

Chapter 110

PROPERTY MAINTENANCE

[HISTORY: Adopted by the Town Board of the Town of Skaneateles 6-21-2012 by L.L. No. 3-2012. Amendments noted where applicable.]

§ 110-1. Purpose and scope.

This chapter is intended to provide minimum requirements and standards for sanitation, protection from the elements, life safety and safety from fire and other hazards and for safe and sanitary maintenance, including the responsibility of owners and occupants, in order to protect the public health, safety and general welfare of the residents of this Town insofar as they are affected by the occupancy and maintenance of structures, equipment and exterior property. All residential and nonresidential structures and premises within the Town of Skaneateles, whether improved or vacant, shall be maintained in conformity with the provisions of this chapter.

§ 110-2. Definitions.

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

BRUSH — Uncultivated woody shrubs and immature trees.

GARBAGE — The animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.

GRASS — Herbaceous ornamental plants intended to be periodically cut close to the ground for the establishment of a lawn or ground covering. Grass may also be used for ground covering for the establishment of drainage swales, flood routes or water detention or retention basins.

OCCUPANT — Any individual living or sleeping in a building or having possession of a space within a building.

OPERATOR — Any person who has charge, care or control of a structure or premises which is offered for occupancy pursuant to a written or unwritten lease agreement or pursuant to a recorded or unrecorded agreement of contract for sale of land.

OWNER — Any person or entity who, alone or jointly or severally with others, has legal or equitable title in any form to any premises, with or without actual possession thereof, or who shall have charge, care or control of any dwelling or premises as owner or agent of the owner, including but not limited to an executor, administrator, trustee, receiver or guardian of the estate or as a mortgagee in possession.

PREMISES — A lot, plot or parcel of land, easement or public way, including any structures thereon.

RUBBISH — Combustible and noncombustible waste materials, including but not limited to the residue from the burning of wood, coal or other combustible materials, paper, brush, rags,

cartons, boxes, lumber, rubber, plastics, leather, tin cans, metals, glass, crockery, discarded appliances or vehicle tires and garbage.

STRUCTURE — That which is built or constructed or a portion thereof.

WEEDS — Wild, useless, poisonous or noxious and generally undesirable plants growing at random in inappropriate locations.

§ 110-3. Effect of provisions on other laws.

The provisions of this chapter shall supplement local laws, ordinances, codes or regulations existing in the Town of Skaneateles and the statutes and regulations of municipal authorities having jurisdiction applicable thereto. Where a provision of this chapter is found to be in conflict with any other provision of a local law, ordinance, code or regulation, the provision or requirement which is more restrictive or establishes a higher standard shall prevail.

§ 110-4. Responsibility of owners, occupants and operators.

- A. The owner and operator of the premises shall maintain the structures and exterior property in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy a premises which is not in a sanitary and safe condition and which does not comply with these requirements. Occupants of a dwelling unit are responsible for keeping that part of the dwelling unit which they occupy and control in a clean, sanitary and safe condition.
- B. Owners of the premises shall be responsible for compliance with the provisions of this chapter and shall remain responsible therefor, regardless of the fact that this chapter may also place certain responsibilities on operators and occupants and regardless of any agreements between owners and operators or occupants as to which party shall assume such responsibility.

§ 110-5. Exterior property areas.

- A. Drainage. Surface or subsurface water shall be properly drained to protect buildings and structures and to prevent the accumulation of stagnant water.
- B. Grass and weeds. The owner or occupant shall maintain the premises and immediate exterior property free from grass and weeds in excess of 10 inches.
- C. Rubbish and garbage. All exterior property and premises shall be free from any accumulation of rubbish or garbage. Every occupant of a structure shall maintain all rubbish and garbage in a clean and sanitary manner by placing such in leakproof containers provided with close-fitting covers until removed from the premises for disposal.
- D. Motor vehicles. No more than one unregistered motor vehicle shall be parked, kept or stored on the premises. Such vehicle shall not at any time be in a state of major disrepair, wrecked, abandoned or incapable of being moved under its own power.
- E. Swimming pools. Every swimming pool shall be maintained at all times in a clean and sanitary condition and in good repair. The water shall be chlorinated and/or the quality

maintained so as to be appropriate for human bathing and swimming. At no time shall the water contained in swimming pools, or, if the swimming pools have been drained, shall rainwater or water from any other source, be permitted to accumulate or pond in the swimming pool such that the water becomes stagnant, providing an environment to harbor mosquito larvae or other public health hazards.

