**LOCAL LAW NO. 6 OF THE YEAR 2020**

[**Title.**](https://www.ecode360.com/13902595#13902596)

This chapter shall be known as the “Property Maintenance Law of the Town of Coeymans” and may be referred to in the short form as "PML."

[**Purpose.**](https://www.ecode360.com/13902595#13902598)

The purpose of this chapter is to protect the public health, safety and welfare by establishing minimum standards governing the maintenance and conditions of the exterior of residential and nonresidential premises; to avoid, prevent and eliminate the maintenance of or creating of hazards to the public health or safety; to avoid, prevent and eliminate conditions which, if permitted to exist or continue, will depreciate or tend to depreciate the value of adjacent or surrounding properties; to prevent the creation, continuation, extension or aggravation of blight; to fix certain responsibilities and duties upon owners, operators and occupants of property; and to provide for administration and enforcement of these provisions.

**Authority**

The Town Board of the Town of Coeymans as Legislative Body for the Town of Coeymans hereby enacts this Local Law pursuant to authority conferred by New York State Town Law Article 16, New York State Municipal Home Rule Law, and the New York State Constitution.

[**Legislative findings.**](https://www.ecode360.com/13902595#13902597)

It is hereby found and declared that there exist in the Town structures, commercial buildings, businesses, yards and vacant lots which are or may become in the future substandard with respect to structural integrity, equipment or maintenance, and further that such conditions, including but not limited to structural deterioration, lack of maintenance of exterior premises and vacant lots, and, to protect property values, pest infestation, lack of maintenance or upkeep of essential facilities and utilities, existence of fire hazards and unsanitary conditions, constitute a threat to the health, safety, welfare and reasonable comfort of the citizens and inhabitants of the Town. It is further found and declared that, by reason of lack of maintenance and ensuing progressive deterioration, certain properties have the further effect of creating blighting conditions and that, by reason of timely regulations and restrictions, as herein contained, the growth of this blight may be prevented and the neighborhood and property values thereby maintained, the desirability and amenities of dwellings and neighborhoods enhanced and the public health, safety and welfare protected and fostered as well as community aesthetics.

[**Applicability.**](https://www.ecode360.com/13902595#13902599)

Every residential and nonresidential structure and the premises on which they are situated in the Town, used or intended to be used for residential, commercial, business or industrial occupancy, shall comply with the provisions of this chapter, whether or not such structure shall have been constructed, altered or repaired before or after the enactment of this chapter and irrespective of any permits or licenses which shall have been issued for the use or occupancy of the structure or for the installation or repair of equipment or facilities prior to the effective date of this chapter.

[**Stricter standards to prevail.**](https://www.ecode360.com/13902595#13902600)

In any case where the provisions of this chapter impose a stricter standard than that set forth in any law of the Town or under the laws of the State of New York, then the standards as set forth herein shall prevail; but if the provisions of this chapter impose a less stringent standard than any law of the Town or of the laws of the State of New York, then the stricter standard contained in any such other ordinance or law shall prevail.

[**Effect on existing remedies.**](https://www.ecode360.com/13902595#13902601)

Nothing in this chapter shall be deemed to abolish or impair existing legal remedy of the municipality or its officers or agencies relating to the removal or demolition of any buildings or structures which are deemed to be dangerous, unsafe or unsanitary.

[**Definitions.**](https://www.ecode360.com/13902602#13902602)

Unless otherwise expressly stated, the following terms shall, for the purpose of this chapter, be defined as follows:

[**BUSINESS**](https://www.ecode360.com/13902603#13902603)

A building or combination of buildings and structures and the lot on which it is located, used wholly or in part for commercial purposes, including, but not limited to, offices, places of public assembly, shopping centers, supermarkets, retail stores, warehouses, manufacturing or fabrication plants, gasoline stations and other business uses.

[**COMMERCIAL**](https://www.ecode360.com/13902604#13902604)

A building or combination of buildings and the lot on which it is located, used wholly or in part for retail or wholesale distribution of products or services.

[**DETERIORATION**](https://www.ecode360.com/13902605#13902605)

The condition of a structure or part thereof characterized by holes, breaks, rot, crumbling, cracking, peeling, rusting or other evidence of physical decay or neglect, lack of maintenance or excessive use.

[**EXTERIOR OF PREMISES**](https://www.ecode360.com/13902606#13902606)

Those portions of a building or structure which are exposed to public view or are visible from adjoining or adjacent properties, including all outside surfaces and appurtenances hereto, and the open space on the premises outside of any building or structure erected thereon.

