

ARTICLE IX: PROPERTY MAINTENANCE

§900 PURPOSE

It is the purpose of this article to assist in the continued revitalization of the Town of Sheldon by requiring minimum and regular maintenance to existing structures and land. This article establishes minimum standards for property maintenance in the municipality.

§901 DEFINITIONS

For the purpose of this Local Law, certain terms or words used herein will be interpreted in the definitions found in Article XII.

§902 MINIMUM STANDARDS

This article establishes certain minimum standards for the initial and continued occupancy and use of all structures and does not replace or modify standards otherwise established for the construction, repair alteration or use of the structure, the premises, or the equipment or facilities contained herein, as are required by the New York State Uniform Fire Prevention & Building code. In any case where a provision is found to be in conflict with any other applicable zoning, building, plumbing, electrical, heating, ventilation, fire or safety code of this municipality, County of Wyoming, State of New York, or the United States of America, the provision that establishes the higher standard, as determined by the enforcement official, shall prevail.

A. Maintenance of Structures

1. Foundation, porches, decks, steps, and walks shall be in safe condition for normal and intended use.
2. Balconies, porches, landings, stairs, and fire escapes shall be provided with banisters or railings properly designed, installed, and maintained to minimize the hazard of falling.
3. All permanent signs and billboards exposed to public view permitted by reason of other regulations or as a lawful non-conforming 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 structural standards of safety, 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 thirty (30) days of the date on which the business ceases to occupy the premises.
4. All exposed exterior surfaces shall be maintained free of broken or cracked glass, loose shingles, lose or leaking or plugged eaves troughs, or loose or crumbling stones or bricks, loose shutters, railings, aerials, satellite dishes, 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.

5. All vacant buildings shall be continuously guarded or otherwise kept secure against unauthorized entry. Materials and methods with which such buildings are sealed must meet the approval of the Enforcement Official, as to color, design, and building material and maintain as closely as possible the look of an occupied building. Owners of such buildings shall take such steps and perform such acts as may be required to ensure that the building and its adjoining yards remain safe and secure and do not present a hazard to adjoining property or to the public.
6. Exterior walls, including doors and windows and areas around doors, windows, chimneys, and other parts of the building shall be so maintained as to keep water from entering the building. Materials, including eaves troughs, which have been damaged or show evidence of dry rot or other deterioration shall be repaired or replaced and refinished in a workmanlike manner.
7. Foundations and supporting walls shall be kept free from deterioration and capable of supporting the intended loads.

B. Maintenance of Open Areas and Parking Spaces

1. Surface and subsurface drainage shall be appropriately diverted to protect structures and to prevent stagnation. Gutters, culverts, catch basins, drain inlets, stormwater sewers, or other satisfactory drainage systems shall be utilized where feasible. No roof, surface, or sanitary drainage shall create a structural, safety, or health hazard by reason of construction, maintenance, or manner of discharge.
2. Pedestrian areas including 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 hazards that may exist shall be filled, and necessary repairs or replacement carried out.
3. Yards and vacant lots shall be kept clean and free of physical hazards. Open wells, cesspools, or cisterns shall be securely closed or barricaded from access by the public. All temporary excavations shall be kept covered or barricaded so as to protect the general public from injury.
4. All land must be kept free of dead vegetation, including dying trees and accumulations of brush, shrubs, weeds, grass over 6 inches tall, stumps, roots, excessive or noxious growths, with the exception of properly maintained compost for garden use.
5. 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 buildings on the premises or in a closed dumpster for pickup which shall be regularly collected and removed from the premises. All dumpsters or other large receptacle for garbage, litter, and rubbish, except for those in use for a temporary

construction or renovation project, shall be maintained in an area shielded from public view by landscaping or architectural screening.

6. All fences and planting areas installed on the premises shall be maintained. Such maintenance shall include but be limited to the replacement or removal of trees and shrubs which may die or otherwise be destroyed, the maintenance and cutting of laws and the replacement, repair or removal of fences which may become damaged. Fences and hedges shall be maintained at required height limits.
7. All walkways public or private abutting the said premises shall be kept free from obstacles, litter, and trash of whatever nature.
8. No unregistered motor vehicle shall be stored outside on any property except that each household shall be allowed one unregistered motor vehicle provided that said vehicle maintains a valid inspection, is properly covered by a tarp or other cover designed for that purpose and is in a practical sense removed from sight of any public street or sidewalk. No vehicle not subject to motor vehicle registration shall be stored outside on any property unless similarly covered and out of public view. In no case shall any premises have more than one vehicle in outside storage. No such vehicle shall at any time be in a state of major disassembly, disrepair or in the process of being stripped or dismantled except that such work may be performed on the same day or unless within an entirely enclosed structure.

C. Infestation and Storage

1. Grounds, buildings, and structures shall be maintained free of insect, vermin and rodent harborage and infestation. Permitted methods used for exterminating insects, vermin and rodents shall conform with generally accepted practice. Basement openings must be closed or screened.
2. No materials, goods or supplies may be stored in any front yard, lakeside yard or in an exterior or interior side yard. Materials may be stored in a rear yard provided that the area used for storage is screened from neighboring properties by a fence or hedge and that the method and manner of storage complies with all other regulations.

D. Littering, Receptacles; Abandoned Appliances

1. Residential, commercial, and industrial premises, whether improved or vacant, shall be maintained free of litter; provided, however, that this section shall not prohibit the storage of litter in appropriate covered private receptacles for regular collection.
2. Any litter placed out for pickup, whether it be in a garbage bag(s) or receptacle(s) shall not be left out for more than five (5) days prior to the designated day of pickup.
3. All appliances not used must be removed from the property in ten days. Doors, covers, and latches must be removed immediately upon ceasing use.

