PROPOSED LOCAL LAW #6-2026

Section 1. Purpose.

The purpose of this Local Law is to amend Chapter 164, Vacant Property, to the Village of Potsdam Municipal Code.

Section 2. Amendment.

Amended as follows:

Chapter 164
VACANT PROPERTY

§ 164-1. Title.

This chapter may be known and cited as the "Vacant Property Law."

§ 164-2. Statement of purpose; findings.

The purpose of this law is to promote the health, safety, and welfare of Potsdam residents by providing authority for enacting vacant property registration requirements. This Section will allow Potsdam to identify and register vacant properties, collect fees to compensate for the public costs of vacant properties, plan for the rehabilitation of vacant properties, and encourage the occupancy of vacant properties.

The Village of Potsdam finds and declares that:

A. Vacant properties may contribute to criminal activity, safety hazards, reduce property values, and neighborhood instability;

A. Vacant properties represent unrealized economic development opportunities;

B. A vacant property registry may assist the Village and property owners in identifying opportunities for re-occupancy;

C. A registration program allows the Village to monitor vacancy, maintain a database of responsible owners, and address associated public costs; and

D. Enactment of this chapter is a proper exercise of municipal authority to protect public health, safety, and welfare.

§ 164-3. Applicability.

The Village hereby adopts this vacant property registration law, which applies to any type of residential or commercial buildings located within Village limits, except for property owned by the federal government, the State of New York, or any political subdivision thereof. This vacant

property registration ordinance shall create a village-wide vacant property registration database and clearly designate a program administrator, which shall be the Code Enforcement Officer. The provisions of this chapter shall apply in addition to the provisions of any other local law or ordinance adopted by the Village of Potsdam. Where there is a conflict, the more restrictive provision shall apply.

§ 164-4. Definitions.

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

COMMERCIAL BUILDING - Any building with 50% or more of its floor space used for commercial activity, due to mixed use. For purposes of this section, floor space shall be designated as the area on the main or street level of the building.

EVIDENCE OF VACANCY - Evidence of vacancy means any condition or circumstance that on its own or in combination with other conditions or circumstances would lead a reasonable person to believe that a residential or commercial building is vacant. Such conditions or circumstances may include, but are not limited to:

A. Lack of active utility service accounts;

B. Overgrown or dead vegetation, including grass, shrubbery, and other plantings;

C. An accumulation of abandoned personal property, trash, or other waste;

D. Visible deterioration or lack of maintenance of any building or structure on the property;

E. Graffiti or other defacement of any building or structure on the property;

F. The building is unsecured for 30 or more days, meaning that persons, animals or the elements of weather, using little or no effort, may access or enter the building, which is not actively being used as a dwelling or business property, including without limitation, by way of any open, unlocked, damaged, broken, weakened, compromised or missing doors, windows, or other building components;

G. The property has sustained significant fire, wind, water, or other damage, is uninhabitable, and diligent, consistent efforts to repair, rehabilitate, renovate, demolish, or remove the building are not evident within 30 days after the occurrence resulting in such damage;

H. The property has been boarded up for a period of more than sixty days, meaning that one or more of the building’s doors or windows, or door or window openings, have been covered with plywood, wood or metal sheeting, paneling, or other materials, other than permanently installed doors or windows, for the purposes of preventing persons, animals, or the elements of weather from entering into the building or concealing the interior from view;

I. The property has been declared a nuisance pursuant to applicable New York law or regulation or ordinances or regulations of the Village, including without limitation New York State Law, Multiple Residences, Article 8 § 305 and Chapter 72, Unsafe Buildings, of Village Law.

J. Any other condition or circumstance reasonably indicating that the property is not occupied for residential purposes or being used for the operation of a lawful business with regular or seasonal business hours;

OWNER - The person(s) shown to be the owner or owners of record in the records of the County Register of Deeds.

RESIDENTIAL BUILDING - A house, condominium, townhouse, apartment unit, accessory dwelling, or mobile home.

