

## Chapter 102: PROPERTY MAINTENANCE

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### ARTICLE I Parking Areas

#### § 102-1. Title.

This article shall be known and may be cited hereinafter as the "Property Maintenance Law of the Village of South Blooming Grove Parking Areas."

#### § 102-2. Legislative intent.

It is the aim of the Village Board of the Village of South Blooming Grove to promote the public health, welfare and safety of the citizens by providing for the cleanliness, maintenance and preservation of parking, accessory and other open areas provided for or required in connection with any subject premises. To do so, the Village Board does hereby enact this article regulating the management and maintenance of parking areas, accessory areas or other open space used in connection therewith.

#### § 102-3. Definitions.

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

**ACCESSORY AREA** — Buffer zones, setbacks, side and rear yards or other areas, surfaced or natural, or open space used in connection with subject premises.

**ASHES** — The residue from the burning of wood, coals, coke or other combustible materials.

**GARBAGE** — Putrescible animal and vegetable wastes resulting from the preparation, handling, cooking and consumption of food. Kitchen and household refuse and table cleansings, fruit and vegetable matter and fallen fruit.

**GARBAGE CONTAINER** — A covered container, which is rodent, vermin, insect, raccoon and waterproof.

**HOLDER** — Owner, tenant, trustee, receiver, executor or other person who controls, in whole or in part, any subject premises.

**LIGHTING PERIOD** — Sunset of any day to the sunrise of the following day.

**NUISANCE, HAZARD and LITTER** — All discarded or waste material, debris, garbage, refuse, rubbish, household appliances, furniture, machinery, automotive parts, bottles, cans, glass, waste wood, construction materials or supplies, paper, cardboard, rags, tree stumps, any other junk substance and any matter prejudicial to good health or a clean environment.

**PARKING AREA** — Space provided by the holder for the parking of vehicles, together with the means of ingress and egress thereto and the roads and driveways of any subject premises.

**RECYCLABLE MATERIALS** — Newsprint; flattened cardboard; glass food and beverage containers; metal food and beverage containers; plastics: HYPE and PET (coded 1 or 2); yard waste; limbs, brush and wood; vehicular batteries; used motor oil; and tires.

**REFUSE** — All solid wastes (except body wastes), including garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles and solid market and industrial wastes.

**RUBBISH** — Nonputrescible solid wastes (excluding ashes) consisting of both combustible and noncombustible wastes, such as paper, cardboard, tin cans, yard clippings, leaves, tree trimmings, wood, glass, bedding, crockery and similar materials. Appliances, furniture; and do-it-yourself project material, e.g., siding, plaster lathe, etc.,

**SUBJECT PREMISES** — Any premises which contain, in whole or in part, any parking area servicing any industrial, commercial (retail, wholesale or services to the public), professional,

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educational, entertainment or recreational area or in conjunction with apartment or multiple residences or other areas regularly used for purposes or functions to which the general public is invited, directly or indirectly, the ingress and egress thereto, roads and driveways therein, buffer zones, setbacks or other open space in connection therewith with respect to all of said areas used in connection with such premises or any other open areas provided for in connection with the issuance of a certificate of occupancy, variance or special permit as required pursuant to the Zoning code, of the Village of South Blooming Grove or any law applicable to such premises or use thereof.

**TRASH CONTAINER** — A container with appropriate cover to receive hand-carried discarded paper and trash.

### § 102-4. Scope.

Any holder of a subject premises shall comply with the following:

- A. The subject premises shall be kept free and clear of ashes, dirt, debris, rubbish, garbage, recycled material, refuse, all nuisance, hazard, litter, and other obstructions and the same shall be kept properly repaired and maintained.
- B. All roads, sidewalks, driveways, parking areas and other areas used in connection with the subject premises, as well as the means of ingress and egress to the subject premises, shall be kept in proper repair and free from dirt, refuse, snow and ice.
- C. All water drains and water drainage systems shall be kept clean and in proper working order.
- D. All prescribed lights shall be kept in proper working order and lighted during the lighting period when the subject premises or any portion thereof is being used by the holder of the subject premises or any portion thereof is open for business.
- E. All fences, screening, curbing, grass, shrubbery, retaining walls, slopes and other space used in connection therewith shall be kept maintained and/or repaired.
- F. Any parking lines for parking spaces shall be kept properly painted and marked. Parking spaces for handicapped persons shall be completely covered with an iridescent, light blue paint, upon which there shall be superimposed the handicapped logo, as is provided by law for such parking spaces.
- G. All exterior areas shall be kept free and clear of the storage of goods, wares and merchandise. Loading and unloading are to be done in designated zones only.
- H. All refuse shall be stored in the designated place or places in proper garbage receptacles.
- I. There shall be at convenient places proper trash receptacles, which shall be sufficiently serviced to prevent overflow.

