

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 _____ Hempstead
- Town
- Village

FILED
STATE RECORDS

OCT 18 2016

DEPARTMENT OF STATE

Local Law No. _____ 91 _____ of the year 20 16

A local law _____ to enact a new Chapter 95 of the Code of the Town of Hempstead,
(Insert Title)
_____ in relation to the maintenance of vacant buildings within the Town
_____ of Hempstead.

Be it enacted by the _____ Town Board _____ of the
(Name of Legislative Body)

- County
- City of _____ Hempstead _____ as follows:
- Town
- Village

SEE ATTACHED

(If additional space is needed, attach pages the same size as this sheet, and number each.)

Section 1. The town of Hempstead, hereby is amended insofar as to enact a new Chapter 95, which shall henceforth read as follows:

Chapter 95
Maintenance of Vacant Buildings

* * *

§ 95-1. Title.

This article shall be known as "Maintenance of Vacant Buildings" and is supplementary to applicable provisions of the New York State Uniform Fire Prevention and Building Code.

§ 95-2. Purpose.

This article provides standards governing the facilities and the condition and maintenance of vacant premises to safeguard the safety, health and welfare of the community.

§ 95-3 Definitions.

In addition to the definitions of this Town Code, the following special definitions are applicable to this chapter. In the event of conflict, the following definitions shall be controlling:

ENFORCEMENT OFFICER

A duly authorized representative of the Town of Hempstead empowered with enforcement authority under § 2-1 of the Town Code.

OWNER

Those shown to be the owner or owners on the records of the Nassau County Clerk's Office, 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, a duly authorized agent(s), or a mortgagee that has filed an action in foreclosure on the particular premises at issue, until title to the premises is transferred to a third party. Any such person shall have a joint and several obligation for compliance with the provisions of this article.

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.

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 Department of Buildings;
- D. Unoccupied and has multiple housing or building code violations;
- E. Illegally occupied;
- F. Unoccupied for a period of time over 365 days, and during which time the enforcement officer has issued an order to correct code violations.

§ 95-4. Scope.

This article shall be applicable to the following:

A. Lots, plots or parcels of land on which buildings designed for or developed for residential use or occupancy, mixed-occupancy buildings, nonresidential occupancy or accessory structures are located; and

B. Buildings designed for or developed for residential use or occupancy, including one- and two-family dwellings and multiple dwellings, mixed-occupancy buildings, nonresidential occupancy and accessory structures.

§ 95-5. Entry.

Provision for safe and continuous entry shall be provided to the interior of a building or structure from the exterior at a street or to a yard, court or passageway leading to a public open area at any time entry is necessary for purposes of required maintenance or inspection.

§ 95-6. Exterior protection.

A. Exterior walls, including foundations, shall be maintained so that ground- and surface water does not penetrate into basements, cellars or other interior wall areas.

B. Exterior doors, windows, skylights and similar openings shall be maintained weathertight.

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

D. Roofs shall be maintained in a watertight condition.

E. 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.

F. The covering for doors and windows may not consist of any substance sprayed onto the 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, when possible, shall be secured by normal means.

G. The covering for doors and windows may consist of:

- (1) Venetian or similar blind.
- (2) Drapes, curtains or shades.
- (3) Decorative patterned paper, neatly installed with all seams straight and uniformly taped.
- (4) Boards or similar materials finished and maintained in a manner specified by the Department of Buildings so as to blend in with the finish of the building.
- (5) Coverings approved by the enforcement officer and, when applicable, by the Landmarks Perseveration Commission.

H. Cracked or broken glass windows and doors shall be replaced with glass or similar materials specified by the Department of Buildings

I. In addition to the standards prescribed above, vacant commercial and retail buildings shall comply with the following standards:

- (1) Any and all window display areas shall be kept clean, free of hazard and free of debris.
- (2) All exterior signs, awnings and lighting systems, if not removed, shall be maintained in a completely operable, clean, sightly, nondeteriorated and safe condition.
- (3) Any window covering shall have a clear opening of two square feet to allow a view of the interior of the store for security purposes. Such opening shall be installed no lower than three feet above grade and no more than six feet above grade and may be in either the show window or the door.

J. If the owner shall fail to comply with the provisions of this section regarding exterior protection, the Department Buildings may, after notice of noncompliance and intent to remedy is mailed to the owner, perform or cause such work to be performed and may recover the expense either by action or by local assessment on the premises, or both. This action shall be in addition to any other available remedy under this article.

§ 95-7. Railings and parapet walls.

Railings or parapet walls shall be maintained at open sides of balconies, mezzanines, porches, accessible roofs, exit passageways, areaways, motor vehicle parking decks and ramps and around floor openings.

§ 95-8. Interior protection.

A. Structural members shall be maintained to resist and prevent deterioration.

B. Unheated attics, spaces below flat roofs and crawl spaces shall be ventilated to minimize deterioration.

C. Ceilings, walls, floors and stairways shall be maintained intact and in a safe and sound condition.

D. All accumulations of combustible materials, flammable or combustible waste, hazardous materials or rubbish shall be removed from the interior of the premises.

§ 95-9. Garbage and refuse; infestation; junk.

A. The accumulation or storage of garbage or refuse in buildings or on lots is prohibited.

B. Buildings and structures shall be maintained free of insects, vermin and rodent harborage and infestation.

C. Refrigerators and similar equipment with locking mechanisms shall not be discarded, abandoned or stored without first removing the locking devices or the hinges of the doors.

