

Chapter 141

PROPERTY MAINTENANCE

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| § 141-1. Legislative findings and determination. | § 141-8. Infestation; storage and screening. |
| § 141-2. Definitions. | § 141-9. Litter; refuse containers; refrigerators or freezers; dumpsters and receptacles. |
| § 141-3. Outdoor deposit or storage of junked vehicles and waste. | § 141-10. Responsibilities of owner, occupant, agent or operator. |
| § 141-4. Minimum standards; higher standard to prevail. | § 141-11. Emergency actions. |
| § 141-5. Exterior standards. | § 141-12. Judicial relief. |
| § 141-6. Open areas and parking spaces; unregistered vehicles. | § 141-13. Junkyards. |
| § 141-7. Commercial units. | § 141-14. Penalties for offenses. |

[HISTORY: Adopted by the Town Board of the Town of Sweden 9-23-2003 by L.L. No. 3-2003. Amendments noted where applicable.]

GENERAL REFERENCES

Fire prevention and building construction — See Ch. 105. Solid waste management — See Ch. 155.
Littering — See Ch. 130.

§ 141-1. Legislative findings and determination.

- A. The Town Board of the Town of Sweden hereby finds that the outdoor storage, accumulation, deposit or placement of abandoned, junked, discarded, wholly or partially dismantled or unlicensed or unregistered motor vehicles, rubbish, debris, or solid waste upon private property threatens the health, safety and welfare of Town residents. Outdoor storage, accumulation, deposit or placement of such items creates a significant fire hazard, endangers the environment and groundwater, leads to infestation by insects, vermin or rodents, depreciates property values, and has a deteriorating and blighting effect upon the neighborhood and community.
- B. The Town Board hereby determines that the outdoor storage, accumulation, deposit or placement of: abandoned, junked, discarded, wholly or partially dismantled or unlicensed or unregistered motor vehicles, rubbish, debris, or solid waste upon private property constitutes a public nuisance.

§ 141-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated. All other terms as used in this chapter shall have their common and ordinary meaning.

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 cleanup. Such materials include but are not limited to bricks, concrete and other masonry material, soil, rock, wood, wall coverings, plaster, drywall, plumbing fixtures, nonasbestos 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, equipping, remodeling, repair or demolition.

GARBAGE — Includes all putrescible animal and vegetable waste resulting from growing, processing, marketing and preparation of food items, including the container in which packaged.

MOTOR VEHICLE — Includes all vehicles as defined by New York State Vehicle and Traffic Law § 125. The term "motor vehicle" as used in this chapter shall also include all-terrain vehicles as defined by New York State Vehicle and Traffic Law § 2281 and snowmobiles as defined by New York State Vehicle and Traffic Law § 2221.

RUBBISH — Includes all discarded or worthless nonputrescible solid wastes consisting of both combustible and noncombustible wastes, including but not limited to paper and paper products, rags, wrappings, cardboard, tin cans, yard clippings, wood, glass, metals, plastics, tires, bedding, cloth, crockery, furniture, appliances and similar items.

SOLID WASTE — Includes all putrescible and nonputrescible materials and substances discarded or rejected as having served their original intended use or as being spent, useless, worthless or in excess to the owner at the time of such discard or rejection, including but not limited to household and commercial garbage, industrial waste, rubbish, debris, litter, and ashes.

WORKMANLIKE — Executed in a skilled manner, e.g., generally plumb, level, square, in line, undamaged and without marring adjacent work. [Added 8-22-2006 by L.L. No. 3-2006]

§ 141-3. Outdoor deposit or storage of junked vehicles and waste. [Amended 8-22-2006 by L.L. No. 3-2006]

No person, as owner, occupant, lessee or agent or in any capacity, shall store, deposit, place, maintain or cause or permit to be stored, deposited, placed or maintained outdoors any abandoned, junked, discarded, wholly or partially dismantled, unlicensed or unregistered motor vehicle or any solid waste, rubbish or debris upon any private property within the Town. This section shall not apply to any solid waste, rubbish or debris temporarily stored or placed in a container for collection or disposal.

