

Local Law Filing

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Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County City Town Village
(Select one.)

of Warrensburg

Local Law No. 3 of the year 2012

A local law to amend the Code of the Town of Warrensburg by adding a new chapter to be entitled
(Insert Title)
Property Maintenance

Be it enacted by the Town Board of the
(Name of Legislative Body)

County City Town Village
(Select one.)

of Warrensburg as follows:

§ 1. Purpose and intent.

This chapter provides for the administration and maintenance of vacant structures and parcels of land, multifamily premises, commercial premises and single-family residences located in the Town of Warrensburg in conformity with the provisions of this chapter so as to establish reasonable safeguards for the safety, health and welfare of the occupants and users thereof and of the general public.

§ 2. Definitions.

For the purposes of this chapter, the following terms shall have the meanings indicated:

COMMERCIAL PREMISES

A building, structure or land used for any purpose other than for single-family or multifamily purposes, including premises used for retail purposes, business purposes or industrial purposes.

MULTIFAMILY PREMISES

Any building which is used as a home or residence, other than a single-family residence, together with any garage or other accessory building and the lot upon which such building or buildings are constructed.

SINGLE-FAMILY RESIDENCE

A building which is occupied exclusively as the home or residence of a single family, together with any garage or other accessory building and the lot upon which such building or buildings are constructed.

VACANT PARCEL

A parcel of land with no buildings or structures located on same.

VACANT STRUCTURE

A building or structure, or a portion thereof, shall be deemed vacant if it has not been used or occupied for 12

(If additional space is needed, attach pages the same size as this sheet, and number each.)

consecutive months, or, if in a lesser period of time, there is a manifestation of a clear intent on the part of the owner to abandon the building or structure.

§ 3. Vacant property.

All vacant structures and premises or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.

§ 4. Exterior maintenance.

- A. The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.
- B. Surface and subsurface water shall be drained to prevent damage to buildings and structures and to prevent development of stagnant water. Gutters, culverts, catch basins, drain inlets, stormwater sewers or other satisfactory drainage systems shall be provided and utilized. In no case shall the water from any rain leader be allowed to flow over the sidewalk.
- C. Fences and retaining walls shall be maintained in a safe and undamaged condition.
- D. In the case of multifamily premises and commercial premises, steps, walks, driveways, parking spaces and similar paved areas shall be maintained so as to afford safe passage under normal use and weather conditions.
- E. No snow removed from driveways, walks or other areas shall be deposited upon the public streets or highways so as to interfere with the use of such streets or highways or with the use of any other premises.
- F. In the case of multifamily premises and commercial premises, all driveways and parking spaces provided shall be kept in good repair, and such driveways and parking spaces shall be regularly cleaned to avoid accumulation of dirt, paper and other debris.
- G. Heavy undergrowth and accumulation of plant growth which are unsightly, noxious or detrimental to health shall be eliminated or removed. Hedges and shrubs shall be kept pruned or trimmed. Grass shall not be permitted to exceed ten inches in height.
- H. The owner shall keep all and every part of the premises which he owns, including the steps, walks, driveways and parking areas in a clean, sanitary and safe condition and free from items such as but not limited to litter, debris, paper, dirt, garbage and junk and, except for public improvements, in good repair.
- I. Dead or incurably diseased trees shall be taken down and the diseased portion thereof removed and destroyed. Trees shall be kept pruned, and dead wood shall be removed.
- J. Party responsible for tree removal. The owner of the real property on which a tree that is to be trimmed or removed is located shall be responsible to pay all of the costs necessarily incurred in the safe removal of the tree and the cleanup of the debris in the area on which the tree was located.

