

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
41 STATE STREET, ALBANY, NY 12231

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

~~County~~
~~City~~ of Chaumont, New York
~~Town~~
Village

FILED
STATE RECORDS

SEP 23 2011

Local Law No. 3 of the year 2011

A local law Property Maintenance Code

DEPARTMENT OF STATE

Be it enacted by the Village Board of the
(Name of Legislative Body)

~~County~~
~~City~~ of Chaumont, New York
~~Town~~
Village as follows:

See attached

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 3 of 2011 of the ~~(County)~~(City)(Town)(Village) of Chaumont, New York was duly passed by the Village Board on August 10, 2011, in accordance with the applicable provisions of law.
(Name of Legislative Body)

~~2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*)~~

~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)(repassed after disapproval) by the _____ and was deemed duly adopted on _____ 20____, in accordance with the applicable provisions of law.~~
(Name of Legislative Body)
(Elective Chief Executive Officer*)

~~3. (Final adoption by referendum.)~~

~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 20____. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.~~
(Name of Legislative Body)
(Elective Chief Executive Officer*)

~~4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)~~

~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.~~
(Name of Legislative Body)
(Elective Chief Executive Officer*)

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

~~5. (City local law concerning Charter revision proposed by petition.)~~

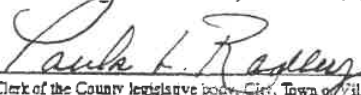
~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____, having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.~~

~~6. (County local law concerning adoption of Charter.)~~

~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.~~

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph _____, above.


Clerk of the County legislative body, City, Town or Village Clerk
or officer designated by local legislative body

Paula Radley,
Village Clerk

(Seal)

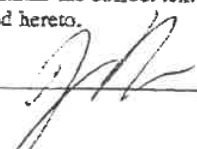
Date: August 16, 2011

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF JEFFERSON

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

Signature


Title Slye & Burrows by James A. Burrows, Esq.

County _____
City of Chaumont, New York
Town _____
Village _____

Date: August 29, 2011

Chapter 63

Property Maintenance

§63.1 Purpose and findings	§63.7 Refuse containers.
§63.2 Title	§63.8 Business premises
§63.3 Applicability	requirements.
§63.4 Definitions.	§63.9 Responsibility of owner
§63.5 Maintenance of yards.	§63.10 Enforcement.
§63.6 Maintenance of buildings and structures.	§63.11 Notice of violation; abatement.
	§63.12 Penalties for offenses.

History: Adopted by the Board of Trustees of the Village of Chaumont as L.L. No -2010

§63.1 Purpose and findings.

The Village Board of Trustees of the Village of Chaumont has determined that in order to preserve the public safety, health and welfare and protect property values within the Village of Chaumont it is necessary to provide certain standards for property maintenance and a mechanism by which to assure that private properties are maintained in a safe, healthy manner and aesthetically pleasing manner. Accordingly, the Village Board of Trustees of the Village of Chaumont hereby adopts this chapter to provide for proper property maintenance on private properties within the Village of Chaumont.

§63.2 Title.

This chapter shall be known as "The Village of Chaumont Property Maintenance Law."

§63.3 Applicability.

This chapter shall apply to all residential, commercial and industrial premises within the Village of Chaumont, whether improved or vacant and shall be effective with the filing of the Department of State.

§63.4 Definitions.

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

BUSINESS- A building or combinations of buildings and structures and lot on which it is located used wholly or in part for commercial purposes, including but not limited to offices, places of public assembly, shopping centers, supermarkets, retail stores, warehouse, manufacturing or fabrication plants, gasoline station and other business uses.

COMMERCIAL- A building or combinations of buildings and the lot on which it is located, used wholly or in part for retail or wholesale distribution of products or services.

GARBAGE- A putrescible or decay able waste, except sewage and body waste, including vegetable and animal offal and carcasses of dead animal and fish waste, including all substances accumulated on or removed from public and private establishments and properties, including residences.

INDUSTRIAL- A building or combination of building and structures and the lot on which it is located used wholly or in part for manufacturing , fabricating, processing of goods to make goods ready for distribution.

JUNK VEHICLES:

- (1) Any motor vehicle, automobile, bus, trailer, tractor, motor home, motorcycle, bicycle, minibicycle, atvs. or snowmobile or any other device originally intended for travel on public highways which meets the following conditions:
 - (a) The vehicle is unlicensed, or uninsured or uninspected.
 - (b) The vehicle is either abandoned, wrecked, stored, discarded, dismantled or partly dismantled.
 - (c) The vehicle is not in any conditions for legal use upon the public highway.
 - (d) The vehicle is in such condition as to cost more to repair and replace in operating condition than its reasonable market value at the time before such repairs.
- (2) With respect to any motor vehicle not required to be licensed or a motor vehicle not used on public highway, the fact that such motor vehicle has remained unused and is not in any condition to be moved under its own power shall be presumptive evidence that such motor vehicle is a "junk vehicle".
- (3) Any boat that is not capable of being used or that is dismantled in any form shall be considered a junk vehicle. This shall include but is not limited to all sail boats, motor boats, jet skis and any other boat.

