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Town of German Flatts
LOCAL LAW NO. 1, 2020

FILED
STATE RECORDS
OCT 05 2020
DEPARTMENT OF STATE

A local law establishing minimum requirements for property maintenance within the Town of German Flatts.

Be it enacted by the Town Board of the Town of German Flatts, Herkimer County, New York as follows:

Section 1: Findings; intent.

In order to prevent blight and the spread thereof, it is hereby declared that all structures or properties, whether occupied or vacant, shall be maintained in conformity with the standards set out in this chapter so as to ensure that none of these structures or properties will adversely affect their neighborhood or the community. It is found and declared that by reason of lack of maintenance and progressive deterioration, structures and properties have the further effect of creating blighting conditions and diminishing surrounding property values, of creating health hazards, and over time of creating a burden on taxpayers and local government when the expenditure of public funds is required to remediate such conditions.

Section 2: Applicability.

This chapter shall apply to all property situate in the Town of German Flatts, excluding any territory lying within the limits of an incorporated village therein.

Section 3: Conflict with other provisions.

When this chapter is in conflict with any other local law, ordinance, statute, rule, regulation or any other code or ordinance adopted by the Town of German Flatts, the most restrictive law shall prevail.

Section 4: Enforcement.

This chapter shall be enforced by the Codes Enforcement Officer of the Town of German Flatts.

Section 5: Definitions.

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

ACCESSORY STRUCTURE — A use, occupancy or tenancy customarily incidental to the principal use or occupancy of the premises.

BASEMENT—That space of a building that is partly below grade which has one-half (½) or more of its height measured from floor to ceiling above the finished grade of the ground adjoining the building.

BRUSH AND WEEDS — Any untended or uncultivated grasses, bushes, deleterious or unhealthful vegetation or other growing matter in excess of 10 inches in height.

BUILDING — A structure, wholly or partially enclosed within exterior walls or within exterior or party walls, and a roof affording shelter to persons, animals or property.

DEBRIS — Scattered remains, discarded waste and litter.

DWELLING UNIT — A building, or portion thereof, used or intended to be used as the residence of a single Family.

EMERGENCY NOTICE OF VIOLATION — A notice of violation containing each of the elements set forth in the definition of notice of violation (except notice of a right to a hearing), and in addition thereto, a statement that an emergency condition requiring immediate correction has been found to exist and setting forth the date and time by which the violation is to be cured.

GRAFFITI — Other than as allowed pursuant to Article VI of Chapter 207 of the Town Code, any inscription, word, figure, painting or other defacement that is written, marked, etched, scratched, sprayed, drawn, painted or engraved on or otherwise affixed to any surface of public or private property by a device capable of leaving a visible mark.

HOTEL — A multiple dwelling used primarily for the purpose of furnishing lodging with or without meals for transient guests for compensation.

LITTER — To make untidy by discarding trash carelessly.

MOTEL — A multiple dwelling, not over two stories in height, intended primarily for motorists for the purpose of furnishing lodging with or without meals for transient guests for compensation; includes but is not limited to the terms "motor court," "motor hotel" and "tourist court"

MULTIPLE DWELLING —

- a. A building containing three or more dwelling units.
- b. A building with sleeping accommodations for more than five persons, used or occupied for a club, dormitory, fraternity or similar use.
- c. A dwelling unit occupied by more than five unrelated persons either by blood or marriage.

NOTICE OF VIOLATION — A statement in writing above the signature of the Codes Enforcement Officer, setting forth the name and address of the property owner, occupant or tenant to be served, the date, time and location of the violation, a description of the violation, the date by which the violation must be cured, notice of a right to a hearing, the penalties which may accrue and the right of the Codes Enforcement Officer to correct the violation if not corrected in a timely manner.

PERSON — Includes the owner, occupant, mortgagee or vendee in possession, operator, assignee or rents receiver, executor, trustee, lessee, agent or any other person, firm or corporation directly or indirectly in control of a building or parcel or part thereof.

PREMISES — A lot or parcel of land, including the buildings and structures thereon.

STRUCTURE — An assembly of materials forming a construction framed of component structural parts for occupancy or use, including buildings.

TRASH — Something rejected, unused, or discarded as worthless or useless.

Section 6: Responsibilities.

