PROPOSED LOCAL LAW NO. __ OF 2014
TO AMEND CHAPTER 104
TO THE CODE OF THE
TOWN OF IRONDEQUOIT

Be it enacted by the Town Board of the Town of Irondequoit as follows:

Section 1. Chapter 104 shall be deleted in its entirety and replaced with:

Article I General Provisions

§ 104-1. Title.

This chapter shall be known as the "Vacant and Unsafe Properties Law of the Town of Irondequoit."

§ 104-2. Findings; purpose.

Well maintained properties play a significant role in defining Irondequoit’s quality of life and influencing property values. Therefore, building conditions require vigilant oversight. The Town is compelled to take all available measures to minimize potential negative impacts associated with vacant and/or unsafe buildings.

The Town Board finds that vacant buildings, if not managed effectively, can become unsightly, unsafe, and have a negative effect on the community. Unsafe buildings pose a threat to life and property in the Town of Irondequoit. Buildings and structures may become unsafe by reason of fire, explosion, or are so damaged, decayed or dilapidated, or by the elements, age or general deterioration. Vacant and/or unsafe buildings not properly secured at doorways and windows also serve as an attractive nuisance for young children who may be injured therein, as well as a point of congregation by vagrants and transients. A vacant or dilapidated building may also serve as a place of rodent infestation, thereby creating a health menace to the community.

It is the purpose of this chapter to ensure the safety, health, protection and general welfare of persons and property in the Town of Irondequoit by addressing vacant and unsafe properties. This chapter establishes a process for identifying and registering vacant buildings that sets forth the responsibilities of owners and/or operators of vacant buildings and expedites the rehabilitation of vacant buildings. This chapter also describes the process and requirements by which unsafe buildings shall be repaired or demolished and removed.

§ 104-3. Definitions.
As used in this chapter, the following terms shall have the meanings indicated:

BUILDING - A structure wholly or partly enclosed within exterior walls or within exterior or party walls and a roof, affording shelter to persons, animals or property.

CODE ENFORCEMENT OFFICIAL - Includes Building Inspector, Fire Marshal, Director of Community Development, and any other designated authority charged with the administration or enforcement of this code.

DEPARTMENT OF COMMUNITY DEVELOPMENT - The department formulated by, but not limited to, the Office of the Fire Marshal, the Office of the Building Inspector, and the Division of Planning and Zoning, headed by the Director of Community Development.

EMERGENCY SITUATION - Where it reasonably appears that a clear and imminent danger to the life, safety or health of any person or property is present. Such conditions include, but are not limited to, fire hazards, falling or dilapidated buildings, or any part thereof, loss of significant water, heat, ventilation, or a lack of sanitary conditions.

MORTGAGEE - The creditor, including, but not limited, service companies, lenders in a mortgage agreement and any agent, servant, or employee of the mortgagee, or any successor in interest and/or assignee of the mortgagee’s rights, interests or obligations under a mortgage loan agreement.

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 other person, firm or corporation in control of the premises, including any person, persons or entity who has charge, care or control of a building and/or property, including a tenant, operator or property maintenance company. Any such Owner shall have joint and several obligation for compliance with the provisions of this chapter.

UNIFORM CODE - The New York State Uniform Fire Prevention and Building Code, as currently in effect and as hereafter amended from time to time, including, but not limited to, the Building Code of New York State, the Residential Code of New York State, the Fire Code of New York State, the Plumbing Code of New York State, the Mechanical Code of New York State, the Fuel Gas Code of New York State, and the Property Maintenance Code of New York State. "Uniform Code" shall also include the New York State Energy Conservation Construction Code, as currently in effect and as hereafter amended from time to time.

UNSAFE BUILDING - Any building or structure that poses a threat to the public’s health, safety or welfare due to its deteriorated physical condition(s), faulty or partial construction, lack of adequate doors and windows, partial demolition or destruction, and/or insufficient maintenance.
SECURED BY NORMAL MEANS - A building secured by means used in the design and approved plans for the building.

VACANT - A building or structure shall be deemed to be vacant if no person or persons actually currently conducts a lawfully licensed business in any part of the building, or lawfully resides or lives in any part of the building as the legal or equitable owner(s) or tenant-occupant(s), or owner-occupant(s), or tenant(s) on a permanent, nontransient basis. In determining whether a building is vacant, a Code Enforcement Official may consider these factors, among others:

1. Whether the building is substantially devoid of contents or the minimal value of fixtures or personal property in the building;
2. Whether the building lacks required utility services;
3. Whether the building is subject to a foreclosure action;
4. The duration of vacancy; and/or
5. The presence or reoccurrence of code violations.

