CITY OF AMSTERDAM, NEW YORK
COMMON COUNCIL MEETING
SEPTEMBER 1, 2015

LOCAL LAW # I - A LOCAL LAW ESTABLISHING CHAPTER 93 – BUILDINGS, VACANT AND AT RISK

INTRODUCED BY: MAYOR THANE

BE IT ENACTED by the Common Council of the City of Amsterdam as follows:

The Code of the City of Amsterdam is hereby amended to add Chapter 93 – Buildings, Vacant and At Risk.

SECTION 1. PURPOSE AND LEGISLATIVE INTENT.

The intent of this chapter is to preserve the taxable assessed value of the City of Amsterdam by limiting damage and deterioration of improved properties when a building is left vacant or unmanaged. From time to time, buildings are abandoned or neglected by their owners and may be at risk for deterioration due to a lack of winterization, due to being open to the elements, or due to being unsecured. The intent of this chapter is to provide a mechanism to identify such situations and provide for their remediation. The City of Amsterdam needs to protect the value of the properties subject to its taxing power and to minimize the need to demolish dilapidated buildings. By identifying at risk buildings and taking appropriate steps to minimize building damage the tax base will be protected and the cost of demolition will be reduced.

SECTION 2. – SUBSTANTIVE PROVISIONS.

City Code Chapter 93 – Buildings, Vacant and At Risk is hereby enacted.

Chapter 93 – Buildings, Vacant and At Risk.

§ 93-1 Purpose and intent.
This chapter provides for the identification of Vacant and At Risk buildings. Once these buildings are identified a notification procedure is established and remedial actions are authorized by the City. The cost of any remediation shall be chargeable to the owners of the remediated property and if unpaid shall be a lien on the remediated property.

§ 93-2 Definitions.

A. AT RISK BUILDING – a property that is likely to be damaged in a manner exceeding normal wear due to any of the following conditions:

1. Being unsecured, unlocked and open to access by persons, through unlocked doors, windows or other openings.
2. Being unheated and not winterized to prevent damage caused by freezing.
3. Having broken windows or other openings allowing potential entry of nuisance wildlife or vermin.
4. Having broken windows or other openings that impair the ability of the heating system of the property to prevent freezing damage.
5. Having deteriorated roofing systems or other building components that are accelerating the deterioration of the property or creating structural instability.
6. Being loaded with flammable materials or hazardous materials in violation of uniform fire or property maintenance codes.

B. VACANT BUILDING – a building or portion thereof that meets the definition of vacant in § 93-6B.

§ 93-3 Remedial intention.
This chapter is hereby declared to be remedial, and is intended to secure the beneficial interests and purposes thereof to the general public only. This chapter does not create an affirmative duty to take any action to identify at risk properties or to take any remedial action.

§ 93-4 The provisions of this chapter may be enforced by either the Division of Building and Zoning Enforcement or the Fire Department.

§ 93-5 Identification of At Risk Buildings.

A. Tax delinquency:
   1) The Controller shall provide a list of tax delinquent properties to both the Head of the Division of Building and Zoning Enforcement and the Chief of the Fire Department within 20 twenty days of the close of each tax payment quarter listing all properties that are tax delinquent for two quarters or more.
   2) This list shall be reviewed by the Fire Chief and the Head of the Division of Building and Zoning Enforcement and field inspections shall be ordered for properties that they deem may contain buildings that may be at risk as defined herein.
   3) A building determined to be Vacant and At Risk as defined herein shall be processed as specified in § 93-6.

B. Complaint.
   1) Upon receipt of any building code or property maintenance code complaint related to a property the inspector assigned to the complaint shall make a determination if the subject contains a building that is Vacant and At Risk as defined herein.

2) A building determined to be Vacant and At Risk as defined herein shall be processed as specified in § 93-6.

C. Periodic Inspection.
   1) The Fire Chief and the head of the Division of Building and Zoning Enforcement shall assign periodic inspections of the city to identify vacant and at risk buildings.
   2) A building determined to be Vacant and At Risk as defined herein shall be processed as specified in § 93-6.

D. Observation
   1) Any police officer, fire department member or code inspector shall report any observed condition that may indicate that a property is vacant and at risk to the Fire Chief or the Head of the Division of Building and Zoning Enforcement.
   2) The Fire Chief or the Head of the Division of Building and Zoning Enforcement shall cause an inspection of the property to be scheduled.
   3) A property determined to be Vacant and At Risk as defined herein shall be processed as specified in § 93-6.

§ 93-6 Determination of Vacant and At Risk Status.