VACANT - A residential or commercial building deemed to exhibit evidence of vacancy as described and defined above.

The Code Enforcement Officer shall determine whether a property is vacant based upon the evidence of vacancy as defined in §164-4.

§ 164-5. Administration and enforcement.

A. Enforcement. This chapter may be enforced by the Village Code Enforcement Officer. The enforcement officer shall make periodic inspections of the municipality to determine vacancy and ensure that the requirements of this chapter are met.

B. Complaints. Any person may file a complaint with the Code Enforcement Officer that a violation of this chapter may have taken place. The enforcement officer shall properly record and investigate any such complaint. The enforcement officer may also investigate any alleged violation that he or she has reason to believe has occurred or is occurring.

C. Notice to register. Whenever a property within the Village of Potsdam exhibits evidence of vacancy, the Code Enforcement Officer and/or other duly designated agent of the Village shall provide written notice to the owner of the record requiring registration of the property on the Vacant Property Registry. The notice shall inform the owner that registration is required within sixty (60) days of the date of service of the notice and that failure to timely register may result in enforcement action as provided herein.

D. Service of Notice. The notice to register shall be served in the same manner as service of legal process pursuant to law, or by any of the following methods:

    1. By posting a copy of the notice in a conspicuous location on the front of the property or upon the main structure;

2. By mailing a copy of the notice by ordinary or certified mail to the owner of record as listed on the most recent assessment rolls of the Village. Service shall be deemed complete upon mailing and posting;
3. By in-person delivery of a copy of this notice to the owner of record as listed on the most recent assessment rolls of the Village.

E. Content of the notice to register. The written notice to register shall contain the following information:

1. The name of the owner and/or occupant of the property to whom the notice shall be addressed.
2. The location of the property deemed to exhibit evidence of vacancy.
3. A list of the criteria used to determine evidence of vacancy at such property, as defined in §164-4.
4. A copy of this chapter.

F. Registration. Owners of vacant property subject to this chapter shall be required to register such property with the program administrator within sixty (60) days of service of the notice to register. Registration may be completed in paper or electronic form, and the following information shall be included:

1. The name, street address, mailing address, telephone number, and, email address of the property owner(s) and their agent(s).
2. The street address and parcel identification number of the vacant property.
3. The transfer date of the instrument conveying the property to the owner(s).
4. The date on which the property became vacant.
5. Signed confirmation that the property is listed for rent or sale in good faith or in transition under any of the conditions listed in §164-5(G).5.

   A property that ceases to meet any of the conditions listed in §164-5(G).5 will immediately become subject to fees as listed in §164-5(G).2.

G. Fees. The owner(s) of vacant property subject to the vacant property law are required to pay fees as follows:

1. Initial Compliance and No-Fee Period. The initial registration of a vacant property shall be required for compliance purposes only and shall not be subject to any registration fee. Failure to register within sixty (60) days shall be subject to penalties outlined in §164-6(E).
2. Annual Fee After Twelve Months of Vacancy. A property that remains continuously vacant for twelve (12) months shall thereafter be subject to an annual vacant property fee of one thousand dollars ($1,000).

   Any fee paid in the six (6) month preceding the date on which the property is determined to be no longer vacant may be refunded.

3. Escalating Fees for Continued Vacancy. For properties remaining vacant beyond the first annual fee period, each subsequent annual fee shall be double the prior fee amount.
4. Payment. Fees assessed under this section shall be due within thirty (30) days of billing.
5. Temporary Exemptions. The Code Enforcement Officer may grant a temporary exemption from fees upon written application by the owner demonstrating that one or more of the following conditions exist:

   A. The property has been damaged by fire, weather event, vandalism, or other casualty and is undergoing active repair or rehabilitation;
   B. The property is under active construction or renovation; or
   C. the property is subject to probate, estate administration, or other legal proceedings affecting occupancy or transfer; or
   D. The property is actively and continuously advertised in good faith for sale or lease.

