

PROPERTY, BLIGHTED

Legislative intent.

It is the intention of the Town Board of Oneonta to protect the public health, safety and welfare by authorizing the establishment of procedures to identify, abate and eliminate the presence of blight upon properties throughout the Town.

Scope; applicability.

- A. Scope. The provisions of this code shall apply to all properties in the Town of Oneonta, residential, commercial and otherwise, and constitute the requirements and standards for such property.
- B. Applicability. The provisions of this article shall be deemed to supplement applicable state and local laws, ordinances, codes and regulations. Nothing in this article shall be deemed to abolish, impair, supersede or replace existing remedies of the Town, county or state or existing requirements of any other provision of local laws or ordinances of the Town, county or state laws and regulations. In case of conflict between any provisions of this article and any applicable state or local law, ordinance, code or regulation, the more restrictive or stringent provision or requirement shall prevail.

Definitions.

For purposes of this article the following words shall have the following meanings:

BLIGHTED PROPERTY — An improved or vacant property which meets or exceeds a point value of 100 points as set forth within this article.

BLIGHTED PROPERTY INVENTORY LIST — A list containing properties within the Town which possess an accumulation of blight conditions equaling or exceeding a point value of 100 points.

CODE ENFORCEMENT OFFICIAL — An official charged with the enforcement and/or administration of this article.

DEFACEMENT — Any mark on the face or surface of, disfigurement, injury, damage or alteration to the appearance of the property without the express permission of the owner or person or entity in control thereof.

DILAPIDATED — Extreme disrepair such that a structure or dwelling unit or commercial space is unfit or unsafe for habitation or occupancy.

GRAFFITI — Any inscription, mark or design which has been written, etched, scratched, painted or drawn or otherwise visible upon premises.

JUNKED VEHICLE — An unregistered motor vehicle not suitable for operation.

LEGAL OCCUPANCY — Occupancy that exists by virtue of fee ownership, a bona fide lease agreement, a rent receipt or, if necessary, a utility statement, and which occupancy is in compliance with federal, state local laws, local zoning, local housing, and all other pertinent rules, regulations and codes.

OUTDOOR STORAGE EXEMPTIONS —

- A. Machinery installed within the rear setback areas for household or recreational use.
- B. The presence of refuse or trash cans, recycling bins or other debris which has been secured, placed or stored in compliance with this Code.

REGISTRATION FEE — An annual fee imposed upon properties which are listed on the blighted property inventory list.

RESTORATION AGREEMENT — A legal and binding agreement between the Town and a given property owner, wherein said property owner proposes to complete specific repairs and/or improvements in order to resolve conditions existing on the property as identified by a Code Enforcement Officer in accordance with the definition of "blighted property." Such repairs and/or improvements shall be outlined on an explicitly fixed timeline and as such will be offered a full exemption from the annual registration fee. The restoration agreement shall be made between the property owner and Town Board. The property owner will be responsible for fulfilling the agreement with updates provided to the Town Board. The Code Enforcement Officer shall determine if the conditions of the restoration agreement have been met. If so, the property will be removed from the blighted property inventory list.

UNIT — Any space within a building that is or can be rented by or to a single person or entity for its sole use and is intended to be a single and distinct space.

VACANT — A period of 365 days or longer during which a building or structure, or part thereof, or land is not legally occupied, and the property is falling into disrepair.

VACANT PARCEL — A parcel of land with no structure(s) thereon.

Reporting.

Town residents who believe a violation is or has occurred at a Town property shall have the right to file a written complaint with the Code Office. For complaints from residents, the Code Enforcement Officer will not investigate the property without a written complaint.

Determination of blighted property.

The following conditions shall be factors in evaluating whether or not a property is designated as a blighted property:

- A. A determination by the Code Enforcement Officer, Fire Inspector, or Town Attorney that the property is in a condition which poses a serious and immediate threat to the safety, health, and/or general welfare of the community. (50 points).
- B. The owner of the property has been issued summonses and/or has been prosecuted for violation(s) of the Code of the Town of Oneonta, and such violations have not been corrected within 30 days. (50 points).
- C. The property has attracted or been an instrument of illegal, noxious or deleterious activity as defined in §Ch. 18 – Buildings, Unsafe, and/or in common law. (50 points).
- D. A determination has been made by the Code Enforcement Officer that the conditions upon the property constitute an imminent fire hazard. (50 points).
- E. The property is creating a substantial interference with the lawful use and/or reasonable enjoyment of other space within a structure/building or within the surrounding neighborhood. (50 points).
- F. The property has been declared unsafe by the Code Enforcement Officer. (50 Points)

(1) In cases of emergency §Ch. 18-12 will prevail and immediate action will be taken as outlined in

the code.