[**EXTERMINATION**](https://www.ecode360.com/13902607#13902607)

The control and elimination of insects, rodents or other pests by eliminating their harborage places, by removing or making inaccessible materials that may serve as their food, by poison spraying, fumigating, trapping or by any other approved pest elimination methods.

[**FIRE HAZARD**](https://www.ecode360.com/13902608#13902608)

Any thing or act which increases or may cause any increase of the hazard or menace of fire to a greater degree than that customarily recognized as normal by persons in the public service of preventing, suppressing or extinguishing fire or which may obstruct, delay or hinder or may become the cause of an obstruction, delay, hazard or hindrance to the prevention, suppression or extinguishment of fire.

[**GARBAGE**](https://www.ecode360.com/13902609#13902609)

A putrescible or decayed waste, except sewage and body waste, including vegetable and animal offal and carcasses of dead animals, including all substances accumulated on or removed from public and private establishments and properties, including residences.

[**INDUSTRIAL**](https://www.ecode360.com/13902610#13902610)

A building or combination of buildings and structures and the lot on which it is located, used wholly or in part for manufacturing, fabricating or processing of goods ready for distribution.

**LAWN**

The grassy area immediately adjacent to and surrounding a residential or commercial dwelling or structure or open lot, typically maintained with a lawn mower. This does not include agricultural areas and harvested fields.

[**LITTER**](https://www.ecode360.com/13902611#13902611)

Garbage and rubbish as herein defined and all other waste material which if thrown or deposited tends to create a danger to public health, safety and welfare or spoils the natural beauty of a lot.

[**LOT**](https://www.ecode360.com/13902612#13902612)

A plot, tract, premises or parcel of land with or without buildings or structures located thereon.

[**NUISANCE**](https://www.ecode360.com/13902613#13902613)

Any public or private condition that would constitute a "nuisance" according to the statutes, laws and regulations of the State of New York, any of its agencies or this chapter; any physical condition existing in or on the exterior of any premises which is potentially dangerous, detrimental or hazardous to the health or safety of persons on, near or passing in proximity of the premises where said condition exists.

[**OCCUPANT**](https://www.ecode360.com/13902614#13902614)

Any occupant, owner, agent, tenant, lessee, caretaker or other person or corporation in charge of, residing, living, sleeping in or on the premises of or having actual possession or use of a business, dwelling unit or rooming unit or other premises affected by this chapter.

[**OPERATOR**](https://www.ecode360.com/13902615#13902615)

Any person, persons or entity, not the owner, who has charge, care or control of a structure or a part thereof, with or without the knowledge, consent or authority of the owner.

[**OWNER**](https://www.ecode360.com/13902616#13902616)

Any person, persons or entity who shall have legal or equitable title in any form whatsoever to any premises or part thereof, with or without accompanying actual possession thereof, or who shall have charge, care or control of any lot, premises, building, structure or part thereof, as owner or agent of the owner, or as fiduciary, trustee, receiver, guardian, lessee or mortgagee in possession, regardless of how such possession was obtained. Any person, group of persons or entity who is a lessee, sublessee or assignee of a lessee of any part or all of any building, structure or land shall be deemed to be a co-owner with the lessor for the purposes of this section and shall have responsibility over that portion of the sublet, leased or assigned.

[**PREMISES**](https://www.ecode360.com/13902617#13902617)

A lot, plot or parcel of land, including the buildings, structures and improvements thereon.

[**RESIDENTIAL**](https://www.ecode360.com/13902618#13902618)

A one-family, two-family or multiple-family building or structure and the lot on which it is located, whose purpose is principally to house or occupy families or individuals.

[**RUBBISH**](https://www.ecode360.com/13902619#13902619)

Generally dry material produced routinely by household, commercial or industrial establishments such as paper, cans, bottles, containers, ashes, parts of equipment, motor vehicles, unusable furniture and other such similar items, including bushes, branches, Christmas trees, lawn rakings and similar waste materials and discarded household appliances or equipment and materials from building demolition and construction waste.

[**YARD**](https://www.ecode360.com/13902620#13902620)

An open space on any lot whether occupied or not.

[**Duties of owners, operators and occupants.**](https://www.ecode360.com/13902602#13902621)

Owners, operators and occupants shall have all the duties, obligations and responsibilities prescribed in this chapter, and no such person or entity shall be relieved of any such duty, obligation or responsibility hereunder nor may any such person or entity assert as a defense against any charge made under this chapter that another owner, operator or occupant or any other third person or entity is also responsible therefor and in violation thereof.

