



City of Elmira
Code Enforcement Office
Phone: (607) 737-5654
<http://www.cityofelmira.net>

101 W. Second St.
Elmira, NY 14901
Fax: (607) 733-5235

VACANT BUILDING REGISTRATION FORM

Pursuant to Section 8-30© of the Code Of Ordinances of the City of Elmira, the Owner of a building shall within thirty(30) days in which that building has been defined as a "vacant building", by Section 8-20(b) of said Code of Ordinances, complete this form and register the said "vacant building", with the Code Enforcement Office for the City of Elmira, New York. A web link to said Ordinance can be found at www.cityofelmira.net/law-department.

Please be advised that there is a registration fee for the first year the building is deemed "vacant" per Section 8-30(b) of the City of Elmira Code of Ordinances. If the Owner fails to timely register the building, then the Owner shall pay a failure to register fee of fifty (50) dollars for each unregistered vacant building. In addition to ant Registration fees, if the building remains continuously vacant for one year or more from the date of registry, the Owner shall pay an annual Vacant Building Fee on each anniversary date until the building is demolished or rehabilitated and returned to use. Please refer to the fee schedule attached to the vacant form.

Within sixty (60) days of a change in the information supplied regarding this vacant building registration, including the transfer of ownership, the Owner shall notify the Code Enforcement Office for the City of Elmira of the change. Post Office Boxes shall not be accepted as address(es). The "vacant building" intended to be registered shall not be utilized as the Owner's or Agent's addresses. Please be advised that the "vacant building", which is herein registered, shall be periodically inspected for the purpose of assuring compliance with the provisions of Section 8-30. Please be advised that in addition to penalties provided by Section 1-14 of this Code of Ordinances , any person violating any provision of this Section 8-30 or providing false information to the Code Enforcement Officer shall be subject to a fine of \$1,000.00 or imprisonment not exceeding six months, or both, such fine and imprisonment or shall be subject to a civil penalty of five-hundred dollars (\$500.00) per day for each day the person is in violation of any provision of this Section.

I. VACANT BUILDING INFORMATION

Building Address: _____

Description of the Premises:

1) Age: _____

2) Square Footage: _____

3) Number of Stories: _____

4) Most Recent Use: _____

All Notices/Violations/Invoices shall be delivered to the following address: _____

VI. LIEN HOLDERS

Name: 1) _____ 2) _____ 3) _____

Address: _____

VII. OWNER'S AGENT:

Please note that if the "vacant building" Owner's principal place of residence or principal place of business is not in Chemung County, New York, the Owner must designate a natural person, eighteen years or older, who resides in Chemung County, New York as his/her/its Agent.

I, as the Owner of the aforesaid "vacant building", hereby appoint as my Agent:

Agent's Name: _____

Agent's Principal Residence Address: _____

Agent's Principal Business Address: _____

Agent's Telephone #: _____ Agent's E-Mail Address: _____

I hereby further authorize the aforesaid Agent to make decisions on the Owner's behalf and on issues regarding the Vacant Building. In addition, I further authorize and appoint the aforesaid Agent to accept service of legal process on behalf of said Owner. Moreover, all notices may also be served or delivered to the aforesaid Agent.

VIII. VACANT BUILDING PLAN (Demolition or Rehab./Return to Occupancy Plan and Securement Plan):

Please note the time period to implement any rehabilitation plan shall not exceed 365 days from the date of this submission and the plan shall include a status review every four months. Any repairs, improvements or alterations to the above building/property shall comply with all laws and codes, including but not limited to zoning, historic preservation and building codes.

By executing/signing the herein Vacant Building Registration Form, the Owner acknowledges, he/she/it has received the 3 page "Directions for Vacant Building Plan".

Plan Approved by Code Enforcement Department: _____

Date: _____

Signature of the Property Owner

Print Name of the Property Owner

Sworn to before me this
day of _____, 20____.

Notary Public

**VBRF sent with letter REPEAL 8-30(c)(8)(a), (b), and (c).
Additionally: REPEAL 8-30(c)(2)(k)**

NEW 8-30(c)(8)(a)

The following fee schedule shall apply to all vacant buildings, subject to any exceptions established in the provisions of section 8-30:

1. For residential buildings of one to three units:
 - a. For the first year: \$250;
 - b. For the second year: \$500;
 - c. For each subsequent year: \$1,000.

2. For residential buildings of four to six units, and mixed commercial and residential buildings of two to three residential units:
 - a. For the first year: \$500;
 - b. For the second year: \$1,000;
 - c. For each subsequent year: \$2,000.

3. For residential buildings of seven or greater units, and mixed commercial and residential buildings of four or greater units:
 - a. For the first year: \$1,000;
 - b. For the second year: \$2,000;
 - c. For each subsequent year: \$4,000.

4. For nonresidential buildings, the greater of:
 - a. For the first year: \$1,000 or \$.058 per square foot;
 - b. For the second year: \$2,000 or \$.10 per square foot;
 - c. For each subsequent year: \$4,000 or \$.20 per square foot.

NEW 8-30(c)(8)(b)

Where an owner intends to demolish or rehabilitate a vacant building and conforms with the requirements under sections 8-30(c)(1)-(4), the initial fee will be \$100. If the owner fails to conform to the abovementioned requirements, the owner, within 14 days' written notice of failure to conform by the Code Department sent by certified mail to the owner, shall pay the entire first-year fee associated with the building's property type pursuant to section 8-30(c)(8)(a), minus the initial \$100 fee. Failure to do so shall result in a violation under section 8-30(i).

