Consequently, the Fire Marshal may determine that, in such circumstances, an additional registration fee, which shall be established by resolution of the Common Council, should be assessed against the owner of a vacant building. Such additional fee shall cover the increased costs to the City of administering the Vacant Building Registry and of monitoring the vacant building site caused by persons failing to timely file a plan or failing to follow their filed plan. Prior to the imposition of an additional fee, an Enforcement Officer shall give the building owner notice of the alleged failure and of his/her intent to assess an increased fee and shall accord the building owner an opportunity to be heard at an administrative hearing held in accordance with due process of law. Actual notice is not required, but notice shall be given in a manner reasonably calculated to provide the owner with actual notice of the hearing.

- B.** In addition to the registry database, the Fire Marshal's Office shall maintain a separate file for each vacant building and shall include in the file any property-specific written statements from community organizations and other interested parties or citizens regarding the history, problems, status or blighting influence of a vacant building.

**§ 34-19 Vacant building maintenance.**

A. All vacant buildings shall be kept secured or boarded up, both as defined in Subsections A (1) and (2), and shall be maintained in accordance with Subsection A (3) of this section.

- (1) The term "secured," for the purposes of this section, shall mean that all means of ingress and egress, including but not limited to all doorways and windows, shall be in good state of repair, without any broken glass or other damage that might allow entry or create an eyesore, and shall be securely locked. Any building that is not so secured shall be promptly "boarded up," that is, all means of ingress and egress at all floor levels shall be covered over, as specified hereinafter, so as to ensure the continued security of the building and to reduce any negative impacts upon the neighborhood.
- (2) Boarding up shall be done by utilizing the following minimum materials and methods unless another method is proposed in writing and approved by an Enforcement Officer:
  - (a) Exterior-grade plywood or sheathing-grade particle board, at least ½ inches thick, shall be used for boarding material. It shall be cut to fit neatly into each opening so that it covers the entire window or door frame but does not overlap onto the adjacent wall surfaces.
  - (b) Openings in excess of three feet wide shall be braced by installing at least one two-inch-by-four-inch wood stud, or equal, at the midspan and for the full height of the opening.
  - (c) The boarding material shall be secured to the building by sixpenny (minimum size) coated nails spaced no more than six inches on center at the edges and 12 inches on center at any intermediate bracing, except that one doorway shall be secured in such a manner that it can provide access to the building by authorized persons. If such door contains any glass panels or wood panels less than one inch thick, it shall be entirely covered with boarding material.
  - (d) Doors shall be secured with at least two keyed locks, and its hinges shall have concealed fastenings.
  - (e) All boarding material shall be finished on the exterior with one coat of primer and two coats of exterior-grade paint in color matching that of the adjacent walls.
  - (f) The secured building shall be provided with adequate ventilation to prevent the accumulation of moisture which might deteriorate the finishes and the structure. Adequate ventilation shall be deemed to be a minimum of two louvered and screened ventilation openings, each having an opening size of at least 144 square inches and placed in opposite walls of the building at the uppermost floor level. Interior doors at all floor levels shall be left in the open position in order to allow circulation of air. If circulation of air within and between all floors is not possible using only two vents, then

additional vents shall be installed to achieve such circulation.

- (3) In addition to securing or boarding up the building, the following minimum requirements shall be met for all vacant buildings:
  - (a) The roof shall be structurally sound and weathertight. Any damaged or missing rafters, decking or roofing materials shall be repaired or replaced with equivalent material but in no case less than two-by-six-inch (2"x 6") wood rafters, one-half-inch thick exterior plywood and ninety-pound roll roofing, respectively, all installed in a workmanlike manner.
  - (b) All trash and debris shall be removed from the building. Any portions of the exterior of the main building or accessory buildings, including but not limited to walls, porches, stairs, parapet walls and chimneys, that are deteriorated so as to be in danger of collapse or to otherwise constitute a hazard or allow penetration of water into the building shall be repaired or replaced or otherwise made safe and weathertight.
  - (c) The grounds surrounding the building shall be cleared and kept cleared of all litter, rubble, debris, trash and junk and of all grass and weeds in excess of six (6) inches in height.
  - (d) All buildings shall be kept free of insects, vermin and rodent harborage and infestation.
  - (e) All vehicular entrances to the property shall be closed to prevent unlawful parking or storage of vehicles upon the premises.
  - (f) If the vacant building is a commercial or retail building, any and all first floor windows shall be replaced by glass, plexiglass, an approved mural, or an announcement sign. Such coverings must be kept up and maintained.
  - (g) If the vacant building is a commercial or retail building, all exterior signs, awnings and lighting systems, if not removed, shall be maintained in a non-deteriorated and safe condition.
- (4) When it is required by this Article that a building be boarded up, it shall be the responsibility of the owner to have the electric and gas service, if any, temporarily shut off from the building. Service may not be reconnected until repair and rehabilitation work or occupancy actually commences.
- (5) All plumbing and heating systems that contain water shall be completely drained and kept empty between October 15 and April 15, and an antifreeze solution shall be added to all plumbing traps in the building. This shall not apply if the building is adequately heated during that time period.
- (6) The owner shall arrange to provide access to the interior of the building by Enforcement Officers to inspect for compliance with the requirements above that pertain to the interior.
- (7) The owners of buildings which for any reason remain vacant for a period of three months or more shall be subject to the procedures of this section. By the

end of such three-month time period, the owner of the vacant building shall demonstrate to the Enforcement Officer that said owner has taken appropriate steps to abate the vacancy of the building in an expeditious manner. These steps may include but are not limited to:

- (a) applying for and obtaining a work permit to repair and rehabilitate the building, or to demolish it, and proceeding with the work in a timely fashion;
- (b) providing competent evidence that the building is listed for sale by a licensed realtor and is being advertised for sale online and/or in a local periodical; or
- (c) providing a proposed schedule of action to undertake repair and rehabilitation of the building, including a detailed financial plan for its accomplishment.

