

PROPERTY MAINTENANCE

Chapter 15B Local Law # 6 1995

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(History: Adopted, Hilton Village Board, 9-11-95 as Local Law No. 6. Amendments noted where applicable.)

15B-1 Purpose

The purpose of this local law is to prevent the gradual encroachment of blight, deterioration, unsightliness and property devaluation and to assure that all premises within the Village of Hilton are maintained in a manner that, in the discretion of the Code Enforcement Officer, will assure the safety, health and welfare of the general public.

15B-2 Applicability

- A.** The provisions of this local law shall apply to all buildings and premises within the Village of Hilton as follows:
 - 1. Lots, plots or parcels of land which are vacant or upon which are occupied or vacant buildings or portions of buildings, and herein referred to as "premises".
 - 2. Buildings intended for residential use or occupancy, commercial, industrial, institutional, storage uses, including mixed occupancy uses, and accessory structures.
 - 3. Any and all buildings or parcels which are under construction or demolition, including buildings not completed, to the extent that a nuisance or practice exists, or is being carried out, which, in the opinion of the Code Enforcement Officer, is a disturbance to the public health, safety or welfare.
- B.** The provisions of this local law shall supplement the state and local laws, ordinances, codes and regulations. Where a provision of this local law is found to be in conflict with any provision of a state law, local law, ordinance, code or regulation, the provision which is more restrictive or which establishes the higher standard shall prevail when legally permissible.

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15B-3 Provisions for All Districts (amended 10/3/06 by L.L #1 2006)

- A. Surface and subsurface water shall be appropriately drained to protect buildings and structures, and to prevent deterioration of sidewalks and driveways.
- B. Ground cover shall be properly established to prevent undue soil erosion and dust due to the weather elements.
- C. All grass, weeds or other plant growth shall be cut or trimmed to avoid the development of places for the accumulation of blowing trash, dumping, rodent harborage, insect infestation, criminal activity or places which constitute a blighting or unsightly influence on the neighborhood. Any trees, shrubs, hedges and bushes or portions thereof which are deemed hazardous to persons or property shall be removed.
- D. Required handicapped parking spaces, signs or markings must be maintained and remain unobstructed and accessible.
- E. Fences, walls and other minor constructions shall be maintained in safe, good and substantial condition.
- F. Steps, sidewalks, driveways, parking spaces and similar paved areas shall be maintained to afford safe and convenient passages. All hazards, including but not limited to holes, deep ruts, cracking or buckling of service sidewalks, driveways and parking lots, shall be repaired or removed.
- G. Exterior stairs, porches, decks, entrance platforms, fire escapes and the railings thereon shall be maintained in a safe and sound condition.
- H. Any building attachment or structural appurtenance including but not limited to roofs, trim, signs, towers or chimneys , shall be maintained in a safe and sound condition.
- I. Exterior surfaces shall be maintained in good condition. Surfaces not inherently resistant to deterioration shall be treated with a protective coating of paint or other suitable preservative.
- J. The outdoor storage or maintenance of unregistered or inoperable or dismantled equipment, Junk or scrap material, shall not be permitted on any lot in any district. As used in this section the term "Junk" shall mean any manufactured good, appliance, fixture, furniture, machinery, motor vehicle, recreational vehicle, trailer or similar object which is abandoned, demolished, discarded, dismantled or so worn, deteriorated or in such a condition as to be generally unusable in its existing state. This definition shall include but shall not be limited to scrap metal, scrap material, waste bottles, cans, paper, rubble, boxes, crates, rags, used construction materials, motor vehicle parts and used tires.
- K. No person shall accumulate or permit the accumulation of garbage, wastes, or refuse upon any premises except that it be in appropriate containers for the purpose of collection, which accumulation shall not continue for a time exceeding fifteen (15) days. Such accumulation shall not pose a threat to public health and safety, or shall not create an unsightly appearance or unreasonably disturb the comfort and repose of the neighborhood. Storage of materials which is emitting odors and exhibits bacterial, fungal, or insect growth are prohibited.