NEW 8-30(c)(8)(c) Exceptions

1. The fees established in 8-30(c)(8)(a) shall not apply to the following owners actively deployed in the Military, or owners who are being cared for long-term in an assisted-living facility, skilled nursing facility, or other health care facility.
2. Registration pursuant to Section 8-30 shall not apply to any single-family owner-occupied residential dwelling where the owner departs Elmira for the winter months, provided that the property is properly secured and the property does not have outstanding code violations. The owner shall reside at the residential dwelling within the City of Elmira at least four (4) months in a calendar year, and the owner shall arrange for property maintenance.

NEW 8-30(c)(2)(k)

If the owner is required to have an agent pursuant to 8-30(e), in addition to the registration requirements, within two weeks of the Code Department's receipt of the owner's registration, an owner or the owner's agent must submit an affidavit to the Code Department, signed by the agent and notarized, stating the agent's consent to perform the duties required of an agent pursuant the provisions of section 8-30. Failure to submit an affidavit will result in an incomplete registration, and an owner will be subject to penalties under 8-30(i).



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DIRECTIONS FOR VACANT BUILDING PLAN

The Vacant Building Plan must contain information from one of the following three proposals for the building:

If the building is to be demolished, a demolition plan indicating the proposed time frame for demolition, which demolition must be completed no later than six (6) months from the date of the submission of the plan. In addition, the owner shall deposit or deliver to the City a Surety (Cash, Irrevocable Letter of Credit or Insurance Bond) in an amount sufficient to cover the costs of demolishing the building

If the building is to remain vacant, a plan for the securing of the building in accordance with standards provided in §8-30(D) of the City of Elmira Code of Ordinance below, together with the procedure that will be used to maintain the property and a statement of the reason(s) why the building will be left vacant; or

If the building is to be returned to a permitted occupancy or use, rehabilitation plans, if required, for the building. The time period to complete the rehabilitation plans shall not exceed 365 days from the date of submission and the plan shall include progress benchmarks at four month intervals, unless the Code Enforcement Office grants an extension for good cause shown, upon receipt of a written statement from the owner submitted prior to the expiration of the time period detailing the reasons for the extension. Any repairs, improvements or alterations to the property must comply with any applicable zoning, historic preservation and building codes. The building must be secured in accordance with §8-30(D) below during the rehabilitation period.

Section 8-30(D) of the City of Elmira Code of Ordinance states that:

The owner of a vacant building shall take such steps and perform such acts as may be required to ensure that the building and its grounds remain safe and secure and do not present a hazard to the adjoining property or the public. Owners shall be responsible for maintaining their buildings and structures so that they do not become an unoccupied hazard. In any building or floor area that is vacant or about to become vacant, there will be at least one access which meets the approval of the Enforcement Officer.

The owner shall protect and maintain the exterior of the building as follows:

(a) 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.

(b) Exterior doors, windows, skylights and similar openings shall be maintained weather tight.

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

(d) Roofs shall be maintained in a weathertight 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) Glass coverings for windows and doors shall 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 materially detract from the general appearance of the building or the neighborhood and, when possible, are secured by normal means.

(g) The covering for broken doors and cracked or broken windows shall consist of replacement glass, plexiglass, plywood or similar materials finished and maintained in accordance with the provision of section 8-279(g) of this Code.

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

(i) The premises shall be kept free of insects and vermin.

(j) Any excavations, swimming pools, or other conditions creating an attractive nuisance must be filled in or properly enclosed.

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

(a) Any and all first floor windows shall be replaced by glass or plexiglass, which coverings shall be maintained.

(b) All exterior signs, awnings, lighting systems and supporting framework, if not removed, shall be maintained in a non-deteriorated and safe condition.

The owner shall protect and maintain the interior of the building as follows:

(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 in a safe and sound condition.

The owner shall maintain the premises as follows:

- (a) The owner shall not permit garbage and refuse to accumulate.
- (b) Buildings and structures shall be maintained free of insects, vermin and rodent harborage and infestation.
- (c) Chimneys, smokestacks, flues, gas vents, smoke pipes and connectors shall be maintained structurally safe and smoke tight.
- (d) If the building is to be demolished, then, within ten (10) days of registering the building as a vacant building, all fuel gas, water, and utilities must be disconnected at the mains and water pipes drained. If the building is going to be rehabilitated, then the building must be heated or winterized to avoid freezing pipes; fuel gas pipe systems must be maintained gastight, safe and operative condition, and water pipes must be maintained to avoid leaks and/or breakage.
- (e) Fuel tanks will be maintained so as not to be a hazard or shall be discontinued in a manner consistent with New York State Uniform Fire Prevention and Building Code.
- (f) The domestic water supply system of the building will be connected to an approved source, will not be subject to contamination and will not be connected to unsafe water supplies; alternatively, the system shall be disconnected at the main and completely drained.
- (g) Storm water drainage systems shall be maintained so as to function properly and shall 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.
- (h) Electrical fixtures, devices, wiring and systems shall be maintained in safe working condition in a manner which shall avoid a potential source of ignition or shock; alternatively, the service shall be discontinued at the supply.
- (i) Elevators, dumbwaiters and escalators shall be maintained or taken out of service, in accordance with ANSI A17.1.
- (j) The owner shall provide for snow and ice removal on the premises and on adjoining sidewalks and shall comply with Chapter 14, Article VI of the City's Code of Ordinances.

In addition, the owner shall comply with all applicable laws and codes.