§ 110-6. Vacant buildings, structures and premises.

- A. All unoccupied buildings, structures and premises shall be maintained in a clean, safe, secure and sanitary condition so as not to cause a blighting problem or adversely affect public health or safety.
- B. Security. All exterior openings shall be boarded, locked, blocked or otherwise protected to prevent entry by unauthorized individuals.

§ 110-7. Failure to comply; work by Town; lien; notice to county.

- A. If the owner, upon proper service of a notice, fails, neglects or refuses to comply with said notice within 10 days after the service of said notice, the Town Board shall authorize the work to be done to bring premises into compliance and pay the cost thereof out of general Town funds to be appropriated by the Town Board for such purposes. The Town shall be reimbursed for the cost of the work performed or services rendered. Said costs shall include all costs related to ascertaining the identity and location of the owner having control of said property, service of notices and Onondaga County Clerk recording fees required hereunder, performance of remediation work on said property and the removal and disposal of grass, weeds, brush or rubbish. The expenses so determined shall thereupon become and be a lien upon the property on which said work was performed or services rendered and shall be added to and become part of the taxes next to be assessed and levied upon said property and shall bear interest at the same rates as taxes and shall be collected in the same manner and at the same time as other Town taxes.
- B. The Town Clerk shall cause a notice of intent to levy said costs and expenses against said property, in a form approved by resolution of the Town Board, to be recorded in the records of the Onondaga County Clerk's office, in order that said notice shall be indexed against the property as notice to subsequent transferees or others acquiring any interest in said property of the intention by the Town to assess and levy the amount of said expenses against said property. The failure of the Town Clerk to record such notice of intent to levy shall not, however, affect or impair the validity of any lien or assessment of said costs and expenses against said property, the owners thereof or any subsequent transferee or others acquiring any interest in said property.

§ 110-8. Emergency situations.

Where the violation or condition existing on said property is of such a nature as to constitute an immediate threat to the public health, safety and general welfare unless abated without delay, the Town may either cause the violation to be abated or order the owner to correct the violation within a period of time not to exceed three days. Upon failure by the owner to do so, the violation or condition may be abated pursuant to and subject to the provisions of this chapter.

§ 110-9. Penalties for offenses.

- A. A violation of this chapter is an offense punishable by a fine of not less than \$100 and not exceeding \$350 or imprisonment for a period not to exceed six months, or both, for conviction of a first offense. Conviction of a second offense, committed within five years of the first offense, is punishable by a fine of not less than \$350 nor more than \$700 or imprisonment for a period not to exceed six months, or both. Conviction of a third or subsequent offense committed within a period of five years is punishable by a fine of not less than \$700 nor more than \$1,000 or imprisonment for a period not to exceed six months, or both. Each week's continued violation shall constitute a separate additional violation.
- B. In addition, any person who violates any provision of this chapter or who shall omit, neglect or refuse to do any act required thereby shall, severally, for each and every such violation, forfeit and pay a civil penalty of not more than \$100. When a violation of any of the provisions is continuous, each day thereof shall constitute a separate and distinct violation subjecting the offender to an additional penalty.
- C. The imposition of penalties for any violation of this chapter shall not excuse the violation nor permit it to continue. The application of the above penalties or prosecution for a violation of any provision of this chapter shall not prevent the enforced removal of conditions prohibited thereby. The expenses of the Town in enforcing such removal, including legal fees, may be chargeable, in addition to the criminal and civil penalties, in accordance with § 110-7 above.

§ 110-10. Repeat offenses.

Repeat or subsequent offenses occurring within the same calendar year shall be corrected by the Town in the same manner without notice to the owner having control of the property. After initial notification, such owner having control of the property will be presumed to have been given sufficient notice of violation of this chapter for the duration of the calendar year.