### § 102-5. Enforcement.

- A. The Police Department, Building Inspector, and Code Enforcement Officer serving the Village of South Blooming Grove shall have the power, right and authority to issue an appearance ticket, as the same is defined in Article 150 of the Criminal Procedure Law of the State of New York, for the violation of any section of this article.
- B. In addition to any other penalty under the law, the Building Inspector, Code Enforcement Officer or any official as designated herein upon the direction of the Village Board is hereby authorized and empowered and/ or other designee, including a private contractor, (after Village Board approval), to erect, replace, repair or maintain fences, trees, plantings, shrubbery or other screening on land within the jurisdiction of the Village where such screening facilities are required by the Zoning Board of Appeals, the Planning Board or such other department or agency of the Village of South Blooming Grove having jurisdiction of the

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premises, Zoning, and Subdivision of Land, and Site Development Plans, of the Village of South Blooming Grove, or such other law or ordinance affecting the said premises, and there is a failure to comply with such direction to comply with the requirement, and, if after giving 30 days' notice by registered mail addressed to the owner of record of such land at the address shown on the last preceding assessment roll, such fences, trees, plantings, shrubbery or other screening are not so erected, replaced, repaired or maintained by or on behalf of such owner, all costs and expenses incurred by the Village in connection with any action so taken shall be assessed against the land upon which such screening facilities are located. A copy of this article shall be attached to any notice sent under this subsection.

### **§ 102-6. Effect on other legislation.**

This article is not in limitation of any other law, rule, regulation, order or certificate which may affect any premises subject to this article or any penalty, fine or liability there under, but is in addition thereto. Any inconsistent local law, regulation, order or certificate or part thereof in conflict with this article is hereby repealed, insofar as it may affect the enforcement of this article.

### **§ 102-7. Penalties for offenses.**

- A.** Any violation by a person, firm or corporation of any provision of this article shall be deemed a misdemeanor, punishable by a fine not to exceed \$500 or imprisonment for a period not to exceed 15 days, or both.
- B.** Each day that a violation of this article is committed or continues to exist shall constitute a separate offense.

### **§ 102-8. Supersession of other laws.**

This article supersedes, and is in derogation of, the Code of the Town of Blooming Grove, County of Orange, State of New York, it is not intended that this chapter supersede the authority of the County of Orange Department of Health.

### **§ 102-9. Judicial review.**

Any persons aggrieved by any decision or determination made by the Village Board pursuant to this article may bring a proceeding to review such determination in the manner provided by Article 78 of the Civil Practice Law and Rules.

### **§ 102-10. Application.**

No statement in this article shall be construed to interfere with any additional requirements that may be imposed by any federal, state or local authority having jurisdiction.

### **§ 102-11. Authority.**

This chapter is enacted by authority of § 20, Subdivision 5, of the Municipal Home Rule Law and any other law referenced herein as authority herefor.

### **§ 102-12. Effective Date.**

This local law shall take effect immediately when it is filed in the Office of the New York State Secretary of State in accordance with section 27 of the Municipal Home Rule Law.

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### ARTICLE II General Regulations

#### § 102-13. Title.

This article shall be cited and may be referred to as the "Property Maintenance Law of the Village of South Blooming Grove."

#### § 102-14. Legislative intent.

The Village Board of the Village of South Blooming Grove hereby determines it is necessary for the health, safety, appearance and general welfare of the residents of the Village of South Blooming Grove to provide a method whereby vacant lots, improved properties and public lands within the Village of South Blooming Grove are kept clean, properly maintained and kept free from vermin, nuisances, hazards, debris and litter.

#### § 102-15. Definitions.

For the purpose of this article, terms used herein are defined as follows:

**DUMPSTER, CONTAINER, COMPACTOR or ENCLOSURE** — An enclosed area or otherwise covered container for the temporary collection, compacting and storage of a nuisance, hazard, debris and litter as defined herein.

**HOUSEHOLD GARBAGE** — Kitchen and household refuse and table cleansings, decaying animal, fruit and vegetable matter and fallen fruit.

**MACHINERY and EQUIPMENT** — Any combination of mechanical, electrical, electromechanical or other means or elements to a given end or for a particular purpose, including vehicles, farm implements, industrial equipment and any or all parts for "machinery" or "equipment."

