

PROPERTY MAINTENANCE

Section 1. Legislative findings.

It is hereby found and declared that there have existed from time to time in the Village of Cohocton, through lack of maintenance, infestation and unsanitary conditions, which constituted a menace to the health safety, morals, welfare and reasonable comfort of the citizens and inhabitants of the Village of Cohocton. In order to prevent the growth and spread of such conditions in the future, to maintain the neighborhood and property values, the desirability and amenities of dwellings and to protect and foster the health, safety and welfare of our village, this Board deems the restrictions, as hereinafter set forth, to be prudent and necessary.

Section 2. Purpose.

The purposes of this chapter are to protect the public health, safety, morals, welfare and public and private property by establishing minimum standards governing the exterior maintenance of premises and duties of owners and operators of buildings; to authorize and establish procedures for the inspection of the exterior of premises; and to fix penalties for the violations of this law. This law is hereby declared to be remedial and essential for the public interest, and it is intended that this law be liberally construed to effectuate the purposes as stated herein.

Section 3. Definitions.

RUBBISH As used in this local law, the “rubbish” includes all discarded or worthless non-putrescible solid waste consisting of both combustible and non-combustible wastes, including but not limited to paper and paper products, rags, wrappings, cigarettes, cardboard, tin cans, yard clippings, wood glass, metals, plastics, tires, bedding, cloth, crockery, furniture, appliances and similar items.

DEBRIS As used in this local law, 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 include, 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, equipment, remodeling, repair or demolition.

GARBAGE As used in this local law, the term “garbage” includes all putrescible animal and vegetable waste resulting from growing, processing, marketing and preparation of food items, including the container in which packaged.

Section 4. General regulations.

A. All property exterior within the Village of Cohocton, including the exteriors of all buildings and structures and including all lands within the Village of Cohocton, either occupied or vacant, shall be kept clean and free from garbage and rubbish, shall be kept free from rodents and vermin which may constitute a health or safety hazard and shall be kept free from any other health or safety hazards of any kind.

B. All exterior parts of the premises shall be maintained so as to prevent infestation and the accumulation of debris.

C. All lawns, hedges, shrubs, bushes, weeds and growth or vegetation of any kind shall be kept trimmed and shall not be permitted to become overgrown, and no grass or weeds shall be permitted to grow to a height in excess of 12 inches. Farmers with an operating farm shall be exempt from the provisions of this subdivision "C" for such farm except for the immediate lawn around the farm house residence.

D. It shall also be unlawful for any such person or persons to cause, suffer or allow poison ivy, ragweed or other poisonous plants or plants detrimental to health to grow on any such lot or land in such manner that any part of such ivy, ragweed or other poisonous or harmful weed shall extend upon, overhang or border any public place, or to allow seed, pollen or other poisonous particles or emanations therefrom to be carried through the air into any public place.

Section 5. Disposal of garbage.

Every building or structure within the Village of Cohocton shall be provided with watertight receptacles with tight-fitting covers sufficient in capacity to hold all refuse, garbage and waste matter from said building or structure. When not out for collection, receptacles shall be located and maintained out of public view in such a manner as to prevent the creation of a nuisance or a health hazard.

Section 6. Enforcement.

The Village of Cohocton Code Enforcement Officer and such persons as may be designated from time to time by the Board of Trustees of the Village of Cohocton, or any of them, are hereby designated as the officers charged with the enforcement of this law hereby established and are hereinafter referred to as the "enforcement officer."

Section 7. Notice of violation.

