

Proposed Local Law C (2023)

A Local Law Establishing a Property Maintenance Code for the Village of Hoosick Falls

ARTICLE I General Provisions

Section 1. Entitled “Purpose”

It is the purpose of this chapter to ensure that property within the Village of Hoosick Falls is maintained in a safe and sanitary condition so as not to pose a threat to public health or property. It is also the intent of this chapter to provide minimum standards for the maintenance of property to be enforced by the Village in its effort to prevent the gradual encroachment of blight, deterioration, unsightliness and property devaluation within its borders and to ensure that all premises within the Village are maintained in a manner consistent with their use and which protect the safety, health, and welfare of the general public.

Section 2. Entitled “Applicability”

The provisions of this chapter shall supplement all local laws, ordinances, codes or regulations existing in the Village of Hoosick Falls and other statutes and regulations of municipal authorities having jurisdiction applicable hereto. Where a provision of this chapter is found to be in conflict with any provision of an existing local law, ordinance, or regulation, the provision or requirement of this chapter shall prevail.

Section 3. Entitled “Definitions”

As used in this chapter, the following terms shall have the meanings indicated:

ABANDONED OR UNOCCUPIED BUILDING — A building or portion thereof which lacks the habitual presence of human beings who have a legal right to be on the premises, including buildings ordered vacated by the Code Administrator and his or her designees.

ANIMAL FEED — Food or other material used as a food for any animal.

BUILDING — Any structure that is permanently affixed to the land, has one or more floors and a roof, and is intended for the shelter, housing or enclosure of persons, animals or chattel.

BUILDING INSPECTOR — An appointed Building Inspector of the Village of Hoosick Falls.

DEFAULT — When a mortgagor is 90 days past due of the mortgagor's obligation to make a scheduled payment under a mortgage or a mortgage note.

FORECLOSED PROPERTY — Property for which a new deed has been recorded with the Rensselaer County Clerk following the foreclosure process.

JUNK — Discarded, broken, or disabled material including, but not limited to, furniture, appliances, toys, or other items that are not in functioning condition.

LITTER — Discarded waste materials, including but not limited to, paper wrappings, packaging materials, discarded or used bottles, and discarded or used cans.

MORTGAGEE — The creditor, including, but not limited to, service companies, lenders in a mortgage agreement and agent, servant, or employee of the mortgagee, or any successor in interest, and/or assignee of the mortgagee's rights, interests or obligations under a mortgage.

MOTOR VEHICLE — All vehicles propelled or drawn by power other than muscular power originally intended for use on public highways.

NOTICE OF DEFAULT — A recorded notice that a default has occurred under a mortgage and the mortgagee intends to initiate foreclosure proceedings under New York State Real Property Actions and Proceedings Law (RPAPL) § 1301 et seq.

OWNER — Any person or legal entity identified as the property's owner of record in the records of the Village of Hoosick Falls Assessor's Office, or a mortgagee or mortgagor in possession of the property, or an assignee of rents, a receiver, an executor, a trustee, a lessee, or any other person or legal entity in control of the premises. Any such person shall be jointly and severally obliged to comply with the provisions of this article.

PROPERTY — Any improved real property or portion thereof, including all buildings or structures located on the property.

REGISTRATION FORM — The registration form that is available in the Building Department.

RPAPL — New York State Real Property Actions and Proceedings Law.

STRUCTURE — A building or structure which is not currently inhabited or occupied and to which access to the interior thereof may be gained by reason of open, unlocked, or broken windows or doors, or because of other physical deterioration or damage thereto.

TRASH — Waste food products and other household garbage.

UNSECURED BUILDING — A building or portion thereof which is open to entry by unauthorized persons without the use of tools or ladders.

VACANT BUILDING — A building or portion thereof which is:

- A. Unoccupied and unsecured;
- B. Unoccupied and secured by other than normal means;
- C. Unoccupied and an unsafe building as determined by the Code Enforcement Officer or his or her designees;
- D. Unoccupied and has multiple housing or building code violations; or
- E. Unoccupied in violation of one or more of the provisions of this article.

