

**VILLAGE OF CROTON-ON-HUDSON
BOARD OF TRUSTEES**

PROPOSED LOCAL LAW NO. 23 of 2023

**A LOCAL LAW TO AMEND THE PROPERTY MAINTENANCE LAW OF THE CODE
OF THE VILLAGE OF CROTON-ON-HUDSON, CHAPTER 179, TO PROVIDE FOR
THE REMOVAL OF WEEDS, BRUSH AND RUBBISH REGISTRATION AND THE
MAINTENANCE OF VACANT COMMERCIAL BUILDINGS**

BE IT ENACTED by the Board of Trustees of the Village of Croton-on-Hudson as follows:

Section One. Chapter 179, Property Maintenance, of the Code of the Village of Croton-on-Hudson, is hereby repealed in its entirety.

Section Two. Chapter 179, Property Maintenance, of the Code of the Village of Croton-on-Hudson is hereby amended to include a new Article I, “Weed, Brush and Rubbish Control” to read as follows:

Article I. Weed, Brush and Rubbish Control.

§ 179-1. Removal of weeds, brush and rubbish.

A. It shall be the duty of any owner, tenant, occupant or person legally in possession of real property within the limits of the Village of Croton-on-Hudson to:

- 1) Remove all rubbish or other materials from such land or part thereof; and
- 2) Cut and remove all weeds or brush growing upon such land or part thereof, including but not limited to that portion of such land located between the property line and the curb or edge of the street or sidewalk, when such weeds or brush exceed an average height in excess of ten inches.

§ 179-2. Notice to maintain.

Upon the neglect or refusal of the owner or occupant of any real property to perform the duties set forth in § 171-1 herein, the Village Manager or Village Engineer of the Village of Croton-on-Hudson, or their designees, shall, by written notice, served either personally or by mail to the last-known address of such owner or occupant, order the owner or occupant to cut and remove all weeds or brush upon such premises and to remove all rubbish therefrom within ten days of the date of the notice.

§ 179-3. Failure to comply; work done by Village; assessment of costs.

If any such person upon whom notice is served pursuant to § 179-2 fails or neglects to cut and remove such weeds or brush and/or remove all rubbish within the time specified in said notice, the Village Board of Trustees may cause the rubbish to be removed and the weeds and brush to be cut

and removed. The costs thereof shall be assessed against the real property from which the same was removed as provided in the Village Law.

§ 179-4. Penalties for offenses.

Failure to comply with any notice served pursuant to § **179-2** shall constitute a violation of this Article, and any person failing to so comply shall be subject to the provisions of § **1-12** of Chapter 1, General Provisions.

Section Three. Chapter 179, Property Maintenance, of the Code of the Village of Croton-on-Hudson is hereby amended to add a new Article II entitled “Vacant Commercial Buildings” to read as follows:

Article II: Vacant Commercial Buildings

§ 179-5. Registration and Maintenance of Vacant Commercial Buildings

A. Findings and purposes. The purposes of this Section are to protect the welfare and economic vitality of the residents of the Village of Croton-on-Hudson by protecting property values, maintaining neighborhood integrity and accessibility, safeguarding against economic property blight, protecting Village resources, and ensuring the safe and sanitary maintenance of commercial vacant properties. Among other things, vacant street level commercial space can degrade the vitality of the Village’s business districts, frustrate local planning efforts, create increased specific risks of fire damage, vandalism, and unlawful entry or uses, and give rise to other public health and safety hazards. This Section is intended to promote and protect the Village’s public welfare and economic health by requiring property owners to register and properly maintain vacant street level commercial properties.

B. Definitions. As used in this Section, the following terms shall have the meanings indicated:

COMMERCIAL BUILDING

All buildings within the Village, except for one- and two-family residences.

ENGINEERING DEPARTMENT

The Village of Croton-on-Hudson Engineering Department.

OCCUPANT

A person or entity who, alone or severally with others, is:

1. An Owner using space in a building; or
2. A tenant with a legal right to use and possess space in a building.

OWNER

A person or entity who, alone or severally with others:

1. Has legal or equitable title to any building or has care, charge, or control of any building in any capacity including but not limited to agent, executor, executrix, administrator, administratrix, trustee, or guardian of the estate of the holder of legal title; or
2. Is a mortgagee in possession of any building; or
3. Is an agent, trustee, receiver or other person appointed by the courts and vested with possession or control of a building.

VILLAGE ENGINEER

The Village Official designated to head the Engineering Department for the Village of Croton-on-Hudson. The term "Village Engineer" shall include their designee authorized to administer the provisions of this section.

VACANT SPACE

Any unoccupied street level building space in the Village of Croton-on-Hudson's **C-1**, C-1R(A), C-1R(B), C-2, or LI Zoning Districts which is not legally occupied, is abandoned, or is not open for business with an ongoing business concern operating in the space during customary business hours for a period of at least one hundred eighty (180) consecutive days or longer by occupants having legal custody or legal right of entry to such property.

