

**Local Law # 4 of 2021**  
**Property Maintenance Law**

***Section 1. Title***

This law shall be known as the "Property Maintenance Law" of the Town of Mohawk.

***Section 2. Legislative Intent***

A sanitary and hazard free environment is declared to be of vital importance to the health, welfare and safety of the inhabitants of the Town of Mohawk as is the safeguarding of their material rights against unwarranted invasion and the protection of the public health. In addition, such enforcement is deemed essential to the maintenance and continued development of the economy of the Town of Mohawk and the general welfare of its citizens. Therefore, recognizing the above and the need of the community for an effective and well-regulated procedure for the disposal of garbage and rubbish and for the maintenance of residential and business premises whether improved or vacant, the Town Board does hereby enact this Local Law.

***Section 3. General Requirements***

All residential and business premises located within the Town of Mohawk, whether improved or vacant, shall be maintained in conformity with the provisions of this law.

***Section 4. Definitions***

**Appliance:** includes any stove, washing machine, dryer, freezer, refrigerator or other household device or equipment abandoned, junked, discarded, wholly or partially dismantled or no longer intended or in condition for ordinary use for the purpose for which it was designed originally.

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

**Commercial Hauler:** Any person, firm, corporation, partnership or other association engaged in the business of collecting or disposing or transporting garbage, refuse or waste material in any part of the Town of Mohawk.

**Composting:** the controlled aerobic decomposition of organic material such as food scraps, leaves, grass, etc. that creates a nutrient rich product.

1. Back Yard/Home/Residential Composting: The small scale, 2 cubic yards or less annually, on-site process where the biological decomposition of organic materials such as leaves, grass clippings, brush, and food scraps is processed into a soil amendment.
2. Commercial/Industrial Composting: large scale composting which is designed to handle a high volume of organic waste.

**Garbage:** Any refuse from animal and vegetable matter, waste food or parts thereof, refuse from kitchen, market, store or house, floor sweepings, table waste or animal or vegetable matter, meats, fish, bones, fat and all organic waste substance or substances capable of decay, but not including waste from slaughterhouses, rendering of plants or sanitary disposal systems.

**Infestation:** The presence of insects, rodents, vermin or other pests.

**Litter:** Garbage, refuse and rubbish as herein defined and all other waste material which, if thrown or deposited as herein prohibited, tends to create a danger to public health, safety and welfare.

**Lot:** A plot, tract, premises or parcel of land with or without buildings or structures located thereon, as surveyed or apportioned for sale or other purpose.

**Motor Vehicle:** Includes any and all vehicles propelled or drawn by power other than muscular power, intended for use on public highways; any unregistered, old or secondhand motor vehicle or trailer; any motor vehicle in such condition or state of repair that it cannot be licensed immediately without extensive repair; any abandoned, junked, discarded, wholly or partially dismantled motor vehicle no longer intended or in condition for legal use on the public highways or any vehicle incapable of passing

a NYS Inspection. This does not include inoperable farm or construction vehicles, implements, equipment or machinery retained for the purpose of salvaging usable parts in connection with the ongoing operation of an on-site farm or construction business, provided that such items are stored within a consolidated area out of the public view.

**Motorized Equipment:** Includes but not limited to power machines, lawn mowers, motors; or parts that were once motorized equipment.

**Outdoor Storage:** Includes the placing, maintaining or keeping of any motor vehicle appliance, motorized equipment, rubbish and debris as the same are defined herein in a place other than a structure with a roof and fully enclosed on all sides.

**Owner:** The person having a legal title to property and also the person shown as owner of the property on the current assessment rolls of the town.

**Person:** One (1) or more persons of either sex, natural persons, corporations, partnership, associations, joint stock companies, unincorporated associations, their agents or employees, society clubs and all other entities of any kind capable of being sued.

**Private Property or Private Premises:** Any real estate or part thereof, yard or driveway, other than that used as a public place, road, street or highway, situated in the town, but not including land used for agriculture purposes.

**Public Nuisance Affecting Health:** A nuisance which is a thing, act or occupation or use of property, premises, equipment or structure, either private or public, affecting the health of one (1) or more persons.

