

Chapter 141

Property Maintenance

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§ 141-1. Title.

This chapter shall be known and may be cited as the "Property Maintenance Law of the Village of Sodus Point."

§ 141-2. Purpose.

It is the purpose of this chapter to promote the public health, safety and general welfare, and to maintain property within the Village of Sodus Point in a safe, healthy and aesthetically pleasing manner.

§ 141-3. Applicable Code.

In all respects the New York State Uniform Fire Prevention and Building Code (the Uniform Code) and other applicable Codes, Rules and Regulations promulgated pursuant to New York State Law shall be applicable. The provisions of the Uniform Code shall supersede any provision of the Village Code or any ordinance, administrative rule or regulation which is inconsistent, less restrictive or in conflict with the Uniform Code.

Where a conflict may exist between a general requirement and a specific requirement or between one portion of the Village Code and another section of the Village Code, the specific requirement shall be applicable. If different sections of the Village Code specify different

treatment or requirements, the most restrictive language shall govern.

§ 141-4. Definitions.

As used in this chapter, the following words, phrases and terms shall have the following meanings:

ACCESSORY STRUCTURE- A structure associated with a dwelling or commercial structure which is on the same parcel of property as a principal structure and the use of which is incidental to the use of the principal structure. For example, a residential structure may have a detached garage or a storage shed for garden tools as accessory structures. Other examples of accessory structures include gazebos, picnic pavilions, greenhouses, enclosed decks, and similar buildings.

CONSTRUCTION WASTE – Fragments or remnants of something destroyed or broken; rubble, a collection of loose material derived from natural geologic material, or materials generated/excavated from construction, remodeling, repair, or demolition of structures, buildings and roads, and land clearing. This includes waste materials such as concrete, brick, soil, wood, wallboard, tile, roofing shingles, and asphalt pavement.

DISASSEMBLED, INOPERABLE. JUNKED OR WRECKED VEHICLES, TRUCK BODIES,

TRACTORS, TRAILERS - Motor vehicles, truck bodies, tractors, trailers, recreational vehicles, snowmobiles and motorcycles in such state of physical or mechanical disrepair as to be incapable of propulsion or of being operated upon the public streets or highways.

DISCARDED APPLIANCES - Any stove, washing machine, dryer, freezer, refrigerator, TV 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 originally designed or likeness thereof.

DUMPSTER- a covered container, typically in use on a consistent basis and which is required to be screened from public view, used for the collection of garbage meant to be emptied on a regular schedule of one or more times per week, which has a hooking mechanism that permits it to be raised unto or dumped into a sanitation truck.

GARBAGE – All organic waste matter originating from animal, fish, fowl, fruit or vegetable sources, including from the process of handling, preparation, cooking or consumption of food; includes spoiled food and food waste of all types as well as yard waste.

LAWN - Land covered with grass kept closely mowed, especially around a house but also grassy areas visible on a vacant lot from a public right of way.

MARINA – A waterfront facility that provides for the berthing, mooring, and securing of

watercraft. The use may include facilities such as major and minor boat repair; boat docks, piers, and slips; boat fueling; dry land boat maintenance and storage; pump-out stations; boat and boat part sales; or other complimentary business such canvas repair. A marina shall be comprised of five or more contiguous mooring slips or berths described in a site plan, with written dimensions to include the number of slips, berths, and parking spaces as well as the length and width of all docks and piers, submitted to the Village Clerk for recording.

MARINE EQUIPMENT – Any item used or intended for use in conjunction with watercraft or water- related dependent activities including but not limited to marine trailers, hoists, cradles, removable docks, swim platforms, non-permanent boat-launching structures such as kayak and water-ski launches or other similar equipment.

MOTOR VEHICLE - As defined in § 125 of the New York State Vehicle and Traffic Law; including unlicensed motor vehicles, truck bodies, tractors or trailers which do not bear lawful current license plates. For purposes of this chapter motor vehicles shall include watercraft, recreational vehicles, motorcycles and ATVs, golf carts and snowmobiles.

NOXIOUS WEEDS AND GROWTH - Grass, brush or weeds of a nature which is a fire or health hazard, including lawns in excess of ten inches in height.

PERSON - Any person, firm, partnership, association, corporation, company or organization of any kind. "Person" shall also include all occupants of a parcel of land.

PREMISES – A lot or parcel of land, including the buildings and structures thereon.

