

Chapter 105

PROPERTY MAINTENANCE

[HISTORY: Adopted by the Town Board of the Town of Hartland 6-13-2002 by L.L. No. 1-2002. Amendments noted where applicable.]

GENERAL REFERENCES

Numbering of buildings — See Ch. 52.
Unsafe buildings — See Ch. 54.
Driveways — See Ch. 68.
Recycling — See Ch. 87, Art. I.
Trees — See Ch. 133.

§ 105-1. Findings and purpose.

- A. The Town Board of the Town of Hartland hereby finds that the outdoor storage, accumulation, deposit, placement of abandoned, junked, discarded, wholly or partially dismantled or unlicensed or unregistered motor vehicles, rubbish, debris, or solid waste upon private property threatens the health, safety and welfare of the Town residents. Outdoor storage, accumulation, deposit or placement of such items creates a significant fire hazard, endangers the environment and groundwater, leads to infestation by insects, vermin or rodents, depreciates property values, and has a deteriorating and blighting effect upon the neighborhood and community.
- B. The Town Board hereby determines that the outdoor storage, accumulation, deposit or placement of abandoned, junked, discarded, wholly or partially dismantled or unlicensed or unregistered motor vehicles, rubbish, debris and solid waste upon private property constitutes a public nuisance.

§ 105-2. Definitions.

- A. As used herein, the following terms shall have the following definitions:

DEBRIS — Includes all materials resulting from the construction, excavation, renovation, equipping, remodeling, repair or demolition of structures, property or roads as well as materials consisting of vegetation resulting from land clearing and grubbing, utility line maintenance and seasonal and storm-related clean-up. Such materials include but are not limited to: bricks, concrete and other masonry materials, soil, rock, wood, wall coverings, plaster, drywall, plumbing fixtures, nonasbestos insulation, roofing shingles, asphaltic pavement, glass, window frames, electrical wiring and components, plastics, carpeting, foam padding, linoleum, metals, or any combination thereof which are incidental to construction, excavation, renovation, equipping, remodeling, repair or demolition.

GARBAGE — Includes all putrescible animal and vegetable waste resulting from processing, marketing and preparation of food items, including the container in which packaged.

MOTOR VEHICLE — Includes all vehicles as defined by NYS Vehicle and Traffic Law § 125.

The term "motor vehicle" as used in this chapter shall also include allterrain vehicles as defined by NYS Vehicle and Traffic Law § 2281 and snowmobiles as defined by NYS Vehicle and Traffic Law § 2221, and shall further include any vehicle intended for operation by means other than muscle power.

OUTDOORS — Includes anything not housed in a fully enclosed building.

OWNER — The owner as identified on the current assessment roll.

RUBBISH — Includes all nonputrescible solid wastes consisting of both combustible and noncombustible wastes, including but not limited to paper and paper products, rags, wrappings, cigarettes, cardboard, tin cans, yard clippings, wood, glass, metals, plastics, tires, bedding, cloth, crockery, furniture, appliances and similar items.

SOLID WASTE — Includes all putrescible and nonputrescible materials and substances having served their original intended use or being spent, useless, worthless or in excess to the owner, including but not limited to household and commercial garbage, industrial waste, rubbish, debris, garbage, litter and ashes.

B. All other terms as used in this chapter shall have their common or ordinary meaning.

§ 105-3. Outdoor deposit or storage of waste.

A. No person, as owner, occupant, lessee or agent, or in any capacity, shall store, deposit, place, maintain, or cause or permit to be stored, deposited, placed or maintained or grown outdoors any abandoned, junked, discarded, wholly or partially dismantled, unlicensed or unregistered motor vehicle or any solid waste, rubbish, debris upon any private property within the Town.

B. This section shall not apply to:

- (1) Any solid waste, rubbish or debris temporarily stored or placed in a container for collection or disposal.
- (2) The maintenance of a mulch pile used for on-premises gardening or landscaping confined to an area to the rear of a residence and not exceeding 50 square feet.
- (3) The temporary storage of a single motor vehicle which meets New York State inspection requirements, on a premises, which is unlicensed or unregistered, but which is not dismantled, abandoned, junked or discarded.
- (4) The maintenance of any motor vehicle on a duly licensed automobile repair or sales business lot, properly zoned, while said vehicle is being repaired or sold, provided that this exception shall not permit storage of vehicles which will not pass a New York State Vehicle inspection on any premises for a period in excess of 30 days.
- (5) The maintenance or storage of farm equipment or materials used in a farming or agricultural operation on a premises in actual use for agricultural purposes.

C. For purposes of this chapter every owner and occupant shall be strictly liable, and fully responsible, and shall be deemed to have permitted any condition on the premises they own or occupy.

§ 105-4. Inspection.

Whenever it shall appear that the provisions of this chapter are violated, the Code Enforcement Officer, or any such other officer or employee authorized by the Town to have jurisdiction thereof, is authorized to make an inspection of the property involved and prepare a written report of the conditions found, which report shall be filed with the Town Board.

§ 105-5. Notice of violation.

