

#1-2001 Amending Property Maintenance Law

Section 1. Title: This law shall be known as the "Property Maintenance Law".

Section 2. Legislative Intent: A sanitary and hazard free environment is declared to be of vital importance to the health, welfare and safety of the inhabitants of the Village of Fonda as is the safeguarding of their material rights against unwarranted invasion and the protection of the public health. In addition, such an enforcement is deemed essential to the maintenance and continued development of the economy of the Village of Fonda and the general welfare of its citizens. Therefore, recognizing the above and the need of the community for an effective and well regulated procedure for the disposal of garbage and rubbish and for the maintenance of residential and business premises whether improved or vacant the Village Board does hereby enact this Local Law.

Section 3 General Requirements: All residential and business premises located within the Village of Fonda whether improved or vacant shall be maintained in conformity with the provisions of this law.

Section 4 Definitions:

Appliance includes any stove, washing machine, dryer, freezer, refrigerator, or other household device or equipment abandoned, junked, discarded, wholly or partially dismantled or no longer intended or in condition for ordinary use for the purpose for which it was designed originally.

Business Unit-A building or combination of buildings and the lot on which the same is located, used wholly or in part for commercial purposes, including but not limited to offices, places of public assembly, shopping centers, restaurants, supermarkets, retail stores, warehouses, manufacturing or fabrication plants, gasoline stations and other business uses.

Commercial Hauler-Any person, firm, corporation, partnership or other association engaged in the business of collecting, disposing or transporting garbage, refuse or waste material in any part of the Village of Fonda.

Garbage-Any refuse from animal and vegetable matter, waste food or parts thereof, refuse from kitchen, market, store or house, floor sweepings, table waste or animal or vegetable matter, meats, fish, bones, fat and all offal and organic waste substance or substances or capable of decay, but not including waste from slaughterhouses, rendering plants or sanitary disposal systems.

Infestation-The presence of insects, rodents, vermin or other pests.

Litter-Garbage, refuse, and rubbish as herein defined and all other waste material which, if thrown or deposited as herein prohibited, tends to create a danger to public health, safety and welfare.

Lot-A plot, tract, premises of parcel of land with or without buildings or structure located thereon, as surveyed or apportioned for sale or other purpose.

Motor Vehicle-Includes any and all vehicles propelled or drawn by power other than muscular power, intended for use on public highways; any unregistered, old or secondhand motor vehicle or trailer; any motor vehicle in such condition or state or repair that it cannot be licensed immediately without extensive repair; any abandoned, junked, discarded, wholly or partially dismantled motor vehicle no longer intended or in condition for legal use on the public highways or any vehicle incapable of passing a NYS inspection. This does not include inoperable farm or construction vehicles, implements, equipment or machinery retained for the purpose of salvaging usable parts in connection with the ongoing operation of an on-site farm or construction business, provided that such items are stored within a consolidated area out of the public view.

Motorized Equipment-Includes but not limited to power machines, lawn mower, motors or parts that were once motorized equipment

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Outdoor Storage-Includes the placing, maintaining or keeping of any motor vehicle, appliance, motorized equipment, rubbish and debris as the same are defined herein in a place other than a structure with a roof and fully enclosed on all sides.

Owner-The person having legal title to property and also the person shown as owner of the property on the current assessment rolls of the Village.

Person-One (1) or more persons of either sex, natural persons, corporations, partnership, associations, joint stock companies, unincorporated associations, their agents or employees, society clubs and all other entities of any kind capable of being sued.

Private Property or Private Premises-Any real estate or part hereof, yard or driveway, other than that used as a public place, road, street or highway, situated in the Village, but not including lands used for agricultural purposes.

Public nuisance affecting health-A nuisance which is a thing, act or occupation or use of property, premises, equipment or structure, either private or public, affecting the health of one (1) or more persons.

Refuse and Rubbish-Plastics, combustible trash, including but not limited to paper, cartons, boxes, barrels, wood, excelsior, tree limbs and branches, yard trimmings, wood furniture and bedding. Also included in non-combustible trash, including but not limited to tires, metals, cans, plastics, metal furniture, small quantities of rock, brick and concrete, glass, metal fixtures, bottles and street rubbish, street sweepings, dirt, leaves, catch basin dirt and contents of litter receptacle, ashes, dead animals, junked vehicles, solid market and industrial wastes, cardboard, crockery or similar materials.

Resident-Any person having domicile within general limits of the Village, including landlords and tenants. The term shall also include any person, firm, partnership, corporation or other association operating an established business within the limit of the Village of Fonda.