§ 141-4. Minimum standards; higher standard to prevail.

A. This chapter establishes certain minimum standards for the initial and continued occupancy and use of all structures and does not replace or modify standards otherwise established for the construction, repair, alteration or use of the structure, the premises or

the equipment or facilities contained therein, as are required by Building Codes of New York.

- B. In any case where a provision is found to be in conflict with any applicable zoning, building, plumbing, electrical, heating, ventilation, fire or safety code of the Town of Sweden, County of Monroe, State of New York or United States of America, the provision that establishes the higher standard, as determined by the Code Enforcement Officer, shall prevail.

§ 141-5. Exterior standards.

The exterior of the premises and the condition of structures shall be maintained so that the premises and buildings shall reflect a level of maintenance in keeping with the standards of the community and shall not constitute blight from adjoining property owners or lead to the progressive deterioration of the neighborhood. Such maintenance shall include, without limitation, the following:

- A. Foundations, porches, decks, steps, stairs and walls shall be in good condition.
- B. Vent attachments shall be safe, durable, smoketight and capable of withstanding the action of flue gases.
- C. Exterior balconies, porches, roof area (other than used for normal maintenance), landings, stairs and fire escapes shall be provided with banisters or railings properly designed, installed and maintained to minimize the hazard of falling and unsightly appearance.
- D. All signs and billboards exposed to public view permitted by reason of other regulations or as a lawful nonconforming use shall be maintained in good repair. Any signs that have become excessively weathered, those upon which the paint has excessively peeled or those whose supports have deteriorated to that they no longer meet the structural requirements of the Building Codes of New York shall, with their supports, be removed or put into a good state of repair. All nonoperative or broken electrical signs shall be repaired or shall, with their supports, be removed. Signs denoting a business which is no longer on the premises shall be removed within 30 days of the date on which the business ceases to occupy the premises. **[Amended 8-22-2006 by L.L. No. 3-2006]**
- E. All exterior walls of a building, accessory building, or structure, whether residential, commercial, or industrial, exposed to the public view shall be kept in a good state of repair. Storefronts or any portion of a structure shall not show evidence of excessive weathering or deterioration of any nature. Unoccupied storefronts shall be maintained in a clean and neat appearance.
- F. Any awnings or marquees and accompanying structural members shall be maintained in a good state of repair. In the event that said awnings or marquees are made of cloth, plastic or similar material and are exposed to public view, such material shall not show evidence of excessive weathering, discoloration, ripping, tearing, holes or other deterioration. Nothing herein shall be construed to authorize any encroachment on streets, sidewalks, or other parts of the public domain.

- G. All vacant buildings shall be continuously guarded or sealed and kept secure against unauthorized entry. Materials and methods with which such buildings are sealed must meet the approval of the Code Enforcement Officer as to design and building material. Owners of such buildings shall take such steps and perform such acts as may be required 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 and that such property does not become infested with vermin or rodents.
- H. Exterior walls, including doors and windows and the areas around doors, windows, chimneys and other parts of the building, shall be so maintained as to keep water from entering the building. Materials which have been damaged or show evidence of dry rot or other deterioration shall be repaired or replaced and refinished in a workmanlike manner.
- I. All exposed exterior surfaces shall be maintained free of broken or cracked glass, loose shingles or loose or crumbling stones or bricks, loose shutters, railings, aerials, excessive peeling paint or other conditions reflective of deterioration or inadequate maintenance. Said conditions shall be corrected by repair or removal. All exposed exterior surfaces of structures not inherently resistant to deterioration shall be coated, treated or sealed to protect them from deterioration or weathering. Wood, masonry or other exterior materials that will naturally resist deterioration do not have to be treated but must be otherwise maintained in a sound, secure, workmanlike manner. Exterior surfaces that have been painted or otherwise coated must be maintained in a neat, orderly, serviceable manner. Floors, walls, ceilings, stairs and fixtures of buildings shall be maintained in a clean safe, sanitary condition. Every floor, exterior wall, roof, porch or appurtenance thereto shall be maintained in a manner so as to prevent the collapse of the same or injury to the occupants of the building or to the public.
- J. Roof drains, overflow pipes, air-conditioning drains and any other device used to channel water off or out of a building shall be maintained in a safe and operable condition and shall not drain onto a public sidewalk, walkway, street, alleyway or adjoining property.
- K. Lawns shall be kept cut and not to exceed 10 inches in height. Trees, brush, shrubs and hedges shall be trimmed regularly during the growing season so as to avoid an unsightly appearance or obstruct sidewalks and roadways. Piles of materials such as dirt, sand and similar materials shall be used or removed within 30 days of receiving said materials. Failure to comply with this subsection, within five days of being notified, will result in the Town taking any legal action necessary to correct the violation. This will include the issuing of an appearance ticket and/or the Town removing the material or cutting the grass or having the same done by contract with a third party. Any and all cost associated with correcting the violation shall be assessed upon the real property on which the brush, grass or weeds are found. The fees for action taken by the Town shall be established from time to time by the Town Board by resolution.