Whenever the enforcement officer determines that there are reasonable grounds to believe that there has been a violation of any provision of this law, he shall give notice of such alleged violation to the person or persons responsible therefor as hereinafter provided. Such notice shall be in writing; including a statement of the reasons why it is being issued; and be served upon the owner or occupant of the premises or the agent of either of them. Such notice shall be deemed to be properly served if a copy thereof is served upon such person personally or is sent by certified or registered mail to his last known address or is posted in a conspicuous place in or about the premises affected by the notice. Such notice shall also state that unless within 10 days from service of the notice a written request is made for a hearing before the enforcement officer, said notice shall, at the expiration of such ten-day period, be deemed an order to cease and desist from and to abate the described violation, and such notice shall prescribe a reasonable time within which such person shall be required to cease and desist from and abate such violation. The notice may also contain an outline of remedial action which, if taken, will effect compliance with the provisions of this law.

Section 8. Hearings.

If a hearing as aforesaid is requested, it shall be commenced not later than 10 days after request therefor is made, provided that for good cause the enforcement officer may postpone such hearing for a reasonable time. If, after a hearing, the enforcement officer finds that no violation exists, he shall withdraw the notice. If he finds that a violation does exist, he shall enter and issue an order requiring the abatement of same within a prescribed, reasonable time. The

proceedings at such hearing, including the findings and decision of the enforcement officer, shall be summarized, reduced to writing and entered as a matter of public record in the office of the enforcement officer.

Section 9. Emergency action.

Whenever the enforcement officer finds that an emergency exists which requires immediate attention to protect the public health or safety, he may, without notice or hearing, issue an order reciting the existence of such an emergency and requiring that such action be taken as he deems necessary to meet the emergency. Notwithstanding any other provisions of this law, such order shall be effective immediately. Any person to whom such order is directed shall comply therewith immediately, but upon petition to the enforcement officer, he shall be afforded a hearing as soon as possible. After such hearing, the enforcement officer shall continue such order in effect or modify or withdraw it.

Section 10. Noncompliance; charge included in tax bill; filed statement constitutes lien.

A. Action upon noncompliance. Upon the failure, neglect or refusal of any owner or agent so notified to properly comply with this law within 48 hours after receipt of the written notice or within 48 hours after the date of such notice in the event that the same is returned to the enforcement officer because of its inability to make delivery thereof and provided that the same was properly addressed to the last known address of the last owner or agent, the enforcement officer is hereby authorized and empowered to undertake, arrange and pay for the correction of such violation.

B. Charge included in tax bill. When the village has effected the correction of the violation or has paid for its removal, the actual cost thereof, plus the accrued legal rate of interest per annum from the date of the completion of the work, if not paid by such owner prior thereto, shall be charged to the owner of such property on the next regular tax bill forwarded to such owner by or on behalf of the village, and such charge shall be due and payable by said owner at the time of payment of such bill.

C. Filed statement constitutes lien. Where the full amount due the village is not paid by such owner within 20 days after the correction of such violation, as provided in Subsections A and B above, then and in that case the enforcement officer shall cause to be filed in the office of the Village Clerk a sworn statement showing the cost and expense incurred for the work, the date the work was done and the location of the property by address, section, lot and block on which said work was done and the name of the reputed owner thereof. The filing of such sworn statement shall constitute a lien and privilege on the property and shall remain in full force and effect for the amount due in principal and expenses shall be collected in the manner fixed by law for the collection of taxes and, further, shall be subject to a delinquent penalty at the legal rate of interest in the event that same is not paid in full on or before the date the tax bill upon which such charge appears becomes delinquent. Sworn statements filed in accordance with the provisions hereof shall be prima facie evidence that all legal formalities have been complied with and the work has been properly and successfully done and shall be full notice to every person concerned that the amount of the statement, plus interest, constitutes a charge against the property designated and described in the statement and that the same is due and collectible as provided by law.

Section 11. Penalties for offenses.

Any person who shall violate any of the provisions of this law or any order promulgated hereunder shall, upon conviction, be punished by a fine not to exceed \$250 for each violation of any of the provisions of this law, and each day that such violation shall continue shall be deemed to be a separate and distinct offense.

Section 12. Local Law Number 1 of 2007 of the Village of Cohocton is hereby repealed in its entirety.

Section 13. This Local Law shall take effect upon filing with the Secretary of State.