

2017_June_28 Legal Committee Meeting

Hudson Common Council Legal Committee

Minutes of Meeting - Convened on June 28, 2017 at 6:15 PM at City Hall, Hudson.

Present: Michael O'Hara, Chair; Common Council President Claudia DeStefano;
Alderman Tiffany Garriga; Legal Counsel Andrew Howard, Alderman Priscilla Moore.

Items for discussion:

1. Building related legislation. Chairman O'Hara presented copies of three pieces of legislation related to buildings and property in Hudson for the Committee's consideration and amendments at the next meeting along with a document describing the overall approach to the challenges of vacant buildings and building related nuisances. Copies of these four documents are attached.

Action: Members of the committee were asked to review the documents and to prepare comments for the August meeting of the committee.

2. Prosecutorial Misconduct Law resolution. Alderman Garriga submitted a resolution supporting a state bill pending which forms a commission on prosecutorial misconduct at the state level. A copy of this resolution is attached.

Action: The resolution was supported unanimously by the four members of the committee.

There being no further business to discuss, the meeting was adjourned at 6:45 PM.

Minutes submitted by Michael O'Hara, Chair.

FILED

2017 JUL 18 PM 2:30

CITY CLERK'S OFFICE
HUDSON, NEW YORK

Title: Proposed legislation concerning vacant buildings

§__-1 Legislative intent and findings.

A. Intent. It is the intention of the City of Hudson City Council to promote the health, safety, and welfare of the residents of the City of Hudson by adopting a local law designed to accomplish the following:

- (1) Encourage the owners of vacant building to secure them from trespassers, vandals and children;
- (2) Identify and register vacant buildings to protect residential and commercial neighborhoods from blight caused by lack of maintenance and security in abandoned buildings; and
- (3) Encourage the rehabilitation and re occupancy of vacant buildings.

B. Findings. The City of Hudson finds the following:

- (1) Vacant buildings and structures are a danger to the public health, safety and welfare.
- (2) Vacant buildings can become a gathering place for place for persons engaging in illegal activity, a dumping ground for trash and rubbish as well as a breeding ground for vermin
- (3) Vacant buildings located in densely populated areas can raise concerns regarding public health and safety.
- (4) Vacant buildings are more likely to be the subject of vandalism or damaged by fires.
- (5) The presence of vacant buildings can lead to blight, decline in property values and community aesthetics, which may lead to buyers becoming discouraged from purchasing property within the city.
- (6) The City has an interest in protecting the City against decay due to vacant buildings and concludes it is in the best interest of the City to impose a registration and inspection requirement for all vacant buildings.
- (7) The registration and inspection requirement will assist City officials in providing for public safety by monitoring vacant buildings for illegal activities or unsafe conditions.

§__-2 Applicability.

This chapter shall apply to all buildings located in the City of Hudson

§__-3 Definitions.

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

VACANT BUILDING -- Any building which is not occupied or put to its intended use for more than six month, except in the case of a building which is unoccupied or unused due to damage caused by an act of God in which case such building shall become vacant if unoccupied or unused for more than nine months. Two-family residential buildings, multifamily residential building and mixed-use buildings shall not be deemed vacant if at least one of the dwelling units is occupied. Nonresidential buildings shall not be deemed vacant if at least 25% of the building is occupied or put to its intended use.

§__-4 Prevention of entering and exiting required

All buildings or structures, regardless of uses or height, located in the City of Hudson which are vacant shall be maintained by the owner so as to prevent entering into or exiting from the building. All doors, windows and other means of ingress or egress shall be kept locked or secured. All garbage, debris and other combustible or flammable material shall be removed from the premises. This section shall apply to all commercial, industrial, and residential properties located throughout the City of Hudson.

§__-5 Disconnection of utilities.

At the sole, reasonable discretion of the Building Inspector of the City of Hudson, all utilities are to be disconnected or service discontinued at the curb or property line.