- G. The property is determined to be unmaintained based upon evidence of the persistent and continued existence of the following deleterious conditions:
- (1) Broken windows, doors, entryways or exits. (10 points)
 - (a) Unless in accordance with compliance of the NYS Uniform Fire Prevention and Building Code.
 - (2) Excessive litter or debris. (10 points)
 - (3) Violates any of the conditions as defined under Unsafe Building or Structure in §Ch. 18-3. (10 points).
 - (4) More than one unregistered and ungaraged motor vehicle. (10 points)
 - (5) Broken, unsecured or in disrepair:
 - (a) Roof (10 points);
 - (b) Gutters (5 points);
 - (c) Siding/shingles (10 points);
 - (d) Chimney (10 points);
 - (e) Shutters (5 points);
 - (f) Accessory structures, including but not limited to, decks, sheds, porches, pools, pool houses or cabanas, garages, carports, storage units, front and rear porches, outside statuary, fish ponds. (15 points)
 - (6) Storage of junk vehicles. (25 points)
 - (7) Damaged, unsightly, unsecured or unpermitted signage or awnings. (15 points)
 - (8) Presence of graffiti. (10 points)
 - (9) Broken, unsecured or in disrepair fencing. (10 points)
 - (10) Broken, unsecured or in disrepair outdoor lighting fixtures. (5 points)
 - (11) Broken, exposed or hazardously utilized electrical wires, electrical equipment or extension cords. (15 points)
 - (12) Unfinished construction. (20 points)
 - (13) Damaged, dead or fallen trees or limbs. (10 points)
 - (14) Evidence of fire damage to the property which has not been repaired or restored. (10 points)
 - (15) Presence of stagnant water. (10 points)
 - (16) Open or unsecured swimming pools, wells, cesspools or cisterns. (15 points)
 - (17) Presence of vermin, rodent harborage and infestation. (30 points)
 - (18) Presence of any violation identified within this article. (20 points)
 - (19) Presence within/upon an outdoor area of the improper storage of:

- (a) Refrigerator, washing machine, sink, stove, heater, boiler, tank, other household appliances, boxes or indoor furniture for a period in excess of 72 consecutive hours. (10 points)
- (b) Lumber, construction materials, dirt, debris, trash, garbage or uncovered refuse cans, accumulated refuse or garbage in covered refuse cans which is not timely or properly disposed of. (10 points)

Creation or maintenance of blighted property prohibited.

No owner, agent, tenant, business entity, voluntary association, nonprofit organization, or person in control of real property located within the Town of Oneonta shall allow, create, maintain or cause to be created or maintained, any blighted property.

Enforcement.

- A. The Public Safety Committee, shall be charged with reviewing complaints and, along with the Code Enforcement Officer, conducting investigations in order to determine if blight exists at the subject property.
- B. Once a property has been determined to be blighted, Code Enforcement shall prepare and send out notification letters to each property owner. Such notice shall be served by personal service upon the owner or person in charge of the affected building or structure; or, if no such person can be reasonably found, by mailing said owner such notice by means of certified mail, return receipt requested, to the last known address as shown by the records of the Assessor; and by securely affixing a copy of such notice upon the door of the affected building or structure.
- C. Notice contents.
 - (1) The notice must contain a statement of the date(s) upon which an inspection was conducted on the property to determine blight, the address of the blighted property, the specific nature of the blight, a copy of this article, the point rating review of the premises, the required annual registration fees and the property's placement on the blighted property inventory list. Said notice shall further notify the owner that if no reasonable proof is offered establishing the property does not constitute a blighted property, said annual registration fee shall be added to the property tax bill for the premises after 30 days of receipt of said notice.
 - (2) Any notice to qualifying property owners must also contain an offer of the opportunity to enter into a restoration agreement with the Town.
- D. Registration fees. After 30 days from the date of notice absent proof to the contrary the following registration fees shall be imposed:
 - (1) A registration fee of \$500 shall be added to the tax bill for any commercial building or property;
 - (2) A registration fee of \$250 shall be added to the tax bill for any residential building or property.

Restoration agreement.

Property owner qualifications. In order to qualify to enter into a restoration agreement, the property owner must:

- (1) Possess or have applied for a valid certificate of occupancy or certificate of compliance as issued by the Town for the subject premises; and
- (2) Have no other outstanding violations or complaints on file with Code Enforcement.

- B. Restoration agreement contents. All restoration agreements shall include a definite plan for the resolution of any conditions existing on the blighted premises/corresponding property as identified by a Code Enforcement Officer in accordance with the definition of "blighted property" defined herein.
- C. Such repairs and/or improvements shall be outlined on an explicitly fixed timeline.
- D. Registration fee exemption. In consideration for entering into a restoration agreement with the Town Board, the property owner will be offered a full exemption from the annual registration fee(s).
- E. Penalties for noncompliance with restoration agreement terms. Any property owner who does not complete the repairs and/or improvements outlined in a restoration agreement within the established timeline will be subject to the actions described in "Blighted Property Abatement; Enforcement."¹

Failure to comply or abate violations.

- A. Failure to comply with a restoration agreement. Whenever the owners of a property fail to comply with an executed restoration agreement, the Town Board may authorize the work to be done and to charge the cost or expense of such remediation against the owner and establish a lien in the manner provided herein.
- B. Authority to abate in the absence of a restoration agreement. In the event that an owner and/or occupant of such land or premises shall fail to abate any violation as described in the definition of "blighted property" contained herein, the Town Board, after consideration at a public hearing, may declare said premises to be a nuisance and thereafter, the Code Enforcement Office shall have the authority to enter onto such premises where such violation exists, to remedy such violation and to charge the cost or expense of such remediation against the owner and establish a lien in the manner provided herein.
- C. Assessment of costs and expenses, liens. All costs and expenses incurred by the Town in connection with the abatement of a violation of this article shall be provided to the Town Attorney. The total costs and expenses shall then be determined by the Town Attorney and shall be reported to the Assessor, and that amount shall be assessed against the property, and the expense so assessed shall constitute a lien and charge on the premises on which it is levied until paid or otherwise satisfied or discharged.
- D. Persistent or ongoing blighted properties. Any property previously designated by the Town Board as a "blighted property" and wherein blighted conditions continue to persist, following a public hearing and upon a determination by the Town Board, will thereafter be deemed as a persistent blighted property, assessed the annual blighted property assessment fee, take any and all necessary actions to abate the blighted conditions, upon notice to the property owner by, registered or certified mail, return receipt requested, to the last known address as shown by the records of the Assessor.