- K. No owner or occupant of a premises shall store, place or allow to accumulate items such as but not limited to refuse, garbage, rubbish, litter, debris or other material of any kind or nature which may serve as food for rats, rodents, pigeons, wild animals or other pests or provide harborage for rats, rodents, pigeons, wild animals or other pests in or upon said property.
- L. No owner or occupant shall allow the condition of the parcel or lot of any real property (or portion thereof) or any buildings, sheds or other structure located thereon, whether closed or open, to attain a condition that would attract rats, rodents, pigeons, wild animals or other pests to congregate, occupy, breed or live upon or be attracted to said property.
- M. No person shall place food for the feeding of birds, fowl or other animals, in the open, in such a manner that such food is accessible to rats, rodents, pigeons, wild animals or other pests, except if such food is placed in containers which would prevent the scattering of such food upon the ground. The scattered food, if any, shall be removed from the ground so that it is not accessible to rats, rodents, pigeons, wild animals or other pests.
- N. All canopies, marquees, signs, metal awnings, fire escapes, standpipes, exhaust ducts and similar overhang extension shall be maintained in good repair and be properly anchored so as to be kept in a sound condition. When required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

§ 5. Rubbish and garbage.

- A. Accumulation of rubbish or garbage. All exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish, garbage or yard waste.
- B. Disposal of rubbish. Every occupant of a structure shall dispose of all rubbish in a clean and sanitary manner by placing such rubbish in approved containers.
- C. Rubbish storage facilities. The owner of every occupied premises shall supply approved covered containers for rubbish, and the owner of the premises shall be responsible for the removal of rubbish.
- D. Disposal of garbage. Every occupant of a structure shall dispose of his garbage in a clean and sanitary manner by placing such garbage in an approved garbage disposal facility or approved garbage containers.
- E. Garbage facilities. The owner of every dwelling shall supply an approved leakproof, covered, outside garbage container and covered recyclable container.
- F. Containers. The operator of every establishment producing garbage shall provide at all times, and shall cause to be utilized, approved leakproof containers provided with close-fitting covers for the storage of such materials until removed from the premises for proper disposal.

§ 6. Responsibilities of owners and occupants.

- A. Owners of premises and other persons, as defined in §8B, shall be responsible for compliance with this chapter.
- B. In addition, tenants and occupants of multifamily and commercial premises shall be responsible for compliance with respect to the following:
 - (1) Maintaining all and every part of the commercial premises which they rent, occupy or control, including the steps, walks, driveways and parking areas in a clean, sanitary and safe condition and free from such items as but not limited to litter, debris, paper, dirt, garbage and junk.
 - (2) Exterminating insects, rodents or other pests within that part of the premises which they occupy.

§ 7. Enforcement.

- A. The Enforcement Officer and other duly appointed law enforcement officers of the Town of Warrensburg shall be charged with the duty of administering and enforcing this chapter.
- B. It shall be the duty of the Enforcement Officer to issue a notice of violation or to order, in writing, the correction of all conditions found to exist in or on any premises which violate the provisions of this chapter.
- C. The Enforcement Officer shall cause an inspection to be made of any building, structure or open land when the Enforcement Officer has a reasonable basis to believe that the building, structure or open land is not free from infestation by rats, rodents, pigeons, wild animals or other pests. In the event that a building, structure or other property is found to be infested, the Enforcement Officer shall serve upon the owner and the occupant of the property a notice to correct the condition which caused the infestation. The owner and the occupant placed on notice that the infestation exists shall take immediate and necessary action to remedy the condition that caused the infestation.

§ 8. Penalties for offenses.

- A. A violation of this chapter is hereby declared to be an offense punishable by a fine not more than \$250 for each and every day the violation exists, or imprisonment for a period not to exceed six months, or both, for conviction of a first offense. Conviction of a second offense, both of which were committed within a period of five years, is punishable by a fine of not more than \$500 for each and every day the violation exists, or imprisonment for a period not to exceed six months, or both. Conviction for a third or subsequent offense, all of which were committed within a period of five years, is punishable by a fine of not more than \$750 for each and every day the violation exists, or imprisonment for a period not to exceed six months, or both.
- B. The term "person" shall include the owner, tenant, occupant, mortgagee or vendee in possession, assignee of rents, receiver, executor, trustee, lessee, sublessee, agent or any other person, firm or corporation directly or indirectly in control of any premises, building or part thereof.