[**Maintenance standards.**](https://www.ecode360.com/13902602#13902622)

[**A.**](https://www.ecode360.com/13902623#13902623) Exterior of premises. The exterior of all premises shall be kept free from hazards, which include but are not limited to the following:

 [**(1)**](https://www.ecode360.com/13902624#13902624) Garbage, solid waste and hazardous waste as defined in Chapter [1](https://www.ecode360.com/13903310#13903310)38, Solid Waste, of the Code of the Town of Coeymans. Garbage or garbage containers will be permitted adjacent to the roadway on the day before and on the night hours of pickup only. Only garbage and solid waste resulting from the actual use of the premises may be permitted on the premises. This section shall be enforced by police officers as well as the Code Enforcement Officer of the Town of Coeymans.

 [**(2)**](https://www.ecode360.com/13902625#13902625) Unsafe structures. Structurally unsafe or unsound buildings, structures or fences or abandoned, uncovered or structurally unsound wells, shafts, towers, exterior cellar openings, basement hatchways, foundations or excavations.

 [**(3)**](https://www.ecode360.com/13902626#13902626) Discarded appliances. Abandoned refrigerators, boilers, hot-water heaters, television sets and other similar appliances.

 [**(4)**](https://www.ecode360.com/13902627#13902627) Overhangings. Loose and overhanging objects, whether natural or manmade, and accumulations of ice and snow which by reason of location above ground level constitute a threat to the health and safety of people if caused to fall or due to lack of maintenance.

 [**(5)**](https://www.ecode360.com/13902628#13902628) Infestations. Rodents, vermin, pest infestations and conditions causing the same.

[**B.**](https://www.ecode360.com/13902629#13902629) No owner or occupant of a lot shall allow garbage, litter or rubbish to accumulate upon such lot for a period in excess of one week. Garbage, litter or rubbish which is stored in appropriate receptacles shall be permitted, provided that the owner or occupant of the lot has made arrangements for regular removal of all garbage, rubbish and litter contained in those receptacles on at least a biweekly basis.

**Notice of Violation; order to remedy; hearing; removal**

[**A.**](https://www.ecode360.com/13902633#13902633)  Compliance orders. The Code Enforcement Officer is authorized to order, in writing, the remedying of any condition or activity found to exist in, on or about any premises in violation of this chapter. Upon finding that any such condition or activity exists, the Code Enforcement Officer shall issue a compliance order. The compliance order shall be in writing; be dated and signed by the Code Enforcement Officer; specify the condition or activity that violates this chapter; the period of time which the Code Enforcement Officer deems to be reasonably necessary for achieving compliance; and direct that compliance be achieved within the specified period of time. The Code Enforcement Officer shall cause the compliance order, or a copy thereof, to be served on the owner of the affected property personally or by registered mail or certified mail. Such notice shall provide that, if the owner fails to remove such violation within such period for compliance so prescribed, the Town may remedy, 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 as hereinafter provided. The Code Enforcement Officer shall be permitted, but not required, to cause the compliance order, or a copy thereof, to be served on any builder, architect, tenant, contractor, subcontractor, construction superintendent, or their agents, or any other person taking part or assisting in work being performed at the affected property personally or by registered mail or certified mail; provided, however, that failure to serve any person mentioned in this sentence shall not affect the efficacy of the compliance order.

**B.** With the exception of lawn maintenance notices of violation, whenever such notice is served, the person/owner may, within five days after such service of the notice of violation, request in writing a hearing before the Town Board or designee, and a hearing shall be given such person/owner prior to the expiration of the period for compliance.

**C.** [Removal by Town.](https://www.ecode360.com/13902602#13902636) In the event that the Code Enforcement Officer proceeds to execute a notice for removal, said removal may be performed by the Town or other designee, including pursuant to contract let by the Town.

**D.** All costs and expenses incurred by the Town in connection with the proceedings to remedy or remove violations, including all costs of work performed or services rendered, including and any fees incurred by the Town for legal or other professional services, shall be chargeable to the owner of the premises and shall be assessed against the land on which said building is located. 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 taxes and charges.

**Penalties for Offenses.**

Civil penalties. Any person/owner who violates any provision of this chapter shall be liable to a civil penalty of not more than $200 for each day or part thereof during which such violation continues. The civil penalties provided by this subsection shall be recoverable in an action instituted in the name of this Town.

**Effective Date.**

This chapter shall take effect immediately.