§__-6 Securing of accessible entryways.

- A. Where any door, window or other means of entry into or exit from a vacant building or structure has become broken or open, the property owner shall promptly make repairs and the Building inspector or Code Enforcement Officer may order the building or structure repaired as to comply with the requirement of securing or boarding up as set forth in §__-7 below.
- B. Except for one locked exterior door, all openings shall be boarded up in accordance with §__-7 below when deemed by the Building Inspector of the City of Hudson to be necessary for the protection of the public health, safety and welfare. Where the Building Inspector of the City of Hudson does not deem it necessary to board up windows or other openings in vacant commercial and residential buildings, such buildings shall maintain doors and glass windows in good condition appropriate to the architecture of the building and shall provide appropriate window dressings where the Building Inspector of the City of Hudson deems necessary to shield the public's view into the vacant building. Appropriate window dressings shall not include newspaper, white window paint or other similar means of concealing views into the vacant buildings.

§__-7 Method of boarding up structures.

The method used in boarding up any building or structure, regardless of use or height, shall be as follows:

- A. All broken glass shall be removed from doors or windows of said building or structure.
- B. All openings shall be fitted with boards cut to actual size with new material of either plywood or pressboard having a minimum thickness of ½ inch and retained in place by affixing two inches by four inches top, bottom and center on the exterior in a neat and workmanlike manner.
- C. All plywood or pressboard used in boarding up shall be painted in a color and quality of paint subject to the approval of the Building Inspector.

§__-7.1. Removal of debris.

Where a vacant building includes a storefront that is visible from the street or adjacent sidewalk, the owner of said vacant building shall remove all debris, trash, garbage and other material that may be visible to passersby from the street or adjacent sidewalk. There shall be no newspapers or other temporary window covering on store windows, such that the interior of the store is not visible from the street or adjacent sidewalk, for more than 90 days.

§__-8 Registration of vacant buildings required.

- A. Registration. The owner of a vacant building shall register the property with the Building Department of the City of Hudson within 90 days of the effective date of this chapter and thereafter immediately upon a building becoming vacant, on a form provided by the Building Department of the City of Hudson. This registration form shall be known as the "Vacant Building Registration Statement," which shall be signed by the owner under oath and shall be submitted with the requisite fee as set forth in the fee schedule of the City of Hudson and shall contain the following information.
 - (1) A description of the premises by street number of block and lot number, including tax identification number;
 - (2) The owner's name, mailing address, physical address, email address, and telephone numbers, including home, work and cellular, and if such owner is a corporation or other organization, the name, mailing address, physical address, email address, and telephone numbers including home, work and cellular of the officer or agent of the corporation or organization; and
 - (3) Statement of owner's intent of future use of the property and efforts being made to have the property reoccupied.
- B. Posting of sign. Upon registration the owner shall post a sign along the frontage of the property in a location clearly visible from the street containing the name and twenty-four-hour contact information of the managing agent responsible for the maintenance of the property. The contact information shall be clearly visible from the street. Multifamily dwellings that remain partially occupied shall not be required to post a sign as required by this section.
- C. Fees; renewal; refund; lien for nonpayment of fees.