D. Junked or unregistered vehicles, watercraft, equipment and materials shall not be stored in open areas of premises.

E. All garbage and refuse shall be maintained in accordance with Chapter 128 of the Town Code

§ 95-10. Chimneys.

Chimneys, smokestacks, flues, gas vents, smoke pipes and connectors shall be maintained structurally safe and smoketight.

§ 95-10. Fuel gas.

Fuel gas pipe systems shall be maintained gastight, safe and operative under conditions of use or shall be disconnected at the main.

§ 95-11. Fuel oil.

Tanks shall be maintained so as not to be a hazard or shall be discontinued in a manner consistent with the New York State Uniform Fire Prevention and Building Code.

§ 95-12. Plumbing.

A. The domestic water supply system of the building shall be connected to an approved source, shall not be subject to contamination and shall not be connected to unsafe water supplies or shall be disconnected at the main and the system completely drained.

B. Stormwater drainage systems shall be maintained so as to function properly and be kept free from obstructions, leaks and defects. Sewage systems shall be similarly maintained or shall be sealed so as to prevent accumulation of sewage gases in buildings.

§ 95-13. Electrical.

Electrical fixtures, devices, wiring and systems shall be maintained in safe working condition in a manner which will avoid a potential source of ignition or shock or service shall be discontinued at the supply.

§ 95-14. Elevators, dumbwaiters and escalators.

Elevators, dumbwaiters and escalators shall be maintained or taken out of service, in accordance with the New York State Uniform Fire Prevention and Building Code.

§ 95-15. Exterior property areas.

A. Surface and subsurface water shall be appropriately drained to protect buildings and structures and to prevent ponding.

B. Fences, walls, other minor construction and accessory structures shall be maintained in safe, good and substantial condition.

C. Steps, walks, driveways, parking spaces and similar paved areas shall be maintained to afford safe and convenient passage.

D. Yards, courts and vacant lots shall be kept clean and free of hazards and debris.

E.

Ground cover shall be properly established to prevent undue soil erosion due to the elements.

F. Heavy undergrowth and accumulations of plant growth which are noxious or detrimental to health or safety shall be eliminated.

G. The exterior property area shall be maintained clear of waste and hazardous materials.

H. Trees shall be maintained in a manner not to create a potential hazard to adjoining properties or the general public.

I. During the winter months, the driveways, sidewalks, and walks shall be maintained clear of ice and snow.

J. All exterior property areas shall be maintained in compliance with Chapter 128 of the Town Code

§ 95-16. Penalties for offenses.

For any and every violation of the provisions of this chapter, the owner, general agent or contractor of a building or premises where such violations have been committed or shall exist, and the lessee or tenant of an entire building or entire premises where such violations have been committed or shall exist, or the owner, general agent, contractor, lessee or tenant of any part of a building or premises in which part such violation has been committed or shall exist, and the general agent, architect, builder, contractor or any other person who knowingly commits, takes part in or

assists in any such violation or who maintains a building or premises in which any violation shall exist, shall be guilty of an offense punishable by a fine of not less than \$1,000 and not exceeding \$2,500 or by imprisonment for a period not to exceed 15 days, or both, for conviction of a first offense; for conviction of a second offense, both of which were committed within a period of five years, such violation shall be punishable by a fine of not less than \$2,500 nor more than \$5,000 or by imprisonment for a period not to exceed fifteen days, or both; and, upon conviction of a third or subsequent offense, all of which were committed within a period of five years, such violation shall be punishable by a fine of not less than \$5,000 nor more than \$10,000 or by imprisonment for a period not to exceed 15 days, or both. Each week's continued violation shall constitute a separate additional violation.

§ 95-17. Severability.

If any provision of this section is declared unenforceable for any reason by a court of competent jurisdiction, such declaration shall affect only that provision, and shall not affect the remainder of this section, which shall remain in full force and effect.

Section 2. This local law shall become effective immediately upon filing with the secretary of state.

(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. 91 of 20 16 of the ~~(County)(City)(Town)(Village)~~ of Hempstead was duly passed by the Town Board on October 5, 20 16, 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) (Name of Legislative Body) (repassed after disapproval) by the _____ and was deemed duly adopted (Elective Chief Executive Officer*) on _____ 20 _____ in accordance with the applicable provisions of law.

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) (Name of Legislative Body) (repassed after disapproval) by the _____ on _____ 20 _____ (Elective Chief Executive Officer*)

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.

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 was (approved)(not approved) (Name of Legislative Body) (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 _____ 20 _____, in accordance with the applicable provisions of law.

* 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 chairperson 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.)

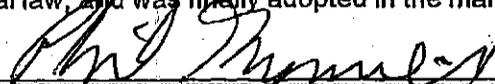
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified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

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

I 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 one, above.



~~CLERK OF THE COUNTY LEGISLATIVE BODY, NEW YORK STATE~~
~~OFFICE DESIGNATED BY LOCAL LEGISLATIVE BODY~~

Deputy Town Clerk, Town of Hempstead

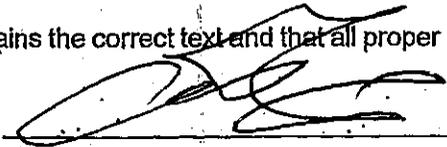
Date: October 6, 2016

(Seal)

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF Nassau

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.



Signature

Chief Deputy Town Attorney

Title

County

City of

Hempstead

Town

Village

Date: October 6, 2016