**Refuse and Rubbish:** Plastics, combustible trash, including but not limited to paper, cartons, boxes barrels, wood, excelsior, tree limbs and branches, yard trimmings, wood furniture and bedding. Also included is noncombustible trash, including but not limited to tires, metals, cans, plastics, metal furniture, small quantities of rock, brick and concrete, glass, metal fixtures, bottles and street rubbish, street sweepings, dirt, leaves, catch basin dirt and contents of litter receptacle, ashes, dead animals, junked vehicles, solid market and industrial wastes, cardboard, leaves, crockery and similar materials.

**Resident:** Any person having a domicile within general limits of the town, including landlords and tenants. The term shall also include any person, firm, partnership, corporation or other association operating an established business within the limit of the Town of Mohawk.

**Residential Premises:** A building or combination of buildings used solely for personal living purpose of the occupants thereof, whether as owners or tenants thereof and not used for any business purposes.

**Siding:** Any exterior covering of a structure either Private or Public shall be covered by an appropriate and/or approved material, as to maintain the aesthetics of the neighborhood.

Siding material, approved by the Town of Mohawk, is described as brick, concrete, wood, vinyl, aluminum, steel and/or refinished material designed and designated for use as a building siding.

No material, designed as a moisture barrier, building wrap, underlayment or insulating material shall be allowed as approved siding of any building.

**Waste Material:** Includes, but is not limited to, waste produced by industrial or manufacturing process, including food shavings, slag, industrial sludge or other chemical waste and by-products, tires and oils and large amount of wood, concrete, rocks, brick, sand and other wastes from building operations.

**Yard:** An open space on the same lot, which contains a building and is located between the building line and the lot line which the particular building line faces.

#### ***Section 5. Applicability:***

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

#### ***Section 6. Open areas and parking spaces:***

A. Surface or subsurface water shall be appropriately drained to protect buildings and structures and to prevent the development of stagnant ponds. Gutters, culverts, catch basins, drain inlets; storm water sewers or other satisfactory drainage systems shall be utilized where necessary. No roof, surface or sanitary drainage shall create a structural, safety or health hazard by reason of construction, maintenance or manner of discharge.

B. Fences and other minor construction shall be maintained in a safe and substantial condition. This section shall not apply to fences used strictly for agricultural purposes.

C. 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 carried out.

D. Yards and vacant lots shall be kept clean and free of physical hazards, rodent harborage and infestation. They shall be maintained in a manner that will prevent dust or other particles from being blown about the neighborhood. Open wells, cesspools or cisterns shall be securely closed or barricaded from access to the public.

E. All land must be kept free of dead or dying trees and accumulation of brush, shrubs, weeds, grass, leaves, stumps, roots, excessive or noxious growths, garbage, refuse or debris which would either tend

- to start a fire or increase the intensity of a fire already started or cause poisoning or irritation to people or animals or cause or tend to cause or enhance an unhealthy or dangerous or obnoxious condition on said property or on any adjacent or neighboring property.

***Section 7. All Residential and Business Units:***

A. No outdoor storage or accumulation of garbage, crates, rubbish, refuse or debris shall be permitted at any time and all such garbage, crates, rubbish, refuse or debris shall be kept inside the building or buildings, on the premises or in an acceptable enclosure and shall be regularly collected and removed from the premises.

B. No Garbage or Refuse shall be placed in plastic bags or in uncovered containers for storage or awaiting waste removal as to create a haven for rodents and other animals.

C. All waste containers in residential zoned areas, except where a container is placed for storage and pickup by a registered commercial waste removal company or facility for a private or commercial business, must be out from the public view.

D. All residential waste containers used for waste removal pickup, shall not be placed roadside sooner than the proceeding day before pickup by a commercial waste hauler and containers must be removed from the roadside by the following day of pickup by the waste hauler.

E. All large refuse containers, known as dumpsters, used by private homeowners, apartment houses, commercial building complexes, or a group of home owners, such as homeowner associations or homes in a cul-de-sac shall be placed as far away from public view as possible. These areas may be fenced in or have trees or hedges planted to block the public view of said containers. These areas are to be maintained and cleaned by groups serviced by these containers.

