

## Property Maintenance Law.

### A. Legislative Findings and Purpose.

The Town Board of the Town of Catlin hereby finds that the outdoor storage, accumulation, deposit or placement of abandoned, junked, discarded, wholly or partially dismantled or unlicensed, or unregistered motor vehicles, rubbish, debris, solid waste, or garbage upon private property, and the overall neglect of property conditions, and partially constructed and unfinished residential and nonresidential buildings threatens the health, safety, and welfare, of Town residents, and results in adverse impacts on the character of the neighborhood and the community. Outdoor storage, accumulation, deposit or placement of such items, neglect of property conditions; and partially constructed and/or unfinished residential and nonresidential buildings creates a significant fire hazard, endangers the environment and ground water, leads to infestation by insects, vermin, or rodents, depreciates property values, and has a deteriorating and blighting effect upon the neighborhood and community.

The Town Board hereby determines that the outdoor storage, accumulation, deposit, or placement of abandoned, junked, discarded, wholly or partially dismantled, or unlicensed or unregistered motor vehicles, rubbish, debris, solid waste, or garbage upon private property, unmaintained properties, and partially constructed and/or unfinished residential and nonresidential buildings constitutes a public nuisance.

### B. General Requirements.

1. Outdoor deposit or storage:

No person, as owner, occupant, lessee, or agent, or in any capacity shall store, deposit, place, maintain, or cause or permit to be stored, deposited, placed, or maintained outdoors any solid waste, rubbish, debris, or garbage upon any private property within the Town.

  - a) This section shall not apply to any solid waste, rubbish, debris, or garbage temporarily (no more than two (2) weeks) stored or placed in a container for collection or disposal
2. Exterior Property Areas.
  - a) Sanitation. All exterior property and premises shall be maintained in a clean, safe, and sanitary condition. The occupant shall keep that part of the exterior property which such occupant occupies or controls in a clean and sanitary condition.
  - b) Grading and drainage. All premise shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon.  
**Exception:** Approved retention areas and reservoirs.
  - c) Sidewalks and driveways. All sidewalks, walkways, stairs, driveways, parking spaces, and similar areas shall be kept in proper state of repair, and maintained free from hazardous conditions
  - d) Weeds. All premises and immediate exterior property shall be maintained free from weeds or plant growth in excess of 10 inches (254 mm). All noxious weeds shall be prohibited. Weeds shall be defined as grasses,

annual plants, and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens. Upon failure of the owner or agent having charge of a property to cut and destroy weeds after service of a notice of violation, they shall be subject to prosecution in accordance with § 106.1. Upon failure to comply with the notice of violation, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, and the costs of such removal shall be paid by the owner or agent responsible for the property, or shall be assessed against the described property and shall constitute a lien thereon to be collected as provided by law.

Properties used for agricultural purposes including, but not limited to hay fields, wheat fields, pasture lands, etc., and properties located in the Rural District are exempt from the above requirements. However, areas located within the Rural District that are not used for agricultural purposes and are clearly intended to be lawn must be maintained according to the above requirements.

- e) Rodent harborage. All structures and exterior property shall be kept free from rodent harborage and infestation. Where rodents are found, they shall be promptly exterminated by approved processes which will not be injurious to human health. After extermination, proper precautions shall be taken to eliminate rodent harborage and prevent re-infestation.
- f) Exhaust vents. Pipes, ducts, conductors, fans, or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors, or other gaseous or particulate wastes
- g) Accessory structures. All accessory structures, including detached garages, fences, and walls, shall be maintained structurally and in good repair.
  - i Gates. Gates which are required to be self-closing and self-latching in accordance with the *Building Code of New York State* shall be maintained such that the gate will positively close and latch when released from a still position of 6 inches (152 mm) from the gatepost.
  - ii. Swimming pools. Swimming pools shall be maintained in a clean and sanitary condition, and in good repair.
  - iii. Enclosures. An approved enclosure, at least 4 feet (1219 mm) in height, shall be provided around outdoor swimming pools, so that such pools are inaccessible to children. The enclosure may surround either the pool area or the property.

3. Exterior Structure.

No residential and/or nonresidential structure shall be left in a partially constructed and/or unfinished condition for more than 1 construction season if that condition is both apparent as viewed from the exterior of the structure and/or which may pose a threat to public health, safety or welfare. The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to public health, safety or welfare.

