

Hamlin Public Hearing
October 28, 2015

The Hamlin Town Board held a Public Hearing in the Hamlin Town Hall located at 1658 Lake Road, Hamlin, New York. The meeting was called to order at 6:30 PM by Supervisor Peters.

Present: Councilperson Jason Baxter, Councilperson Jennifer Voelkl arrived at 6:37, Councilperson Martin Maier, Councilperson David Rose, and Supervisor Eric Peters.

Also present: Deputy Town Clerk Michelle Johnson, Lawyer Ken Licht

Residents: Mark Crane

LOCAL LAW NO. 7 OF 2015

A LOCAL LAW ADOPTING REGULATIONS REGARDING MAINTENANCE OF VACANT BUILDINGS IN THE TOWN OF HAMLIN

Section 1: Chapter 220 of the Code of the Town of Hamlin ("Building Code Administration and Enforcement") is amended by adding the following definitions to Section 220-2 ("Definitions"):

OPERATOR- Any person, persons or entity who has charge, care, custody or control of a building and/or property, including a tenant or property maintenance company.

OWNER- The person, persons, or entity shown to be the owner or owners on the current assessment records; a mortgagee in possession, either by commencement of a mortgage foreclosure action, or otherwise; assignee of rents; receiver; executor, administrator, trustee, lessee, or any other person, firm or entity in control of the premises, including an Operator as defined herein. Any such Owner shall have joint and several obligation for compliance with the provisions of this chapter.

UNOCCUPIED- A building or portion thereof which lacks the habitual presence of human beings who have a legal right to be on the premises, including buildings ordered vacated by the Code Enforcement Officer. In determining whether a building is Unoccupied, the Code Enforcement Officer may consider, among other things, the following: whether lawful residential or business activity has ceased; the percentage of the overall square footage of the occupied to unoccupied space or the overall number of occupied or unoccupied units; whether the building is substantially devoid of contents or the minimal value of personal property or fixtures in the building; whether there is utility service to the building; whether the premises is subject to a foreclosure action; the duration of vacancy and the presence or reoccurrence of code violations.

VACANT BUILDING- A building or portion of a building that is one or more of the following: Unoccupied and unsecured; Unoccupied and secured by other than normal means; Unoccupied and an unsafe building as determined by the Code Enforcement Officer; Unoccupied and the Code Enforcement has issued an order or orders to correct code violations; or Unoccupied for a period of time over thirty

calendar days.

Section 2: Chapter 220 of the Code of the Town of Hamlin ("Building Code Administration and Enforcement") is amended by adding section 220-9A entitled "Vacant Buildings" as follows:

220-9A Vacant Buildings

A. Statement of Purpose:

The Town Board finds that Vacant Buildings are unsightly, unsafe, and have a negative effect on the community, and that many Vacant Buildings remain that way for years. The purpose of this section is to establish a program for identifying and registering Vacant Buildings, to set forth the responsibilities of Owners and/or Operators of Vacant Buildings, and to speed the rehabilitation of Vacant Buildings.

B. Vacant Building Registration:

1. The Owner of a Vacant Building shall register with the Code Enforcement Officer no later than twenty business days after any building becomes a Vacant Building or not later than ten business days after being notified by the Code Enforcement Officer of the requirement to register. The Code Enforcement Officer may identify Vacant Buildings through a routine inspection process, as well as by notification from residents, a neighborhood association or other community groups. Notice will be served upon, or sent by mail, to the Owner, to any property maintenance company maintaining the property, and to the property address. Notice will be deemed received upon personal delivery or five days after service by first class mail.

2. The registration shall be submitted on forms provided by the Code Enforcement Officer and shall include the following information:

(a) The street address and most recent use of the Vacant Building.

(b) The names, addresses, and telephone numbers of the Owner or Owners. If an Owner is a corporation, limited liability company, partnership or other entity, the address for each director, manager or partner, as the case may be. Each address shall include an actual street address rather than a post office box reference.

(c) A name address and telephone number of a responsible individual who can be reached at all times during business and non-business hours. The address must include an actual street address.