§ 141-6. Open areas and parking spaces; unregistered vehicles.

- A. Surface or subsurface water shall be appropriately drained to protect buildings and structures and to prevent the development of stagnant ponds. Gutters, culverts, catch basins, drain inlets, storm sewers or other satisfactory drainage systems shall be utilized

where necessary. No roof, surface or sanitary drainage 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 substantial condition.
- C. Steps, walks, driveways, parking spaces and similar paved areas shall be maintained so as to afford safe passage under normal use and weather conditions. Any holes or other hazards that may exist shall be filled and necessary repairs or replacement carried out.
- D. Yards and vacant lots shall be kept clean and free of physical hazards and rodent harborage and infestation. They shall be maintained in a manner that will prevent dust or other particles from being blown about the neighborhood. Open wells, cesspools or cisterns shall be securely closed or barricaded from access by the public. All temporary excavations shall be kept covered or barricaded so as to protect the general public from injury.
- E. All land must be kept free of dead or dying trees and accumulations of brush, shrubs, weeds, grass, stumps, roots, excessive and/or noxious growths, garbage, refuse or debris which would either tend to start a fire or increase the intensity of a fire already started or cause poisoning or irritation to people or animals or cause or tend to cause or enhance an unhealthy or dangerous or obnoxious condition on said property or on any adjacent or neighboring property.
- F. No more than one unregistered vehicle may be stored in a dwelling's driveway or yard, and said vehicle must have a current New York State motor vehicle inspection sticker and the sticker must be visible on the front windshield. This subsection shall be enforced by the Town Code Enforcement Officer or County Sheriff. **[Amended 8-22-2006 by L.L. No. 3-2006]**

§ 141-7. Commercial units.

- A. Commercial units shall at all times be maintained in compliance with the provisions of this chapter regulating open spaces, buildings or structures and littering.
- B. No materials or stock-in-trade, garments, shoes or other wares, soft drink or vending machines, ice machines or the like may be stored or displayed on a public sidewalk. Specifically excluded herefrom are chairs and tables used in connection with a sidewalk cafe or restaurant, provided that there shall be sufficient sidewalk passage for pedestrians. Materials may be stored in a rear yard, provided that a storage area therein is completely enclosed within a six-foot-high solid fence or evergreen hedge of equivalent height and that the storage area does not infringe on or obstruct vehicle parking or maneuvering areas.
- C. No outside storage or accumulation of garbage, crates, rubbish, refuse or debris shall be permitted at any time, and all such garbage, crates, rubbish, refuse, or debris shall be kept inside the building or buildings on the premises or in an acceptable enclosure and shall be regularly collected and removed from the premises.