- (1) The initial and renewal fees for submittal of the vacant building registration statement shall be established by the City Council of the City of Hudson and shall be set forth in the schedule of fees for the City of Hudson.
- (2) Registration shall be renewed at the end of each six-month period following initial registration if the building remains vacant.
- (3) The initial registration and renewal fees can be reduced by 50% at the discretion of the Building Inspector of the City of Hudson upon finding that.
 - (a) The property is listed for sale or rent with a license real estate broker, or with single and two family homes, when the property is listed for sale or rent by owner;
 - (b) The property is listed for sale or rent at fair market value. The Building Inspector shall consult with the City Assessor to determine what the fair market value is. They shall take into account the property owner's purchase price and cost of their improvements; and
 - (c) The property is posted with a standard-sized real estate sign, readable from a public right-of-way, advertising the property for sale or rent.
- (4) A vacant building shall be exempt from the payment of registration and renewal fees if, in the Building Inspector decides that the property is subject to any of the following:
 - (a) A valid open building permit being pursued with diligence;
 - (b) A pending land use application, including site plan, subdivision or special permit, which application is being pursued with diligence;
 - (c) A pending application to a government body being pursued with diligence for an approval pertaining to the physical improvement of the property; or
 - (d) Utilization of the building by the City of Hudson on a temporary basis not to exceed six months for City purposes including but not limited to, fire training.
- (5) If the building is reoccupied within the six-month registration period, the owner shall be entitled to a prorated refund on the fee paid for such a period.
- (6) In the event that the owner fails to register a vacant building or fails to renew the registration for a building that remains vacant, as determined by the Building Inspector of the City of Hudson, the Building inspector shall notify the property, via first class and certified mail, that the initial registration fee and/or registration renewal fees, must be paid or the total amount of such fees due will become a lien upon the property. If the initial registration fee or registration renewal fees are not paid within 30 days after the date of the notice, the fees will become a lien on the property, and the total amount, including any civil penalties certified by the City of Hudson Building Inspector pursuant to §__9.1, shall be added to the next annual assessment roll at the time prescribed by the Charter of the City. The fees eligible to become liens on the property shall include, as applicable, the initial registration fee and the renewal fees for each six-month period the

building remains vacant, as determined by the City of Hudson Building Inspector, following the initial registration.

D. Designation of managing agent

- (1) In the event an owner does not reside within a fifteen-mile radius of the City of Hudson, the owner shall designate a managing agent for the vacant building who shall reside within a fifteen-mile radius of the City of Hudson and who shall be a person at least 18 years old and who shall be responsible for and in control of the maintenance and operation of such vacant building and who shall be designated as the person who process may be served on behalf of the owner. The owner shall provide the Building Department of the City of Hudson with the name, mailing address, physical address, email address, telephone numbers, including home, work and cellular, and fax number of the designated managing agent of the vacant building.
- (2) The owner shall keep the name, mailing address, physical address, email address, telephone number, and fax number of the managing agent current and, when there is a change in the managing agent or the contact information for the managing agent, the owner shall update such information by amending the vacant building registration statement within 15 days from the date of any such change.

E. Notification of changes to vacant building registration statement.

- (1) The owner of the vacant building will notify the Building Department of the City of Hudson, in writing, whenever the information provided in the vacant building registration statement is not longer accurate.
- (2) If, after filling the vacant building registration statement pursuant to this chapter, the owner of such vacant building shall have transferred or granted to another his/her title or interest, the owner must file with the Building Department of the City of Hudson, within 15 days after the grant or transfer, a written statement, under oath, which shall contain the name, mailing address, physical address, email address, telephone number, and fax number of the grantee, transferee or other successor to the owner or, if the grantee, transferee or successor is a corporation or other organization, the owner must also provide the name of the chief corporate officer. If the owner is unable to secure the foregoing information from the grantee, transferee or purchaser, then the owner shall immediately so notify the Building Department of the City of Hudson, in writing of the inability.

- F. Inspections; protecting building from illegal activities and unsafe conditions.** The Building Inspector of the City of Hudson will conduct an exterior inspection of each registered vacant building at least once per month to monitor for illegal activity and unsafe conditions that could contribute to blight. If the Building Inspector finds any illegal activity or unsafe conditions they will promptly notify the owner. The owner shall secure the building and remedy any unsafe conditions within 10 days of the notice.

§ __-9 Enforcement.

The Building Inspector and/or Code Enforcement Officer shall have the authority to ascertain and order the removal by the owner, agent, operator or occupant of any and all violations on the property, premises sidewalks, structures and structural appurtenances that may endanger the public health, safety and welfare or may depreciate property values in the neighborhood of the offending structure due to objects, materials and conditions on the offending premises

§ __-9.1 Reimbursement of funds expended; penalty assessment.