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15B-3 Provisions for all districts

- L.** Any buildings or structures which have been vacant for over sixty (60) days shall be made secure to prohibit entry by unauthorized persons by lock, barricade, guard continuously or otherwise secure all windows, doors, and other openings in the building or structure.
- M)** Abandoned, Unlicensed, Inoperative, Junked or Discarded Vehicles: (added 10/3/06)
1. It shall be unlawful for any owner of or occupant of any real property in the Village of Hilton to have or permit the outside storage of any automobile or other motor vehicle on said real property, for a period longer than seven days that is required to be licensed and/or registered and not bearing a current and valid license plate, registration sticker, and inspection sticker properly displayed according to the Vehicle and Traffic Law.
 - 2) The Code Enforcement Officer may grant permits for a period of no longer than three months, allowing the outside storage of a vehicle that does not have a current and valid license plate, motor vehicle sticker, and inspection sticker properly displayed. Such permits may be renewed a maximum of three (3) times by the Code Enforcement Officer upon good cause shown, including but not limited to, the following:
 - a) The motor vehicle is up for sale
 - b) The motor vehicle is being stored for winter months Nov - Mar
 - c) Owner is serving in the armed forces
 - d) Owner is temporarily relocated by his/her employer
 - e) Owner is attending school out of area

The application fee for permits or renewals thereof shall be as set from time to time by resolution of the Village Board of Trustees.
 - 3) It shall be unlawful for any owner of or occupant of any real property in the Village of Hilton to have or permit the outside storage of any motor vehicle on said real property that is not required to be licensed or not usually used on the public highway, which is:
 - a) Wrecked, stored, discarded, dismantled and or which is not intended or in any condition for legal use.
 - b) Being held or used for the purpose of resale of used parts therefrom or for the purpose of reclaiming for use some of the materials therein for the purpose of disposing of the same;

15B-4 Interior Maintenance

- A. Structural members shall be protected and maintained to resist and prevent deterioration.
- B. Stairways and passageways serving occupied and habitable space shall be maintained for safe, continuous and unobstructed exit, and free and clear of debris and equipment storage. Such stairways and passageways shall be lighted with natural or electric light at all times so as to allow safe passage.
- C. Chimneys, smokestacks, flues, gas vents, smoke pipes and connectors shall be maintained structurally safe and smoke tight, so as to safely convey the products of combustion to the outer air.
- D. Heating equipment shall be maintained in good condition, in order to provide adequate and safe heat to occupied spaces.
- E. Cooking and refrigeration equipment shall be maintained in good operating condition. Service connections shall be with pipe or tubing of solid metal or approved appliance connectors.
- F. Plumbing systems shall be maintained in good, safe, sanitary and serviceable condition. Water supply systems shall be provided and maintained to provide at all times a supply of water in sufficient volume and pressure to enable the plumbing fixtures, devices and appurtenances to function satisfactorily.
- G. Sewage, waste water, and storm water drainage systems shall be maintained so as to function properly and be kept free from obstructions, leaks and defects.
- H. Electrical fixtures, devices, wiring and systems shall be maintained in safe working condition in a manner which will avoid a potential source of ignition or shock. Deteriorated material and equipment shall be removed and replaced, as may be required.
- I. Buildings and structures shall be maintained free of insect, vermin and rodent harborage and infestation.

15B-5 Responsibility of Owner, Occupants, 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 local law.
- 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.

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15B-6 Enforcement and compliance

- A. This local law shall be administered and enforced by the Code Enforcement Officer, or any other person designated by the Hilton Village Board of Trustees.
- B. Whenever the Code Enforcement Officer determines that a building or premise 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 with 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.

15B-7 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 or 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 or 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.

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15B-7 Action in cases of noncompliance

- 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 thereunder.
- 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 of not more than one thousand dollars (\$1,000) 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.

15B-8 When effective

This local law shall take effect upon filing with the Secretary of State as required by law.