

*Local Law Filing*

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County  
~~City~~ of Philmont  
~~Town~~  
Village

Local Law No. 2 of the year 2021

A local law amending the Village of Philmont Code to add Chapter 148  
(Insert Title)  
for the regulation of vacant buildings.

Be it enacted by the Village Board of Trustees of the  
(Name of Legislative Body)

County  
~~City~~ of Philmont as follows:  
~~Town~~  
Village

**Section 1. Enactment**

The Code of the Village of Philmont is amended to add Chapter 148 as attached hereto.

**Section 3. Authority**

The proposed local law is enacted pursuant the New York Municipal Home Rule Law §10 and in accordance with the procedures detailed in Municipal Home Rule § 20.

**Section 4. Severability**

If any section or subdivision, paragraph, clause, phrase of this law shall be adjudged invalid or held unconstitutional by any court of competent jurisdiction, any judgment made thereby shall not affect the validity of this law as a whole or any part thereof other than the part or provision so adjudged to be invalid or unconstitutional.

**Section 6. Effective Date**

This local law shall take effect upon filing with the Secretary of State and the Municipal Home Rule Law.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 2 of 2021 of the Village of Philmont was duly passed by the Village Board on 9/13/2021, in accordance with the applicable provisions of law.  
(Name of Legislative Body)

~~2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer.\*)~~

~~I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County) (City) (Town) (Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_, 20\_\_\_\_, and was (approved)(not approved)(repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted on \_\_\_\_\_, 20\_\_\_\_, in accordance with the applicable provisions of law.~~  
(Name of Legislative Body)  
(Elective Chief Executive Officer\*)

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County) (City) (Town) (Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_, 20\_\_\_\_, and was (approved)(not approved)(repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_, 20\_\_\_\_. Such local law was submitted to the people by reason of a (mandatory) (permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on \_\_\_\_\_, 20\_\_\_\_, in accordance with the applicable provisions of law.  
(Name of Legislative Body)  
(Elective Chief Executive Officer\*)

~~4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)~~

~~I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County) (City) (Town) (Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_, 20\_\_\_\_, and (approved)(not approved)(repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_, 20\_\_\_\_. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_, \_\_\_\_\_, in accordance with the applicable provisions of law.~~  
(Name of Legislative Body)  
(Elective Chief Executive Officer\*)

\* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairman of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

Hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on \_\_\_\_\_, \_\_\_\_\_, became operative.

6. (County local law concerning adoption of Charter.)

Hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the County of \_\_\_\_\_ State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_, 20\_\_\_\_, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1, above.



  
\_\_\_\_\_  
Patricia DeLong, Village Clerk

Date: 9/13/21

**Chapter 148**  
**VACANT BUILDINGS**

**§ 148-1. Legislative findings and purpose.**

It is the finding of the Village Board of Trustees that buildings which remain vacant, with access points boarded over, are unsightly, unsafe and have a negative effect on their surroundings. This is particularly troublesome in residential and commercial neighborhoods. Unfortunately, many buildings, once boarded, remain that way for many years. The purpose of this chapter is to establish a program for identifying and registering vacant buildings; to determine the responsibilities of owners of vacant buildings and structures; and to speed the rehabilitation of the vacant properties. Buildings which become vacant due to foreclosure or that are vacant when foreclosed upon present additional problems. It is often more difficult to secure compliance with this chapter when the property is owned by a bank or mortgage company located in another jurisdiction. As the number of vacant properties increases, the maintenance of vacant buildings becomes even more critical.

**§ 148-2. Definitions.**

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

**ENFORCEMENT OFFICER** — A duly authorized representative of the Code Enforcement Office.

**OWNER** — Those shown to be the owner or owners on the tax records of the Village of Philmont, 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, other person, firm or corporation in control of the premises. Any such person shall have a joint and several obligation for compliance with the provisions of this chapter.

**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, the Village of Philmont Code, and all applicable building codes.

**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 an unsafe building as determined by the Code Enforcement Officer;
- D. Unoccupied and has multiple housing or building code violations;
- E. Illegally occupied.

**§ 148-3. Vacant building registration.**

- A. The owner shall register with the Code Enforcement Officer not later than 30 days after any building in the Village becomes a vacant building or not later than 30 days after being notified by the Code Enforcement Officer of the requirement to register. The Code Enforcement Officer 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 Code Enforcement Officer and shall include the following information supplied by the owner:
- (1) A description of the premises.
  - (2) The names, addresses and telephone numbers of the owner or owners.
  - (3) If the owner does not reside in Columbia County or any adjoining county, the name, address and telephone number of any third party with whom the owner has entered into a contract or agreement for property management.
  - (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 a responsible party can be reached at all times during business and nonbusiness hours.
  - (6) A vacant building plan as described in Subsection C.
  - (7) Incomplete registration forms will not be accepted, and if the lack of compliance results in nonregistration of the building, the owner can be prosecuted under § 148-7.
- 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 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 Village.
  - (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 monitor and maintain the property in accordance with all applicable building codes, 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. If no building permit has been applied for within the 365 days, the Enforcement Officer will send written notification to the owner of the lack of compliance with § 148-3C. The owner will be required to file an extension with a revised rehabilitation plan and reasons for noncompliance. Failure to respond may result in the imposition of the penalties set forth in § 148-6. Any repairs, improvements or alterations to the property must comply with any applicable zoning, housing, historic preservation or building codes.