The actual cost to the City of any work done pursuant to this section, plus a sum equal to 5% of such actual cost for inspection and other additional cost connection, together with any penalties as set forth in § __-10 in the amount of \$100 shall be certified by the Building Inspector to the City Administrator, and the amount shall become a lien upon the property where said work was performed by the City, and the total amount shall be added to the next annual assessment roll at the time and in the manner prescribed by the Charter of the City and subject to all the provisions thereof.

§ __-10 Penalties for offenses; order to remedy.

Any person who violates this chapter shall be liable for an administrative civil penalty of \$100 per day for each day's violation after service of an order to remedy by the Building Inspector or Code Enforcement Officer. The imposition of the civil penalty shall be made by the Building Inspector after giving the property owner sufficient opportunity to comply with this chapter in the said order to remedy.

§ __-11 Severability.

If any clause, sentence, paragraph, section or part of any section 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 part thereof directly involved in the controversy and in which such judgement shall have been rendered.

To: Legal Committee members
From: Michael O'Hara, Chair Legal Committee
Date: June 28, 2017
Re: Building related legislation

I am offering three items of legislation for your review, in the interest of improving the building stock and reducing public nuisances:

1. Vacant buildings registration, fees and inspections
2. Nuisance dis-incentives for property owners
3. Application restrictions for owners of multiple properties

(1) Vacant buildings: Hudson's large stock of vacant buildings does not seem to be decreasing at a good rate. To make matters worse, many of these buildings are commercial spaces and often found in Hudson's main commercial areas. While it does take time to find financing and organize work, there comes a point where property owners require some pushing from the city to complete a project or move on. Hudson has very limited space, so it is vital to make sure that the space available is used efficiently. However, inefficient land use isn't the only problem with vacant buildings. Vacant buildings are bad for the community, as they have the potential to become blights in the neighborhood, reducing the property values of surrounding buildings. In addition to the aesthetic damage, since most vacant buildings are not consistently maintained, as time passes they could pose a threat to the health and safety of the residents of Hudson.

The goal of the *vacant building* legislation is to encourage the owners of vacant properties to complete renovation work or to sell the property to someone who has plans and resources to make good use of the land. The measure first requires property owners to register their building with the City if it meets the requirements - described in the legislation - of a vacant building. This registration comes with a fee determined by the property type. Every six months, if the building remains vacant, the property owner is required to renew their registration. With each renewal, the fee is increased by a percentage based upon the number of renewal registrations the applicant had already filed for that specific property (see fee schedule for details). In addition to the vacant building registration, the vacant buildings will be required to meet strict rules regarding appearance and safety. They will also be subject to inspections that ensure that the building is kept up to code and will not pose a danger to the health and safety of the community.

(2) Nuisances: For every property owner who wishes to help improve the city, there is one who wants to exploit Hudson to make a profit. These owners manage buildings with serious problems: code violations, illegal activities occurring on their property or large amounts of noise and/or odors. All of these issues disrupt the neighborhood and lower the quality of life of the surrounding residents. We need to work to create disincentives for building owners who may be tempted to allow their properties to create such public nuisances. In order to do this, the proposed *Nuisance law* allows the city to penalize property owners for any illegal or disruptive activity that occurs on their property. This incentivizes building owners to discourage residents within their properties from creating nuisances or engaging in illegal activities.

(3) Application restrictions: An owner of multiple properties may have outstanding violations on one or more properties when they apply for building permits or planning permissions on other property. This law would prohibit the property owner from developing any other properties while they have any unresolved violations in the City of Hudson. It is for this reason that the *Application Restriction law* is being proposed alongside the *Nuisance law*. The violations that would stop a property owner from receiving another building permit are defined in the legislation and include outstanding property taxes as well as violations of the proposed Nuisance law. In this way the two pieces of legislation work together in order to ensure that buildings in Hudson add to the community character and promote health, safety and quality of life for all residents.