§ 9. Service of notice of violation.

- A. A notice of violation issued by the Enforcement Officer relative to a premises shall be served either personally upon the person or by posting the violation notice in a conspicuous place upon the premises affected. If a notice of violation is served by posting it upon the premises, a copy thereof shall be mailed to the person to whom it is directed.
- B. A notice of violation shall state that unless, within 10 days from service of the notice, a written request is made for a hearing before the Enforcement Officer, such notice shall, at the expiration of such ten-day period, be deemed an order to cease and desist from and to abate the described violation; such notice shall prescribe a reasonable time within which such person shall be required to cease and desist from and abate such violation. The notice may also contain an outline of remedial action which, if taken, will effect compliance with this chapter.
- C. If a hearing is requested, it shall be commenced not later than 10 days after the request is made, provided that for good cause, the Enforcement Officer may postpone such hearing for a reasonable time. If, after the hearing, the Enforcement Officer finds that no violation exists, or that unusual, extraordinary or undue hardship shall occur as a result of the physical dimension and proportion of the property, he shall withdraw the notice. If he finds that a violation does exist, he shall forthwith issue an order requiring the abatement of the same within a prescribed reasonable time. The proceedings at such hearing, which shall be informal in all respects, shall be summarized in a report reduced to writing and entered as a matter of public record in the office of the Town Clerk.
- D. Any party aggrieved by the decision of the Enforcement Officer may, within 10 days of the decision of the Enforcement Officer, appeal said decision to the Town Board of the Town of Warrensburg by filing a letter describing the situation.
- E. The provisions of §7B and §9A notwithstanding, it shall not be necessary for the Enforcement Officer to issue a notice of violation or to order in writing the correction of a condition in the instance of a second or any subsequent offense within a twelve-month period, and in the case of a second or subsequent offense, the person in violation may immediately be served with an appearance ticket or summons.

§ 10. Emergencies.

Whenever the Enforcement Officer or enforcement official finds that an emergency exists which requires immediate attention to protect the public health or safety, he may, without notice or hearing, issue an order reciting the existence of such emergency and requiring that such action be taken as he deems necessary to meet the emergency. Notwithstanding any other provisions of this chapter, such order shall take effect immediately. Any person to whom such order is directed shall comply therewith immediately but, upon petition to the Enforcement Officer or the local Justice Court, shall be afforded a hearing as soon as possible. After such hearing, the Enforcement Officer or court shall continue such order in effect or shall modify or withdraw it.

§ 11. Action upon noncompliance.

- A. Upon the failure, neglect or refusal of any owner, person or agent so notified to properly comply with this chapter within 30 days, or in the case §4G, 15 days after the service of notice as provided herein, the Enforcement Officer is hereby authorized and empowered to pay for the correction of such violation, subject to the approval of the Town Board of the Town of Warrensburg.
- B. When the Town, due to failure, neglect or refusal of the property owner or tenant to properly comply with §4G of this chapter, has contracted for trimming of grass or removal of other plant growth, such contracted maintenance will continue until the property owner notifies the Town Board of the Town of Warrensburg, in writing, that the property owner has made arrangements to comply with §4G of the Code.
- C. In addition to any other remedies or penalties that may be imposed, a violation of this chapter shall entitle the Town Board to remedy or repair the conditions constituting the violation, at the premises owner's expense, in order to bring the premises into conformity and compliance with this chapter. The disbursements and expenses shall become a charge and a lien upon the premises and the same shall be added to the premises' next annual Town tax bill, to be collected in accordance with the provisions of law and the procedure for the payment of Town taxes with interest, as may be provided by law. This provision shall be in addition to any other provisions, penalties or powers available to the Town for enforcement of this chapter.

§ 12. When effective.

This chapter shall take effect upon filing in the office of the New York State Secretary of State or as otherwise provided by law.