



# TOWN OF COLONIE

**Building Department**  
Public Operations Center  
347 Old Niskayuna Road  
Latham, New York 12110

Peter G. Crummey  
Town Supervisor

Phone (518) 783-2706 Fax (518) 783-2772  
[www.colonie.org/departments/building](http://www.colonie.org/departments/building)

Wayne Spenziero  
Manager

## **REGISTRATION OF ABANDONED / VACANT REAL PROPERTY**

*Please print clearly*

Date: \_\_\_\_\_

Address of Property: \_\_\_\_\_ Tax Map ID: \_\_\_\_\_

Name of Property Owner / Mortgagee: \_\_\_\_\_ Phone: \_\_\_\_\_

Address: \_\_\_\_\_ Cell: \_\_\_\_\_

Email: \_\_\_\_\_ Work: \_\_\_\_\_

Local Agent Name (if applicable): \_\_\_\_\_ Phone: \_\_\_\_\_

Address (if applicable): \_\_\_\_\_ Cell: \_\_\_\_\_

Email: \_\_\_\_\_ Work: \_\_\_\_\_

Additional Information: \_\_\_\_\_

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\_\_\_\_\_  
Authorized Signature

**FEE PAID:** \_\_\_\_\_

**FEE DUE:** \_\_\_\_\_  
Fees are not refundable

On this \_\_\_\_ day of \_\_\_\_\_, 20\_\_,  
before me personally came and appeared

\_\_\_\_\_,  
to me known to be the same person described in  
and who executed the within instrument, and he  
duly acknowledged to me that he executed the  
same.

\_\_\_\_\_  
Notary Public



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### ARTICLE V. Registration of Abandoned/Vacant Real Property (§ 62-51 — § 62-66)

#### SECTION 51. § 62-51 Intent.

It is the purpose and intent of the Town to establish a process to address the amount of abandoned/vacant real property located within the Town. It is the Town's further intent to specifically establish an abandoned/vacant real property program as a mechanism to protect neighborhoods from becoming blighted through the lack of adequate maintenance and security of abandoned/vacant properties. The Town Board finds that the proliferation of vacant and abandoned buildings, structures and dwellings in the Town of Colonie can cause a deterioration of communities and areas within the Town and can have a negative impact on the value of property in close proximity to the vacant and abandoned buildings, structures and dwellings. Furthermore, the Town finds that vacant and abandoned buildings, structures and dwellings can cause a serious threat to the safety and welfare of the residents of the Town and can erode the quality of life of all who live and work in the Town. Abandoned and vacant buildings, structures and dwellings are places of infestation of rodents, vermin, insects, wild animals and other health-threatening creatures and diseases, provide shelter to criminals and vagrants who use such places to evade the police and to conduct illicit activities, and are an attractive nuisance to children and adults alike.

#### SECTION 52. § 62-52 Purpose.

The purpose of this section requiring the registration of all vacant and abandoned buildings, including dwellings as referenced below, and the payment of registration fees is to assist the Town in protecting the public health, safety and welfare, to monitor the number of vacant and abandoned buildings in the Town, to assess the effects of the condition of those buildings on nearby businesses and the neighborhoods in which they are located, particularly in light of fire safety hazards and unlawful, temporary occupancy by transients, including illicit drug users and traffickers, and to require of the owners and mortgagees of such vacant or abandoned buildings their registration and the payment of related fees, and to promote substantial efforts to rehabilitate such vacant buildings. The provisions of this section are applicable to the owners and mortgagees of such vacant or abandoned buildings as set forth herein and are in addition to and not in lieu of any and all other applicable provisions of this chapter, the health and sanitation code, and any other applicable provisions of the Colonie Town Code.

#### SECTION 53. § 62-53 Definitions and applicability.

**(a) Definitions.** For purposes of this section, the following words and phrases shall have the meanings respectively ascribed to them as follows:

##### **BOARDED**

A building or structure subject to the provisions of this section shall be deemed to be boarded if in place of one or more exterior doors, other than a storm door, or of one or more windows, there is a sheet or sheet of plywood or similar material covering the space for such door or window.

##### **EXTERIOR MAINTENANCE AND MAJOR SYSTEMS**

The safe and lawful maintenance of the facade, windows, doors, roof, and other parts of the exterior of the building and the maintenance of its major systems consisting of the roof, the electrical and plumbing systems, the water supply system, the sewer system, and the sidewalk, driveway, if any, and area of the lot.

##### **OCCUPIED**

Any building or structure shall be deemed to be occupied if one or more persons actually conducts a lawful business or resides in all or any part of the building as the licensed business occupant, or as the legal or equitable owner/occupant(s) or tenant(s) on a permanent, non-transient basis, or any combination of the same. For purposes of this section, evidence offered to prove that a building is so occupied may include, but shall not be limited to, the

regular receipt of delivery of regular mail through the United States Postal Service; proof of continual telephone, electric, gas, heating, water and sewer services; a valid town business license, or the most recent, federal, state, or city income tax statements indicating that the subject property is the official business or residence address of the person or business claiming occupancy; or proof of pre-rental inspection.