- A. Owners of premises, including single-family dwellings, shall be responsible for compliance with this chapter and shall remain responsible therefor, regardless of the fact that this chapter may place certain responsibility on operators and occupants and regardless of any agreements between owners and operators or occupants as to which party shall assume responsibility. Owners of premises shall be responsible for maintenance of the premises in a clean, safe and sanitary condition.
- B. Occupants of dwelling units shall be responsible for compliance with this chapter in regard to the following:
 - 1. Maintenance of that part of the premises which they occupy and control in a clean, safe and sanitary condition and in compliance with this chapter.
 - 2. Keeping all exits from the dwelling unit clean and unencumbered.
 - 3. Disposal of trash into trash containers in a clean and sanitary manner.

Section 7: Protection against water damage.

All land shall be properly graded as to permit the appropriate drainage of surface and subsurface waters to prevent the accumulation of stagnant waters and to appropriately protect buildings and structures thereon. Exterior walls, including doors and windows and the areas around doors, windows, chimneys and other parts of buildings shall be so maintained as to keep water from entering the building.

Section 8: General requirements.

- A. All land shall be maintained in a manner that will prevent excessive dust or other particles of dirt from being blown onto adjacent or neighboring property, except that dust or other particles of dirt created from and/or necessary for farming.
- B. Steps, walks, driveways, parking areas and similar paved areas shall be maintained so as to afford safe passage under normal use and weather conditions. Any holes in the pavement or other hazards that may exist shall be promptly filled or necessary repairs or replacements carried out. All off-street parking of paved facilities shall be swept clean not less than twice each year.
- C. All open wells, cisterns, cesspools, cellars or otherwise unnatural declivities shall be kept covered, barricaded or otherwise closed or secured from public access and shall be kept free of stagnant water and debris. All temporary excavations and declivities shall be kept covered or barricaded so as to protect the general public from injury.
- D. The erection or use of electrified or barbed wire fences, or a combination thereof, shall be subject to the obtaining of a special permit from the Town of German Flatts except that required and or necessary for farming.
- E. Fences, planters, garden structures, accessory structures, pools and other minor construction for which a building permit is issued shall be maintained in a safe and substantial manner.
- F. The exterior of all structures shall be kept free from loose, broken or unsecured objects and materials. Such loose or unsecured objects or materials, including but not limited to aerials, shutters, shingles, bricks, railings and gutters, shall be properly secured or removed from the structure.

- G. All exterior exposed structures not inherently resistant to deterioration shall be coated, treated or sealed to protect them from deterioration or weathering, and shall 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. 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.
- H. Floors, corridors, hallways, walls, vestibules, ceilings, stairs and fixtures of buildings shall be maintained in a clean, safe and 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.
- I. Foundation walls and bearing walls of every building shall be maintained in good repair and be structurally sound.
- J. Vacated buildings or structures must be kept locked or secured. 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.
- K. Each owner of any building from which debris, trash, ashes or other wastes are collected shall provide trash containers sufficient in number to hold all collectible wastes which may accumulate. Containers must be insect-tight, rodent-tight and watertight and must be kept covered at all times. Such containers must not be kept in a front yard or side yard.
- L. All grounds, buildings and structures shall be maintained in such a manner to ensure that they shall be free of vermin and rodent harborage and infestation.
- M. Persons owning or occupying property shall keep all walkways, public or private, abutting said premises free from debris, litter, and trash of whatever nature.
- N. It shall be the owner's, occupant's or tenant's responsibility to ensure the immediate (within 48 hours) removal and disposal of human or animal feces in an appropriate and sanitary manner.
- O. Debris, trash, junk and litter shall be disposed of in a safe and sanitary manner and the premises kept free and clear therefrom.
- P. All land shall be maintained so as not to alter the existing flow rates, peaks, quantities or direction of storm drainage. The topography or surface quantities of an area shall not be modified so as to alter the water retention characteristics of the property. No person shall fill, obstruct, dam, divert or otherwise alter or change the natural or artificial flow of waters or drainage or the intensity or quantity of flow through any stream, ditch, pipe, culvert, swale, watercourse, drainage easement or other drainage system.
- Q. Roof stormwater drainage shall be discharged in such a manner as to not flow onto any adjacent property. Downspouts not tied directly into a stormwater sewer system shall be directed in a such a manner as to allow stormwater to dissipate within the confines of the property or as to convey the stormwater directly to an existing drainage way located, at least in part, on the property.
- R. All property shall be maintained so as to prevent erosion or sedimentation that causes or can be reasonably expected to cause in the future a loss of stability or any existing slope, slope failure, sediment deposition in a regulated body of water or natural or manmade drainage way, or deposition of soils on surrounding properties.