Residential Premises-A building or combination of buildings used solely for personal living purpose of the occupants thereof, whether as owners or tenants thereof and not used for any business purposes.

Waste Material-Includes but is not limited to waste produced by industrial or manufacturing process including food processing waste, boiling house cinders, lumber scraps and shavings, slag, industrial sludge or other chemical waste and by-products, tires, oils, and large amount of wood, concrete, rocks, brick, sand and other wastes from building operations.

Yard-An open space on the same lot which contains a building and is located between the building line and the lot line which the particular building line faces.

Section 5 Applicability: The provisions of this law shall supplement all local laws, ordinances, codes or regulations existing in the Village of Fonda and other statutes and regulations of municipal authorities having jurisdiction applicable thereto. Where a provision of this law is found to be in conflict with any other provision of any existing local law, ordinances, codes or regulations, the provision or requirement which is more restrictive or which establishes the higher standard shall prevail.

Section 6 Open Areas and Parking Spaces: A. Surface or subsurface water shall be appropriately drained to protect buildings and structures and to prevent the development of stagnant ponds. Gutters, culverts, catch basins, drain inlets, storm water sewers or other satisfactory drainage systems shall be utilized where necessary. No roof, surface or sanitary drainage shall create a structural, safety or health hazard by reason of construction, maintenance or manner of discharge. B. Fences and other minor construction shall be maintained in a safe and substantial condition. This Section shall not apply to fences used strictly for agricultural purposes. C. Steps, walks, driveways, parking spaces and similar paved areas shall be maintained so as to afford safe passage under normal use and weather conditions. Any holes or other

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hazards that may exist shall be filled and necessary repairs or replacement carried out. D. Yards and vacant lots shall be kept clean and free of physical hazards, rodent harborage and infestation. They shall be maintained in a manner that will prevent dust and other particles from being blown about the neighborhood. Open wells, cesspools or cisterns shall be securely closed and barricaded from access to the public. E. All land must be kept free of dead or dying trees and accumulations of brush, shrubs, weeds, grass, leaves, stumps, excessive roots or noxious growths, garbage, refuse or debris which would either tend to start a fire or increase the intensity of a fire already started or cause poisoning or irritation to people or animals or tend to cause or enhance an unhealthy or dangerous, obnoxious condition on said property or on any adjacent or neighboring property.

Section 7 Business Units: No outside storage or accumulation of garbage, crates, rubbish, refuse or debris shall be permitted at any time. All such garbage, crates, rubbish, refuse or debris shall be kept inside the building or builds on the premises or in an acceptable enclosure and shall be collected regularly and removed from the premises.

Section 8 Infestation and Screening: A. Grounds, building and structures within the Village of Fonda shall be maintained free of insects, vermin and rodent harborage and infestation. Methods used for exterminating insects, vermin and rodents shall conform with generally accepted practice. B. Where the potential for rodent or vermin infestation exists, windows and other openings in basements and cellars shall be appropriately screened with wire mesh or other suitable materials.

Section 9 Littering: A. Residential and business premises within the Village of Fonda whether improved or vacant shall be maintained free of all litter; provided however that this Section shall not prohibit the storage of litter for a reasonable period of time in authorized receptacles for collection. B. Adequate sanitary facilities and methods shall be used for the collection, storage, handling, disposal of garbage and refuse in accordance with the provision of applicable codes. C. It shall be unlawful for any person to throw, spill, place, deposit, leave or cause to be thrown, spilled, placed, deposited or left, or permit any agent, servant or employee to throw, spill, place, deposit, leave, in or upon any street, highway, alley, sidewalk, park or public building or in any running water or body of water within the Village of Fonda any garbage, refuse, rubbish, waste material, litter or filth, including but not limited to sewage, excrement, slops, dead carcasses, compost, ashes, soot or any material subject to be carried by the wind or unwholesome or putrescible matter of any kind.