#### **OPEN**

A building or structure subject to the provisions of this section shall be deemed to be "open" if any one or more exterior doors other than a storm door is broken, open and/or closed but without a properly functioning lock to secure it, or if one or more windows is broken or not capable of being locked and secured from intrusion, or any combination of the same.

#### **OWNER**

An owner of the freehold of the premises of any lesser estate therein, a mortgagee, a vendee-in possession, assignee of rents, receiver, executor, trustee, lessee, agent or any other person, firm or corporation that is directly or indirectly in control of a building subject to the provisions of this section, and as set forth below.

#### **VACANT**

A building or structure shall be deemed to be vacant if no person or persons actually currently conducts a lawfully licensed business in any part of the building, or lawfully resides or lives in any part of the building as the legal or equitable owner(s) or tenant-occupant(s), or owner-occupant(s), or tenant(s) on a permanent, non-transient basis.

**(b) Applicability.** The requirement of this section shall be applicable to each owner and mortgagee of any building that is not a dwelling that shall have been vacant for more than 35 consecutive days and to each owner and mortgagee of residential property consisting of one or more vacant dwellings that shall have been vacant for more than 35 consecutive days.

### **SECTION 54. § 62-54. Registration.**

#### **1. Owner.**

Every owner of real property located within the Town that is abandoned or vacant as those terms are defined herein shall register the property with the Town Building Department Manager or his or her designee on forms provided by the Town and shall pay the fees as required by this article. A registration is required for each vacant property.

#### **2. Mortgagee.**

Any mortgagee who holds a mortgage on real property located within the Town of Colonie upon default by the mortgagor and prior to the issuance of a notice of default or the filing of a lis pendens with the County Clerk, whichever is earlier, shall perform an inspection of the property that is the security for the mortgage. If the property is found to be vacant or shows evidence of vacancy it shall be deemed abandoned/vacant real property and the mortgagee shall within 10 days of the inspection register the property with the Town Building Department Manager or his or her designee on forms provided by the Town and shall pay the fees as required by this article. A registration is required for each vacant property. If the property is occupied but the mortgage on the property remains in default the property shall be inspected by the mortgagee or his or her designee monthly until : (1) the mortgagor or other party remedies the default, or (2) it is found to be vacant or shows evidence of vacancy at which time it is deemed abandoned/vacant and the mortgagee shall within 10 days of that inspection register the property with the Building Department Manager or his or her designee on forms provided by the Town and shall pay the fees as required by this article.

### **SECTION 55. § 62-55. Form of Registration.**

Each such owner and mortgagee shall cause to be filed a notarized registration statement, which shall include the street address and tax map parcel number of each such vacant building, the names and addresses of all owners, and any other information deemed necessary by the Building Department Manager or his or her designee. The registration fee(s), as required herein, shall be paid to the Town Clerk and shall be paid upon the initial registration of each abandoned building and within 10 days of the yearly anniversary date of the initial registration thereafter. For purposes of this section, the following shall also be applicable:

[1] If the owner is a corporation, the registration statement shall provide the name and business and residence address, together with the work, home and cell phone telephone numbers and email address of a responsible officer of the corporation that will allow the Town to contact the responsible officer on a 24 hour basis;

[2] If an estate, the name and business and residence address of the executor of the estate and the work, home and cell phone telephone numbers and email address of the executor;

[3] If a trust, the name and business and residence address of all trustees, grantors, and beneficiaries and the work, home and cell phone telephone numbers and email address of all of the trustees and beneficiaries;

[4] If a partnership, the names and residence and business addresses of all partners with an interest often 10% or greater and the work, home and cell phone telephone numbers and email address of all such business partners;

[5] If any other form of unincorporated association, including limited liability companies, the names and residence and business addresses of all principals or members or managers with an interest of 10% or greater and the work, home and cell phone telephone numbers and email address of all such all principals or members or managers;

[6] If an individual person, the name and residence address of that individual person and the work, home and cell phone telephone numbers and email address of such person.

**SECTION 56. § 62-56. Registration statement and fees; local agent.**

If none of the persons listed above is shown at an address within the state, the registration statement also shall provide the name and address of a person who resides within the County of Albany, State of New York and who is authorized to accept service of process on behalf of the owners or mortgagees and who shall be designated as a responsible, local party or agent, both for purposes of notification in the event of an emergency affecting the public health, safety or welfare and for the purposes of service of any and all notices or registration statements as herein authorized and in connection herewith. Registration shall be required for all vacant or abandoned buildings, whether vacant and secure, vacant and open or vacant and boarded, and shall be required whenever any building has remained vacant for 35 consecutive days or more. In no instance shall the registration of a vacant or abandoned building and the payment of registration fees be construed to exonerate the owner, agent or responsible party from responsibility for compliance with any other building code or housing code requirement. One registration statement must be filed for each vacant building of the owner or mortgagee so registering and a separate fee paid therefor. The owner or mortgagee of the vacant or abandoned real property as of the yearly anniversary date of the initial registration filing shall be responsible for the payment of the non-refundable registration fee. Said fee shall established by separate Town Board Resolution and shall be paid to the Town Clerk and shall be based on the duration of the vacancy as determined by said separate Town Board Resolution.