- D. No shopping baskets, carts or wagons shall be left unattended or standing in open areas, and the same shall be collected at the close of business each day by the occupant of such unit and moved to a clearly designated area dedicated to said baskets, carts or wagons, or to the interior of the building or buildings.
- E. No mobile refrigeration unit shall be operated on the premises after the closing of the business conducted thereon unless such mobile refrigeration unit is electrically operated, except in an industrial zone.
- F. All fences and planting areas installed on the premises shall be maintained by the owner of the property. Such maintenance shall include but not be limited to the replacement of trees and shrubs that may die and/or otherwise be destroyed, the maintenance and cutting of lawns and the replacement and/or repair of fences which may become in disrepair.
- G. Persons owning or occupying a commercial unit shall keep all walkways, public or private, abutting said premises free from litter and trash of whatever nature.

§ 141-8. Infestation; storage and screening.

- A. Grounds, buildings and structures shall be maintained free of insect, vermin and rodent harborage and infestation. Methods used for exterminating insects, vermin and rodents shall conform to generally accepted practice.
- B. Where the potential for rodent or vermin infestation exists, windows and other openings in basements and cellars shall be closed or appropriately screened with mesh or other suitable material.
- C. No materials, goods or supplies (such as furniture intended for interior use only, for example, chairs and couches) may be stored in any front yard or in an exterior or interior side yard. Materials may be stored in a rear yard, provided that the area used for storage is screened from neighboring properties by a fence or hedge and provides protection from the elements and that the method and manner of storage complies with the other provisions hereof.

§ 141-9. Litter; refuse containers; refrigerators or freezers; dumpsters and receptacles.

- A. Residential, commercial and industrial premises, whether improved or vacant, shall be maintained free of litter; provided, however, that this section shall not prohibit the storage of litter in appropriate 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. Each owner of any building from which garbage, rubbish, mixed refuse, ashes or other wastes are collected shall provide refuse containers sufficient in number to hold all collectible wastes which may accumulate. Containers must be rodentproof and insectproof and watertight and must be kept covered at all times. Such containers must be kept from public view until day of pickup.

- C. No person shall discard, abandon or store a refrigerator or freezer in a place accessible to children without first completely removing any and all doors and obtaining a certificate from an authorized person or company (New York State Penal Law) showing that all Freon has been lawfully removed. [Amended 8-22-2006 by L.L. No. 3-2006]
- D. Dumpsters and similar large receptacles shall be shielded from the public view by means of appropriate landscaping, hedges, fences or screening. Commercial users of dumpsters in noncompliance with this chapter shall have 12 months from the date of its adoption to comply or appeal for a variance. Dumpsters for the use of construction and/or remodeling shall be allowed for the duration of construction.
- E. Shopping centers, supermarkets and similar business units shall provide permanent, attractive, decorated litter receptacles within the premises for public use in sufficient quantity so that a person will not have to walk in excess of 50 feet to use any such receptacles.

§ 141-10. Responsibilities of owner, occupant, 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 chapter.
- 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.

§ 141-11. Emergency actions.

- A. Nothing in this chapter shall prohibit the Town from entering onto private property to remove any structure, solid waste, motor vehicle, appliance, rubbish or debris whenever there exists an imminent threat to the life or safety of persons. Municipal authority pursuant to this section may only be exercised where there is a dire necessity to protect life and safety. Any municipal action taken pursuant to this section must be reasonably calculated to alleviate or prevent the crisis condition and must be limited to those actions necessary to eliminate the emergency situation. [Amended 8-22-2006 by L.L. No. 3-2006]
- B. A property owner shall be given notice and an opportunity to be heard prior to any costs and expenses incurred pursuant to this section being placed on the property's tax bill.

§ 141-12. Judicial relief.

Nothing contained in this chapter shall prevent the Town from seeking judicial or equitable relief to abate violations of this chapter.

§ 141-13. Junkyards.

This chapter shall not apply to any junkyard as defined in the Town Code.¹

§ 141-14. Penalties for offenses. [Added 8-22-2006 by L.L. No. 3-2006]

Violation of this chapter shall be subject to a fine of not more than \$250 or imprisonment for not more than 15 days, or both, for each day the violation continues.

1. Editor's Note: See Ch. 175, Zoning.