(d) The name, address and telephone number of any property manager and/or property maintenance company responsible for maintaining the Vacant building and the property. If a property manager is a corporation, limited liability company, partnership or other

entity, contact information for a responsible natural person of behalf of the property manager.

(e) A Vacant Building Plan as described in Subsection D of this section.

C. Property Maintenance Company Registration:

1. Any person, corporation, limited liability company, partnership or other entity responsible for maintaining a Vacant Building on behalf of any owner shall register with the Code Enforcement Officer no later than twenty business days after commencing such maintenance responsibilities or not later than ten business days after being notified by the Code Enforcement Officer of the requirement to register. The registration shall be submitted on forms provided by the Code Enforcement Officer and shall include, for each and every Vacant Building being maintained, the following information:

(a) The street address of the Vacant Building.

(b) The name, address, and telephone numbers of the registrant. If a registrant is a corporation, limited liability company, partnership or other entity, the address of each director, manager or partner, as the case may be. The address must be an actual street address rather than reference to a post office box.

(c) A name, address and telephone number of a responsible natural person of the registrant who can be reached at all times during business and non business hours. The address shall be an actual street address rather than reference to a post office box.

(d) The name, address and telephone number of the owner of the Vacant Building. If an Owner is a corporation, limited liability company, partnership or other entity, contact information for a responsible natural person on behalf of the Owner.

2. The registrant shall, on an ongoing basis, immediately advise the Code Enforcement Officer of any changes to the information provided pursuant to subsection 1 of this section, including additions to and/or deletions from the Vacant Buildings being maintained by the registrant.

D. Vacant Building Plan:

The Owner shall submit a Vacant Building Plan that meets the approval of the Code Enforcement Officer and which contains information addressing the following:

(a) A plan for securing the Vacant Building and the premises.

(b) A statement as to the procedure which will be followed to maintain the Vacant Building and the property.

(c) If the building is to be returned to occupancy, a rehabilitation plan for the Vacant Building. The rehabilitation plan may not exceed 6 months from the date of submission and shall include progress benchmarks at least every 2 months, unless the Code Enforcement Officer grants an extension for good reasons shown upon receipt of a written statement from the Owner detailing the reasons for the extension. All repairs, renovation, improvements and alterations to the Vacant Building must comply with all applicable building and zoning codes.

(d) If the Vacant Building is to be demolished, a demolition plan indicating the proposed time frame for demolition.

(e) If the plan or timetable is revised in any way, the revisions must be in writing and must meet the approval of the Code Enforcement Officer.

(f) The plan shall acknowledge that (1) the Owner will comply with all applicable laws and codes with respect to the Vacant Building and the property, and (2) the Owner will notify the Code Enforcement Officer of any transfer of ownership within 15 days of transfer, and (3) that the Vacant Building and property will be maintained as provided in subsection F hereof.

E. Exemptions from Registration:

A Vacant Building which has suffered fire damage or damage caused by extreme weather conditions will be exempt from registration requirements for a period of 90 days after the date of the fire or extreme weather event, provided that the Owner submits a request for exemption in writing to the Code Enforcement Officer. The request shall include the following information:

(a) The street address of the vacant building.

(b) The reason for the exemption.

(c) The names, addresses and telephone numbers of the Owner or Owners. Each address shall be an actual street address rather than reference to a post office box.

(d) A statement of intent to repair and reoccupy the Vacant Building in an expedient manner, or the intent to demolish the Vacant Building.

F. Vacant Building and Property Maintenance:

1. The Owner of a Vacant Building will take such steps and perform such acts as may be required, from time to time, to ensure that the Vacant Building and property remain safe and

secure and do not present a hazard to adjoining properties or the public. Owners are responsible for maintaining Vacant Buildings so that they do not become unsafe.

2. The Owner shall protect and maintain the exterior of a Vacant Building as follows:

(a) Exterior walls, including foundations, shall be maintained so that water does not penetrate into basements, cellars, or other interior areas. All exterior walls and foundations must be free of holes and crevices.

(b) Exterior doors, windows, skylights and similar openings shall be maintained secured and weather tight.

(c) Exterior stairs, porches, entrance platforms, fire escapes and the railings thereon shall be maintained in a safe and sound condition.

