

Chapter 109

VACANT BUILDING REGISTRY

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[HISTORY: Adopted by the Board of Trustees of the Village of Champlain 3-11-2024 by L.L. No. 1-2024. Amendments noted where applicable.]

§ 109-1. Findings and purpose.

- A. The Village of Champlain contains many structures that are vacant in whole or large part, and in many cases the owners or other responsible parties of these structures are neglectful of them; are failing to maintain them or secure them to adequate standards; or to restore them to productive use; and many of these structures are in violation of state and local housing and property maintenance codes.
- B. It has been established that vacant and abandoned structures cause severe harm to the health, safety and general welfare of the community, including diminution of neighboring property values, loss of property tax revenues, accumulation of trash and debris, increased risk of fire, and potential increases in criminal activity and the Village of Champlain incurs disproportionate costs when addressing problems associated with vacant and abandoned structures, including but not limited to police calls, fire calls and property inspections; and
- C. It is in the public interest for the Village of Champlain to establish minimum standards of accountability for the owners and other responsible parties of vacant and abandoned structures to protect the health, safety and general welfare of the residents of the Village of Champlain.
- D. It is in the public interest for the Village of Champlain to impose a fee in conjunction with a registration ordinance for vacant and abandoned structures in light of the disproportionate costs imposed on the municipality by the presence of these structures.

§ 109-2. Definitions.

The following definitions apply to this section:

CODE ENFORCEMENT OFFICER — A duly appointed code enforcement officer appointed by the Village of Champlain.

HABITABLE — A building or space that meets or exceeds the New York State minimum requirements for human occupancy.

OWNER — Those shown to be the owner or owners on the records available to the Village of Champlain, those identified as the owner or owners on a vacant building registration form a mortgage 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 section.

PERFORMANCE OF GUARANTY — A bond, letter of credit, cash escrow, or other acceptable form of guaranty, as determined by the Code Inspection Officer, to cover the Village's potential cost of correcting code violations or abating unsafe or imminently dangerous conditions. The sufficiency of such performance guaranty shall be determined by the Code Enforcement Officer.

SECURED BY OTHER NORMAL MEANS — A building secured by means other than those used in the design of the building.

UNOCCUPIED — A building which is vacant or is not legally being used for an occupancy authorized by the owner.

UNSECURED — A building or a portion of a building which is open, accessible or an attractive nuisance.

VACANT BUILDING — A building which in whole or in part is:

- A. Unoccupied and unsecured.
- B. Unoccupied and secured by other than normal means.
- C. Unoccupied as determined by the Code Enforcement Officer.
- D. Unoccupied and has multiple housing or building code violations.
- E. Illegally occupied and/or not habitable.
- F. Unoccupied for a period of 45 days, unless good cause can be shown to the Code Enforcement Officer that would warrant an extension of three months. For purposes of this section, good cause can include, but not limited be to, an active marketing effort to sell the property.

§ 109-3. Vacant building registration information.

- A. Commencing, within 30 days of a building becoming a vacant building which is located in the Village of Champlain shall complete and sign a registration form provided by the Village of Champlain office. The form shall include name, mailing address, and a telephone number of each and every owner, and if the owner is a corporation, limited liability company, partnership, or other business entity, the name, address, phone number, and email address of a responsible agent for that owner (the owner's agent), and the mailing address of the vacant building, daytime and evening telephone numbers of the owner and if applicable, the owner's agent and any other pertinent data sought by the Code Enforcement Officer. The form shall indicate and address for receipt of notices by mail under this chapter. The owner shall be responsible for updating such information within five business days of an event or a change in circumstances that would render the information in the registration form inaccurate.

- B. The registration form shall also include a section, whereby the owner of a vacant building shall affirm, subject to perjury, that all information on the registration form is accurate and complete.
- C. Annually thereafter or upon an event or change in circumstances that would render the information in the registration form inaccurate, within five business days of that event or change in circumstances the owner shall submit a new vacant building registration form. Vacant building registration may not be assigned or transferred.

§ 109-4. Vacant building plans, security.

- A. All owners of vacant buildings shall submit a vacant building plan within 30 days of registration, which must meet the approval of the Code 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 under a permit application filed with the Code Enforcement Officer, indicating the proposed time frame for the building to be demolished, an affidavit executed by the owner that he will assume all costs associated with the demolition, and a performance guaranty.
 - (2) If the building is to remain vacant, a plan for securing the building in accordance with the standards provided by the Code Enforcement Officer, as well as a statement of the reasons the building will be left vacant and for what time period the building will be left vacant, and a performance guaranty, all of which must be acceptable to the Code Enforcement Officer.
 - (3) If the building is to be returned to appropriate occupancy or use, a rehabilitation plan for the property and a performance guaranty shall be provided. The rehabilitation plan shall not exceed 365 days, unless the Code Enforcement Officer grants an extension upon receipt of a written statement from the owner detailing the reasons for an 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 the Village Code or with the directions of the Code Enforcement Officer, during the rehabilitation or until a new certificate of occupancy or certificate of completion has been issued.
- B. All applicable laws and codes shall be complied with by the owner. The owner shall notify the Code Enforcement Officer of any changes in information supplied as a 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 material way, the revisions must be made in writing and meet the approval of the Code Enforcement Officer.
- C. All owners shall keep the vacant building secured by any means necessary and/or required to keep the building safe and secured while properly maintaining said building at all times as provided for in this chapter. Failure of the owner or any subsequent owners to keep the building safe and secure and/or maintain the building and premises that result in remedial action taken by the Village shall be grounds for the revocation of the approved plan and shall be subject to any applicable penalties.