PORTABLE STORAGE CONTAINER- any self-supporting container, usually metal or metal framed, designed and used for the storage of personal property of a non-hazardous nature which is typically leased to owners or occupants of property for their temporary use and which is typically delivered and removed by truck. Such containers shall not exceed 16 feet in length, eight feet in width and eight feet in height.

RECREATIONAL VEHICLE (RV) – Any vehicle or mobile structure designed and/or used for living or sleeping and/or recreational purposes and equipped with wheels to facilitate movement from place to place, including automobiles when used for living or sleeping purposes, pick-up truck campers, motorized homes, travel trailers, and camping trailers not meeting the specifications required for a manufactured home or mobile home.

REFUSE or RUBBISH - These terms shall be synonymous with municipal solid waste and shall include all accumulations of non-organic waste matter or junk, discarded as of no further value or use to the owner such as household or commercial trash, consisting of all discarded materials, including but not limited to paper, newspaper, cans, bottles, packaging materials, containers, furniture, bedding, rugs, clothing, rags, and auto parts, cabinetry, plumbing

fixtures and marine equipment no longer intended or in condition for ordinary use; and any and all tangible personal property no longer intended or in condition for ordinary and customary use, the accumulation of which has an adverse effect upon neighborhood or Village property values, health, safety or general welfare, but shall exclude recyclables, yard waste and special or hazardous wastes.

ROLL-OFF TRASH CONTAINER- means a large metal container designed and used for the temporary collection of refuse, rubbish, construction waste, any material rejected as useless and fit only to be thrown away. Such container is typically rented or leased to persons for their temporary use and is typically delivered and removed by truck. This term shall not include a "dumpster" that is stored in a more permanent manner on property, and is further required to be screened from public view.

STRUCTURE – Anything constructed or erected that requires location on the ground or attached to something having location on the ground.

VESSEL – Watercraft designated for navigation on the water to include motorized or non- motorized Vessels, dinghies, motorized personal watercraft, or similar vessels, but excluding Paddle-craft. For the purposes of this chapter, vessels may also be referred to as 'watercraft'.

YARD WASTE - Organic waste including but not limited to tree trimmings, dead bushes and plants, grass clippings, leaves and similar materials; excess soil or mulch; and stones or concrete not used in landscaping and not otherwise made available for collection by Village personnel.

§ 141-5. Garbage/Discarded Appliances/Refuse/Rubbish/Construction Waste.

For purposes of providing for a better quality of life, to protect and promote the health, safety and welfare of the residents of the Village of Sodus Point by controlling the storage and disposal of solid waste generated within the Village in the most environmentally acceptable manner; to maximize reduction, reuse and recycling in the management of solid wastes generated in the Village of Sodus Point; to comply with the requirements and further the purposes of the New York State Solid Waste Management Act, the New York State Solid Waste Management Plan, the following shall apply:

A. Owners and occupants of residential and commercial real property are responsible for keeping the exterior of their property and premises free from any accumulation of yard waste, unusable/inoperable yard equipment, refuse or rubbish, construction waste and the like. No person shall accumulate or permit the accumulation of refuse or rubbish upon any premises owned or occupied by him/her except for the purpose of collection, which shall normally occur at intervals not less frequently than once every seven days, except for holidays, Sundays, vacations or extraordinary weather, or except where caused by or arising out of the construction or remodeling of a dwelling or other building on the premises or incidental to the landscaping of said premises, in which cases due care shall be taken that such accumulation shall not create an unsightly appearance or unreasonably disturb the comfort and repose of the neighborhood and shall be removed within a reasonable time or

immediately upon completion of the work causing such accumulation.

B. All containers used for disposal of garbage must have a tight-fitting cover, be fly-tight, rodent-tight and water-tight and must be kept covered at all times. Every owner, lessee or occupant of any building, premises or place of business within the Village of Sodus Point shall provide or cause to be provided and at all times keep suitable and sufficient receptacles provided for receiving and containing garbage and refuse which may accumulate on said premises. Every owner, tenant or occupant of any building, premises or place of business, except vacant land, must be able to demonstrate they are serviced by a licensed disposal company. No such receptacles shall be kept near any public place longer than may be necessary for the removal of the contents thereof. All receptacles must be kept closed at all times. Lawn carts, wheelbarrows, fifty-five-gallon drums, fiber barrels and wastebaskets are not considered suitable and sufficient containers.

C. Recyclables shall be prepared for collection in containers provided by recycling collectors. Waste oil, and electronic waste shall be disposed of consistent with guidelines provided by the Department of Environmental Conservation.