   For properties offered for sale, "good faith" shall mean that the property is listed at a price not exceeding fifteen percent (15%) above the assessed value, as determined by the Town of Potsdam Assessor's Office, unless the owner submits recent comparable market date sufficient to justify a higher asking price. The owner must be willing to accept any bona fide offer at or above such amount.

   For properties offered for lease, "good faith" shall mean that the proposed rent is preasonably consistent with the current rental market within the Village of Potsdam. A proposed rent shall be considered reasonable consistent if it does not exceed the average monthly rent of at least three (3) comparable units within the Village by more than ten percent (10%), taking into account location, size, condition, structure type, including utilities, and amenities.

   Applications for this exemption shall include:

   1. The property's square footage;
   2. The advertised sale price or proposed rental amount;
   3. Evidence of at least three (3) comparable properties or rental units supporting the proposed price or rent; and
   4. Documentation demonstrating continuous and reasonable efforts to sell or lease the property

   For purposes of granting an exemption under this section, the owner shall demonstrate an inability to sell or lease the property despite documented, continuous, and good-faith efforts to do so.

Such documentation shall include:

1. Evidence, including copies of records, that the property has been actively marketed for sale or lease for a continuous period of not less than six (6) months, which may include listing agreements with a licensed real estate broker or documentation of self-listing on commonly used real estate platforms;
2. A log of inquiries, showings, or tours of the property, including dates and general outcomes, including copies of any bona fide written offers received, together with documentation of the owner's response;
3. A written statement from a licensed real estate broker or other qualified real estate professional attesting to the marketing efforts undertaken, the reasonableness of the listing price or rental rate, and prevailing market conditions affecting the property's ability to be sold or leased;
4. Evidence of reasonable efforts by the owner to adjust the listing price, rental rate, or other terms in response to market conditions; and
5. Documentation demonstrating that the property is in compliance with all applicable codes and that any conditions constituting vacancy-related defects, as defined under §164-4 and/or §72-4 ("Unsafe Buildings"), have been corrected;
Failure to provide sufficient documentation as set forth herein may result in denial of the requested exemption by the Code Enforcement Officer.

Exemptions shall be granted for a period not to exceed one (1) year and may be renewed upon reapplication and continued eligibility.

§ 164-6. Additional Requirements.

A. The subsequent owner or owners of a property subject to the vacant property ordinance will assume the obligations of the previous owner(s).

B. Property shall be removed from the vacant property registration database when the property is no longer vacant, as determined by the Code Enforcement Officer.
C. The program administrator or his or her designee may inspect the interior and exterior of the vacant property upon registration, and at one-year intervals thereafter, for so long as the property remains on the register of vacant property.
D. Owners have the right to prior notice and to appeal decisions of the Code Enforcement Officer. Appeals shall be sent by certified mail to the Village Mayor within 10 days of notice of such decision and will then be distributed to the Zoning Board of Appeals for final deliberation.

§164-7. Additional Civil Penalties.

If an owner fails to register a vacant property within sixty (60) days of service of the notice to register, the owner shall be subject to an additional civil penalty in the amount of one hundred dollars ($100) per day for each day the violation continues.

If an owner of a vacant property fails to pay any fee assessed pursuant to §164-5(G) within six (6) months of the date such fee first became due, the owner shall be subject to an additional civil penalty in the amount of one hundred dollars ($100) per day for each day the fee remains unpaid.

The daily penalty shall cease upon full compliance with the registration requirement and/or full payment of any outstanding fee, as applicable, or when the property is no longer subject to this chapter.

§ 164-8. Severability.

If any clause, sentence, paragraph, section or article of this chapter shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or article thereof directly involved in the controversy in which such judgment shall have been rendered.

§ 164-9. When effective.

This Local Law shall become effective upon the date it is filed in the Office of the New York Secretary of State.

Section 3. Enactment.

This Local Law shall become effective immediately upon the notification of the filing of the same with the Secretary of State.