**SECTION 57. § 62-57. Appeal rights.**

The owner or mortgagee shall have the right to appeal the imposition of registration fees to the Commissioner of Public Works, upon filing a written application of appeal on a form to be provided by the Town with the applicable non-refundable appeal filing fee of \$150. The written appeal application must be filed in the Office of the Town Clerk no later than 30 calendar days from the date of payment of the registration fee. On appeal, the owner shall bear the burden of providing satisfactory objective proof of occupancy, as defined herein.

**SECTION 58. § 62-58. One-time waiver of registration fee.**

A one-time waiver of the registration fee for up to 90 days may be granted by the Commissioner of Public Works upon application of the owner or mortgagee and upon review and advice of the Town Attorney's Office, if the owner or mortgagee:

- (a) Demonstrates with satisfactory proof that he/she is in the process of demolition, rehabilitation, or other substantial repair of the vacant building; and
- (b) Objectively demonstrates the anticipated length of time for the demolition, rehabilitation, or other substantial repair of the vacant building; or
- (c) Provides satisfactory proof that he/she was actively attempting to sell or lease the property during the vacancy period;
- (d) Has paid all past due vacant registration fees and all other financial obligations and/or debts owed to the Town which are associated with the vacant property.

**SECTION 59. § 62-59. Two-year waiver of registration fee.**

Upon application by the owner and satisfaction of the conditions set forth in § 62-57 above, the Commissioner of Public Works, upon review and advice of the Town Attorney's Office, may grant a Two-year waiver if the owner meets the criteria for nonprofit organizations as defined by section 501(c)(3) of the Internal Revenue Code.

**SECTION 60. § 62-60. Delinquent registration; collection.**

After the owner or mortgagee is given notice of the amount of the registration fee due, except for those owners/mortgagees that have properly perfected an appeal as provided above, and the owner fails to pay the amount

due, said amount shall constitute a debt due and owing to the Town, and the Town may commence a civil action to collect such unpaid debt.

**SECTION 61. § 62-61. Delinquent registration fees as a lien.**

After the owner or mortgagee is given notice of the amount of the registration fee due, except for those owners/mortgagees that have properly perfected an appeal as provided above, and the owner fails to pay the amount due, said amount so assessed shall constitute a lien and charge on the real property 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 taxes and charges.

**SECTION 62. § 62-62. Duty to amend registration statement.**

If the status of the registration information changes during the course of any calendar year, it is the responsibility of the owner, mortgagee, responsible party or agent for the same to contact the Town Building Department Manager within 30 days of the occurrence of such changes and advise the Building Department Manager in writing of those changes;

**SECTION 63. § 62-63. Exceptions.**

This section shall not apply to any building owned by the United States, the state, the county, the Town or Villages located within the Town, nor to any of their respective agencies or political subdivisions;

**SECTION 64. § 62-64. Violations; penalties.**

[1] The failure or refusal for any reason of any owner, mortgagee, responsible person or agent of an owner acting on behalf of the owner, to register a vacant building or to pay any fees required to be paid pursuant to the provisions of this article, within 30 days after they become due, shall constitute a violation punishable upon conviction thereof by a fine in the amount of not less than \$500 nor more than \$1500 for each failure or refusal to register, or for each failure or refusal to pay a required vacant building fee, as applicable; however, the minimum mandatory fine for a violation of this section shall not be less than double the amount of the registration fee due and owing. There shall be no unconditional discharges or suspended sentences upon a finding of a violation of this article and the minimum fines are mandatory and must be imposed.

**SECTION 65. § 62-65. Conflict with other provisions.**

This article is intended to be used in conjunction with existing laws, and nothing in this article shall be construed as rendering other applicable laws invalid. Where no law exists or where existing laws are silent in any area where this article sets forth specific provisions, the provisions of this article shall apply. In any situation where a conflict exists between a provision of this article and any existing law, the more restrictive requirement shall prevail, unless otherwise specified.

**FEE SCHEDULE:**

**Town Board Resolution Establishing the Abandoned/vacant/vacant Building Registration Fee Schedule pursuant to Section 62-57 if the Town Code.**

WHEREAS, pursuant to Section 62-57 of the Town Code, the Town Board is required to established an annual registration fee to be paid by owners and mortgagees of abandoned/vacant properties located within the Town based on the duration of the vacancy of the said premises;

BE IT RESOLVED, that the following Abandoned/vacant Building Registration Fee Schedule be and hereby is adopted by the Town of Colonie effective immediately:

[1] For properties that are vacant for less than one year: \$400.

[2] For properties that are vacant for more than one year on the anniversary, but less than two years: \$700.

[3] For properties that are vacant for at least two years on the anniversary, but less than three years: \$1,350.

[4] For properties that are vacant for at least three years on the anniversary, but less than four years: \$2,250.

[5] For properties that are vacant for at least four years on the anniversary, but less than five years: \$3,350; and

[6] For properties that are vacant for at least five years on the anniversary, but less than ten years: \$3,950; and

[7] For properties that are vacant for at least 10 years on the anniversary: \$5,550; plus an additional \$600 for each year in excess of 10 years.