D. Property owners/occupants may not place garbage and refuse receptacles or recyclables for collection at the curb more than 24 hours prior to their scheduled collection and are responsible for returning such receptacles to an off-street storage area within 24 hours from the day of the disposal collection service. Except for one- and two-family residential premises, receptacles shall be stored either inside of a building or screened from public view.

E. Materials to be disposed which are too large to be contained in approved receptacles may only be placed at an appropriate curbside location for pick-up no more than 24 hours in advance of such scheduled pick-up. Discarded appliances and bulky refuse shall be dismantled so as to not pose a threat to public health and safety. (For example, refrigerator doors must be removed from their hinges.) All materials shall be bundled or secured to prevent them from being blown away or subject to invasion or movement by animals.

F. Yard waste, brush and other approved materials for Village pickup shall be placed curbside no sooner than 48 hours prior to the date of pickup.

§ 141-6. Exterior Maintenance.

A. All roofs and flashing shall be sound, weather-tight and provide adequate drainage. An exception may be made in emergency repair situations for residential properties at the discretion of the Code Enforcement Officer. However, such emergency repair shall not exceed 60 days, and tarps and similar temporary coverings shall be prohibited, unless specifically approved by the Code Enforcement Officer.

B. Residential properties shall be kept free from piles of soil, stone, mulch, fill or the like in excess of one cubic yard, and shall not be visible to the public or neighboring property. For the purpose of landscaping or construction, these materials may be permitted upon the property for up to 30 days.

C. Wood used as fuel or for crafting shall be neatly stacked within 21 days of delivery.

§ 141-7. Vegetation.

A. Property owners/occupants shall keep lawn areas of their property that are intended for regular use by building occupants or the public free from hazardous or dead trees, uncultivated brush, shrubs, weeds or grass, and accumulations of stumps, roots and excessive and/or noxious growth. Grass or ground cover shall be maintained at a height no greater than 10 inches.

B. No person shall maintain, plant or permit to remain on any area intended to be lawns or lawn areas any noxious weeds or growth greater than 10 inches in height.

C. Unkempt planters appearing overgrown with grass and weeds shall be construed as lawn areas for the purpose of this chapter.

§141-8. Outdoor Storage of Inoperable/Unlicensed Vehicles.

A. No person shall accumulate, store or allow more than one unlicensed, disassembled, inoperable, junked or wrecked motor vehicle, including but not limited to automobiles, trucks, recreational vehicles, tractors, trailers, snowmobiles, motorcycles or other motorized machines, outside on any portion of their property within the Village of Sodus Point for a period exceeding two weeks. Residents expecting to repair, rebuild or reassemble any motorized machine shall do so in an enclosed area. If an enclosed area is not available the work shall be effectively shielded from public view in a manner so as to make it unobtrusive to the public by means of placing it in the back or side yard. Alternatively, if repair work exceeding two weeks is to be performed in the driveway on the roadside front of the premises, the machine must be covered with a fitted car cover or a secured tarp when not being actively worked upon. Car covers and tarps should be maintained at all times and cannot be ripped, torn or blowing.

B. Exception:

Any business engaged in automotive sales and repair located in a properly zoned district may retain no more the three (3) disassembled or wrecked vehicles in the open for a period not to exceed 30 days, after which such vehicles shall be removed. Also excepted shall be properly zoned, permitted and licensed junkyards established pursuant to §136 of the General Municipal Law.

§ 141-9. Outdoor Storage of Watercraft and Marine Equipment.

Watercraft storage shall comply with all sections of this chapter as well as those listed within §190.

Owners or tenants of all R and MH properties shall be permitted to store the occupant's

personally-owned watercraft and marine equipment on such properties No LCR, WC or I zoned property shall accumulate, store or allow any watercraft and or marine equipment storage visible to the public without a review process done under section 190-8.

Exceptions:

1. Any current owner of a marina existing on or before the date of this code, on property approved as a marina.
2. The owner or tenant of any LCR, WC, or I property that is used primarily for residential purposes for the storage of the occupants watercraft and marine equipment.

§ 141-10. Unlicensed, Junked or Inoperable Watercraft and Marine Equipment.

No owner or occupant of an R, MH, LCR or WC zoned property that is used primarily for residential purposes shall accumulate, store, or allow unregistered, junked or inoperable watercraft or inoperable marine equipment to be stored outside on any portion of their property for a period exceeding two weeks. The Code Enforcement Officer may grant additional time where bona fide efforts to remove or eliminate such items is actively proceeding.

Marina storage of unregistered, junked or inoperable watercraft or marine equipment on their property must maintain such items in a neat and orderly fashion, out of public view from public rights of way.