Please let me know what you think of these and get back to me by email or at the next meeting where we'll discuss them.

Hate

RESOLUTION NO. __
July __, 2017

**RESOLUTION CALLING ON NEW YORK STATE LEGISLATURE
TO PASS LEGISLATION CREATING A STATE COMMISSION
ON PROSECUTORIAL MISCONDUCT**

WHEREAS, S.2412B, sponsored by Senator DeFrancisco, and currently pending in the New York State Senate, and companion bill A.5285A sponsored by Assemblyman Perry, and currently pending before the New York State Assembly, seek to create a State Commission on Prosecutorial Misconduct specifically designed to investigate complaints of misconduct by prosecutors and impose discipline upon prosecutors who violate the law; and

WHEREAS, it is critical that the general public have confidence in the judicial system and those granted with authority to prosecute crimes in the State of New York; and

WHEREAS, the creation of a State Commission on Prosecutorial Misconduct will promote and safeguard the public's faith in the criminal justice system;

NOW THEREFORE, BE IT RESOLVED, that the Common Council of the City of Hudson hereby calls upon the New York State Legislature to pass S.2412B/A.5285A, and the Governor to sign such legislation into law, creating a State Commission on Prosecutorial Misconduct with jurisdiction to investigate complaints of misconduct by prosecutors and impose discipline upon those prosecutors who violate the law.

Introduced: _____

Seconded: _____

Approved: _____
Tiffany Hamilton, Mayor

" It can happen to you "

Title: Proposed legislation concerning property related nuisances.

§__-1. Legislative intent.

The City Council finds that nuisances exist in the City in the use or alteration of residential and commercial property which interfere with the interest of the public and the quality of life and environment of the community, property values and public health, safety and welfare of the residents of the City. Many of these buildings, structures, erections or places are used in flagrant violation of the building and housing codes, zoning ordinances, health laws, Multiple Residence law, Penal law, laws relating to the sale and consumption of alcoholic beverages and laws relating to controlled substances and dangerous drugs. The City Council further finds that the continued occurrence of such activities and violations is detrimental to the health, safety and welfare of the citizens of the City. It is the intent of the City Council to create a standardized procedure for securing legal and equitable remedies where such nuisances exist in addition to and to supplement procedures available under existing laws and to strengthen existing laws on the subject.

§__-2. Nuisance defined.

The term "nuisance" shall be held to embrace whatever is dangerous to human life or detrimental to health or welfare and shall include but not be limited to:

- A. A public nuisance as known at common law, statutory law and in equity jurisprudence.
- B. Any building frequently the source of unpleasant smell, unreasonable noise described in §210-3 of the City of Hudson Code book, or any other actions that decrease the quality of life of surrounding residence.
- C. Any building, structure, erection or place used for any unlawful activities described in §123 of the Alcoholic Beverage Control Law of New York State.
- D. Any building, structure, erection or place wherein there is occurring a criminal nuisance as defined in §240.45 of the Penal Law of New York State
- E. Any building, structure, erection or place wherein within the period of one year prior to the commencement of an action under this article there have occurred two or more violations of any of the provisions of Article 220, 221, or 225 of the Penal Code of New York State.
- F. Any building, structure, erection or place wherein there has occurred any violation of any of the provisions of Article 39 of the General Business Law of New York State.
- G. Any building, structure, erection or place used for the purpose of a business activity or enterprise, which is not licensed as required by law.