***Section 8. Infestation and Screening:***

A. Grounds, building and structures within the Town of Mohawk shall be maintained free of insects, vermin and rodent harborage and infestation. Methods used for exterminating insects, vermin and rodents shall conform to generally accepted practice.

B. Where the potential for rodent or vermin infestation exists, windows and other openings in basements and cellars shall be appropriately screened with wire mesh or other suitable materials.

***Section 9. Littering:***

A. Residential and business premises within the Town of Mohawk, whether improved or vacant, shall be maintained free of litter; provide, however, that this section shall not prohibit the storage of litter for a reasonable period of time in authorized private receptacles for collections.

B. Adequate sanitary facilities and methods shall be used for the collection, storage, handling, disposal of garbage and refuse in accordance with the provision of applicable codes.

C. It shall be unlawful for any person to throw, spill, place, deposit, leave or cause to be thrown, spilled, placed, deposited or left, or permit any agent, servant or employee to throw, spill, place, deposit, or leave in or upon any street, highway, alley, sidewalk, park or public building or in any running water or body of water within the Town of Mohawk any garbage, refuse, rubbish and waste material or litter or filth, including but not limited to sewage, excrement, slops, dead carcasses, compost, ashes, soot or any material subject to be carried by the wind or unwholesome or putrescible

matter of any kind.

***Section 10. Outdoor Deposit or Storage of Waste and Abandoned Appliances:***

A. It shall be unlawful for any person, as owner, occupant, lessee, agent or in any capacity, to store, deposit, place, maintain or cause or permit to be stored, deposited, or placed any partially dismantled or unlicensed motor vehicles or vehicle, motorized equipment, appliance, rubbish or debris as defined in this Article upon private property within the corporate limits of the Town of Mohawk, except as follows:

1. One (1) unlicensed road-worthy vehicle is allowed per parcel.
2. A reasonable number of unlicensed vehicles held by the property owner for the purpose of restoration or resale. To be applicable, the property owner must apply for a permit from the Code Enforcement Officer. Upon receipt of a written application from the property owner the Code Enforcement Officer shall inspect the premises and give a written determination to the applicant within 30 days. The permit would be valid for one year from date of issuance. The Town may charge a fee for issuance of said permit. The fee, if any, shall be established and may be revised from time to time by resolution of the Town Board.
3. Farm vehicles in road-worthy condition, which have been properly registered and meet all requirements of the New York State Department of Motor Vehicles.

B. No appliance may be discharged, abandoned or stored in a place accessible to children without first completely removing any locking device and all doors.

***Section 11. Cutting and removal:***

It shall be unlawful for any owner, lessee or occupant, or any agent, servant, representative or employee or any such owner, lessee or occupant, having control of any occupied or unoccupied yard or any part thereof in the Town of Mohawk to permit or maintain on any such street, road, highway or alley adjacent to same between the property line and the curb or middle of the alley, or for then (10) feet outside the property line if there be no curb, any growth of weeds, grass or other rank vegetation to a greater height than ten (10) inches, or any accumulation of dead weed, grass or brush. Hedges, shrubs and brushes shall be trimmed and kept from becoming overgrown. At all street intersections vegetation shall be maintained so as not to create physical or visual obstructions to pedestrians or vehicular traffic.

***Section 12. Maintenance of Property:***

A. It shall be unlawful for any person, as owner, lessee, agent, tenant or otherwise, to throw, cast, spill or otherwise deposit or cause or permit to be thrown, cast, spilled or deposited any litter, rubbish and refuse, garbage, manure, offal or other decomposable organic or putrescible matter in or about any land or lot, vacant or otherwise, within the Town limit.

B. Nothing in this section shall be construed to prohibit the temporary storage of garbage, refuse and waste material way of tightly covered containers or cans wherever practicable, nor shall this section be construed as prohibiting the depositing of manure or fertilizers upon any private property for the purpose of cultivating or improving the same.

***Section 13. Buildings and Structures:***

1. All exterior exposed surfaces not inherently resistant to deterioration shall be repaired, coated, treated, sealed or replaced with approved siding as stated in definitions to protect the building from deterioration or weathering. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted.

The completion of siding shall be completed within the timeframe of the building permit as issued.

