

## Chapter 89 PROPERTY MAINTENANCE

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§ 89-1. Purpose. Multifamily premises, commercial premises and single-family residences shall be maintained in conformity with the provision of this chapter. The purpose of this chapter shall be to:

- A. Provide for the public health, safety and welfare of the village.
- B. Avoid, prevent and eliminate the maintenance or creation of hazards to the public health and safety.
- C. Avoid, prevent and eliminate conditions which, if permitted to exist or continue, will depreciate or tend to depreciate the value of adjacent or surrounding properties.
- D. Prevent the creation, continuation, extension or aggravation of blight.
- E. Preserve property values in the village.
- F. Prevent the physical deterioration or progressive downgrading of the quality of housing facilities in the village.
- G. Maintain the value and economic health of the commercial properties and businesses that serve and help to support the village and its citizens.
- H. Prevent and eliminate physical conditions in or on property which constitute nuisances and are thereby potentially dangerous or hazardous to the life, health or safety of persons on or near the premises where such conditions exist.
- I. Establish minimum standards governing the unattended growth of brush, long grass, noxious weeds and other rank growths on private property in the village.
- J. Fix responsibilities and duties therefor upon owners, lessees, operators and occupants of property.
- K. Regulate the maintenance, placement, sanitation and screening of commercial and bulk refuse containers in such a manner as to reduce to visual impacts, reduce odors, and eliminate potentially dangerous health hazards to the public health.
- L. Regulate the placement of temporary bulk refuse containers in such a manner as to reduce to visual impacts, preserve property values, and eliminate potential hazards to the public health and safety.
- M. Provide for administration and enforcement of this legislation.
- N. Fix penalties for the violation of this chapter.

§ 89-2. Definitions. For the purposes of this chapter, the following terms shall have the meanings indicated. Commonplace words, where not defined, shall have commonly accepted meanings.

**BULK CONTAINERS, PERMANENT** - Bulk containers used for the purpose of collecting private or public refuse for the subsequent disposal by Village or private haulers. Including but not limited to

dumpsters, roll-offs, grease containers, recycling bins, trailers or vehicles. Bulk refuse containers shall be differentiated from residential type moveable refuse or waste disposal containers.

**BULK CONTAINERS, TEMPORARY** - Includes, but is not limited to dumpsters, roll-offs, containers, trailers or vehicles used on a temporary basis not exceeding a period of thirty (30) days.

**COMMERCIAL PREMISES** — A building, structure or land, together with any garage or other accessory building and the lot upon which such buildings or structures are constructed, uses for any purpose other than for single-family or multifamily purposes, including, but not limited to, premises used for retail purposes, business purposes, lodging or industrial purposes. Agricultural operations shall not be considered commercial premises.

**FOOD SERVICE ESTABLISHMENT** - Any commercial establishment, producing, processing, wholesaling, warehousing, transporting, providing or retailing any food including, but not limited to, restaurants, groceries, meat and vegetable markets, hotels, motels, bed & breakfast businesses, and other similar establishments.

**FOOD WASTES** - Including but not limited to table cleanings; fruit, vegetable and animal parings and scraps; decaying or spoiled vegetable, animal and fruit matter.

**GARBAGE** — Shall include any and all rejected or waste household food, offal, swill, kitchen refuse, and every refuse accumulation of animal, fruit or vegetable matter, liquid or otherwise, that attends the preparation, use, cooking and dealing in or storing of food, or meat, fish, fowl, fruit or vegetable.

**LITTER** — Garbage, refuse and rubbish as herein defined and all other waste material which, thrown or deposited as herein prohibited, tends to create a hazard to public health, safety and welfare.

**MAINTENANCE** — Deemed to mean that all exposed exterior surfaces shall be maintained free of broken or cracked glass, loose shingles or loose or crumbling stones or bricks, loose shutters, railings, aerials, excessive peeling paint or other condition reflective of deterioration or inadequate maintenance. Said conditions shall be corrected by repair or removal, all exposed exterior surfaces of structures not inherently resistant to deterioration shall be coated, treated or sealed to protect them from deterioration or weathering. Wood, masonry or other exterior materials that will naturally resist deterioration do not have to be treated but must be otherwise maintained in a sound, secure, workmanlike manner. Exterior surfaces that have been painted or otherwise coated must be maintained in a neat, orderly, serviceable manner. Every exterior wall, roof, porch or appurtenance thereto shall be maintained in a manner so as to prevent the collapse of the same or injury to the occupants of the building or to the public.

**MULTIFAMILY PREMISES** — Any building which contains more than one dwelling unit, together with any garage or other accessory buildings and the lot upon which such building or buildings are constructed.

**PERSON** — Includes the owner, tenant, occupant, mortgagee or vendee, sublessee, agent or any other person, firm or corporation, directly or indirectly, in control of any premises, building or part thereof or who is entitled to such control in preference of, but not necessarily in exclusion of, all others.