**NUISANCE, HAZARD, DEBRIS and LITTER** — Any waste material, including but not limited to garbage or other putrescible substance, refuse, rubbish, inoperable vehicles and parts, discarded furniture, appliances, water heaters, bottles, cans, building or construction materials or supplies when stored outside on a site where no active construction is taking place or discarded or strewn papers or material or other junk substances, tree stumps, tree trunks, branches or limbs that have fallen or been cut down, or any other matter attractive to vermin, likely to breed disease, present a fire hazard, create offensive odors or to otherwise be prejudicial to good health or being so unsightly of appearances as to be offensive to surrounding properties.

**RECYCLABLE MATERIALS** — Newsprint; flattened cardboard; glass food and beverage containers; metal food and beverage containers; plastics: HYPE and PET (coded 1 or 2); yard waste; limbs, brush and wood; vehicular batteries; used motor oil; and tires.

**RUBBISH** — Nonputrescible solid wastes (excluding ashes) consisting of both combustible and noncombustible wastes, such as paper, cardboard, tin cans, yard clippings, leaves, tree trimmings, wood, glass, bedding, crockery and similar materials. Appliances, furniture; and do-it-yourself project material, e.g., siding, plaster lathe, etc., but limited to four bushels in equivalent containers.

**VEHICLES** — For the purpose of this article, "vehicle" shall be defined as a car, truck, camper, van, boat, boat trailer, commercial trailer, motorcycle, go-cart or any other motorized or non-motorized object which has as its main purpose the storage or movement of people, goods, or animals. All vehicles as described shall not be classified as living quarters unless the owners have been granted approval from the Village Board and must be receive water from an approved water source and an approved septic/sewer source for only temporary use.

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### § 102-16. Maintenance of property; disposal of debris and litter.

- A. It shall be an offense for any person to abandon, leave, dump, store or keep any nuisance, hazard, litter, recyclable material, rubbish, household garbage, debris or matter attractive to vermin upon any public place or upon any privately owned property or right-of-way within the Village of South Blooming Grove except as permitted by Subsection B hereof. The New York State Vehicle and Traffic Law separately regulate public streets.
- B. The owner, tenant or occupant of property being used for residential or commercial purposes located within the Village of South Blooming Grove is hereby required to maintain at all times one or more dumpsters, containers or enclosures of adequate size to temporarily store all recyclable material, rubbish, household garbage, nuisance, hazard, debris and litter until removed. The failure to comply with this subsection shall be deemed an offense.

### § 102-17. Landscaping maintenance.

All owners, occupants or tenants of any privately owned property within the Village of South Blooming Grove shall maintain grass or other ground cover, trees and shrubbery in a safe condition, free of noxious weeds and otherwise free of nuisance, hazard, debris, litter, recyclable materials, rubbish, household garbage, machinery and equipment or parts thereof and unsightly materials. For the purposes of this provision, all grass shall be kept trimmed to a height of no greater than 10 inches, excluding vacant lands larger than 5 acre. The dead or diseased trees or any portion thereof, which present any hazard to life or property, shall be removed. No owner, tenant, or occupant shall blow leaves or other debris onto adjacent property, property lines, and / or public streets. The failure to maintain property as required by this section shall be deemed an offense.

### § 102-18. Storage of vehicles.

The owner tenant or occupant of any property located within the Village of South Blooming Grove shall not park, permit or allow the exterior parking, in excess of 12 hours in any given day, or storage of any registered and unregistered vehicle or vehicles within the front, side or rear yard of such property, unless such vehicle is parked upon a driveway or other paved or dust-free surface provided for such purposes or in any manner which would violate the Zoning code, of the Village of South Blooming Grove. The failure of any owner, occupant or tenant to comply with the requirements of this Chapter or the Zoning code, of the Village of South Blooming Grove shall be deemed an offense under this section.

### § 102-19. Exclusions.

- A. **Garbage** in watertight covered containers placed in such manner and at such times designated by the Village / Town so as to facilitate collection by the Village /Town or its contractor.
- B. **Rubbish** when placed at curbside on regular garbage pickup days (no sooner than 3:00 p.m. on the day prior nor later than 7:00 a.m. on such pickup day).
- C. **Recyclable** materials when placed at curbside on an assigned day based upon street address as scheduled by the Village / Town (no sooner than 3:00 p.m. on the day prior nor later than 7:00 a.m. on the assigned day).
- D. **Bulk metals and tires** when placed at curbside for pickup by appointment or special designated pick up day only.
- E. **Temporary outside storage of construction materials** for not more than a total of 60 days in any twelve-month period. Such storage, for construction of any permitted use, shall be located as inconspicuously as possible to minimize visual impact at the street line. Outside

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storage of construction materials shall be extended to include *any period during which a validly-issued building permit exists*.

