

POSSIBLY CHAPTER 21 OF THE COVOS
Property Maintenance

A local law known as the “Property Maintenance Law of the Village of Scottsville”

§---1. Legislative Findings and Purpose

The Village Board of the Village of Scottsville hereby finds that the neglect of exterior property maintenance, outdoor storage, accumulation, deposit or placement of: abandoned, junked, discarded, wholly or partially dismantled or unlicensed or unregistered motor vehicles, rubbish, debris, or solid waste upon private property threatens the health, safety and welfare of village residents. Outdoor storage, accumulation, deposit or placement of such items 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 Village Board hereby determines that the neglect of property maintenance, outdoor storage, accumulation, deposit or placement of: abandoned, junked, discarded, wholly or partially dismantled or unlicensed or unregistered motor vehicles, rubbish, debris, or solid waste upon private property constitutes a public nuisance.

§---2. Definitions

~~Motor Vehicle~~ – As used in this chapter, the term “motor vehicle” includes all vehicles as defined by NYS Vehicle and Traffic Law §125, 156, &159. The term “motor vehicle” as used in this chapter shall also include “all terrain vehicles” as defined by NYS Vehicle and Traffic Law §2281, snowmobiles as defined by NYS Vehicle and Traffic Law §2221 and watercrafts subject to a New York motor boat registration..

~~Rubbish~~ – As used in this chapter, the term “rubbish” includes all discarded or worthless nonputrescible solid wastes consisting of both combustible and non-combustible wastes, including but not limited to paper and paper products, rags, wrappings, cardboard, tin cans, yard clippings, wood (excluding firewood), glass, metals, plastics, tires, bedding, cloth, furniture, appliances and similar items. This shall exclude reasonable yard ornamentation, landscaping, and decoration

~~Debris~~ – As used in this chapter, the term “debris” includes all materials resulting from the construction, excavation, renovation, equipping, remodeling, repair or demolition of structures, property or roads as well as materials consisting of vegetation resulting from land clearing and grubbing, utility line maintenance and seasonal and storm related clean up. Such materials included but are not limited to: bricks, concrete and other masonry material, soil, rock, wood, wall coverings, plaster, drywall, plumbing fixtures, non-asbestos insulation, roofing shingles, asphaltic pavement, glass, window frames, electrical wiring and components, plastics, carpeting, foam padding, linoleum, metals, or any combination thereof which are incidental to construction, excavation, renovation, equipping, remodeling, repair or demolition.

~~Junked motor vehicle~~ – As used in this section, "junked motor vehicle" shall mean any motor vehicle that is unlicensed, wrecked, stored, discarded, abandoned or dismantled, or partly dismantled, which is no longer intended or in condition for legal use upon the public highway. With respect to any motor vehicle not required to be licensed or motor vehicle not usually used on public highways, the fact that such motor vehicle has remained unused for more than six months and is not in condition to be moved under its own power shall be presumptive evidence that such motor vehicle is a junked motor vehicle.

~~Outside Storage~~ – As used in this chapter, the term “outside storage” shall mean the placement and/or harboring of said materials or items on any exterior yard areas for longer than 10 days. This shall also include materials covered by tarps and tarp-like covers

~~Solid Waste~~ – As used in this chapter, the term “solid waste” includes all putrescible and nonputrescible materials and substances discarded or rejected as having served their original intended use or as being spent, useless, worthless or in excess to the owner at the time of such discard or rejection including but not limited to household and commercial garbage, industrial waste, rubbish, debris, litter, and ashes.

~~Garbage~~ – As used in this chapter, the term “garbage” includes all putrescible animal and

vegetable (excepting reasonably sized compost in designated areas/containers) waste resulting from growing, processing, marketing and preparation of food items, including container in which packaged.

All other terms as used in this chapter shall have their common and ordinary meaning.

§---3. Responsibilities of owner, occupant, agent or operator

A. The owner, occupant agent, and operator in control of the building, structure, lot or parcel of land shall be jointly and severally responsible for the maintenance of the premises in a clean, safe and sanitary condition according to the provisions of this article.