**REFUSE** — All putrescible and nonputrescible solid wastes, including garbage, rubbish, ashes, incinerator residue, street or yard cleanings, dead animals, demolition and construction debris, vehicular parts, offal and solid commercial and industrial wastes.

**RESIDENTIAL WASTE CONTAINERS** – Garbage and trash cans, barrels or similar containers commonly used for the purpose of storage or disposal of household garbage

**RUBBISH** — Nonputrescible solid wastes, consisting of both combustible and noncombustible materials such as papers, cardboard, bottles, cans, yard clippings, discarded wood, grass, bedding, crockery, furniture, power equipment, toys, bicycles, appliances or parts thereof and similar other materials.

SINGLE-FAMILY RESIDENCE — A building which contains one dwelling unit, together with any garage or other accessory building and the lot upon which such building or buildings are constructed.

SOLID WASTE — Materials or substances discarded or rejected as being spent, useless, worthless or in excess to the owner at the time of such discard or rejection, except sewage.

§ 89-3. General Regulations.

A. Unless otherwise stated, owners of premises, tenants, and other persons as defined herein shall be responsible for compliance with the following regulations:

(1) The owner shall maintain all and every part of the premises, which he or she owns, including the steps, walks, driveways and parking areas in a clean, sanitary and safe condition and free from litter, rubbish, refuse, solid waste, debris and junk and, except for public improvements, in good repair.

(2) 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, and storm water sewers and sanitary sewers or other satisfactory drainage systems shall be utilized. In no case shall the water from any rain leader be allowed to flow over a sidewalk, driveway, public roadway or upon any adjoining property. .

(3) Fences and retaining walls shall be maintained in a safe condition.

(4) 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. Within 24 hours after the cessation of snowfall, snow shall be plowed or shoveled from all steps, walks, driveways used or intended to be used by tenants, occupants, customers, invitees or other members of the public.

(5) No snow removed from driveways, walks or other public areas shall be deposited upon the public streets or highways so as to unduly interfere with the use of such streets or highways or with the use of any other premises.

(6) Dead or incurably diseased trees shall be taken down and the diseased portion thereof removed or destroyed. Trees shall be kept pruned and dead wood one inch or more in diameter shall be removed. Trees damaged by wind, snow, ice or other acts of nature shall be pruned in order to eliminate any hazard to persons or property.

(7) Undergrowth and accumulation of plant growth which are 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 eight inches in height.

(8) All permanent signs and billboards exposed to the public view which are permitted by reason of other regulations or as a lawful nonconforming use shall be maintained in good repair. Any signs that have become excessively weathered, those upon which the paint has excessively peeled or those whose supports have deteriorated so that they no longer meet the structural requirements of the State Building Code, shall, with their supports, be removed or put into a good state of repair. All non-operative or broken electrical signs shall be repaired or shall, with their supports, be removed. Signs denoting a business which is no longer on the premises shall be removed within 30 days of the date on which the business ceases to occupy the premises.

(9) Commercial bulk refuse and grease containers shall be located and screened as to comply with the provisions of this chapter.

(10) Commercial bulk refuse and grease containers shall be kept in a sanitary condition in such a manner as to comply with the provisions of this chapter.

(11) Temporary bulk refuse containers shall be located in the manner prescribed by this chapter, and for a period not to exceed thirty consecutive (30) days.

(12) Residential garbage containers shall be located, on any premise, in the manner prescribed by 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 premises which they control and to the extent they occupy or control the same, the steps, walks, driveways and parking areas located in the front, rear or side of said premises, in a clean, sanitary and safe condition and free from litter, debris, refuse, rubbish, solid waste and junk.

(2) Disposing of all litter, refuse, solid waste and rubbish in a clean and sanitary manner.

(3) Exterminating insects, rodents or other pests within that part of the premises which they occupy and/or control.

#### § 89-4. Specific Regulations

A. Permanent bulk containers used for the purpose of collecting residential and or commercial refuse for the subsequent disposal by Village or private haulers shall be further regulated as follows:

1. Refuse containers located on any lot or parcel for a period exceeding 30 days shall have permanent screening as described within this law.

2. Commercial, Industrial, Municipal, Educational and multi-family residential containing two (2) or more units, both private and other shall abide by requirements as described within.

3. Residential single family dwellings are exempt from screening refuse containers, however the containers shall be located behind the front façade of the principal residence facing the street when not located at the curb for disposal, as per the provisions of Chapter 94 of the Village Code.