- H. Any building, structure, erection or place containing any rent-impairing violation as defined in the New York State Multiple Residence Law and regulations promulgated thereunder, regardless of whether such building, structure, erection or place is subject to the New York State Multiple Residence Law, or any violation of any state or local law, ordinance or regulation which endangers human life or constitutes a threat to human life or health, including but not limited to structures which do not have adequate egress, safeguards against fire, adequate electrical service, installation and wiring, structural support ventilation, plumbing sewerage or drainage facilities or are overcrowded or inadequately cleaned or lighted.
- I. The Building, structure, erection or place is deemed abandoned in that it has been unoccupied for more than one year and one or more of the following criteria is present:
- (1) There are unpaid real property taxes or water and sewer charges against the property for one year or more.
 - (2) Junk or debris has accumulated on the property or in the building or structure.
 - (3) The building or structure has unsecured openings.
 - (4) There is evidence of insect, vermin or rodent infestation.
 - (5) The building or structure has a negative visual impact on the surrounding neighborhood and/or caused a substantial depreciation in property values in the immediate neighborhood.
 - (6) The building or structure contains one or more violations of any state or local law, ordinance or regulation and the owner has failed to remove or repair said building or structure for a period of one year or more.

§ __-3. Action for permanent injunction.

- A. In addition to all other remedies provided for by law and in the City of Hudson Code of Ordinances, as an additional supplemental remedy, the City Attorney shall bring and maintain a civil proceeding in the name of the City in the Columbia County Supreme Court or other court of competent jurisdiction pursuant to Article 63 of the Civil Practice Law and Rules to permanently enjoin the nuisance defined in § __-2 of this article and the person or persons conducting, maintaining or permitting the nuisance from further conducting, maintaining or permitting the nuisance. The owner, lessor and lessee of the building, structure, erection or place wherein the nuisance is being conducted, maintained or permitted shall be made defendants in the action. The existence of an adequate remedy at law shall not prevent the granting of temporary or permanent relief pursuant to this article. During the pendency of such proceeding, the City may obtain a temporary order for the immediate vacating of such building, structure, erection or place and/or restraining the defendant and all persons from further conducting, maintaining or permitting the

nuisance upon proof that the public health, safety or welfare is threatened or endangered and immediately require the closing of said building, structure, erection or place order restraining defendants and all other person from conducting, maintaining or permitting the nuisance.

- B. Notice of pendency. With respect to any action commenced or to be commenced by him or her pursuant to this article, the City Attorney may file a notice of pendency pursuant to the provisions of Article 65 of the Civil Practice Law and Rules.
- C. Penalty. If, upon the trial of an action under this article, or upon a motion for summary judgment in an action under this article, a finding is made that the defendants have intentionally conducted, maintained or permitted a nuisance defined in his article, in addition to a permanent injunction, a penalty, to be included in the judgment, may be awarded in an amount not to exceed \$1,000 for each day it is found that the defendants intentionally conducted, maintained or permitted the nuisance. Upon recovery, such penalty shall be paid into the general fund of the City of Hudson.

§ __-4. Permanent injunction.

- A. A judgment awarding a permanent injunction pursuant to this article may direct the closing of the building, structure, erection or place by the sheriff to the extent necessary to abate the nuisance and shall direct the sheriff to post a copy of the judgment and a printed notice of such closing on the building, structure, erection or place. Mutilation or removal of such a posted judgment or notice while it remains in force, in addition to any other punishment prescribed by law, shall be punishable, on conviction, by a fine of not more than \$250 or by imprisonment not exceeding 15 days, or by both, provided that such judgment contains therein a notice of such penalty. The closing directed by the judgment shall be for such period as the court may direct. A closing by the sheriff pursuant to the provisions of this subsection shall not constitute an act of possession, ownership or control by the sheriff of the closed premises.
- B. Intentional disobedience or resistance to any provision of a judgment awarding a permanent injunction pursuant to this article, in addition to any other punishment prescribed by law, shall be punishable by a fine of not more than \$500 or by imprisonment not exceeding six months, or both.
- C. A judgment rendered awarding a permanent injunction pursuant to this article shall be and become a lien upon the building, structure, erection or place named in the complaint in such action. Such lien to date from the time of filing a notice of lis pendens in the office of the County Clerk. Every such lien shall have priority before any mortgage or other lien that exists prior to such filing except tax liens.
- D. A judgment awarding a permanent injunction pursuant to this article shall provide, in addition to the costs and disbursements allowed by the Civil Practice Law and Rules, upon satisfactory proof by affidavit or such other evidence as may be submitted, and actual costs, expenses and disbursements of the City in investigating, bringing and maintaining the action.