B. Notwithstanding the failure of the occupant, agent or operator in control of the building structure, lot or parcel of land to maintain the premises in a clean, safe and sanitary condition, the owner of the building structure, lot or parcel of land shall be an accessory responsible party.

§---4. Provisions to be minimum standards; conflict with other provisions

A. This article establishes the provisions of the Property Maintenance Code of New York State as the minimum standard and enforceable through this Chapter 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 therein, as are required by New York State Uniform Fire Prevention and Building Code.

B. In any case where a provision is found to be in conflict with any applicable Code, rule, regulation or law of the Village of Scottsville, County of Monroe, State of New York or United States of America, the provision that establishes the higher standard, as determined by the Code Enforcement Officer, shall prevail.

§---5. Outdoor deposit or storage

A. 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 or debris upon any private property within the Village. This section shall not apply to any solid waste, rubbish or debris temporarily stored or placed in a container for collection or disposal. Dumpsters for the use of construction and/or remodeling shall be allowed for the duration of construction

B. Storage and parking of motor vehicles.

1.No person, firm or corporation, either as owner, occupant, lessee, agent, tenant or otherwise, of property within the Village to store or deposit, or cause to suffer or permit to be stored or deposited, a junked or unlicensed motor vehicle or part or piece thereof on any private property unless:

a. Such motor vehicle is stored or deposited in a completely enclosed legal building

b. Such vehicle is temporarily stored in compliance with Chapter 170, Zoning, on the premises of a duly authorized motor vehicle sales, service station, or body repair shop within the Village.

c. Such motor vehicle is under active repair, reconstruction or refurbishing by the owner(s) thereof, who must actually be residing upon the premises. Not more than one such motor vehicle shall be permitted at any one time on any premises. Such motor vehicle must be so maintained and protected as not to create any safety hazard, nuisance or unsightliness to surrounding property owners and shall not remain on the premises for more than 60 days.

2. No more than one unregistered seasonal vehicle may be stored in a dwelling's driveway or yard, and said vehicle must possess previous years registration and current New York State motor vehicle inspection.

3. All parking shall be in conformity with Zoning Chapter §170-16.

C. Commercial units

1. Commercial units shall at all times be maintained in compliance with the provisions of this chapter regulating open spaces, buildings or structures and littering.

2. No materials or stock-in-trade, garments, shoes or other wares, soft drink or vending

machines, ice machines or the like may be stored or regularly displayed on a public sidewalk.

Specifically excluded herefrom are chairs and tables used in connection with a sidewalk café or restaurant, provided that there shall be sufficient sidewalk passage for pedestrians.

3. No shopping baskets, carts or wagons shall be left unattended or standing in open areas, and the same shall be collected at the close of business each day by the occupant of such unit and moved to a clearly designated area dedicated to said baskets, carts or wagons, or to the interior of the building or buildings.

4. No mobile refrigeration unit shall be operated on the premises after the closing of the business conducted thereon unless such mobile refrigeration unit is electrically operated, except in an industrial zone.

5. Dumpsters and similar large receptacles shall be shielded from the public view by means of appropriate landscaping, hedges, fences or screening. Commercial users of dumpsters in noncompliance with this article shall have 12 months from the date of its adoption to comply or appeal for a variance from the Village Board.

6. Shopping centers, supermarkets and similar business units shall provide permanent, attractive, litter receptacles within the premises for public use in sufficient quantity so that a person will not have to walk in excess of 50 feet to use any such receptacle

D. Temporary storage containers may be placed in any district with the following conditions:

- 1.container shall be placed in side or rear yard
- 2.container shall not be present in excess of forty-five days per year
- 3.any relief from this section may be obtained upon application to the Village Board for a Temporary

Permit. Upon hearing the necessity, the Board may grant said permit effective for 60 days and renewable upon further petition and demonstration of need to the Board.