**§ 34-20      Inspections; enforcement.**

- A. By registering a vacant building, an owner consents to an Enforcement Officer inspecting the premises, upon request, for the purpose of enforcing and assuring compliance with the provisions of this Article. Upon the request of the Enforcement Officer, an owner will provide access to all interior portions of a vacant building in order to permit a complete inspection. An Enforcement Officer shall conduct such inspections in accordance with the provisions of § 34-3 of this Chapter. In the event of a refusal to cooperate with an inspection request, after being provided with reasonable notice, a search warrant will be request from the courts and the Enforcement Officer will return with the warrant and law enforcement personnel to make the inspection.
- B.
- C. Whenever an Enforcement Officer determines that there has been a violation or that there are reasonable grounds to believe that there has been a violation of any provision of this Article, he shall give written notice of such violation or alleged violation to the owner of vacant building. Such notice shall specify that the alleged violations are to be corrected immediately. Such notice shall also inform the owner of his/her/its right to apply for an informal hearing within five (5) days of receipt of said notice before an Enforcement Officer. Such notice may contain an outline of remedial action which, if taken, shall affect compliance with the provisions of this Article.
- D. It shall be sufficient service of a notice or order of an Enforcement Officer if said notice is mailed by certified or registered mail to the person to whom it is directed, to his/her last known place of residence.
- E. A copy of a notice served in accordance with this Section shall be filed in the Madison County Clerk's Office, which notice shall be filed in the same manner as a notice of pendency pursuant to Article 65 of the Civil Practice Law and Rules, and shall have the same effect as a notice of pendency as therein provided. A notice



so filed shall be effective for a period of one year from the date of filing, provided, however, that it may be vacated upon the order of a judge or justice of a court of record or upon the consent of the City Attorney. The Madison County Clerk shall mark such notice and any record or docket thereof as canceled of record upon the presentation and filing of such consent or of a certified copy of such order.

- F. Upon the expiration of 30 days after service of such notice as herein provided, an Enforcement Officer may issue a final order. Such order shall allow 10 days from date of service of said order within which to comply. Upon failure of the owner to comply, an Enforcement Officer shall take steps and perform acts as are required to bring the vacant building and grounds into compliance with this Article. Such acts include, but are not limited to causing the vacant building to be secured or boarded up, removing dangerous conditions, shutting off utilities, clearing debris from the building and grounds and/or mowing the lawn.
- G. An Enforcement Officer may, for good cause shown and in their discretion, extend the time for compliance specified in any notice or order issued under the provisions of this Article.
- H. Whenever an Enforcement Officer finds that a violation of this Article exists which, in their opinion, constitutes an emergency and requires immediate action to abate a hazard or constitutes an immediate danger to the health, safety or welfare of the occupants of a building or the public, they may, without prior notice of hearing, issue an order citing the violation and directing that such action be taken as is necessary to remove or abate the hazard or danger. Notwithstanding any other provisions of this Article, such an order shall be effective immediately upon service and shall be complied with immediately or as otherwise provided.
- I. Any expenses incurred by the City hereunder shall be charged to and paid by the person responsible for such violation. An Enforcement Officer shall file with the City Chamberlain a statement of the items of expense and the date of execution of actions authorized thereunder. The City Chamberlain shall then proceed to collect said sums owing the City by assessment and levy upon the lots or parcels of land whereon such work was performed, which charges shall be assessed and collected in the same manner and at the same time as provided by law for the collection of delinquent taxes.

**§ 34-21 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 90 days after the date of the fire or extreme weather event if the property owner submits a request for exemption in writing to the Fire Marshal's Office. This request shall include the following information supplied by the owner:
  - (1) A description of the premises.
  - (2) The names and addresses of the owner or owners.

(3) A statement of intent to repair and reoccupy the building in an expedient manner, or the intent to demolish the building.

B. This Article shall not apply to any person or entity whose only interest in a vacant building is that of a lienor or mortgagor. Specifically, any State or Federally-chartered bank, savings bank, savings and loan association or credit union that originates, owns, services or maintains a mortgage related to such is exempt from the provisions of this Article. However, this exemption shall not prevent the City from exercising its enforcement rights upon such parties as provided by Section 1308 of the Real Property Actions and Proceedings Law.

**§ 34-22          Quarterly reports.**

The Fire Marshal's Office shall submit a quarterly report not later than January 15, April 15, July 15 and October 15 of each year to the Mayor and Common Council, with copies to the City Assessor and Housing Inspector, listing all buildings in the City declared vacant under the provisions of this Article, the date upon which they were declared vacant and whether a vacant building registration and vacant building plan has been filed for the building. The report shall additionally include a list of all previously declared vacant buildings, which are no longer subject to the provisions of this Article.

**§ 34-23          Penalties for offenses.**

Any person violating any provision of Article IV or providing false information to the Enforcement Officer relative to Vacant Building Registry shall be guilty of a violation and, upon conviction, be subject to a fine of \$250 or imprisonment of up to 15 days, or both such fine and imprisonment. Each day's violation shall be considered a new and separate offense subject to a separate penalty."

**SECTION 2.**

This Local Law shall be effective upon filing with the office of the Secretary of State.