LITTER- Garbage and rubbish as herein defined and all other waste material which if thrown or deposited tends to create a danger to public health, safety and welfare or spoils the natural beauty of a lot.

LOT- A plot, tract, premises or parcel of land with or without buildings or structures located thereon.

RESIDENTIAL- A one, two or multiple- family building or structure and the lot on which it is located, whose purpose is principally to house or occupy families or individuals.

RUBBISH- Generally dry material produced routinely by household, commercial or industrial establishments such as paper, cans, bottles, containers, ashes parts of equipment, motor vehicles, unusable furniture and other such similar items, including bushes, branches, Christmas trees, lawn rakings and similar waste materials and discarded household appliances or equipment and materials from building demolition and construction waste.

YARD- An open space on any lot, whether occupied or not.

§63.5 Maintenance of yards.

- A. No owner or occupant of a lot shall allow garbage, litter or rubbish to accumulate upon such a lot for a period in excess of one (1) week. Garbage, litter or rubbish which is stored in appropriate receptacles shall be permitted, provided that the owner or occupant of the lot has made arrangements for regular removal of all garbage, rubbish and litter contained in those receptacles on at least a biweekly basis.
- B. Any lumber, building materials, equipment or parts of equipment being stored by an owner and occupant of a lot shall be stored in a neat and orderly fashion.
- C. Shrubs, trees and other landscaping materials that are in a sight distance path on corner lots shall be kept in a neat and orderly fashion so as to not create a sight distance problem for traffic. Any and all shrubs shall not exceed three (3) feet in height within the front of a building within a three (3) foot margin of the Village right-of-way. On a corner lot if erected along the street line, the height shall be measured from the existing elevation of the opposite point along the center line of the street. Within a radius of thirty (30) feet of the corner formed by intersecting streets, the height of any fence, garden wall, hedge or other densely growing shrubbery shall not exceed three (3) feet in height. If any shrubs, tree or other landscaping materials are found to be in violation of this law the Village of Chaumont shall have the right to trim or remove the material that is in excess of the above regulation and bill back to the property owner any and all cost pertaining to the removal of the material.
- D. No owner or occupant of a lot shall allow lawns to grow to a height in excess of nine (9) inches. It is the responsibility of every owner or occupant to provide for mowing of lawns a minimum of four (4) times during the growing season. This requirement is imposed in order to eliminate or reduce insects, vermin and other infestations in the Village. The intent of this requirement is to regulate lawns on lots for residential, business, industrial uses in the village and not to regulate unimproved fields within the Village limits.

- E. Each owner and occupant of a lot shall provide for proper drainage and grading on a lot to protect buildings and structures and to prevent the development of stagnant ponding of water and to prevent unsafe or dangerous runoff onto adjoining public or private properties.
- F. No owner or occupant of a lot shall permit any tree or portion thereof which constitutes a hazard to persons or property to remain. Each owner shall be required to make prompt arrangements for the removal of all such dangerous trees and or limbs. A tree deemed dangerous shall be removed within a twenty four (24) hour period. Failure to have the dangerous tree or limbs removed shall allow for the Village to take emergency measures to have the tree or limbs removed and all cost billed back to the property owner.
- G. No owner or occupant shall allow for a swimming pool or swimming pool cover to accumulate water and allow for the water become stagnant and said pool shall be maintained in a approved manner to prevent the infestation of insects.
- H. No owner or occupant of any property shall permit the storage of any junk vehicle(s) on his or her property, unless a permit for such storage has been issued by the Code Enforcement Officer under the following guidelines;
- (1) Time guidelines:
- (A) An owner or occupant of the property in need, may have a permit granted for the outside storage for thirty (30) day, the vehicle must be stored in the rear of the yard unless the vehicle is for resale purpose. There shall be no charge for the thirty (30) day permit.
- (B) A vehicle storage permit may be renewed for an additional thirty (30) day period upon showing of good cause to the Code Enforcement Officer. The charge for this permit shall be established by the Village Board of Trustees by resolution.
- (C) No permit shall be issued for storage of any vehicle after sixty (60) days total storage time.
- (D) Any vehicle that is stored on a lot after the Sixty (60) day period the Village shall have the right to have the vehicle

removed with all cost being billed back to the owner of the property

- (E) No person shall be considered in violation if the vehicle is stored inside an enclosed building.
- (F) In reaching a determination whether to approve or deny the application for a permit, the Code Enforcement Officer may impose such conditions and or requirements as deemed necessary to ensure that the legitimate goals of this chapter and the general welfare of the village inhabitants are served. The Code Enforcement Officer may use the New York State Property Maintenance Code guidelines in determining whether a permit should be granted.
- (G) Any boat must be stored in the rear yard of the property with no storage allowed in the front yard of a property.