VERMIN — Various small animals, such as rats, that may be destructive or injurious to health.

YARD — A space unoccupied by structures on the same lot with a building or structure.

ARTICLE II
Property Maintenance

Section 4. Entitled “Duty to maintain property”

No person owning, leasing, renting, occupying, being in possession of or having charge of any property in the Village, including vacant lots, shall maintain or allow to be maintained on such property, except as may be permitted by any other Village ordinance, any of the following conditions:

- A. Junk, trash, litter, boxes, discarded lumber, salvage materials, or other similar materials in any front yard, side yard, rear yard, or vacant lot;
- B. Attractive nuisances dangerous to children, including, but not limited to, abandoned, broken or neglected equipment, machinery, refrigerators and freezers, excavation, wells, or shafts;
- C. Broken or discarded furniture, household equipment and furnishings in any front yard, side yard, rear yard, or vacant lot;
- D. Shopping carts in any front yard, side yard, rear yard, or vacant lot of any property;
- E. Graffiti or signs, not in compliance with the Village Zoning Code, on the exterior of any building, fence, or other structure in any front yard, side yard, or rear yard, or vacant lot;
- F. Vehicle component parts or other articles of personal property which are discarded or left in a state of partial construction or repair in any front yard, side yard, rear yard, or vacant lot;
- G. Any accumulation of weeds, brambles, berry vines, or other vegetation which is overgrowing any structure or which exceeds an average height of 10 inches, except that which is kept in a neat and orderly manner for human consumption, or any accumulation of dead organic matter, offal, rat harborages, stagnant water, combustible materials and similar materials, or conditions which would constitute a fire, health, or safety hazard. However, this does not apply to cultivated flowers or gardens.
- H. Dilapidation or state of filthiness or uncleanness of any dwelling or other structure which endangers health or life or which permits entrance by rats, mice, or other rodents, or by which conditions it attracts rats and other vermin;
- I. Any drainage that adversely affects neighboring properties; or
- J. Any violation of the New York State Uniform Fire Prevention and Building Code.

Section 5. Entitled “Residential buildings and structures”

- A. Exterior walls, roofs, and porches or appurtenances thereto shall be maintained in a manner so as to prevent collapse of the same or injury to the occupants of the building or to the public.
- B. The foundation walls of every building shall be maintained in good repair and shall be structurally sound.
- C. Exterior walls, roofs, and other parts of buildings shall be free from loose and unsecured objects and material and improperly secured objects and materials. Such objects or materials shall be removed, repaired, or replaced.

- D. The owner of vacated buildings shall take such steps and perform such acts as may be required from time to time 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. All openings shall be covered with painted, exterior-grade plywood closures, and securely fastened to prevent trespassing.
- E. Buildings and structures shall be maintained in such a condition that they shall not become unoccupied hazards. All graffiti or defacing shall be removed and the surface finish restored within five days of written notice from the Building Inspector/Code Enforcement Officer.
- F. All signage and lighting systems shall be maintained in a completely operable, clean, and safe condition.
- G. All swimming pools shall be maintained and operated in a clean, safe, and sanitary manner. Swimming pool recirculation and disinfection equipment shall be operated to maintain water quality. Swimming pool equipment and appurtenances shall be operated and maintained in accordance with approved plans and specifications.
- H. All decorative pools, fountains, architectural garden features, and similar items shall be maintained free of litter and operated as intended. Should these devices be abandoned or should they deteriorate because of lack of adequate maintenance, the owner shall either repair, remove, or replace these items within five days of written notice.
- I. Grass lawns on any lot improved with structures shall be maintained free of unrestrained growth. Nothing in this chapter shall be construed to prohibit gardens, woods, generally-recognized groundcovers and lawn grasses, or properly maintained compost piles.
- J. Placement of animal feed on the premises for the purposes of feeding nondomesticated animals shall be carried out in a manner that avoids a noxious impact on the premises or the neighborhood and that avoids detriment to public health or safety.
- K. The maintenance of fences on properties shall be the responsibility of the owner of the fence.