§ 141-11. Dumpsters, Roll-off Trash Containers and Portable Storage Containers.

The Village acknowledges that dumpsters, roll-off trash containers, or portable storage containers may be needed temporarily by businesses and residents of the Village for various reasons, including construction, demolition and storage of personal property.

Trucks, vans, converted mobile homes, travel trailers, recreational vehicles, bus bodies, vehicles, and similar items used for the storage of goods and materials are not permitted on property zoned 'R', 'MH', 'LCR', 'WC' or 'I' that is used primarily for residential purposes. Such items shall be removed within one year of the adoption of this chapter.

A. Permit requirements.

No person subject to the requirements of this section shall place dumpsters, roll-off trash containers, or portable storage containers within the Village without first obtaining a permit through the Code Enforcement Office. The permit application shall identify the size and intended location of the dumpster, roll-off trash container or portable storage container relative to the property lines. Applications must indicate what type of materials, garbage, refuse, or construction waste will be collected and/or stored. Placement is subject to the discretion of the CEO.

1. Subject to the approval of the CEO, an initial permit for a roll-off trash container or portable storage container shall be valid for a period up to 45 days depending upon the placement of the roll-off trash container, or portable storage container. A sticker or notice shall be prominently displayed on the street side of the container indicating the commencement and expiration date

of the permit. Permit extensions may be granted for additional periods up to 90 days subject to the discretion of the CEO and payment of fees as provided in the Fee Schedule.

2. Dumpsters for the continuing use of the collection of garbage may be issued permits of up to one year, and additional one-year periods subject to the discretion of the CEO.

B. Location restrictions.

1. All dumpsters, roll-off trash containers, or portable storage containers shall be located on a driveway and shall not obstruct a street, sidewalk or right-of-way unless specifically authorized by the CEO.

2. No dumpsters, roll-off trash containers, or portable storage containers shall be placed within five feet of an adjacent structure or closer than five feet to any property line, unless specifically authorized by the CEO.

3. Any dumpsters, roll-off trash containers, or storage containers placed within five feet of a public street, sidewalk or right-of-way shall be equipped with appropriate reflectors, safety markings or barricades so the container will not constitute a hazard to vehicle or pedestrian traffic.

4. Permanent dumpsters must be screened from public view by means of a gated dumpster enclosure. Dumpster enclosures shall be at least six feet tall, constructed of wood or plastic lumber, masonry or concrete and placed on an impervious surface. Enclosure gates cannot swing over property lines or into the public right of way.

C. Container requirements.

Roll-off trash containers shall not be filled so as to overflow and must be covered at the end of each workday or when not in use if it poses a public nuisance, i.e. foam, insulation, dust, etc. blowing around. Dumpsters containing garbage or other organic matter must be emptied at least weekly. Any dumpster that is overflowing or generates an offensive odor or attracts rodents or other vermin must be removed and/or remediated immediately.

§ 141-12. Complaints.

Complaints concerning any violation of this chapter shall be made in writing and filed with the Code Enforcement Officer for the Village of Sodus Point, who shall immediately cause an investigation to be made with respect thereto and the written report of such investigation filed with the Clerk of the Village.

§ 141-13. Correction of violations.

A. Commencement of proceedings. Whenever the Code Enforcement Officer or his/her duly

authorized representative has inspected any building or premises and has determined that said building or premises is in violation of any provision of this chapter or the Uniform Code, he/she shall commence proceedings to cause the cleanup, repair, rehabilitation, vacation or demolition of the building or premises.

B. Routine action. Whenever the Code Enforcement Officer or his/her duly authorized representative determines that a building, premises or land is in violation of any provision of this chapter or the Uniform Code, he/she shall give notice of the violation or violations as herein provided.

Notice:

1. Such notice shall be given by first class mail, addressed to the last known owner at the address as shown by the records of the Wayne County Clerk, and within five calendar days of such mailing, such notice shall be given by:
 - (1.a) Personal delivery upon such owner or owners of property; or
 - (1.b) Personal delivery to the occupant of the building or premises or to the person or individual using the land or to the person or persons allegedly responsible for such violation; or
 - (1.c) Posting the notice on the building, premises or land where the violations are deemed to exist.
2. The depositing of the notice into a depository, maintained under the exclusive control of the United States Postal Service, shall be deemed sufficient to satisfy the mailing requirement. Such notice shall be in writing and shall specify the alleged violation and shall provide a reasonable time of not less than five days for compliance and shall be served as stated above.
3. Such notice may contain an outline or mention of the remedial action that will be taken to effect compliance in the event the owner, occupant, agent or operator does not comply with said notice within the time period specified therein. The Code Enforcement Officer or his/her duly authorized representative may extend the compliance time specified in any notice issued under the provisions of this chapter where there is evidence of intent to comply within the period specified, provided that reasonable conditions exist which prevent immediate compliance.