A. A building shall be determined as Vacant and At Risk only if it meets the definition of both Vacant and At Risk as provided herein.
B. A building shall be considered Vacant if it meets any of the following:
   1) For a building provided with electric or gas meters the property is considered vacant if any electric or gas meter is disconnected or otherwise disabled, or
   2) For a building provided with water or sewer connections the property is considered vacant if either the water or sewer service is disconnected or otherwise disabled, or
   3) For a building that is either residential living space or commercial property and a person is not present at the time of inspection who identifies as an occupant or is present with the occupants permission, and the property appears unoccupied based on an absence of personal property or the physical condition of the property, or
   4) For a building that is a garage or other ancillary structure as defined in Chapter 250, if the primary structure is vacant or in the absence of a primary structure if doors are unlocked and a person is not present at the time of inspection who identifies as an occupant or is present with the occupants permission.

C. A building shall be considered At Risk if it meets any of the following:
   1) Being unsecured, unlocked and open to access by persons, through unlocked doors, windows or other openings.
   2) Being unheated and not winterized to prevent damage caused by freezing.

3) Having broken windows or other openings allowing potential entry of nuisance wildlife or vermin.
4) Having broken windows or other openings that impair the ability of the heating system of the property to prevent freezing damage.
5) Having a deteriorated roofing system or other building component that is accelerating the deterioration of the property or creating structural instability.
6) Being loaded with flammable materials or hazardous materials in violation of uniform fire or property maintenance codes.

D. The Fire Chief shall make a determination that a building is Vacant and At Risk based on inspection reports of city employees and a finding that the building meets the above definitions.
E. The Fire Chief shall rescind the determination upon being contacted by the owner or occupant of the building and being provided proof of remediation of the at risk conditions by said owner or occupant.

§ 93-7 Notice of determination.

A. A building determined to be Vacant and At Risk shall be posted with a notice stating, " SBL _____, Address _____, Owner of record _____ , Description of the building. THIS BUILDING HAS BEEN DETERMINED BY THE CITY OF AMSTERDAM TO BE VACANT AND AT RISK. THIS MEANS THAT THE BUILDING APPEARS UNOCCUPIED AND CONDITIONS EXIST THAT INDICATE THE BUILDING IS AT RISK OF DETERIORATING. IF YOU ARE THE OWNER OR OCCUPANT OF THIS BUILDING CONTACT THE CITY OF AMSTERDAM IMMEDIATELY. THE CITY OF AMSTERDAM MAY TAKE ACTION TO REDUCE THE RISK OF PROPERTY DETERIORATION. THESE ACTIONS MAY INCLUDE BOARDING UP DOORS AND WINDOWS, WINTERIZING PLUMBING AND HEATING SYSTEMS, ROOF REPAIRS, AND REMOVAL OF FLAMMABLE OR HAZARDOUS MATERIALS. THE COST OF THESE ACTIONS WILL BE CHARGED TO THE PROPERTY OWNERS AND IF UNPAID WILL BECOME A LIEN ON THE PROPERTY."
B. The Notice shall be mailed by first class mail to all owners as indicated in assessment records.
C. If the determination is rescinded a notification of the rescission shall be mailed to all owners as indicated in the assessment records.

§ 93-8 EFFECT OF DETERMINATION

A. For any building determined to be Vacant and At Risk, the City of Amsterdam or its agents has the right to enter onto the subject property or into the subject building to perform the remedial actions listed under §93-9

§ 93-9 REMEDIAL ACTION

A. For any building that has been determined to be Vacant and At Risk, the Fire Chief or the Head of the Division of Building and Zoning Enforcement may order remedial actions to reduce the risk of building damage or damage to surrounding properties. These remedial actions shall be limited to:
   a. Boarding up open or broken doors and windows.
   b. Installing locks on unlocked openings.
   c. Winterizing plumbing and heating systems.
   d. Turning off municipal water.
   e. Repairs to the roof or other structural components to prevent deterioration or collapse.
   f. Removal of flammable or hazardous contents. Any such material removal shall be on 30 days written notice by first class mail to the owners of record, if said owners take no action to remove the materials or otherwise remediate the condition then they shall have no recourse against the City of Amsterdam for the removal or value of the material.
   g. Periodic inspection of the building.
   h. Installation of monitoring devices to detect building scavengers, vandals or fire.

B. The remediation may be conducted by City employees, volunteers or contractors.
C. The cost of the remediation together with an associated administrative charge not to exceed ~~$50~~ 100 shall be charged to the owners of record jointly and severally. If the charges remain unpaid for 30 days after they are billed they shall become a lien on the subject property and added to the next levy of property taxes and shall accrue interest and penalties at the same rate as delinquent taxes after they are levied.

SECTION 3. SEVERABILITY

Should any section or provision of this local law be decided by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the local law as a whole or any parts thereof other than the part so decided to be unconstitutional or invalid.

SECTION 4. ENABLING LEGISLATION

This Local Law is adopted pursuant to the authority granted by Section 10 of the Municipal Home Rule Law of the State of New York.