- A. If conditions existing on the inspected property violate the provisions of this chapter, the Code Enforcement Officer or other designated officer or employee is authorized to serve or cause to be served a written notice of such violation, either personally or by certified mail, upon the owner or owner's agent as well as upon the lessee or occupant of said premises. Failure to serve either an owner or an occupant or lessee shall not prevent enforcement against any party served.
- B. Said notice shall contain substantially the following: the name of the owner, lessee or occupant of the premises; the address or location of the premises; the identification of the premises as the same appears on the current assessment roll; a statement of the conditions on the property deemed upon inspection to be in violation of this chapter; demand that the motor vehicle, solid waste, rubbish, debris determined to be in violation of this chapter be removed from the property on or before 10 days after the service or mailing of such notice; a statement that a failure or refusal to comply with the provisions of this chapter and the notice given pursuant thereto within the time specified may result in a duly authorized officer, agent or employee of the Town entering upon the property and removing such motor vehicle, solid waste, rubbish, debris, and causing the same to be disposed of or otherwise destroyed; and that the cost and expense of such removal and disposal or destruction shall be assessed against the described property and shall constitute a lien thereon to be collected as provided by law.
- C. Said notice shall also contain the date, time and location at which the Town Board will conduct a hearing to determine whether the conditions upon the subject property constitute a public nuisance. Said notice shall state that the property owner, his/her agent, lessee or occupant is entitled to be heard at such hearing and present evidence or testimony. The date of such hearing must be at least 10 days after service or mailing of the notice of violation.
- D. Nothing contained in § 105-4, 105-5, 105-6, 105-7 or 105-8 of this chapter shall require any report or notice as a prerequisite to the filing of an information or the issuance of a summons or appearance ticket for, or any prosecution of, a violation of any of the provisions of this chapter.

§ 105-6. Second inspection and report.

On or before the date of the hearing and prior to commencement of the hearing, the Code Enforcement Officer, or other duly authorized officer or employee, shall conduct a second inspection of the property and file a written report of the conditions deemed in violation of this chapter found thereon with the Town Board. Such inspection shall be conducted as close to the date of the hearing as practicable.

§ 105-7. Declaration of public nuisance and remediation.

At the close of the hearing, the Town Board may determine that the conditions upon the subject property which violate this chapter constitute a public nuisance. Upon a determination by the Town Board that conditions upon the property constitute a public nuisance, the Town Board is empowered to authorize officers, agents or employees of the Town to enter onto the property and remove any vehicle, solid waste, rubbish, or debris deposited, placed or maintained in violation of this chapter and dispose of or otherwise destroy same. Any costs and expenses incurred by the Town when acting pursuant to this chapter to abate a public nuisance shall be assessed against the property involved and shall constitute a lien thereon to be collected as provided by law.

§ 105-8. Emergency actions.

- A. Nothing in this chapter shall prohibit a municipality from entering onto private property to remove any solid waste, motor vehicle, appliance, rubbish or debris whenever there exists an imminent threat to the life or safety of persons. Municipal authority pursuant to this section may only be exercised where there is a dire necessity to protect life and safety. Any municipal action taken pursuant to this section must be reasonably calculated to alleviate or prevent the crisis condition and must be limited to those actions necessary to eliminate the emergency situation.
- B. A property owner shall be given notice and an opportunity to be heard prior to any costs and expenses incurred pursuant to this section being placed on the property's tax bill.

§ 105-9. Additional enforcement and alternative enforcement relief.

- A. A violation of § 105-3 of this chapter is a violation punishable by a fine of up to \$250 and/or imprisonment for up to 15 days. Each additional week of continuous violation of the terms of this chapter constitutes a separate violation.
- B. The Town may seek injunctive relief in a court of competent jurisdiction and shall be entitled to a judgment for any expenses incurred, including reasonable attorney fees.
- C. All remedies set forth in this chapter are alternative and cumulative, and the Town may enforce this chapter utilizing any remedy or combination thereof.

§ 105-10. Use of vehicles as storage; parking of unregistered trailers prohibited. [Added 3-12-2015 by L.L. No. 3-2015]

- A. The use of trucks, trailers, truck bodies, truck trailers, horse trailers, semitrailers, tank trucks, tanker bodies, or similar vehicles or units, whether licensed or registered or not, for storage of materials or as a storage unit or for any storage purposes in any manner whatsoever on any premises situate in the Town of Hartland is prohibited, except for temporary use for construction purposes for periods of less than 90 days or when actively used in connection with active farming or agricultural operations.
- B. The parking or keeping of unregistered semitrailers on any premises situate in the Town of Hartland is prohibited unless such semitrailer is being actively used in connection with active farming or agricultural operations.

- C. No trailers, truck bodies, truck trailers, horse trailers, semitrailers, tank trucks, tanker bodies, or similar vehicles or units shall be kept or stored within 200 feet of a roadway or right-of-way or within 100 feet of a lot line for more than 90 days.
- D. For the purpose of this section, every owner and occupant shall be strictly liable and fully responsible and shall be deemed to have permitted any condition on the premises he or she owns or occupies.
- E. A violation of this section is a violation punishable by a fine of up to \$250 and/or imprisonment for up to 15 days. Each additional week of continuous violation of the terms of this section constitutes a separate violation.
- F. This section may be enforced pursuant to the provisions of § 105-9.