- S. Areas of bare earth shall be covered with vegetation, mulch or other suitable material to prevent the spread of dust and mud.
- T. All property shall be maintained free of graffiti.
- U. For all office, commercial or industrial properties the owner, tenant or occupant shall be held responsible for the maintenance of the grounds and building for the purposes of enforcement of this chapter. For multiple residences, double houses, cooperatives, condominiums and other properties occupied by more than one dwelling unit, the owner shall be held responsible for purposes of enforcement of this chapter, except as may be otherwise specified.
- V. Building materials, debris, or trash may be temporarily stored in a rear yard, provided that the area used for storage is screened from neighboring properties by a solid fence or hedge and that the method and manner of storage complies with the other provisions of this chapter. No building materials, debris, or trash may be stored or displayed in a front or exterior or interior side yard.
- W. Compost piles or compost pits or other piles of vegetation accumulated or stored shall be kept free of rodents and flies and must be maintained in such a fashion as not to allow obnoxious odors or stench on neighboring or nearby properties.
- X. It shall be the responsibility of the owner, occupant or tenant to dispose of trash into provided facilities in a sanitary manner and to keep the premises free and clear therefrom. The owner of property containing more than one dwelling unit shall also be responsible for providing an enclosure, completely blocking the view from any adjoining property, for the trash containers and to ensure that containers are kept only there (except on the regular trash collection day).
- Y. There shall be no storage of used or discarded auto parts on the property. For this section of this chapter, "discarded auto parts" shall be defined as damaged or scrapped parts, such as but not limited to tires, batteries, fenders, engines, powertrain parts and other autobody parts.
- Z. A temporary dumpster/construction debris container is permitted for a period not to exceed 60 days, provided that it is located on a sound/stable surface, does not overflow with debris, is not used for items that may create offensive odors or a health hazard and is used only for debris from the property in which it is located. With a valid building permit and good cause shown, the Codes Enforcement Officer may allow a maximum of two extensions for the placement of the temporary dumpster/construction debris container for a period not to exceed five months each.
- AA. Temporary portable storage units (e.g., PODS units) are permitted for a period not to exceed 60 days, provided that they do not overflow with debris, are not used for items that may create offensive odors or a health hazard and are used only for items from the property on which they are located. Said storage units must not block the ingress or egress of any property and must not create a hardship for others. With a valid building permit and good cause shown, the Codes Enforcement Officer may allow a maximum of one extension for the placement of the temporary portable storage units for a period not to exceed 60 days.

Section 9: Construction. The following shall apply to construction:

- A. For purposes of enforcement of this chapter, the prime or general contractor, if work is under progress, or the owner, if no work is under progress, shall be held responsible.
- B. Building materials may be stored in any area of the property upon which construction is being carried on, provided that the method of storage and the materials stored are in compliance with the requirements of this chapter.

- C. Drainage crossing the property under development must be maintained during the period of development, and no materials may be stored, land disturbed or other work done to block drainage or to divert or cause runoff of groundwater or stormwater in an unnatural fashion.
- D. The person responsible as herein defined shall take all necessary and reasonable steps to ensure that there shall not be an unusual or unwarranted amount of dust and debris blown onto or across neighboring or nearby properties.
- E. Construction sites must be kept wet or properly treated to decrease the spread of dust and mud.
- F. All excavations in or near a public or private walkway or street must be properly guarded and protected at all times by lights, flags, barricades or other warnings sufficient in kind and amount to warn the public from the danger of falling into the excavation.
- G. Temporary electrical service must be through electric lines that are weatherproof and waterproof; such lines must not cross public walkways or highways on the ground, nor shall they be placed on the ground in areas subject to construction equipment traffic.
- H. Grounds and buildings must be kept free of debris such as broken glass, boards with fastenings protruding and other articles making travel around the job site dangerous and unsafe.