Article II Vacant Properties

§104-4. Vacant building registration.
A. The Owner of a vacant building shall register with the Code Enforcement Official the later of: (1) 30 days after any building becomes a vacant building, or (2) 10 days after being notified by a Code Enforcement Official of the requirement to register.

A Code Enforcement Official may identify vacant buildings through a routine inspection process, as well as through notification by public safety agencies, residents, neighborhood associations and other community groups. Notice will be served upon, or sent by mail, to the Owner, any property maintenance company, and to the property address. Notice will be deemed received upon personal delivery or three days in Monroe County or five days outside Monroe County after service by first class mail.

If notice is returned, then the Mortgagee, if any, will be notified and responsible for meeting the registration and maintenance requirements pursuant to this chapter.

B. The registration shall be submitted on form(s) provided by the Department of Community Development which shall include, at minimum, pertinent information about said vacant property, such as:
   (1) Legal address, Tax ID number, and description of vacant property.
   (2) Name(s) and contact information, including street address, for Owner(s), Mortgagee and/or any property manager and/or property maintenance company responsible for maintaining the vacant property.
   (3) Plan for vacant property described in 104-4(c) below.

C. Vacant property plan. At the time a vacant property is registered, the Owner or Mortgagee shall submit a vacant property plan on forms provided by the Department
of Community Development. The plan shall include, at a minimum, the following information:

(1) Length of time the Owner or Mortgagee expects the vacancy to continue.
(2) Description of proposed rehabilitation or improvements to be made to the property, if any, to make it suitable for the last use of record.
(3) A description of what measures will be taken to secure the property and ensure any buildings or structures thereon do not become unsafe and/or unsightly.

D. The Owner will comply with all applicable laws and codes. The Owner will notify the Code Enforcement Official in writing of any changes in information supplied as part of the vacant building registration within 30 days of the change.

E. The Owner will keep the vacant building and the property secured, safe and properly maintained as provided in §104-5 of this article.

F. The Owner shall notify the Code Enforcement Official of any transfer of ownership within 15 days of transfer. The new Owner will continue to comply with the approved vacant building registration submitted by the previous owner until any proposed changes are submitted and approved by the Code Enforcement Official.

G. Vacant building registration fees.
   (1) The Owner(s) of a vacant building will pay an initial registration fee set forth in the Town of Irondequoit fee schedule.

H. Exemptions. A Vacant building that has suffered fire damage or damage caused by extreme weather conditions or other event(s) will be exempt from the registration requirement for a period of 90 days after the date of the event, provided the Owner submits a request for exemption in writing to the Director of Community Development. This request will include the following information supplied by the Owner:
   (1) The street address of the Vacant building.
   (2) The reason for an exemption.
   (3) The names and street addresses of the Owner(s). A statement of intent to repair and reoccupy the vacant building in an expedient manner, or the intent to demolish the vacant building.

§104-5. Vacant building and property maintenance.

A. 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 the 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.

B. The Owner shall protect and maintain a vacant building in conformance with the Uniform Code and meet the following requirements:
(1) 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.

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

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

(4) Roofs shall be maintained in a weather tight condition, secured by Normal Means or with other materials that are visually compatible with the existing roofing material and not unsightly. Tarps are not considered Normal Means or visually compatible.

(5) Roof drains, gutters and down spouts shall be maintained in good repair and free from obstructions. 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 not be excessive flaking, peeling or chipping of any protective coating.

(6) 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 secured by Normal Means.

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

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

C. The Owner will maintain the property as follows:

(1) There shall be no accumulation of garbage, refuse or debris.

(2) The property shall be maintained free of insects, vermin and rodent harborage and infestation.

(3) Junk vehicles, equipment, materials or personal property shall not be stored on the property.

(4) 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 disconnections, the vacant building shall be heated to avoid freezing pipes; fuel gas pipe systems shall be maintained gastight, safe and operative condition; and water pipes shall be maintained to avoid leaks and/or breakage.

(5) Fuel tanks shall be maintained so as not to be a hazard or be discontinued in a manner consistent with the Uniform Code.

(6) Swimming pools shall be maintained in a clean and sanitary condition, in good repair and properly fenced and secured.

(7) Yards shall be trimmed and mowed, with the height of grass and weeds being no more than 6 inches, and with all dead, damaged or diseased trees or
§ 104-6. Applicability.

The provisions of this Article II shall apply to all vacant properties in the Town from the date the local law takes effect. Owners of properties that are vacant as of the time this local law is enacted shall have 30 days from the effective date to register.