Section 10 Outdoor Deposit or Storage of Waste and Abandoned Appliances; A. It shall be unlawful for any person, as owner, occupant, lessee, agent or representative or in any capacity, to store, deposit, place, maintain or cause or permit to be stored, deposited, placed or maintained outdoors any abandoned, junked, discarded, wholly or partially dismantled or unlicensed motor vehicles or vehicle, motorized equipment, appliance, rubbish or debris as defined in this Article upon private property within the corporate limits of the Village of Fonda, except as follows: 1. One (1) unlicensed road-worthy vehicle is allowed per parcel; 2. A reasonable amount of unlicensed vehicles held by the property owner for the purpose of restoration or resale. To be applicable, the property owner must apply for a permit from the Code Enforcement Officer. Upon receipt of a written application from the property owner the Code Enforcement Officer shall inspect the premises and give a written determination to applicant within thirty (30) days. The permit would be valid for one (1) year from date of issuance. The Village may charge a fee for issuance of said permit. The fee, if any, shall be established and may be revised from time to time by resolution of the

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Village Board. The permit may allow up to ten (10) vehicles for resale and up to five (5) vehicles for restoration; 3. Farm vehicles in road worthy condition which have been properly registered and meet all requirements of the New York State Department of Motor Vehicles. B. No appliance may be discarded, abandoned or stored in a place accessible to children without first completely removing any locking device and all doors.

Section 11 Cutting and Removal: It shall be unlawful for any owner, lessee or occupant or any agent, servant, representative or employee or any such owner, lessee, or occupant, having control of any occupied or unoccupied yard or any part thereof in the Village of Fonda to permit or maintain on any such street, road, highway, or alley adjacent to same between the property line and the curb or middle of the alley, or for ten (10) feet outside the property line if there be no curb, any growth of weeds, grass or other rank vegetation to a greater height than twelve (12) inches on the average, or any accumulation of dead weed, grass or brush.

Section 12 Maintenance of Property: A. It shall be unlawful for any person, as owner, lessee, agent, tenant or otherwise, to throw, cast, spill or otherwise deposit or cause or permit to be thrown, cast, spilled or deposited, any litter, rubbish and refuse, garbage manure, offal or other decomposable organic or putrescible matter in or about any land or lot, vacant or otherwise, within the Village limit. B. Nothing in this Section shall be construed to prohibit the temporary storage of garbage, refuse and water material awaiting removal, provided that such storage is accomplished by way of tightly covered containers or cans whenever practicable, nor shall this Section be construed as prohibiting the depositing of manure or fertilizers upon any private property for the purpose of cultivating or improving the same.

Section 13 Buildings and Structures: A. All exterior exposed surfaces not inherently resistant to deterioration shall be repaired, coated, treated or sealed to protect them from deterioration or weathering. B. Floors, walls, ceilings, stairs, furnishing and fixtures of buildings shall be maintained in a clean, safe and sanitary condition. Every floor, exterior wall, roof and porch or appurtenance thereto, shall be maintained in a manner so as to prevent collapse of the same or injury to the occupants of the buildings or to the public. C. The foundation walls of every building shall be maintained in good repair and be structurally sound. D. Exterior walls, (including doors and windows), roofs and the areas around doors, windows, chimneys and other parts of a building, shall be so maintained as to keep water from entering the buildings. Materials which have been damaged or show evidence of dry rot or other deterioration shall be repaired or replaced and refinished in a workmanlike manner within a reasonable amount of time. Exterior walls, roofs and other parts of the building shall be free from loose and unsecured objects and material. Such objects or materials shall be removed, repaired or replaced. E. The owner of a vacated building shall take such steps and perform such acts as may be required of him or her from time to time to insure the building and its adjoining yards remain safe and secure and do not present a hazard to adjoining property or the public.

Section 14 Sidewalks: A. It shall be the duty of the owner of every lot or piece of land in the Village of Fonda to keep the sidewalk adjoining said lot or piece of land free from snow, ice or other obstruction. It shall be the duty of such owner to remove new ice and freshly fallen snow before ten o'clock (10:00) AM of each day and keep the same so cleaned and removed at all times. B. It shall be the duty of the owners of buildings adjacent to the streets to prevent the accumulation of snow, ice or water thereon and to prevent the falling of snow, ice or water from such building on any street or sidewalk. Any person notified by or on behalf of said Village to remove any such snow, ice or water from such building shall do so within

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Twenty-four (24) hours after such notice. C. No person, persons or corporation shall obstruct the free passage of any street or sidewalk. D. No person shall build or maintain any opening trap, excavation or depression into or projection above the sidewalk not heretofore existing and in all cases where such openings, depressions or projections shall now exist it will be the duty of the owner of the abutting property to cause same to be securely covered, guarded and enclosed at all times. E. No person shall hereafter construct any sidewalk within the Village of any other substance than that approved by the Board of Trustees.

