

TOWN OF KNOX

LOCAL LAW NO. 3 OF THE YEAR 2018

Community Preservation and Anti-Blight Enforcement

BE IT ENACTED by the Town Board of the Town of Knox as follows:

Section 1. Title.

This law shall be known as the "Knox Community Preservation and Anti-Blight Enforcement Local Law."

Section 2. Legislative intent / Authority

A. It is hereby found and declared that there may exist within the Town of Knox a number of real properties which are vacant and in a blighted condition, and that the continued existence of such properties negatively affects the economic well-being of the Town; adds to the decline of neighborhoods; and affects the overall health, safety and welfare of its residents. It is further found that many of these properties can be rehabilitated, reconstructed, and reused so as to provide decent, safe, sanitary housing or commercial facilities, and that such rehabilitation, reconstruction and reuse would eliminate, remedy and/or prevent the adverse conditions outlined above. It is further found that the abatement of the blight of poorly maintained vacant properties and/or vacant parcels is a benefit to the health, safety and welfare of the residents of the Town of Knox.

B. This local law is hereby adopted pursuant to the provisions of Section 10 of the New York State Municipal Home Rule Law and Article IX of the New York State Constitution.

Section 3. Scope; applicability.

A. Scope. The provisions of this section shall apply to all Vacant Structures (as defined herein) in the Town of Knox, residential, commercial, or otherwise, and constitute the requirements and standards for the maintenance of such premises.

B. Applicability. The provisions of this section shall be deemed to supplement applicable state and local laws, ordinances, codes and regulations. Nothing in this section shall be deemed to abolish, impair, supersede or replace existing requirements of any other provision of local laws or ordinances of the Town or county or state laws and regulations. In the case of a conflict between any provisions of this section and any applicable state or local law, ordinance, code

or regulation, the more restrictive or stringent provision or requirement shall prevail.

C. Right to Farm. It is the general purpose and intent of this law to maintain and preserve the rural traditions and character of the Town, to permit the continuation of agricultural practices, to protect the existence and operation of farms, to encourage the initiation and expansion of farms and agribusinesses, and to promote new ways to resolve disputes concerning agricultural practices and farm operations. Notwithstanding any requirements herein, the rights set forth in Agricultural and Markets Law section 308 (Right to Farm) are fully applicable and nothing herein shall be used to unreasonably restrict agricultural activities as that term is defined in the Agricultural and Markets Law.

Section 4. Definitions and word usage.

A. Word usage. Whenever used in this section, words in the singular include the plural and vice versa.

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

BLIGHTED PREMISES

Any Vacant Structure that is located within the Town of Knox that is maintained with any of the prohibited conditions defined in Section 6.

CODE ENFORCEMENT OFFICIAL

The official who is charged with the administration and enforcement of the Town of Knox Zoning Code, or any duly authorized representative of such person.

DEFACEMENT

Any mark on the face or surface of, disfigurement, injury or alteration to the appearance of property without the consent and express permission of the owner or proprietor thereof, or in the case of public property, of the person having charge, custody or control thereof.

DERELICT VEHICLE/VESSEL

A motor vehicle or vessel not suitable for operation as defined in the Knox Zoning Ordinance.

DILAPIDATED

Any building or structure or part thereof that would not qualify for a certificate of use and occupancy, or which is deemed an unsafe structure, and any dwelling or unit which is designated as unfit for

habitation as defined in the state's basic building code and the revised ordinances of the Town of Knox.

GRAFFITI

Any inscription, mark or design, which is written, etched, scratched, painted, drawn or applied to property.

OCCUPANCY

Actual physical presence and use that is authorized by virtue of fee ownership, a bona fide lease agreement or license, a rent receipt or, if necessary, other evidence of residence.

STRUCTURE

A static construction of building materials, including buildings, stadiums, platforms, towers, sheds, display stands, storage bins, signs, reviewing stands, gasoline pump mobile dwellings (whether mobile or stationary at the time) and the like.

VACANT PARCEL

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

VACANT STRUCTURE

A Structure which has any one or more of the following conditions: not occupied and unsecured; not occupied and an unsafe building as determined by an enforcement official; unoccupied and enforcement office has issued an order to correct code violations; illegally occupied; or not occupied for a period of time over 60 days.

Section 5. Creation or maintenance of Blighted Premises prohibited.

No owner, agent, tenant, firm, business entity, voluntary association, nonprofit organization, or person in control of Vacant Structures located within the Town of Knox shall allow, create, maintain or cause to be created or maintained, any Blighted Premises.

Section 6. Prohibited Conditions.

