

LONG-TERM VACANT COMMERCIAL PROPERTY REGISTRATION

[DRAFT PROPOSAL]

Legislative intent and findings.

A. Intent. It is the intention of this Ordinance to promote the health, safety, and welfare of the residents of the Town of Pound Ridge (the “Town”), including but not limited to the value of residents’ property and the viability of local businesses, by encouraging transparency about property ownership and management of vacant commercial properties, and the maintenance, security, rehabilitation and occupancy of vacant commercial property for commercial purposes.

B. Findings. The Town makes the following findings:

WHEREAS, the Town currently has vacant commercial properties within its jurisdiction; and

WHEREAS, vacant commercial properties can lead to decline in property and business values, draining of municipal coffers, and may discourage buyers from purchasing property within the Town; and

WHEREAS, vacant commercial properties can diminish public health, safety and welfare; and

WHEREAS, establishing a registration process and assessing a late registration fee for long term vacant commercial properties will assist the Town in offsetting the cost of inspections and enforcement related to long term vacant commercial properties and will encourage the transparency about and maintenance and occupancy of such property; and

WHEREAS, requiring commercial property owners to register their long term vacant properties and to provide direct contact information for an individual responsible party for the property and a description of the owner’s intention for use of the property, will encourage transparency, maintenance and occupancy of the property.

I. Applicability.

This chapter shall apply to all vacant commercial properties located in the Town as those properties are defined herein.

II. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

Long Term Vacant Commercial Property

Any commercial or commercial portion of a mixed-use building, or portion of such building, in districts PBA, B or C, as defined in the Town of Pound Ridge Building Code, which is not occupied or put to commercial use for more than one hundred eighty (180) days, except in the case of a building which is unoccupied or unused due to damage caused by an act of God in which case such building shall become a Vacant Commercial Property if unoccupied or unused by an active business for more than two hundred seventy (270) days.

If a commercial property is divided or separated by walls or other means for use by different businesses or for different purposes, each separate division, as of the time of the property's most recent occupancy, shall be counted as a separate commercial property for purposes of this Ordinance.

Long Term Vacant Commercial Property may be referred to herein as "Vacant Commercial Property" or "Vacant Property" or "Property."

Owner.

An Owner shall be any natural person or entity that has an ownership interest in the Property. If the Owner is an entity of any kind, the Owner for purposes of this Ordinance shall designate a representative or agent to act on behalf of the entity as it relates to this Ordinance and upon whom process may be served on behalf of the Owner for purposes of enforcement of this Ordinance.

III. Registration. The owner of a Vacant Commercial Property shall register the Property with the Building Department of the Town within one hundred eighty (180) days of the effective date of this chapter and thereafter upon a property becoming a Vacant Commercial Property as defined above, on a form provided by the Building Department of the Town (the "Registration"). The Registration shall be renewed at the end of each six-month period following the initial Registration (the "Renewal Period") if the Property remains a Vacant Commercial Property (each such renewal a "Registration Renewal"). The Registration form shall be known as the "Vacant Property Registration Statement," which shall be signed by the owner under oath and shall be submitted with the requisite fee as set forth herein and shall contain the following information:

(1) Description. A description of the Vacant Commercial Property by street number or block and lot number, including tax identification number;

(2) Contact Information. The Owner's name, mailing address, e-mail address, and telephone numbers, and if there is a change in Owner or the contact information for the Owner, the Owner shall update such information by amending the Vacant Property Registration Statement within 15 days from the date of any such change; and

(3) Statement of Intent. A statement of the Owner's intent for the proposed future use of the Property and efforts being made to have the Property occupied or improved.

IV. Sign Posting. Upon Registration of the Property, and until such time as the Property is no longer a Vacant Commercial Property, the Owner shall post and maintain a sign in a location clearly visible from the street containing: the name and contact information of the person responsible for the maintenance of the Property; the square footage of the Property; and if the Property is for rent or for sale a notification that it is for rent or for sale. Such signs shall comply with all existing Town law regarding signage.

V. Late Registration Fees.

(1) Amount of Fees. The fees associated with the initial Registration and any Registration Renewal of Vacant Commercial Properties (collectively, the “Fees”) shall be those set forth below and as shall be modified from time to time at the discretion of the Pound Ridge Town Board.

If an Owner fails to register the Property within the 15 days of becoming a Long Term Vacant Commercial Property, as defined above, a fee of \$100 shall be assessed for the first violation.

If an Owner fails to renew the registration of the Long Term Vacant Commercial Property within 15 days of each such Renewal Period as defined above, a fee of \$250 per Renewal Period shall be assessed for the second violation and each violation thereafter. For purposes of this subsection, a failure to file the initial registration timely will be counted as a first violation and the time for the Renewal Period shall run from the date on which the initial Registration should have been filed.

(2) Failure to Pay Fees. In the event the Owner fails to register a Vacant Commercial Property as required herein or fails to renew the Registration for a Property that remains a Vacant Commercial Property as required herein, as determined by the Building Inspector of the Town, the Building Inspector of the Town shall notify the Owner in writing, via first class and certified mail, return receipt requested, that the Fees relating to the initial Registration and/or Registration Renewal Fees, as applicable, must be paid or the total amount of such fees due and owing will become a lien upon the Property. If said Fees for the initial Registration and/or Registration Renewal are not paid within 30 days after the date of such notice, then the Fees shall become and be a lien upon the Property. The Fees eligible to become and be a lien upon the Property shall include, as applicable, those for the initial Registration and each Registration Renewal covering a six-month period in which the Property remains a Vacant Commercial Property, as determined by the Town Building Inspector. At its discretion, the Town Board may enforce and foreclose on such liens consistent with the Town’s policy and procedures and applicable law.

VI. Inspections. The Building Inspector of the Town shall conduct an exterior inspection of each Vacant Commercial Property at least once during each six month period covering a Registration and any Registration Renewal to monitor for illegal activities or unsafe conditions or other issues which may contribute to or pose a threat to the safety, health and welfare of the Town and its residents. The Building Inspector shall promptly notify the Owner in writing upon the finding of any such activities, conditions, or issues. The Owner shall secure the building and remedy any unsafe condition within ten (10) days of the receipt of the Notice of Remedy thereof, or if such remedy cannot reasonably be achieved within such ten (10) day period, Owner shall notify the Building Inspector within the ten (10) day period that it has commenced such actions necessary to cure such condition.

VII. General Maintenance Requirements.

(1) Prevention of ingress and egress. All Vacant Commercial Property, regardless of uses or height, shall be maintained by the Owner so as to prevent unauthorized ingress into or egress

from the Property. All doors, windows and other means of ingress or egress shall be kept operable and locked or secured.

(2) Removal of Garbage and Hazardous Materials. All garbage, debris and other combustible or flammable material shall be removed from the Property at the Owner's sole expense.

VIII. Enforcement. The Building Inspector shall have the authority to ascertain, and order the remediation by the Owner, any and all violations on the Vacant Commercial Property that may endanger the public health, safety and welfare.

Civil Fines for Violations.

Any person who violates this Ordinance, except those violations of sections III or V herein, shall be liable for an administrative civil penalty of up to \$100 per day per violation for each day's violation beginning the 31st day after service of a Notice to Remedy from the Building Inspector. The amount(s) of such fines assessed shall become and be a lien upon the Property. All fees and fines hereunder shall be paid to the Office of the Town Clerk.

Severability.

If any clause, sentence, paragraph, section or part of any section of this Ordinance shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraphs, section or part thereof directly involved in the controversy and as to which such judgment shall have been rendered.