- a) For new structures, “partially constructed” or “unfinished condition” shall mean the structure has yet to receive a certificate of occupancy from the Town and/or is visibly incomplete including but not limited to the following: missing windows or doors, an unfinished roof or siding, unpainted, or partially painted, or any other visible component of the structure that appears unfinished.
- b) For structures already possessing a certificate of occupancy, “partially constructed” or “unfinished condition” shall mean that a proposed improvement is visibly incomplete including but not limited to the following: missing windows or doors, an unfinished roof or siding, unpainted, or partially painted, or any other visible component of the structure that appears unfinished.
- c) Protective Treatment. All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks, and fences shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking, or chipped paint shall be eliminated and surfaces repainted. All siding and masonry joints, as well as those between the building envelope and the perimeter of windows, doors, and skylights shall be maintained weather resistant and water tight. All metal surfaces subject to rust or corrosion and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.
- d) Premises identification. Buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of 4 inches (102 mm) high with a minimum stroke width of 0.5 inch (12.7 mm).  
**Exception:** Building identified under an addressing scheme as part of a county-wide 911 numbering system.
- e) Structural members. All structural members shall be maintained free from deterioration, and shall be capable of safely supporting the imposed dead and live loads.
- f) Foundation walls. All foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents and other pests.
- g) Exterior walls. All exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface-coated where required to prevent deterioration.
- h) Roofs and drainage. The roof and flashing shall be sound, tight, and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portions of the structure. Roof drains, gutters, and downspouts shall be maintained in good repair and free from

obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.

- i) Decorative features. All cornices, belt courses, corbels, terra cotta trim, wall facings, and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.
- j) Overhang extensions. All overhang extensions including, but not limited to canopies, marquees, signs, metal awnings, fire escapes, standpipes, and exhaust ducts 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.
- k) Stairways, decks, porches, and balconies. Every exterior stairway, deck, porch, and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.
- l) Chimneys and towers. All chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair. 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.
- m) Handrails and guards. Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.
- n) Window, skylight, and door frames. Every window, skylight, door, and frame shall be kept in sound condition, good repair, and weather tight.
  - i. Glazing. All glazing materials shall be maintained free from cracks and holes.
  - ii. Openable windows. Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware.
- o) Reserved.
- p) Doors. All exterior doors, door assemblies, and hardware shall be maintained in good condition. Locks at all entrances to dwelling units, rooming units, and guestrooms shall tightly secure the door. Locks on means-of-egress doors shall be in accordance with **§702.3 XXX**
- q) Basement hatchways. Every basement hatchway shall be maintained to prevent the entrance of rodents, rain, and surface drainage water.
- r) Guards for basement windows. Every basement window that is openable shall be supplied with rodent shields, storm windows, or other approved protection against the entry of rodents.

#### 4. Interior Structure.

- a) General. The interior of a structure and equipment therein shall be maintained in good repair, structurally sound, and in a sanitary condition. Every occupant shall keep that part of the structure which such occupant occupies or controls in a clean and sanitary condition. Every owner of a structure containing a rooming house, housekeeping units, a hotel, a dormitory, two or more

dwelling units, or two or more nonresidential occupancies, shall maintain, in a clean and sanitary condition, the shared or public areas of the structure and exterior property.

- b) Structural members. All structural members shall be maintained structurally sound, and be capable of supporting the imposed loads.
- c) Interior surfaces. All interior surfaces, including windows and doors, shall be maintained in good, clean, and sanitary condition. Peeling, chipping, flaking, or abraded paint shall be repaired, removed, or covered. Cracked or loose plaster, decayed wood, and other defective surface conditions shall be corrected.
- d) Stairs and walking surfaces. Every stair, ramp, landing, balcony, porch, deck, or other walking surface shall be maintained in sound condition and good repair.
- e) Handrails and guards. Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.
- f) Interior doors. Every interior door shall fit reasonably well within its frame and shall be capable of being opened and closed by being properly and securely attached to jambs, headers, or tracks as intended by the manufacturer of the attachment hardware.

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 or garbage.
  - i. Dry vegetation, combustible waste, and refuse. Combustible waste, refuse, and large quantities of dry vegetation, which by reason of their proximity to buildings or structures would constitute a fire hazard or contribute to the spread of fire, shall be removed.
- 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.
  - i. 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.
  - ii. Refrigerators. Refrigerators and similar equipment shall not be discarded, abandoned, or stored on premises accessible to children without first removing the doors.
- c) Disposal of garbage. Every occupant of a structure shall dispose of garbage in a clean and sanitary manner by placing such garbage in an approved garbage disposal facility or approved garbage containers.
  - i. Garbage facilities. The owner of every dwelling shall supply one of the following: an approved mechanical food waste grinder in each dwelling unit; an approved incinerator unit in the structure available to the occupants in each dwelling unit; or an approved leakproof, covered, outside garbage container.



- ii. Containers. The operator of every establishment producing garbage shall provide, and at all times cause to be utilized, approved leakproof containers provided with close-fitting covers for the storage of such materials until removed from the premises for disposal.