A. Emergency Action

1. Whenever the Code Enforcement Officer or his/her duly authorized representative has determined that a condition exists which poses an immediate threat to life, health or safety, he/she may, without prior notice, issue a notice citing the violation and ordering 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 chapter or the Uniform Code, such an order shall be effective immediately upon mailing, delivery or posting of the notice of the violation or violations as herein provided.
2. Notice:
 - (2a) Such notice shall be given by first class mail, addressed to the last

known owner at the address as shown by the records of the Wayne County Clerk, and within five calendar days of such mailing, such notice shall be given by:

[1] Personal delivery upon such owner or owners of property; or

[2] Personal delivery to the occupant of the building or premises or to the person or individual using the land or to the person or persons allegedly responsible for such violation; or

[3] Posting the notice on the building, premises or land where the violations are deemed to exist.

(2b) The depositing of the notice into a depository, maintained under the exclusive control of the United States Postal Service, shall be deemed sufficient to satisfy the mailing requirement.

(2c) Such notice shall be complied with immediately or as otherwise provided. The Code Enforcement Officer or his/her duly authorized representative may extend the compliance time specified in any order issued under the provisions of this chapter where there is evidence of intent to comply within the period specified, and the immediate threat to life, health and safety has been adequately mitigated, provided that reasonable conditions exist which prevent immediate compliance. Whenever the Code Enforcement Officer or his/her duly authorized representative determines that the condition which poses an immediate threat to life, health or safety has not been corrected in the time specified by the order issued, he/she may take such direct action as is necessary, including demolition or whatever other action may be required to remove or abate the hazard or danger. Expenses incurred in the execution of such orders shall be recovered as provided herein.

(2d) A second violation for the same or subsequent offense within a calendar year will result in immediate action with no notification from the Village of Sodus Point. Said action will result in an administrative fee as stated in the Fee Schedule.

§ 141-14. Action In Case of Noncompliance.

A. Whenever a notice or notices referred to above have been given, and the violations continues to exist beyond the time specified in the notice or notices, the Code Enforcement Officer or his/her duly authorized representative may authorize the work to be done and pay the cost thereof out of the general funds of the Village.

B. The Village shall be reimbursed for the costs of the work performed or services rendered by the Code Enforcement Officer or his or her representative as hereinafter provided in section 141-15 (D), by assessment and levy upon the lots or parcels of land 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.

§ 141-15. Alternative remedies.

The Village of Sodus Point Code Enforcement Officer or his/her designee shall have the following alternative remedies for enforcement of this chapter:

A. Appearance tickets. The Code Enforcement Officer or his/her representative shall have the authority, pursuant to the New York State Criminal Procedure Law, to issue an appearance ticket subscribed by him/her, directing a designated person 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 chapter or any order made thereunder.

B. Penalties for offenses. Any person who fails to comply with any provision of this chapter or fails to comply with any notice, order or directive of the Code Enforcement Officer or his/her representative after expiration of the time for compliance established in accordance with this chapter shall, upon conviction, be punished by a fine of not more than \$1,000 or by imprisonment not to exceed 15 days, 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.

C. The Village of Sodus Point may commence a proceeding in Wayne County Supreme or County Court pursuant to Article 18 of the Executive Law of the State of New York.

D. In the event of the refusal or neglect of the person so notified to comply with an order of the Code Enforcement Officer, the Village Board shall provide for the removal of the refuse, inoperable motor vehicle, watercraft or marine equipment, or noxious weeds and growth, as the case may be, either by Village employees or by contract, and the total cost thereof including unpaid fine(s) and an administration fee in the amount of \$100.00, shall be assessed upon the real property upon which the refuse, inoperable motor vehicle, watercraft or marine equipment, or noxious weeds and growth are found, and shall constitute a lien and charge upon the real property on which it is levied until paid or otherwise satisfied or discharged, and shall be collected by the Village Treasurer in the manner provided by law for the collection of real property taxes.

§ 141-16. Severability.

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

§ 141-17. When effective.

This Local Law shall take effect immediately when it is filed in the Office of the Secretary of State in accordance with section 27 of the Municipal Home Rule Law.