§903 APPLICABILITY OF REGULATIONS

A. Generally: Responsibilities of Occupants:

1. An occupant of premises shall be responsible for compliance with this local law in regard to the following;
 - a. Maintenance of that part of the premises which he occupies or controls in a clean, sanitary, and safe condition.
 - b. Keeping exits from the building or occupant's portion thereof clear and unobstructed.
 - c. Disposal of garbage and refuse into required receptacles in a clean and sanitary manner.
 - d. Extermination of insects, rodents, or other pests within the premises.
 - e. Maintenance of yards, lawns, and courts in a clean, sanitary, and safe condition and free from infestation by rodents, or vermin, insofar as said occupant occupies or controls said yards, lawns, or any parts thereof.
 - f. The installation and removal of required screens.
 - g. Keeping domestic animals and pets in an appropriate manner and under control in accordance with any other regulations of the municipality.
 - h. Elimination of all prohibited uses for that part of the premises which he occupies, controls, or has accessibility thereto.

B. Generally: Responsibilities of Owners

1. Owners and operators of buildings shall be responsible for the provision, installation, maintenance, condition, and operation of service facilities including all plumbing, electric, heating, and structural systems as required by codes and generally accepted standards.
2. Whenever any person or persons shall be in actual possession of or have charge, care or control of any property within the municipality as executor, administrator, trustee, guardian, operator or agent, such persons shall be deemed and taken to be the owner or owners of said property within the intent and meaning of this local law and shall comply with the provisions of this local law to the same extent as the record owner; and notice to any such person of any order or decision of the enforcement official shall be deemed and taken to be good and sufficient notice, as if such person or persons were actually the record owner or owners of such property.
3. Owners of premises shall be responsible for compliance with the provisions of this local law and shall remain responsible regardless of the fact that this local law may also place certain responsibilities on operators and occupants and regardless of any agreements between owners and operators or occupants as to which party shall assume such responsibility.

C. Property Under Construction

1. For purposes of compliance with this local law if work is being done on the property both the contractor and the owner shall be considered to be responsible.
2. Materials may be stored outside in any area of the property upon which construction is being carried on provided that the method of storage and the materials stored are in compliance with the requirements of this local law. In no event shall such storage be permitted for a period exceeding one year.
3. Drainage crossing the property being developed must be maintained during the period of development and no materials may be stored, land disturbed, or other work done to interfere with drainage or to divert or cause runoff of groundwater or storm water in an unnatural fashion.
4. The person responsible as herein defined shall take all necessary and reasonable steps to ensure that there will not be an unusual or unwarranted amount of dust and debris blown onto or across neighboring or nearby properties.
5. Construction roads must be kept wet or properly treated to decrease the spread of dust and mud.
6. A temporary cover such as ryegrass or mulch must be applied within 10 days on land that has been stripped of its protective vegetation during the course of its construction to prevent the spread of dust and mud and minimize erosion.
7. All excavations in or near a public or private walkway, right of way, or street must be properly guarded and protected at all times by lights, flags, barricades, or other warnings sufficient in kind and amount to warn the public of the danger of falling into the excavation.
8. Temporary electrical service must be through electric lines that are weather and waterproof, such lines must not cross public walkways or highways on or in reach from the ground nor shall they be placed on the ground in areas subject to construction equipment traffic.
9. Grounds and structures must be kept free of debris such as broken glass, boards with fastenings protruding and other articles making walking or vehicle travel around the job site dangerous and unsafe.

§904 INSPECTION AND ENFORCEMENT PROCEDURE:

- A. Inspections shall be performed by the office of the zoning officer or code enforcement official as appointed by the municipal board.
- B. Observations by written complaints received by the municipal board will be forwarded to the enforcement official for inspection.
- C. Complaints in writing may be made directly to the enforcement official.
- D. Observations of the enforcement official may be acted upon directly.

E. Upon determination that a violation of this local law exists, a written notice of violation shall be served to the owner and/or the operator of the property.

1. Such notice shall include:

- a. Listing the conditions which are found to be violations.
- b. Enumeration of the remedial action to be taken to bring the property into compliance with this law.
- c. A statement that this action must begin within (10) days and be completed within an appropriate number of days as determined by the enforcement official.
- d. A statement of penalties as enumerated in this law.

2. Such notice shall be served:

- a. In person; or
- b. By certified mail; or
- c. By posting on the premises if (A) or (B) herein are unsuccessful.

F. Failure to comply with a written notice of violation shall cause further action by the municipality as follows:

1. Action:

- a. The Board may pass a Resolution to take abatement action and would be utilized in the event that the notice is not followed and there is an eminent danger to inhabitants or neighboring residents. Any action to remove or correct the dangerous condition and costs incurred for the same would be the responsibility of, and payable, by the property owner. Said cost may be assessed against the tax parcel if left unpaid.
- b. The municipality may cause its personnel or an independent contractor to enter property to remove or correct said violations of such property and all costs and expenses incurred by the municipality in connection with the proceedings to remove or correct and including the actual costs of the corrective action shall be payable by the owner or assessed against the tax parcel on which such action was necessarily taken.
- c. With written notice of violation and further action to be taken to include an action filed in the State Supreme Court to specified performance of remediation to the property and recovery of all costs to bring the action to the Town of Sheldon from the property owner.

G. A regular report of activities under this law shall be made to the municipal board by the enforcement official.

§905 PENALTY

Shall comply with Section 106.