6. Extermination.

- a. Infestation. All structures shall be kept free from insect and rodent infestation. All structures in which insects and rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After extermination, proper precautions shall be taken to prevent re-infestation.
- b. Owner. The owner of any structure shall be responsible for extermination within the structure prior to renting or leasing the structure.
- c. Single occupant. The occupant of a one-family dwelling or a single-tenant nonresidential structure shall be responsible for extermination on the premises.
- d. Multiple occupancy. The owner of a structure containing two or more dwelling units, a multiple occupancy, a rooming house, or a nonresidential structure shall be responsible for extermination in the public or shared areas of the structure and exterior property. If infestation is caused by failure of an occupant to prevent such infestation in the area occupied, the occupant shall be responsible for extermination.
- e. Occupant. The occupant of any structure shall be responsible for the continued rodent and pest-free condition of the structure.

**Exception:** Where the infestations are caused by defects in the structure, the owner shall be responsible for extermination.

C. Inspections.

Whenever there is reasonable cause to believe that the provisions of this chapter are violated, the Building Inspector or any such other officer or employee authorized to have jurisdiction thereof, shall make an inspection of the property involved and shall prepare a written report of the conditions found, which report shall be filed with the Town Board.

D. Notice of Violation.

- 1. If conditions existing on the inspected property violate the provisions of this chapter, the Building Inspector or other designated officer or employee shall serve or cause to be served a written notice of such violation, either personally or by certified mail, upon the owner or owner's agent, as well as upon the lessee or occupant of said premises.
- 2. Said notice shall contain substantially the following: the name of the owner and, if applicable to the violation, the lessee or occupant of the premises; the address or location of the premises; the identification of the premises as the same appears on the current assessment roll; a statement of the conditions on the property deemed upon inspection to be in violation of this chapter; demand that the solid waste, rubbish, debris, or garbage determined to be in violation of this chapter be removed from the property on or before 10 days after the service or mailing of such notice; a statement

that a failure or refusal to comply with the provisions of this chapter and the notice given pursuant thereto within the time specified may result in a duly authorized officer, agent, or employee of the Town entering upon the property and removing such motor vehicle, solid waste, rubbish, debris, or garbage and causing the same to be disposed of or otherwise destroyed; and that the cost and expense of such removal and disposal or destruction shall be assessed against the described property and shall constitute a lien thereon to be collected as provided by law.

3. Said notice shall also contain the date, time, and location at which the Town Board will conduct its next scheduled meeting that is not less than 10 days after the notice of violation to determine whether the conditions upon the subject property constitute a public nuisance. Said notice shall state that the property owner, his/her agent, lessee, or occupant is entitled to be heard at such meeting and present evidence or testimony. The date of such meeting must be at least 10 days after service or mailing of the Notice of Violation. The meeting shall follow the procedures for notification of any Town Board meeting and be published in a paper of general circulation in the Town at least ten (10) days prior to the date of the meeting.
4. Nothing contained herein shall require notice as a prerequisite to the issuance of a summons or appearance ticket for a violation of this chapter.

E. Second Inspection Report.

On or before the date of the public hearing and prior to commencement of the public hearing, the Building Inspector, other duly authorized officer, or employee shall conduct a second inspection of the property and file a written report of the conditions deemed in violation of this chapter found thereon with the Town Board. Such inspection shall be conducted as close to the date of the public hearing as practicable.

F. Declaration of Public Nuisance and Remediation.

At the close of the public hearing, the Town Board may determine that the conditions upon the subject property, which violate this chapter, constitute a public nuisance. Upon a determination by the Town Board that conditions upon the property constitute a public nuisance, the Town Board is empowered to authorize officers, agent, or employees of the Town to enter onto the property to remove any vehicle, solid waste, rubbish, debris, or garbage stored, deposited, placed, or maintained in violation of this chapter and dispose of or otherwise destroy same. Any costs and expenses incurred by the Town when acting pursuant to this chapter to abate a public nuisance shall be assessed against the property involved and shall constitute a lien thereon to be collected as provided by law.

G. Emergency Actions.

Nothing in this chapter shall prohibit a municipality from entering onto private property to remove any solid waste, motor vehicle, appliance, rubbish, debris, or garbage whenever there exists an imminent threat to the life or safety of persons. Municipal authority pursuant to this section may only be exercised where there is a dire necessity to protect life and safety. Any municipal action taken pursuant to this section must be reasonably calculated to alleviate or prevent the crisis condition and must be limited to those actions necessary to eliminate the emergency situation.

A property owner shall be given notice and an opportunity to be heard prior to any costs and expenses incurred pursuant to this section being placed on the property's tax bill.

H. Judicial Relief.

Nothing contained in this chapter shall prevent the Town from seeking judicial or equitable relief to abate violations of this chapter.