

PROPERTY MAINTENANCE

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(HISTORY: Adopted by the Board of Trustees of the Village of New Berlin 2-28-77 as L.L. No.17-1977. Amendments noted where applicable.)

GENERAL REFERENCES

- Garbage and refuse - See Ch. 49.**
- Motor vehicle junkyards. - See Ch. 53.**
- Littering - See Ch. 55.**
- Maintenance of trees by owner - See Ch. 82.**

§ 65-1. Purposes; applicability.

In order to prevent blight and the spread thereof, it is hereby declared that all structures, including but not limited to one and two-family and multiple-family dwellings, whether or not used for residential purposes, garden apartments, all other apartment complexes, all shopping centers, supermarkets, retail stores, discount houses, warehouses, manufacturing or fabrication plants, factories, gasoline service stations, public garages, motor vehicle repair shops or other business uses, and accessory structures to all of the foregoing, whether occupied or vacant, shall be maintained in conformity with the standards set out in this chapter so as to assure that none of these structures or properties will adversely affect their neighborhood or the larger community. It is found and declared that, by reason of lack of maintenance and progressive deterioration, certain structures and properties have the further effect of creating blighting conditions and initiating slums and that, if the same are not curtailed and removed, the aforesaid conditions will grow and spread and will necessitate in time the expenditure of large amounts of public funds to correct and eliminate the same. By reason of timely regulations and restrictions, as herein contained, the growth of slums and blight may be prevented and the neighborhood and property values thereby maintained, the desirability and amenities of residential and nonresidential uses and neighborhoods enhanced and the public health, safety and welfare protected and fostered.

§ 65-2. Definitions.

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

PERSON - Includes a natural person or persons, firm, corporation, partnership, association, or any other combination of two (2) or more persons, who is or are the owner or owners, mortgagee, assignee of rents, receiver, executor, trustee,

administrator, lessee or agent directly or indirectly in control of a building or other structure or area.

§ 65.3. Regulations.

A. Open areas.

- (1) Surface and subsurface water shall be appropriately drained to prevent the development of stagnant ponds.
- (2) No shopping baskets, carts or wagons shall be left unattended or standing, and such baskets, carts or wagons shall be collected as often as necessary and removed to the interior of the building or buildings from which they were taken, by the person responsible for the said building or buildings.
- (3) All fences shall be maintained by the person responsible for the property. Such maintenance shall include but not be limited to painting, as needed, and the replacement or repair of fences which may become in disrepair.
- (4) All landscaping shall be maintained so that lawns, hedges, bushes and trees shall be kept neatly and free from becoming overgrown and unsightly where exposed to public view and where the same may constitute a blighting factor having a tendency to depreciate adjoining property. Such maintenance should include but not be limited to the replacement of trees and shrubs which may die and/or otherwise be destroyed.
- (5) The planting strip fronting the property shall be maintained in a safe condition, neat, mowed, as necessary, and free of litter, poison ivy, ragweed and any other noxious plant.
- (6) 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 accomplished. All off-street parking facilities shall be swept as often as necessary in the determination of the enforcing officer.
- (7) Yards, courts and vacant lots shall be kept clean and free of physical hazards, rodent harborage and infestation and shall be maintained in a manner that will prevent rubbish from being blown about them.
- (8) All signs exposed to public view shall be maintained in good repair. Excessively weathered or faded signs shall be removed or put into good repair. Any nonoperative or broken electrical or other sign shall be repaired or removed.

B. Buildings and structures.

- (1) All exterior exposed surfaces not inherently resistant to deterioration shall be repaired, coated, treated or sealed to protect them from deterioration.
- (2) Floors, walls, ceilings, stairs, furnishings and fixtures of buildings shall be maintained in a clean, safe and sanitary condition. Every floor, exterior wall, roof and porch, or appurtenance thereto, shall be maintained in a manner so as to prevent injury to the occupants of the building or to the public.
- (3) The foundation walls of every building shall be maintained in good repair and be structurally sound.
- (4) Exterior walls (including doors and windows), roofs and the areas around doors, windows, chimneys and other parts of a building shall be so maintained as to keep water from entering the building and to prevent undue heat loss from occupied areas. 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. Exterior walls, roofs and other parts of the building shall be free from loose and unsecured objects and material. Such objects or materials shall be removed, repaired or replaced.
- (5) Buildings and structures shall be maintained free of insect, vermin and rodent harborage and infestation.

§ 65-4. Enforcement.

Upon his own investigation or receipt of information or complaint, the Village Superintendent shall cause to be served upon a responsible person of any land or property upon which an act in violation of § 65-3 has occurred, written notice, in a form approved by the Village Attorney, directing removal or correction of such violation within seven (7) days after service of such notice, or shall cause the posting of such notice in a prominent place upon said premises whenever a responsible person reasonably cannot be located. Immediately upon expiration of any period for correction set forth in any violation notice, the Village Superintendent shall determine whether correction has occurred and, if not fully, shall without further delay of any kind, file a request for an arrest warrant with the prosecutor having jurisdiction.

§ 65-5. Village Board action.

In addition to, and not in substitution for, the penalty provision of § 65-7, the Village Superintendent may refer an incident of noncompliance with a notice of violation to the Village Board for further action. Upon failure of a responsible person to comply with a notice of violation, the Board may direct correction of the violation at the expense of the

village and may appropriate funds therefore, and all costs of such correction shall constitute a lien, upon the subject property and shall draw interest equal to interest on delinquent taxes.

§ 65-6. Inspections and investigations; report.

The Village Superintendent shall initiate inspections and investigations and shall receive information and complaints concerning compliance with this chapter. Covering the calendar month preceding the report, he shall submit a written report to the Village Board, not later than 12:00 noon of the day on which the first monthly meeting is held, containing not less than: the address of and date of each investigation or inspection initiated by him; the address of each alleged violation concerning which information or complaints have been received by him; the date of such receipt; the nature of each violation found or complained of, if any; the date of the correction notice issued; the date(s) of each reinspection; the date of filing of the request for an arrest warrant with the prosecutor having jurisdiction; the disposition of each case closed; and the status report of each case referred under § 65-5. Such report shall include cumulative annual totals of inspections and investigations initiated, information or complaints received, violations noticed for correction (with a breakdown of such violations by appropriate category), corrections confirmed upon reinspection, warrant requests filed and convictions obtained.

§ 65.7. Penalties for offenses.

Any person committing an offense against any provision of this chapter shall, upon conviction, be guilty of a violation pursuant to the Penal Law of the State of New York, punishable by a fine not exceeding two hundred fifty dollars (\$250.) or by imprisonment for a term not exceeding fifteen (15) days, or by both such fine and imprisonment. The continuation of an offense against the provisions of this chapter shall constitute, for each day the offense is continued, a separate and distinct offense hereunder.