§---6.(a) Enforcement and compliance

A. This local law shall be administered and enforced by the Code Enforcement Officer, or any other person designated by the Scottsville Village Board of Trustees.

B. Whenever the Code Enforcement Officer determines that a building or premises is in violation of any provision of this local law, the Officer shall serve notice by regular mail to the last known address of the person or entity upon which the same is served, as shown by the most recent tax record, of such violation or alleged violation to the owner, occupant, agent, or operator responsible for such violation. Such notice shall be in writing and shall specify the alleged violation and shall provide a reasonable time of not less than five (5) days for compliance. Such notice may contain an outline of remedial action that will be taken to effect compliance in the event that the said notice is not complied within the specified time period. The Officer may extend the compliance time specified in any notice issued under the provisions of this local law where there is evidence of intent to comply within the period specified, provided that reasonable conditions exist which prevent immediate compliance.

C. Entry into occupied buildings or structures for the purposes of an inspection shall be permitted only when the Code Enforcement Officer has either obtained the informed consent of the property owner or person with a privacy right to the property, or obtained an appropriate search warrant, or acts in belief that there exists exigent circumstances whereby immediate entry into the building or structure is required to ensure the protection of life, safety

or property.

D. Whenever the Code Enforcement Officer has determined that a condition exists which poses an immediate threat to life, health or safety, the Officer may without prior notice, issue a notice citing the violation and order that such action be taken as is necessary to remove or abate the hazard or danger. Such notice may include an order to vacate, board up, fence off or demolish. Notwithstanding any other provision of this local law, such an order shall be effective immediately upon personal service and/or posting on the premises and shall be complied with immediately or as otherwise provided. Expenses incurred in the execution of such order shall be recovered as provided herein.

§-6(b) Action in cases of noncompliance

A. Whenever a notice as provided in this local law has been served by regular mail or personal service upon such owner, occupant, agent or operator or posting on the premises where violations are deemed to exist, and such owner, occupant, agent or operator shall neglect or fail to comply with the requirements of such notice of notices within the time provided therein, the Code Enforcement Officer may authorize the work to be done and pay the cost thereof out of general Village funds.

B. The Village shall be reimbursed for the cost of the work performed on services rendered by direction of the Code Enforcement Officer as herein above provided, by assessment and levy upon the lots, parcels of land, or premises wherein such work was performed or such services rendered, and the expense so assessed shall constitute a lien and charge on the real property on which it is levied until paid or otherwise satisfied or discharged and shall be collected in the same manner and at the same time as other Village charges.

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.

C. The Code Enforcement Officer shall have the authority, pursuant to the New York State Criminal Procedure Law, to issue an appearance ticket subscribed by the Officer directing the owner, occupant, agent or operator, or designated representative, to appear in a designated local criminal court at a designated future time in connection with the alleged commission of a designated violation of this local law or any order made hereunder.

D. Any person who fails to comply with any provision of this local law or fails to comply with any notice, order or directive of the Code Enforcement Officer after expiration of the time for compliance established in accordance with this local law shall, upon conviction, be punished by a fine or not more than one thousand dollars (\$1,000.00) or by imprisonment not to exceed one (1) year, or both, for such violation. In the event of any failure to so comply, each and every day that such violation continues shall constitute a separate offense, and the penalties prescribed above shall be applicable to each such separate offense.

§---7. Emergency Actions

Nothing in this chapter shall prohibit a municipality from entering onto private property to remove any solid waste, motor vehicle, appliance, rubbish or debris 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.

§---8. Judicial Relief

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

§---9. Junkyards

This chapter shall not apply to any junkyard as defined in the Village Code.

§---10. Severability

If any clause, sentence, subdivision, paragraph, section or part of this chapter shall be adjudged by an court of competent jurisdiction to be invalid, such judgment shall not effect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, subdivision, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

§---11. Effective Date

This local law shall be effective upon filing with the Secretary of State. Adopted by the Village of Scottsville Village Board on July 28, 2008.