(d) Roofs shall be maintained in a weather tight condition, either with normal roofing material or other materials that are reasonably visually compatible with the existing roofing material and not unsightly.

(e) Roof drains, gutters and down spouts shall be maintained in good repair and free from obstructions.

(f) Exterior surfaces shall be maintained in good condition. Surfaces not inherently resistant to deterioration shall be treated with a protective coating of paint or other suitable preservative. there shall be no excessive flaking, peeling or chipping of any protective coating.

(g) the coverings for windows and doors with glass may not consist of any substance sprayed onto the glass doors or windows. All enclosures shall be properly fitted and be of such material and surface that they are neither unsightly nor will materially detract from the general appearance of the building or the neighborhood and, when possible, secured by normal means.

(h) The covering for broken doors and cracked or broken windows may consist of replacement glass, plexiglass, boards, plywood or similar materials finished and maintained in a manner recommended and approved by the Code Enforcement Officer. The materials will be designed and of such color to blend in with the finish of the building.

(i) Windows that are not cracked or broken may be covered with interior blinds, curtains, shades, or decorative paper.

3. The Owner will maintain the property as follows:

- (a) There shall be no accumulation of garbage, refuse or debris.
- (b) The property shall be maintained free of insects, vermin and rodent infestation.
- (c) Junk vehicles, equipment, materials and personal property shall not be stored on the property.
- (d) If the Vacant Building is to remain vacant for more than 30 days, all fuel gas, water, and utilities shall be disconnected at the mains and water pipes drained and winterized. Prior to such disconnection, the Vacant Building shall be heated to avoid freezing pipes; fuel gas pipe systems shall be maintained gas tight and in safe and operating condition; water pipes shall be maintained to avoid leaks and/or breakage.
- (e) Fuel tanks shall be maintained so as not to be a hazard or be disconnected in a manner consistent with the Uniform Code.
- (f) Swimming pools shall be maintained in a clean and sanitary condition, in good repair and properly fenced and secured.
- (g) Yards shall be trimmed and mowed, with the height of grass and weeds being no more than ten inches, and with all dead, damaged or diseased trees or shrubs, or any portion thereof, removed or replaced.

G. Vacant Building Registration Fees:

- 1. The Owner of a Vacant Building shall pay an initial registration fee of one hundred dollars (\$100.00), which amount shall be payable upon registration.
- 2. In order to cover the cost to the Town of monitoring and inspecting the Vacant Building, a renewal fee in the amount of two hundred fifty dollars (\$250.00) is due and payable annually on the anniversary of the initial registration, until the Vacant Building is properly demolished or rehabilitated.

Section 3: Effective Date.

This local law shall become effective upon filing with the Secretary of State.

Supervisor Peters asked if anyone wished to address the board with questions regarding this new Law.

Mark Crane of 63 Hillcrest Drive indicated he was glad to see this Law as he lives a couple houses down from a house that this pertains to at 58 Hillcrest Drive. It has had water pumped out and the roof is caving in. Neighbors have tried to buy the house but there is too many complications with banks and he is worried about the neighborhood if more houses get this way.

Supervisor Peters said that this law will help to monitor the vacant buildings and gives the Code Enforcement Officer something to be able to enforce maintenance standards or recourse can be taken if they are not held up.

Lawyer Licht indicated that the owner is obligated to let the town know when it is vacant, but there will probably be some that will not notify them. A permit is to be obtained and the Code Enforcement Officer will be able to give them the rules of maintenance to follow.

With no one else wishing to address the board the Public Hearing was closed.

PUBLIC HEARING CLOSED

Resolution #202 Motion was made by Councilperson Rose, seconded by Councilperson Maier, requesting Town Board resolution to close the Public Hearing regarding Local Law 7-2015 a Local Law Adopting Regulations Regarding Maintenance of Vacant Buildings in the Town of Hamlin at 6:42 PM as all business was concluded.

Polled Votes: Councilperson Baxter aye, Councilperson Voelkl aye, Councilperson Maier aye, Councilperson Rose aye, Supervisor Peters aye. Motion carried.

Respectfully submitted,

Kathi A. Rickman, MMC
Hamlin Town Clerk