- D. Unless otherwise permitted in writing by the Code Enforcement Officer, all vacant buildings must meet the following standards:
- (1) Exterior walls, doors, windows, skylights, and similar openings shall be maintained weathertight and in good condition as determined by the Code Enforcement Officer. Surfaces not inherently resistant to deterioration shall be treated with a protective coating of paint or other suitable preservative.
 - (2) 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. Coverings for doors and windows may consist of boards or similar materials finished and maintained in a manner specified by the Code Enforcement Officer so as to blend in with the finish of the building.
 - (3) Window coverings accessible from the ground window shall have a clear opening of not less than two feet to allow viewing of the interior of the property for security purposes.
 - (4) Cracked and broken windows shall be replaced with flexiglas or other similar material in accordance with the previous subsection and meeting approval with the Code Enforcement Officer.
- E. Upon the sale, transfer, or conveyance of a vacant building, the new owners shall be required to register the vacant building with the Code Enforcement Officer within 30 days of any transfer of ownership interest in a vacant building. The new owners shall comply with the approved plan, the performance guaranty, if required, and the timetable submitted by the previous owner until any proposed changes are submitted and meet approval of the Code Enforcement Officer.
- F. The Code Enforcement Officer shall provide to the owners of vacant buildings a proof of registration that must be displayed in a clearly visible place at the main access point of said property. Unless indicated otherwise, this registration will be valid for a period of 365 days after the initial registration of said property, and shall be replaced annually upon renewal of the registration, and serve as on-site certification of said property's compliance with this chapter.

§ 109-5. Fees.

Vacant building registration fees, inspection fees, re-inspection fees, vacant building plan review fees, and penalties will be charged in the amount set forth in the schedule of fees adopted by the Village of Champlain Board of Trustees by resolution. The fee shall be paid in full prior to the issuance of any building permits, certificates of occupancy or certificates of completion, with the exception of any demolition permit.

§ 109-6. 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 45 days after the fire or

extreme weather event if the property owner submits a written request for exemption to the Code Enforcement Officer.

§ 109-7. Inspections.

- A. The Code Enforcement Officer may inspect any premise in the Village of Champlain for the purposes of enforcing and assuring compliance with the provisions of this chapter. Upon the request of the Enforcement Officer, an owner shall 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 Code Enforcement Officer or his/her designees in order to enable such inspection, and the Enforcement Officer shall be required to obtain a search warrant whenever and owner refuses to permit a warrantless inspection of the premises.
- B. The Code Enforcement Officer shall complete periodic inspections of each vacant building and shall submit an annual report no later than July 1 of each year to the Mayor and the Board of Trustees, listing all buildings declared vacant under the provisions of this section and the date upon which the buildings or units were declared vacant and whether a building plan has been filed. The report shall include a list of all previously declared vacant buildings which are no longer subject to the provisions of this chapter.

§ 109-8. Notice of violation; method of service; appeals.

- A. If the Code Enforcement Officer determines that there are reasonable grounds to believe that the premises are being maintained in violation of this chapter, that officer shall give notice of the alleged violation to the owner or owner's agent of the premises.
- B. Such notice shall be mailed via first class mail, registered or certified mail to the permittee or served upon any other person in accordance with the applicable provisions of the Criminal Procedure Law.
- C. Such notice shall state that all health, safety, and maintenance violations must be corrected immediately per an order to remedy, however, in the event the Code Enforcement Officer observes violations that create an imminent risk to health, safety, or welfare, the Code Enforcement Officer may pursue condemnation of the property. For non-emergency violations, the Code Enforcement Officer shall returned at a date specified in the notice to verify conformance with an order to remedy. Any maintenance items which cannot be completed at this time because of weather constraints may be granted a time extension. Reasonable time extensions may be granted by the Code Enforcement Officer based on consideration of all relevant factors. Such notice shall also that, if upon reinspection a violation still exists, the Code Enforcement Officer may seek compliance pursuant to this chapter.
- D. Upon such reinspection, any remaining health, safety, and maintenance violations or other violations of the Uniform Building Code, New York State Uniform Fire Prevention and Building Code and the Village of Champlain Code shall result in an appearance ticket returnable to the Town of Champlain Court or other court of

competent jurisdiction. In the event that the Village pursues action against an Owner in a court of competent jurisdiction for any violation described herein, then as part of the relief sought, the Village may also ask that the court revoke all of the owner's vacant building registry certificates for any vacant building located with the Village.

- E. Any party aggrieved by this chapter may appeal to the Zoning Board of Appeals and/or pursue judicial relief in a court of competent jurisdiction.