Section 6. Entitled "Commercial/industrial buildings and property"

- A. Commercial buildings and properties shall, at all times, be maintained in compliance with the provisions of this chapter regarding open spaces, buildings or structures, and littering.
- B. No outside storage or accumulation of garbage, crates, pallets, rubbish, refuse, or debris shall be permitted at any time, and all such garbage, crates, pallets, rubbish, refuse or debris shall be kept inside the building or buildings on the premises, or in a screened enclosure, and shall be collected and removed from the premises on no less than a weekly basis unless prior approval is granted by the Planning Board.
- C. No shopping baskets, carts, or wagons shall be left unattended or standing in open areas, and they shall be collected at the close of business each day by the occupant of such unit, and removed to the interior of the building or buildings, or to a designated storage area which does not hinder pedestrian or vehicular movement. In regards to businesses which operate 24 hours per day, unattended shopping baskets, carts, or wagons shall be collected a minimum of two times during each twenty-four-hour period in the manner described above.
- D. The maintenance of all fences and planting areas installed on the premises shall be the responsibility of the owner of the property. Such maintenance shall include, but not be limited to, the removal and/

or replacement of trees and shrubs which may die and/or otherwise be destroyed and the removal and/or replacement of fences which may fall into disrepair. Additionally, lawns and those grassy areas which are viewed by customers and passing motorists shall be maintained in a neat manner.

- E. All signage and lighting systems shall be maintained in a completely operable, clean, and safe condition.

Section 7. Entitled "Open areas, yards and parking spaces"

- A. Surface and subsurface water (with the exception of regulated freshwater wetlands or other bodies of water protected by either local, state, or federal law) shall be appropriately managed to protect buildings and structures. Gutters, culverts, catch basins, drain inlets, stormwater sewers, or other appropriate drainage systems, shall be utilized where necessary. No roof, surface, or sanitary drainage feature shall create a structural, safety, or health hazard by reason of construction, maintenance, or manner of discharge.
- B. Fences and other minor construction shall be maintained in a safe and usable manner.
- C. Steps, walks, driveways, parking spaces, and similar paved areas shall be maintained so as to afford safe passage under all weather conditions. Any holes or other hazards that may exist shall be filled, and necessary repairs or replacements carried out.
- D. Yards and vacant lots shall be kept clean and free of physical hazards, rodent harborage, and infestation. They shall be maintained in a manner which will prevent dust, sand, litter, and other objects which are a danger to public health or safety, from being blown about the neighborhood. Open wells, cesspools, and cisterns shall be securely closed or barricaded from access to the public.
- E. Heavy undergrowth and accumulation of plant growth which is noxious or detrimental to health, shall be eliminated.
- F. Yards and vacant lots shall be maintained free of accumulations of animal excrement which create a noxious impact on the premises or the neighborhood.

Section 8. Entitled "Rodent harborage and infestation"

- A. All buildings, structures, and properties shall be maintained free of insect, vermin, and rodent harborage and infestation. Methods used for exterminating insects, vermin, and rodents shall comply with generally accepted practice.
- B. Where the potential for rodent or vermin infestation exists, windows and other openings in basements and cellars shall be appropriately screened with wire mesh or other suitable materials.

Section 9. Entitled "Littering; appliances; receptacles; and garbage disposal"

- A. All properties, whether improved or vacant, shall be maintained free of litter, provided, however, that this chapter shall not prohibit the storage of litter in authorized private receptacles for collection.
- B. Adequate sanitary facilities and methods shall be used for the collection, storage, handling, and disposal of garbage and refuse in accordance with the provisions of applicable codes.
- C. No appliance may be discarded, abandoned, or stored outdoors in any manner without first completely removing any locking devices and all doors.
- D. Dumpsters and similar large receptacles shall be screened from public streets, rights-of-way, and

areas where pedestrians frequently travel. Said screening shall consist of a solid row of evergreens, or solid fencing to hide the dumpster/receptacle from public view.