§ 104-7 Penalties for Offenses

A. Failure to register. Failure to register pursuant to this Article shall be considered a misdemeanor and, upon conviction thereof, shall be punished by a fine not to exceed $500, imprisonment not to exceed 15 days, or both. Each week, such violation shall constitute a separate and distinct offense.

B. Failure to maintain the property. Failure to maintain vacant property in accordance with § 104-5 will result in Town initiated repair and maintenance in accordance with Article III of this chapter, with associated fines and costs handled pursuant to § 104-14.

Article III Unsafe Buildings

§ 104-8. Investigation and report.

When in the opinion of the Code Enforcement Official or upon receipt of information that a building is or may become dangerous or unsafe to the general public; is open at the doorways and windows making it accessible to and an object of attraction to minors under 18 years of age, as well as to vagrants and other trespassers; is or may become a place of rodent infestation; presents any other danger to the health, safety, morals and general welfare of the public; or is unfit for the purposes for which it may lawfully be used, the Code Enforcement Official shall cause or make an inspection thereof and report, in writing, to the Town Board his or her findings and recommendations in regard to its repair or demolition and removal.

§ 104-9. Order to repair or remove.

The Town Board shall thereafter consider such report and by resolution determine, if in its opinion the report so warrants, that such building is unsafe and dangerous and order its repair, if the same can be safely repaired, or its demolition and removal, and further order that a notice be served upon the persons and in the manner provided herein.

§ 104-10. Contents of notice.

The notice shall contain the following:
A. A description of the premises.

B. A statement of the particulars in which the building is unsafe or dangerous.

C. An order outlining the manner in which the building is to be made safe and secure or demolished and removed.

D. A statement that the securing or removal of such building shall commence within 30 days of the service of the notice and shall be completed within 60 days thereafter, unless for good cause shown such time shall be extended.

E. A date, time and place for a hearing before the Town Board in relation to such dangerous or unsafe building, which hearing shall be scheduled not less than five business days from the date of service of the notice.

F. A statement that in the event of neglect or refusal to comply with the order to make safe and/or secure or demolish and remove the building, the Town Board is authorized to provide for its demolition and removal, to make it safe and secure, to assess all expenses thereof against the land on which it is located and to institute a special proceeding to collect the costs of demolition or repairs, including legal expenses.


The notice shall be served by personal service of a copy thereof upon the owner, executor, administrator, agent, lessee or any person having a vested or contingent interest in such unsafe buildings as shown by the records of the Receiver of Taxes (or Tax Collector) or of the County Clerk or, if no such person can be reasonably found, by mailing such owner by registered mail a copy of such notice directed to his or her last known address as shown by the above records; by personal service of a copy of such notice upon any adult person residing in or occupying said premises if such person can be reasonably found; or by securely affixing a copy of such notice upon the unsafe building.

§ 104-12. Filing of copy of order.

A copy of the notice served as provided herein shall be filed in the office of the County Clerk of the County of Monroe.

§ 104-13. Refusal to comply; award of removal contract.

In the event of the refusal or neglect of the person so notified to comply with said order of the Town Board and after the hearing, the Town Board shall provide for the repair or demolition and removal of such building or structure either by Town employees or by contract. Except in emergency as provided in § 104-15 hereof, any contract for repair or demolition and removal of a building in excess of $5,000 shall be awarded through competitive bidding.

All expenses incurred by the Town in connection with the proceedings to repair and secure or demolish and remove the unsafe building, including the cost of actually removing such building, shall be assessed against the land on which such building is located and shall be levied and collected in the same manner as provided in Article 15 of the Town Law, as amended or changed, for the levy and collection of a special ad valorem levy. Nothing herein shall be construed to limit other remedies available to the Town under applicable law.


A. In Emergency Situations, the Code Enforcement Official is authorized to cause such actions as to mitigate the imminent danger until the Town Board may by resolution authorize the Code Enforcement Official to immediately cause the repair or demolition of such unsafe building.

B. The expense of such repair or demolition shall be a charge against the land on which it is located and shall be assessed and collected as provided in § 104-14 hereof.

C. When, after proper notification to the owner of record or his legal representative, a vacant building is not secured on the first and lower floors at the doors, windows and similar openings, the Code Enforcement Official can order such building secured to remove the accessibility to minors under 18 years of age, as well as to vagrants and other trespassers. The expense of such repair or demolition shall be a charge against the land on which it is located and shall be assessed and collected.

§ 104-16. Severability.

If any clause, sentence, paragraph, section or article of this chapter shall be adjudged by any court of competent jurisdiction to be invalid, such determination shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or article thereof directly involved in the proceeding in which such adjudication shall have been rendered.

Section 2. This Local Law shall take effect on the latter of: (1) July 1, 2015; and (2) when it is filed in the Office of the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.