Application Processing Restriction

§ __-1. Purpose.

The purpose of this chapter is to prohibit the processing and approval of any and all applications for any permit or certificate of occupancy for any property owner who has outstanding real estate taxes, special assessments or outstanding violations of any local laws or ordinances of the City of Hudson on any properties owned by the applicant situated within the City of Hudson.

§ __-2. Applicability.

The chapter shall apply to the provisions of all the local laws and ordinances adopted by the City of Hudson for any and all applications submitted on or after the effective date of this chapter.

§ __-3 Definitions

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

APPLICANT -- An individual who owns at least 5% of the interest in a corporation or partnership in which said individual owns an equity interest for the purpose of determining whether said individual, corporation or partnership is an applicant under this chapter.

§ __-4. General provisions.

- A. Simultaneous with the filing of an application to any Board or Official of the City of Hudson, an applicant must submit proof that no outstanding real estate taxes or special assessments, together with all penalties and interest that exist for any properties owned by the applicant situated within the City of Hudson and that no outstanding violations of any local law or ordinances of the City of Hudson exist:
 - (1) Applications to the City Council for:
 - (a) Petitions to amend the Zoning Ordinance.
 - (b) Special use permit.
 - (c) Planned unit development.
 - (d) Authorization to contract with the City of Hudson for the provision of services of purchase or sale of property, goods and services.
 - (2) Applications to the Planning Board for:
 - (a) Subdivision approval.
 - (b) Site plan approval.
 - (3) Application to the Zoning Board of Appeals for:
 - (a) Variances.

(4) Applications to the Building Inspector for:

- (a) Building permit.**
- (b) Sign permit.**
- (c) Certificate of occupancy or municipal search response.**
- (d) Blasting permit.**
- (e) Demolition permit.**
- (f) Municipal record search.**

- B. The processing and approval of any and all applications for approval and issuance of any permit or certificate of occupancy or use by any board or official of the City of Hudson for any property owner who has outstanding real estate taxes and special assessments or outstanding violations of any local laws or ordinances of the City of Hudson or any properties owned by the applicant situated within the City of Hudson are hereby prohibited except to the extent that the City Attorney can verify that there are sufficient monetary funds deposit in an attorney escrow account to cover any and all outstanding amounts owed to the City of Hudson.**
- C. In the event that an application is in process before any of the boards or officials as listed above and a violation of this chapter occurs, processing of the application shall cease upon presentation of proof of the violation by the Receiver of Taxes or Code Enforcement Officer of the City of Hudson except to the extent that the City Attorney can verify that there are sufficient monetary funds on deposit in an attorney escrow account to cover any and all outstanding amounts owed to the City of Hudson. In that event, the application form must contain a statement signed by the City attorney which verifies that there is sufficient funds on deposit in an attorney escrow account to cover any and all outstanding amounts owed to the City of Hudson.**

§ __-5. Exceptions.

This chapter shall not apply to the processing of an existing application for a building permit intended to cure existing violations of the New York State Uniform Fire Prevention and Building Code. Once said violations have been corrected, the provisions of this chapter will take effect except to the extent that the City Attorney can verify that there are sufficient monetary funds on deposit in an attorney escrow account to cover any and all outstanding amounts owed to the City of Hudson. In that event the application form must contain a statement signed by the City Attorney, which verifies that there are sufficient monetary funds on deposit in an attorney escrow account to cover any and all outstanding amounts owed to the City of Hudson.