§63.6 Maintenance of buildings and structures.

- A. No owner or occupants of a lot or building shall be allow or permit steps, sidewalks or parking spaces on the lot to fall into disrepair in such a manner as to make it unsafe for normal use and weather conditions. With respect to sidewalks, it is recognized that sidewalks are utilized by the public and it is each owner's or occupant's responsibility to keep the sidewalk in good repair and free of hazards.
- B. No owner or occupant of a lot or building shall allow any building or part of a building to have improperly or unsecured objects or materials about it, which objects or materials could fall or be blown from the building into any public area.
- C. No owner or occupant of a lot or building shall allow a building or structure to be maintained with graffiti or other defacing materials on it and shall promptly remove such graffiti or other defacing materials from the building or structure.
- D. No owner or occupant of a lot or building shall allow any fence, shed or other accessory building or structure to be in a state of disrepair and shall either remove or repair such accessory building or structure within a reasonable time.
- E. All exterior exposed surfaces not inherently resistant to deterioration shall be repaired, coated, treated or sealed.

§.7 Refuse containers.

- A. All owners and occupants of lots or buildings which are occupied in any manner shall provide appropriate receptacles for collection of garbage, litter and rubbish. Appropriate receptacles shall be opaque and have lids or other covering devices and shall be maintained in such a manner that dogs or other animals will not be able to have access to the garbage, litter or rubbish.
- B. Receptacles shall be stored inside or in the event such storage is not possible, only on the rear or side of the building and not in the front yard. Receptacles may however, be placed in the front of the building at such times as commercial or private haulers will be removing garbage, litter and rubbish from the receptacles.

§.8 Business premises requirements.

- A. No shopping baskets, cart or wagons shall be left unattended or standing in open areas. All such items shall be collected at the close of each business day and removed to the interior of the building or arranged neatly against the building and secured against removal by chains or other appropriate devices.
- B. No mobile refrigeration unit shall be operated on any business premises after the closing of the business unless such mobile refrigeration unit is electrically operated.
- C. All businesses shall maintain dumpsters or other large receptacles for garbage, litter and rubbish in an area shielded from public view by appropriate landscaping or architectural screening.
- D. Shopping centers, supermarkets and other similar businesses shall provide permanent receptacles on the premises for public use at fifty-foot intervals along the front of the building.

§.9 Responsibility of owner.

Owner of any lot or building shall be responsible for any violation which occurs on that lot, whether or not that owner actually occupies the lot or building. In addition to the responsibilities of the owner, any occupant of a lot or building may also be responsible for the condition of that lot and subject to the penalties of this chapter.

§10 Enforcement.

The code Enforcement Officer of the Village of Chaumont is hereby empowered to enforce this chapter. He or she shall be responsible for the initial determination whether a condition is hazardous or unsafe.

§11 Notice of violation: abatement.

- A. The Code Enforcement Officer shall give notice to any owner or occupant of a lot or building of any violation of this chapter. Such notice shall specify the nature of the violation and the action needed to correct the violation and shall state a reasonable period of time in which to do so. The notice shall further state that in the event that the owner, occupant does not correct the condition within the specified time, other enforcement action will be taken in accordance with chapter.
- B. In the event that the owner or occupant of the lot does not comply with the violation notice within the time set by the Code Enforcement Officer, the Code Enforcement Officer shall report the same to the Village Board of Trustees. The Village Board shall except in the event of an emergency, thereupon direct that a notice be served upon the occupant stating that if the condition is not remedied within an additional reasonable period of time, not less than ten (10) days nor more than thirty (30) days as established by the Village Board of Trustees, that the Village Board shall seek further enforcement action under this chapter, which enforcement may include one (1) of the following:
 - (1) The hiring of appropriate individuals to perform the necessary work. In the event that this option is elected by the Village Board of Trustees, the Village Board will charge back all costs to the owner or occupant, and if the same is not paid by the owner or occupant, the same may be added to the tax bill for the property as a special assessment.
 - (2) The Village may seek the imposition of a monetary penalty in a court of competent jurisdiction as set forth below.
 - (3) The Village may seek injunctive relief in a New York Supreme Court.
- C. In the event of an emergency, the Village Board upon determining that such emergency exists, may take immediate corrective action without further notice to the owners or occupants.
- D. The Code Enforcement Officer shall be allowed to issue appearance tickets for violations of this Code and seek relief in any court of competent jurisdiction.

§.12 penalties for offenses.

Any person, firm or corporation which shall be found to be in violation of the provisions of this chapter shall be guilty of an offense which shall be punishable by a fine of not more than two hundred fifty dollars (250.00). Each week of continued violation shall be considered a separate offense.