Section 15 Duties of Owners, Occupants or Tenants: A. An occupant or tenants of the premises shall be responsible for compliance with this law as if they were an owner. B. Owners of premises shall be responsible for compliance with the provisions of this law and shall remain responsible therefore regardless of the fact that this law may also place certain responsibilities on tenants or occupants and regardless of any agreement between owners and tenants or occupants as to which party shall assume such responsibly. C. Whenever any person or person shall be in actual possession of or have charge, care or control of any property within the Village as Executor, Administrator, Trustee, Guardian, Operator or Agent, such person shall be deemed and taken to be the owner or owners of said property within the true intent and meaning of this law and shall be bound to comply with the provision of this law to the same extent as the record owner; and notice to any such person of any order or decision of the Building Inspector shall be deemed and taken to be a good and sufficient notice, as if such person or persons were actually the record owner or owners of such property. In instances where an occupant is responsible or share responsibility with the owner for the existence of one (1) or more violations of this law, said occupant shall be deemed and taken to be an owner within the true intent and meaning of this law.

Section 16 Inspections: A. The Building Inspector of the Village of Fonda as designated by the Village Board of such Village, shall have authority, as specified herein to inspect all premises within the Village to enforce the provisions of this Law. B. Wherever it shall appear that the provisions of this Article are being violated, the inspector shall, except upon plain review where no entry is necessary secure approval from an owner, lessee, agent, tenant, or other person with authority, to make an inspection of the property and shall prepare a written report of the condition found.

Section 17 Notice of Violation: A. If the condition existing on property violates the provisions of this article the Building Inspector shall serve or cause to be served a written notice, by certified mail or personal service, upon the owner, lessee, agent, tenant or other person with authority over said premises. B. Said notice shall contain substantially the following: The name of the owner, lessee, agent or other person with authority over the premises, the identification of the premises as the same appears on the current assessment roll of the Village, a statement of the condition of the premises as found on the inspection, a demand to maintain property and/or that the motor vehicles, motorized equipment, litter, appliance, rubbish, refuse, or debris be removed from the premises on or before five (5) days after the mailing or service of such notice or within the time limits as set forth in Section 14 of this local law. C. That upon the failure of the owner, lessee, agent, tenant or other person with authority over the premises to correct the violation after receipt of the five (5) day notice, the Enforcement Officer shall file a complaint with the Village of Fonda Justice Court. In addition to the above provided penalties, the Village Board may also maintain an action or proceeding in the name of the Village in a court of competent jurisdiction to compel compliance with or restrain by injunction the violation of any Section of this Local Law.

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Section 18 Abatement: Where the violation or condition existing on the premises is of a nature as to constitute an immediate threat to life and limb unless abated without delay, the Enforcement Officer may order the Owner, operator or occupant to correct the violation or condition within the period of time consistent with the hazard involved and with the measures necessary to remove the hazard; and upon the failure of the owner, operator or occupant to correct said condition, the Enforcement Officer may abate said condition immediately thereafter.

Section 19 Cost to Become Lien on Property: Where abatement of any nuisance, as defined herein, or correction of a defect on the premises or the maintenance of the premises in a proper condition to conform to applicable ordinances of the Village of Fonda or the laws of the State of New York require expenditures of the Village of Fonda moneys therefore, either by supplying labor by Village employees, the furnishing of material by the Village the hiring of outside contractors, the Enforcement Officer shall present a report of the work accomplished to the Village Board of the Fonda, along with a summary of the proceedings undertaken to secure compliance, Village of including notice served upon the owner, operators, occupants or their agents as the case may be, by telephone, telegraph, etc. The Village Board shall then approve the expenditures made and assess the same against the premises, collectible as provided by law. A copy of the resolution approving said expenses shall be certified by the Village Clerk, and a copy of the report and resolution shall be sent by certified mail, return receipt requested, to the owner.

Section 20 Penalties: Every person convicted of violating this local law shall for a first conviction thereof be punished by a fine of not more than Two Hundred Fifty (250.00) Dollars or by imprisonment for not more than Twenty (20) days or both such fine and imprisonment; for a second conviction within six (6) months thereafter such person shall be punished by a fine of not more than Five Hundred (\$500.00) Dollars or by imprisonment for not more than sixty (60) days or by both fine and imprisonment and upon such third or subsequent conviction within twelve (12) months after the first conviction, such person shall be punished by a fine of not more than One Thousand (\$1,000.00) Dollars or by imprisonment of not more than Ninety (90) days or by both such fine and imprisonment.

Section 21 Separability: Each separate provision of this local law shall be deemed independent of all other provisions therein, and if any provisions shall be deemed or declared invalid, all other provisions hereof shall remain valid and enforceable.

Section 22 Effective Date: This local law shall take effect upon its being duly filed in the office of the Secretary of State of the State of New York as provided in Section 27 of the Municipal Home Rule Law.