- E. Shopping centers, supermarkets, and similar business units shall provide permanent and sanitary litter receptacles within the interior of the premises for public use in sufficient quantity to prevent a person from walking in excess of 100 feet to use any such receptacle. Receptacles shall be of sufficient size to accommodate small items of patron's trash (i.e., shopping lists, tissues, gum wrappers, etc.).
- F. Collection container placement. All containers used for private collection of garbage, rubbish, refuse and recyclables that are required to be placed at curbside shall be placed at the curb no earlier than 6:00 a.m. on the day prior to the day of collection and shall be removed from the curb no later than 6:00 p.m. on the day following the day of collection.

Section 10. Entitled "Maintenance of construction sites"

During the development, improvement, or construction of any site for any purpose, the owner and applicant, as identified on the building permit application, shall take appropriate measures to ensure the following:

- A. Dust, blowing sand, dirt, and sediment shall be controlled so as not to pose a nuisance, health, or safety risk to motorists or neighboring property owners.
- B. Erosion and siltation shall be confined to the site being developed. Neighboring properties and roadways shall not be impacted by erosion, blowing sand, dirt, or siltation as a result of construction activities.
- C. Construction debris/litter shall be confined on the site so as not to impact neighboring properties and roadways.

Section 11. Entitled "Responsibilities of owners"

- A. Owners, operators, and tenants shall be responsible for compliance with the provisions of this chapter and shall remain responsible therefor, regardless of any agreement purporting to delegate the responsibilities set forth herein, with the exception of those responsibilities charged to occupants as designated in Section 12.
- B. Owners and operators of buildings shall be responsible for the proper installation, maintenance, condition, and operation of service facilities. Owners and operators shall furnish adequate heat, hot water, and air conditioning when contractually responsible to do so.

Section 12. Entitled "Responsibilities of occupants"

An occupant of the premises shall be responsible for compliance with this chapter in regard to the following:

- A. Maintenance of that part of the premises which is occupied or controlled in a clean, sanitary, and safe condition.
- B. Keeping exits from the building or apartment clear and unencumbered from his/her possessions.
- C. Daily disposal of garbage and refuse into provided facilities in a clean and sanitary manner.
- D. Providing for safe and sanitary disposition and storage of newspapers, glass, plastic products, yard clippings, and any other item required to be recycled in accordance with other Village laws,

ordinances, codes, or rules.

- E. Keeping domestic animals and pets in an appropriate manner and under control.
- F. Ensuring that containers used for garbage and recycling disposal are maintained in an appropriate place away from the curb and out of the front yard on days when garbage collection is not scheduled for the particular property.

Section 13. Entitled “Enforcement and compliance”

- A. This chapter may be enforced by the Building Inspector, Code Enforcement Officer, or by any police officer of the Village of Hoosick Falls Police Department or a duly appointed representative by the Hoosick Falls Village Board of Trustees. Said persons shall have authority to enforce the provisions of this chapter and to inspect premises within the Village as necessary for said enforcement.
- B. Any property found to be maintained in violation of this chapter is hereby declared to be a public nuisance and shall be abated by rehabilitation, removal, trimming, demolition, or repair.
- C. The property owner shall have the ultimate responsibility for compliance with all provisions of this chapter.