- F. **Firewood**, which is cut and stacked in a manner, which differentiates it from the definitions designation as nuisance, hazard and litter.
- G. **Farm**: On parcels where raising of farm crops and livestock is permitted as an accessory use.

### § 102-20. Enforcement and compliance; notice of violation.

- A. Any owner, tenant or occupant of any property in violation of this article located within the Village of South Blooming Grove shall remove such offense when ordered to do so by a member of the Police Department, Fire Inspector or Assistant, Building Inspector or subordinate with Code enforcement authority within five days of the service of written notice as provided in Subsection C below.
- B. Any person responsible for the creation of an offense under this article affecting a public street or other public property within the Village of South Blooming Grove shall remove such offense when ordered to do so by a member of the Police Department, Fire Inspector or Assistant, Building Inspector or subordinate with Code enforcement authority within five days of the service of written notice as provided in Subsection C below.
- C. All written notices under this section shall be served on the owner, tenant or occupant of any property located within the Village of South Blooming Grove by posting a copy of such violation notice upon the front portion of the property or upon the main structure and by mailing a copy of such notice by ordinary mail to the owner of the property as shown on the latest assessment rolls of the Village. In the case of any person responsible for the creation of an offense existing upon a public street or public property, notice may be personally served on such person or mailed by ordinary mail to such person at such person's last known address.
- D. The Building Inspector and his / her subordinates with Code enforcement authority shall be responsible to direct the proper securing of dumpsters, containers or enclosures upon all properties other than public property, and such officer shall provide written notice of noncompliance to the owner, tenant or occupant as provided in Subsection C, which shall require the removal within five days of any nuisance, hazard, debris or litter not properly secured within a dumpster, container or enclosure.

### § 102-21. Penalties for offenses.

- A. Any person failing to comply with a lawful order pursuant to this article or committing an offense against any provisions of this article shall be guilty of a violation punishable by a fine not exceeding \$250, after a first offense has been committed, for a second and any further subsequent offense committed within any twelve-month period after a first offense has been committed, shall be guilty of a misdemeanor subject to a fine not exceeding \$1,000.
- B. The continuation of an offense against the provisions of this article shall constitute, for each week the offense is continued, a separate and distinct offense hereunder.
- C. Failure to comply with the direction of any official of the Village of South Blooming Grove when notice has been provided in accordance with § 102-15, shall constitute a separate and distinct offense hereunder.

### § 102-22. Removal by Village; charges.

- A. Upon the failure of an owner, tenant or occupant to comply with a notice to correct a condition

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complained of, the Village Board may hold a public hearing. The public hearing shall be held upon notice posted conspicuously on the affected property and forwarded to the last known address of the property owner, as it appears on the current tax records of the Village by certified mail, return receipt. Posting and service of such notice shall be not less than 15 days prior to the date of such hearing.

- B. The Village Board, after a public hearing as provided in Subsection A, may cause any nuisance, hazard or litter as defined in this article or any vehicle parked or stored in violation of this article to be removed from any property within the Village of South Blooming Grove upon the failure of such owner, tenant or occupant to comply with any order of the Village Board. The Department of Public Works or other designee, including a private contractor, may perform said removal. The Village Board shall ascertain the cost of the proceeding and the costs of removal, and such costs shall be charged and 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.
- C. The removal of any nuisance, hazard or litter by the Village of South Blooming Grove or its agents shall not operate to excuse compliance with this article, and such owner, tenant or occupant shall, notwithstanding such action, be subject to any other penalties provided for herein.

### § 102-23. Supersession of other laws.

This article supersedes, and is in derogation of, the Code of the Town of Blooming Grove, County of Orange, State of New York, it is not intended that this chapter supersede the authority of the County of Orange Department of Health

### § 102-24. Judicial review.

Any persons aggrieved by any decision or determination made by the Village Board pursuant to this article may bring a proceeding to review such determination in the manner provided by Article 78 of the Civil Practice Law and Rules.

### § 102-25. Application.

No statement in this article shall be construed to interfere with any additional requirements that may be imposed by any federal, state or local authority having jurisdiction.

### § 102-26. Authority.

This chapter is enacted by authority of § 20, Subdivision 5, of the Municipal Home Rule Law and any other law referenced herein as authority herefor.

### § 102-27. Effective Date.

This local law shall take effect immediately when it is filed in the Office of the New York State Secretary of State in accordance with section 27 of the Municipal Home Rule Law.