4. Permanent bulk containers shall not be located in a any public thoroughfare or right of way.

#### B. Screening Required.

1. All permanent bulk containers shall be screened in a manner prescribed as to provided complete obstruction of public view from ground floor view points, public through fares and right of ways.

a. Materials used shall be of type to provided complete obstruction of the public view from ground floor view points, public through fares and right of ways. Screening shall be opaque and may include shrubs, walls and fencing which do not exceed 8 feet in height and are subject to Planning Board approval.

b. Where vegetative materials are used, the material shall form an opaque screen of adequate size, at the time of planting, to screen container(s) from public view. If vegetative screening is to be used it must be an evergreen variety and sufficient in type and density as to provide year round screening.

c. Screening shall be a maximum of eight (8) feet in height for refuse containers. The minimum size and /or minimum number of refuse enclosures shall be sufficient to hold refuse and recycling containers of two (2) cubic yards in volume or more and grease containers of any size, and refuse containers of typical residential type cans.

d. Screening shall be sufficient to provide 100% visual concealment from any property or public thoroughfare as viewed from ground level.

e. Bollards, concrete curbing, or similar structures shall be placed inside the back wall of the enclosure to insure the enclosure as to prevent any damage to the enclosure when being empty by hauler.

f. There shall be a method to secure the enclosure door (s) open and closed and the enclosure door must

be kept closed when not in use.

g. Materials used for the construction of bulk container enclosures and the overall appearance for bulk enclosures shall be in keeping with the Village's historical significance and shall be compatible in material and color and design with the principal structure on the property.

h. All refuse containers shall be kept closed at all times, except when loading. Lids, doors, gates and overall structure shall be tight and in proper repair, as not to cause leakage, offensive odors or litter, and provide 100% visual concealment from typical ground view.

i. All commercial refuse containers containing food wastes shall be sanitized and deodorized regularly in order to prevent offensive odors and prevent conditions that are hazardous to the public health. Refuse containers containing decaying food wastes may be required to be emptied more than once per week. Any such containers that are found to be emitting offensive odors or are considered to be in a state hazardous to the public health shall be emptied within 24 hours of a written notice to comply with this section, by a hauler contracted by the property owner.

j. Refuse containers that are filled to capacity or to the point that the cover cannot be closed and secured shall be emptied within 24 hours by a hauler contracted by the property owner.

k. Maintenance of the enclosure and associated expenses shall be the responsibility of the property owner.

l. All garbage deposited into a refuse container must be bagged and boxes must be collapsed.

C. Temporary bulk containers, used for a period of time not to exceed 30 days, during construction, renovations, remodeling or demolition debris.

1. Temporary bulk containers may not be located in a public thoroughfare or right of way.

2. Temporary bulk containers shall not be placed on any premise, parcel or property for a period of time exceeding thirty (30) consecutive days and shall be removed within 24 hours of a written notice to comply with this section.

#### § 89-5. Enforcement

A. The Code Enforcement Officer or other duly appointed enforcement officers or officials of the Village of Hammondsport shall be charged with the duty of administering and enforcing this chapter.

B. It shall be the duty of the Code Enforcement Officer to issue a notice of violation or to order, in writing, and require the correction of all conditions found to exist in or on any premises, within the period defined, which violate the provisions of this chapter.

C. Any person or persons who are or lawfully authorized by the Village of Hammondsport shall administer and enforce the provisions of this Article and for these purposes shall have the authority to issue summonses or appearance tickets. Should any person, upon receipt of any written notice of violation, fail to mitigate the stated violation within the period described in said notice, it shall be the duty of the Code Enforcement Officer to issue a summons directing the person to appear before a court having jurisdiction over such offense.

D. Should any person fail to comply with the requirements of this Chapter, the Village of Hammondsport Code Enforcement Officer shall have the power to remedy the violations, and the expense thereof shall be charged to the property so affected by including such expense in the annual tax levy against the property, pursuant to the Village Law of New York State.

#### § 89-6. Penalties for offenses.

Any person, upon conviction of a violation of this chapter, shall be fined an amount not to exceed \$100

for the first offense and an amount not to exceed \$200 for the second or any subsequent offense reoccurring within a twelve-month period. In addition, such person shall be subject to imprisonment for a term not exceeding 15 days for each offense, or both such fine and imprisonment. The continuation of any offense against the provisions of this law shall constitute, for each day the offense is continued, a separate and distinct offense hereunder. However, for the purpose of conferring jurisdiction upon court and judicial officers generally, violations of this chapter shall be deemed misdemeanors and for such purpose only all provisions of law relating to misdemeanors shall apply to such violations.

§ 89-7. Emergencies.

A. Whenever the Code Enforcement Officer 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.

B. Any person to whom such order is directed shall immediately, or shall within 24 hours of the issuance of the order, comply therewith.

§ 89-8. Repealer.

All ordinances, local laws or resolutions or parts of ordinances, local laws or resolutions of the Village of Hammondsport which are inconsistent with the provisions of this chapter are hereby repealed; provided, however, that such repeal shall be only to the extent of such inconsistency and that, in all respects, this chapter shall be in addition to the other legislation regulating and governing the subject matter covered by this chapter and the provision which establishes the highest standard shall prevail.

§ 89-9 Severability.

If any section, paragraph, subsection or provision of this chapter shall be adjudged invalid or held unconstitutional, the same shall not affect the validity of this chapter as a whole, or any part or provision thereof, other than the part so decided to be invalid or unconstitutional.

§ 89-10. When effective.

This chapter shall take effect immediately upon the filing in the office of the Secretary of State of the State of New York.