C. Registration.

1. Prior to, or not more than seven (7) days after a unit or any portion of a property becomes Vacant Space, as defined herein, the Owner(s) must register the vacancy with the Engineering Department on forms provided by such Department. All vacancy registrations must state the Owner's name, phone number, and mailing address as well as such information for an emergency contact, if not the same. None of the required addresses shall be a post office box. The registration shall also state the Owner's efforts to reactivate the use of the space. Once the space is no longer vacant or is sold, the Owner must provide proof of sale or written notice and proof of lawful occupancy to the Engineering Department pursuant to the process outlined by such Department. The Village Engineer will notify the Public Works, Police and Fire Departments of the submitted registration of the Vacant Space.
2. The Village Manager, with the input of the Village Engineer, may exempt a property Owner from the provisions of this Section upon the presentation of evidence, in such form as may be convincing to him, that the failure to use or occupy a commercial space for a period in excess of one hundred eighty (180) days does not violate the purpose or intent of this Section.

D. Annual registration fee; failure to pay.

1. There shall be an annual registration fee for Vacant Space to offset the Village's costs of monitoring such space. The first annual registration fee is due at the time the Vacant Space is initially registered with the Village. Thereafter, the Owner of the Vacant Space shall receive a billing statement on an annual basis until the Village is informed of a change of status. The amount of the annual registration fee shall be specified in the fee schedule set by the Board of Trustees from time to time.
 2. After the first registration fee, the Village shall send the Owner of any Vacant Space an annual billing statement, and the Owner shall pay to the Village the fee which has been billed. Failure to pay the first or any subsequent registration fee within thirty (30) days of receipt of the billing statement shall be a violation of this Section, and the full fee shall be deemed an assessment resulting from a violation of this Section. Such fee, and any fines issued for violations of this Section, shall constitute a lien on the property, to be collected in accordance with the process described in § **204-11**.
- E. Inspections. The Village Manager, Village Engineer, Police Chief, and Fire Chief, or their designees, shall have the authority to periodically inspect the exterior and interior of Vacant Space subject to this Section for compliance with applicable laws, rules, and regulations. The Village Engineer shall have the discretionary authority, but not the obligation, to cause utilities to be disconnected immediately if a potential hazard that may be dangerous to life and limb is present. If the Village Engineer causes utilities to be disconnected, the Owner shall reimburse the Village for its costs in having the utilities disconnected. Failure to pay these costs within thirty (30) days of being notified that they are due shall be a violation of this Section, and the full amount of the costs shall be deemed an assessment resulting from a violation of this Section. Such costs, and any fines issued for violations of this Section, shall constitute a lien on the property, to be collected in accordance with the process described in § **204-11**.
- F. Nothing in this Section shall abrogate an owner's duty to maintain the vacant space as required by § **179-4**.
- G. Violations and penalties; enforcement.
1. In addition to any of the remedies provided herein, violations of any portions of this Section shall be punishable by a fine of up to \$100 per day that the Owner is not in compliance with this Section. Violations of this law shall not be deemed a misdemeanor nor a felony.
 2. The Village Engineer shall have the authority to enforce all provisions of this Section. The Village of Croton-on-Hudson may also bring a civil action in a court of competent jurisdiction seeking equitable relief to enforce this Section.
- H. Unsafe buildings. Nothing in this Section shall abrogate the powers and/or duties of municipal officials to act to remedy unsafe conditions pursuant to any general statutory authority including, without limitation, the New York State Uniform Fire Prevention and Building Code and the New York State Village Law and General Municipal Law.

§ 179-6. Vacant commercial or retail buildings

- A. Removal of signage; covering required. When a commercial or retail building, or portion thereof, in the Village of Croton-on-Hudson has become vacant and has remained vacant for a period in excess of 30 days, the owner, lessee or other responsible individual or entity shall remove all signage from windows, including windows in doors, and place a covering in the storefront to block the view of the interior of the vacant premises to public view. The covering shall be of such material as provided below.
- B. Covering specifications. The covering may consist of frosted translucent window film adhered to the interior of window, covering the entire window, including windows in doors, with the exception of a "For Lease" sign in compliance with the appropriate code.
- C. Maintenance of window display areas. Any and all window display areas shall be kept clean, free of hazard and free of debris. Further, cracked or broken glass display windows shall be replaced with glass.

Section Four. Severability. If any section, subsection, clause, phrase or other portion of this Local Law is, for any reason, declared invalid, in whole or in part, by any court, agency, commission, legislative body or other authority of competent jurisdiction, such portion shall be deemed a separate distinct and independent portion. Such declaration shall not affect the validity of the remaining portions hereof, which other portions shall continue in full force and effect.

Section Five. Effective Date. This local law shall take effect immediately upon filing with the Secretary of State.