Section 14. Entitled “Notice”

- A. After the Building Inspector/Code Enforcement Officer has determined that there is a specific violation to this chapter, a written notice will be sent to the occupant or owner of the property directing compliance with this chapter within five days after receipt of such notice. The notice shall be sent by certified mail, return receipt requested. Possession by the Building Inspector/Code Enforcement Officer of the US Postal receipt indicating delivery of the notice to the addressee, whether the receipt is signed by the addressee or by a third party, shall constitute conclusive proof of the receipt by the addressee of said notice. The five-day period shall commence on the date of the delivery of the notice as indicated on the postal receipt. The notice may also be personally served on the addressee, in which event the respective five-day period shall commence on the date of the personal service of the notice.
- B. If the notice cannot be either personally served on the record owner or be delivered by certified mail because the record owner cannot, with due diligence, be ascertained, or is not locatable, then the notice may be served by publication. The notice shall be published in the official newspaper of the Village once in each of two successive weeks. If there is a building situated on the property, the notice shall also be posted on the front door of the structure. The five-day period shall commence on the sixth business day following the date of the second publication of the notice.

Section 15. Entitled “Action in cases of noncompliance”

- A. The notice referred to in Section 14, served upon the owner of the subject property, shall advise the owner that if the violation(s) is not corrected within said five-day period, the Village will proceed with the removal and disposition of said violation(s) following said notice period and shall cause the costs of such removal and disposition to be charged against the owner and the subject property. The notice shall also advise the owner of the subject property that the owner may be personally liable for such costs in an action by the Village.
- B. The notice, when it includes provisions pursuant to Subsection A, shall also advise the owner of the

subject property that the owner shall be entitled to a hearing before a review board comprised of three members from the Town, being the Building Inspector/Code Enforcement Officer, a member of the Planning Board and a member of the Zoning Board of Appeals, on any matter the owner wishes to address relating to the existence of the violations of this chapter and the removal thereof from the subject property. The request for a hearing before the review board must be made in writing by the owner of the subject property prior to the expiration of the five-day notice period. The request must be in writing, directed to the Town Building Inspector/Code Enforcement Officer. If a hearing is not requested, the Village shall be entitled to go upon the property upon the expiration of the notice period and, utilizing either Village personnel or independent contractors, correct the violation.

If a hearing is requested by the owner of the subject property, it shall be held within 10 days of the date on which the request is received by the Village. At the hearing, the owner shall be advised of the amount of money which is estimated will be expended by the Village to correct the violation. The owner of the subject property will be responsible for the payment of that amount and that said amount will be assessed as a lien against the property. At the conclusion of the hearing, the review board shall determine if corrective measures by the Village should proceed at the expiration of the respective notice period, and the cost thereof shall be collected from the owner of the subject property or charged against the subject property as hereinbefore mentioned.

- C. The owner shall have five additional days to correct the violation beyond the original notice period in the event that a hearing is held at the request of the owner of the subject property and the owner receives the written decision of the review board. If the owner of the subject property defaults in the removal of the violation, the Village shall be entitled to go upon the subject property and, utilizing either Village personnel or independent contractors, to correct the violation.
- D. The determination of the review board of the Village shall be subject to review in an Article 78 proceeding.
- E. All relative costs to correct the violation by the Village may be collected from the owner of the subject property in a civil action by the Village. In addition thereto, or in lieu thereof, such costs may be assessed as a lien against the subject property of the owner and enforced in accordance with the procedure prescribed in Article 3 of the Lien Law for the enforcement of mechanics' liens on real property.
- F. If any person shall fail to maintain real property in accordance with this Chapter, the Building Inspector/Code Enforcement Officer may authorize the work to be performed, the cost of which shall be borne out of the Village's General Fund.

Section 16. Entitled " Penalties for offenses"

Any person or persons, association, firm, or corporation who shall violate any of the provisions of this chapter shall be guilty of an offense and shall be punishable by a minimum fine of \$50, not more than \$500, or imprisonment for not more than 30 days, or both. Each day that a violation continues shall be deemed a separate offense.

- A. The cost of clean-up on the property shall be assessed as a lien against the property taxes.
- B. Administrative fee: \$200 per incident of noncompliance.