Section 10: Fire Prevention.

To avoid the spread of fire, all land shall be kept free of dead and fallen trees, the accumulation of dried brush, shrubs, weeds, grass, excavated stumps or roots, and other trash or debris which would either tend to start, enhance the spread of, or increase the intensity of a fire. All land shall be kept free of the remnants of materials consumed by fire that may be hazardous to the health of and/or an obnoxious irritation to people or animals.

Section 11: Hazardous materials.

All land must be kept free from the accumulation of any incidental hazardous materials that cause poisoning or irritation to people or animals or cause or tend to cause or enhance an unhealthy, dangerous, or obnoxious condition on said property or on any adjacent or neighboring property. All hazardous materials must be properly disposed of.

Section 12: Notice of violation; hearing; removal.

- A. Whenever the Codes Enforcement Officer shall declare that a building, property or vacant area is in violation of this chapter, he or she shall serve a notice in the manner described in Section 12, reciting the facts constituting such violation, specifying in what respect the building or vacant area is in violation and requiring the owner to remove such violation within a prescribed time as defined below. Such notice shall provide that, if the owner fails to remove such violation within such period for compliance so prescribed, the Codes Enforcement Officer may remove or cause the removal of such violation by cutting, cleansing, repairing or taking such other corrective actions deemed necessary and shall notify the owner of his or her right to a hearing, if any, as hereinafter provided.
 - 1. The prescribed time limit for lawn maintenance (i.e., grass/weed cutting) shall be 10 days after service of such notice.
 - 2. The prescribed time for all other violations of this chapter shall be 30 days after service of such notice, or such lesser period of time wherein an emergency exists as may be determined

by the Codes Enforcement Officer.

- B. With the exception of lawn maintenance notices of violation, whenever such notice is served, the owner may, within 10 days after such service, request, in writing, a hearing before the Town Board, and a hearing shall be given such owner prior to the expiration of the period for compliance so prescribed.
- C. Whenever such notice is served for violation of lawn maintenance (grass/weed cutting) regulations, it shall be the responsibility of the owner to bring the property into compliance within the prescribed time limit.
- D. If the Codes Enforcement Officer proceeds to execute a notice issued by him or her for the removal of a violation, the Town Board may contract for the removal of the violation and pay the cost thereof out of the general Town funds to be approved by the Town Board for such purpose.

Section 13: Service of notice.

Every notice shall be served upon such owner, occupant or tenant by one of the following methods:

- A. By personal service;
- B. By certified mail, return receipt requested, addressed to his or her last known address as shown on the latest completed assessment roll of the Town of German Flatts; or
- C. By the posting of such notice in a conspicuous place upon the premises affected and a copy thereof mailed on the same day it is posted, addressed to his or her last known address as shown on the latest completed assessment roll of the Town of German Flatts, such notice to be sent by registered mail.

Section 14: Costs.

The Town shall be reimbursed for the cost of the work so performed or services rendered by assessment and levy on the real property on which such violation occurred, 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 Town charges.

Section 15: Penalties for offenses.

Every person convicted or violating this chapter shall, for a first conviction thereof, be punished by a fine of not more than \$250 or by imprisonment for not more than 20 days, or both such fine and imprisonment; for a second conviction within 18 months thereafter, such person shall be punished by a fine of not more than \$500 or by imprisonment for not more than 60 days, or by both such fine and imprisonment; and upon a third or subsequent conviction within 18 months after the first conviction, such person shall be punished by a fine of not more than \$1,000 or by imprisonment of not more than 90 days, or by both such fine and imprisonment.

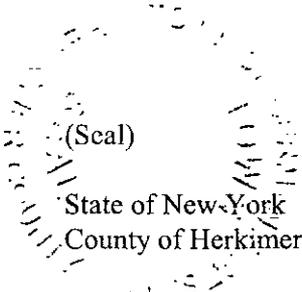
1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 1 of 2020 of the Town of German Flatts, New York was duly passed by the Town Council on September 30, 2020, in accordance with the applicable provisions of law.

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 1, above.


Pamela Jones, Town Clerk

Date: October 1, 2020



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.


Karl E. Manne, Town Attorney

Date: October 1, 2020