- D. All applicable laws and codes shall be complied with by the owner. The owner shall notify the Enforcement Officer 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 must meet the approval of the Enforcement Officer.
- E. The owner and subsequent owners shall keep the building secured and safe and the building and grounds properly maintained and monitored in accordance with all applicable building codes.
- F. Failure of the owner or any subsequent owners to maintain the building and premises that results in remedial action taken by the Village shall be grounds for revocation of the approved plan and shall be subject to any applicable penalties provided by the law.
- G. The new owners shall register or reregister the vacant building with 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 and meet the approval of the Enforcement Officer.
- H. Vacant building fees.
- (1) The owner of a vacant building shall pay an annual fee as set forth in Subsection H(2) for the period the building remains a vacant building. The fee shall be reasonably related to the administrative costs for registering and processing the vacant building owner registration form and for the costs of the Village in monitoring and inspecting the vacant building site. Vacant building registration fees will not be accepted until an application is complete.
  - (2) The first-year annual fee shall be \$1,000 and shall be paid no later than 30 days after the building becomes vacant. If the fee is not paid within 30 days of being due, the owner shall be subject to prosecution as prescribed in § 148-6. If a plan is extended beyond 365 days, subsequent annual fees shall be paid as follows:
    - (a) For the second year that the building remains vacant: \$2,000;
    - (b) For the third year that the building remains vacant: \$3,000;
    - (c) For the fourth year that the building remains vacant: \$4,000; and
    - (d) For the fifth and each succeeding year that the building remains vacant: \$5,000.
  - (3) The fee shall be paid in full prior to the issuance of any building permit or 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 chapter within 180 days of its registry.
  - (4) 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 transfer, the new owner shall pay the annual fee no later than 30 days after the transfer of ownership, and subsequent annual fees shall be due on the new anniversary date.

(5) Notwithstanding the foregoing, all costs and expenses, including reasonable legal fees, incurred by the Village in connection with inspecting, securing, maintaining and/or removing a vacant building shall be assessed against the land on which the building is located. If the owner shall fail to pay the costs and expenses incurred by the City within 10 days after being notified of the costs thereof by registered mail, the Code Enforcement Officer shall file, immediately preceding the time for making the annual assessment roll, a certificate of such actual cost and expense with a statement as to the property upon which such cost and expense were incurred and the building which was removed or repaired, as the case may be, with the Town Assessor, who shall, assess such amount upon such property, and the same shall be levied, collected and enforced in the same manner, by the same proceedings, at the same time, under the same penalties and shall have the same lien upon the property assessed as the general Village tax and as a part thereof.

- I. The Enforcement Officer shall include in the file any property-specific engineering reports, written statements from community organizations, other interested parties or citizens regarding the condition, history, problems, status or blighting influence of a vacant building.
- J. The purchaser/buyer of any vacant building within the Village of Philmont shall, at the time of closing, file a new and complete vacant building registration form. The purchaser shall also pay to the Village of Philmont, at the time of property transfer of title, the fees associated with registering such vacant building.
- K. The seller of any vacant building within the Village of Philmont shall, at the time of transfer of title, pay any and all past due vacant building registration fees associated with said building that is being sold.
- L. No building shall be removed from the vacant building registry until such time as it is occupied on an ongoing basis consistent with the customary and usual usage for such property.

#### **§ 148-4. Exemptions.**

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 Code Enforcement Officer. This request shall include the following information supplied by the owner:

- A. A description of the premises.
- B. The names and addresses of the owner or owners.
- C. A statement of intent to repair and reoccupy the building in an expedient manner, or the intent to demolish the building.

#### **§ 148-5. Inspections.**



The Code Enforcement Office shall inspect any premises in the Village for the purpose of enforcing and assuring compliance with the provisions of this chapter. Upon the request of the Enforcement Officer, an owner may provide access to all interior portions of an unoccupied building in order to permit a complete inspection. Nothing contained herein, however, shall diminish the owner's right to insist upon the procurement of a search warrant from a court of competent jurisdiction by the Enforcement Officer, or his or her designee, in order to enable such inspection.

**§ 148-6. Annual reports.**

The Code Enforcement Office shall submit an annual report, not later than April 15 of each year, to the Mayor and Board of Trustees listing all buildings in the Village declared vacant under the provisions of this chapter, 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 chapter.

**§ 148-7. Penalties for offenses.**

Any person violating any provision of the vacant building registry or providing false information to the Enforcement Officer shall be subject to a fine of not more than \$1,000 per day of violation or imprisonment not exceeding one year, or both such fine and imprisonment.

- A. The term "person," as used in this section, shall include the owner, occupant, mortgagee or vendee in possession, assignee of rents, receiver, executor, trustee, lessee, agent or any other person, firm or corporation directly or indirectly in control of the building or part thereof.
- B. Each day of violation shall be deemed to constitute a separate offense.

**AFFIDAVIT OF PUBLICATION**  
*Hudson Register Star*

State of New York,

County of, Columbia

The undersigned is the authorized designee of Alec Johnson, the publisher of Hudson Register Star, a Daily Newspaper published in Columbia County, New York. I certify that the public notice, a printed copy of which is attached hereto, was printed and published in this newspaper on the following dates:

August 31, 2021

This newspaper has been designated by the County Clerk of Columbia County, as a newspaper of record in this county, and as such, is eligible to publish such notices.



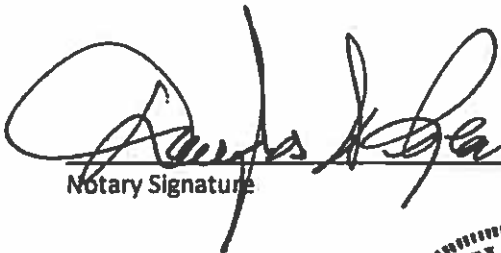
\_\_\_\_\_  
Signature

Eliot T. Putnam

\_\_\_\_\_  
Printed Name

Subscribed and sworn to before me,

This 08 day of September 2021



\_\_\_\_\_  
Notary Signature

Notary Public Stamp