A. The following are prohibited conditions:

1. Broken or unsecured windows.
2. Broken or unsecured doors, exits or entryways.
3. Excessive litter and debris.

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4. Overgrown grass or vegetation of at least 10 inches in length or otherwise excessively grown noncultivated vegetation.
5. Storage of derelict motor vehicles/vessel as defined herein.
6. Broken or unsecured:
 - (i) Roof.
 - (ii) Gutters.
 - (iii) Siding/shingles.
 - (iv) Chimney.
 - (v) Shutters.
 - (vi) Fencing.
 - (vii) Outdoor lighting fixtures.
 - (viii) Pools or spas.
7. Broken or unsecured accessory structures, including, but not limited to, decks, sheds, porches, pools, pool houses, garages, carports, storage units, front porches, outside statuary, fish ponds. Use of shipping containers or semi-truck trailers as an accessory structure in any district.
8. Damaged, unsightly, unsecured or unpermitted signage or awnings.
9. Presence of graffiti.
10. Broken or exposed electrical wires, electrical equipment or extension cords.
11. Unfinished abandoned construction, which is not issued a current valid Building Division permit.
12. Broken or fallen trees.
13. Evidence of unresolved fire damage.
14. Peeling or deteriorated paint.
15. Presence of stagnant water.
16. Unsecured or open wells, cesspools or cisterns.
17. Presence of vermin, rodent harborage and infestation.
18. Presence in any outdoor area of any refrigerator, washing machine, sink, stove, heater, boiler, tank or any other household equipment, machinery, furniture, or item, appliance or appliances, boxes, lumber, dirt or debris, trash, garbage or refuse cans, or any items other than those commonly stored

outdoors, or any parts of such items, for a period of time in excess of 72 consecutive hours.

19. Any violation of the New York State Property Maintenance Code.

20. This subsection does not prohibit machinery installed in the rear setback areas for household, agricultural, or recreational use, furniture designed and used for outdoor activities, trash cans in the front yard during the twenty-four-hour period allowed for garbage pickup and garbage or recycle bins or debris boxes allowed by the Town.

Section 7. Vacant property registration.

A. Once a property has been determined to be vacant by the Zoning Enforcement Official, notification letters shall be delivered to a property owner. Such notice shall be served upon the owner of record or person in charge of the affected building or structure by means of certified mail, return receipt requested, to the last known address as shown by the records of the Town Assessor and by securely affixing a copy of such notice upon the door of the affected building or structure.

B. The notice shall contain a statement of the date or dates upon which an inspection was conducted on the property to determine the vacant status, the address of the vacant property, the specific nature of the prohibited conditions, a copy of this section and a vacant property registration application.

C. Vacant property registration fees are to be established by the Town.

D. Vacant property registration applications shall include but not be limited to the property owner's contact telephone number, residence or place of business, and designated property maintenance contractor.

Section 8. Vacant Property Registration.

Each owner of a Vacant Structure shall be required to register said property with the Town and pay the applicable filing fee.

It shall be a violation of this section to fail to register any Vacant Structure as defined by this section subject to fines under section 62 of the Town Zoning Code.

Section 9. Failure to abate prohibited condition.

In the event that a prohibited condition is identified, such condition shall be reported to the owner of record or his designee, as identified within the vacant property

registration application. If the condition is not corrected within 10 days, the Town of Knox shall take the necessary action to abate the prohibited condition.

A. Failure to comply with this section. Whenever the owners of a property subject to this law shall fail to comply with the minimum standards of property maintenance, the Town Board may authorize the work to be done and shall provide for the cost thereof to be paid from general Town funds as directed by resolution of the Town Board, pursuant to the authority provided under §§ 64 and 130 of the Town Law.

B Assessment of costs and expenses, liens. All costs and expenses incurred by the Town in connection with the abatement of a violation of this section shall be assessed against the subject premises or lot. An itemization of such costs shall be provided to the Town Board by the Building and Zoning Department. The total costs and expenses shall then be determined by the Town Board and shall be reported to the Assessor of the Town as the amount to be assessed against the premises, 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 and shall be collected in the same manner and at the same time as other Town charges.

C. The foregoing remedies are concurrent with the penalties set forth in section 62 of the Knox Zoning Ordinance. Nothing in this section shall be deemed to abolish, impair, supersede or replace existing remedies of the Town, county or state or any remedy in equity or seek damages for any violation herein. In addition, the Town Board or any person deeming themselves aggrieved may maintain an action or proceeding to compel compliance with or to restrain by injunction the violation of any provision of this Zoning Ordinance.

Section 10. Registry exempt from disclosure.

Under New York State Public Officers Law § 87, the vacant property registry (as established by section 8) and all vacant property registration forms shall be exempt from disclosure under the Freedom of Information Law on the grounds that such disclosure would constitute an unwarranted invasion of personal privacy. The Town Clerk shall institute strict policies to ensure that such information is available only to Town personnel engaged in the enforcement of the provisions of this section and, in emergency situations, to members of law enforcement; the fire service; emergency medical services; and public utility companies. The information contained in the vacant property registry and all vacant property registration forms shall not be disclosed to any party for sale.

Section 11. Severability.

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If any provision of this section or the application thereof, shall be held invalid or unenforceable, the remainder of this ordinance or the application thereof shall be valid and enforceable to the fullest extent permitted by law.

Section 12. Effective Date.

This local law shall take effect immediately upon the filing with the Secretary of State.

**BY ORDER OF THE KNOX TOWN BOARD
TRACI SCHANZ, TOWN CLERK**

I, TRACI SCHANZ, Town Clerk of the Town of Knox, Albany County, New York, **DO HEREBY CERTIFY** that the foregoing resolution was approved by the Town Board of the Town of Knox on _____, 2018 and that the foregoing is a true and correct transcript of the original resolution and of the whole thereof and that said original resolution is on file in the Town Clerk's office.

I DO FURTHER CERTIFY that each of the members of the Town Board had due notice of the said Town Board meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Town of Knox this _____, 2018.

Traci Schanz, Town Clerk