All buildings that do not have the approved siding, as described in the definition of siding, will be required to have the approved siding installed within 12 months of the notification of code violation. The owner of said property will be required to obtain a proper building permit or permits to complete this repair within the time frame allowed.

2. Floors, walls, ceilings, stairs, furnishing 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 collapse of the same or 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. The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare. Exterior walls, (including doors and windows), roofs and the areas around doors, windows, chimneys and other parts of a building, shall not have defects that admit rain. 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 within a reasonable amount of time. 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. The owner of a vacant structure or premises shall take such steps and perform such acts as may be required of him or her from time to time to ensure that the property remains in a clean, safe, sanitary and secure condition so as not to cause a blighting problem and does not adversely affect adjoining property or the public health or safety.

#### ***Section 14. Duties of Owners, Occupants or Tenants:***

A. An occupant or tenant of the premises shall be responsible for compliance with this law as if they were an owner.

B. Owners of premises shall be responsible for compliance with the provisions of this law and shall remain responsible therefore regardless of the fact that this law may also place certain responsibilities on tenants or occupants and regardless of any agreements between owners and tenants or occupants as to which party shall assume such responsibility.

C. Whenever any person or persons shall be in actual possession of or have charge, care or control of any property within the Town as executor, administrator, trustee, guardian, operator or agent, such person shall be deemed and taken to be the owner or owners of said property within the true intent and meaning of this law and shall be bound to comply with the provision of this law to the same extent as the record owner; and notice to any such person of any order or decision of the Building Inspector shall be deemed and taken to be a good and sufficient notice, as if such person or persons were actually the record owner or owners of such property. In instances where an occupant is responsible or shares responsibility with the owner for the existence of one (1) or more violations of this law, said

occupant shall be deemed and taken to be an owner within the true intent and meaning of this law.

***Section 15. Inspections:***

A. The Building Inspector of the Town of Mohawk as designated by the Town Board of such town, shall have authority, as specified herein, to inspect all premises within the town to enforce the provisions of this law.

B. Whenever it shall appear that the provisions of this Article are being violated, the inspector, shall, except upon plain view where no entry is necessary secure approval from an owner, lessee, agent, tenant, or other person with authority, to make an inspection of the property and shall prepare a written report of the condition found.

***Section 16. Abatement:***

Where the violation or condition existing on the premises is of a nature as to constitute an immediate threat to life and limb unless abated without delay, the Enforcement Officer may order the owner, operator or occupant to correct the violation or condition within the period of time consistent with the hazard involved and with the measures necessary to remove the hazard; and upon the failure of the owner, operator or occupant to correct said condition, the Enforcement Officer may abate said condition immediately thereafter.

***Section 17. Cost to become lien on property.***

Where abatement of any nuisance, as defined herein, or correction of a defect on the premises or the maintenance of the premises in a proper condition to conform to applicable ordinances of the Town of Mohawk or the laws of the State of New York require expenditures of the Town of Mohawk moneys therefore, either by supplying of labor by Town Employees, the furnishing of material by the Town or the hiring of outside contractors, the Enforcement Officer shall present a report of the work accomplished to the Town Board of the Town of Mohawk, along with a summary of the proceedings undertaken to secure compliance, their agents as the case may be, by first-class mail, certified mail, or personal service. The Town Board shall then approve the expenditures made and assess the same against the premises, collectible as provided by law. A copy of the resolution approving said expenses shall be certified by the Town Clerk, and a copy of the report and resolution shall be sent by certified mail, return receipt requested, to the owner.

***Section 18. Order to remedy violation and penalties for failure to comply:***

The Building Inspector may issue an order to remedy any condition that violates any provision of this chapter. Such an order shall specify the noncompliant condition, the action needed to correct the condition and the date by which the condition shall be corrected. The date shall not be any earlier than seven days after the notice is mailed. The order to remedy shall be posted on the subject property and served by certified mail and first-class mail on the owner of record. If the notice is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice. Failure to comply with the order to remedy by the specified date shall constitute a violation.

Every person convicted or violating this local law shall for a first conviction thereof be punished by a fine of not more than Two Hundred Fifty (\$250.00) Dollars or by imprisonment for not more than twenty (20) days or both such fine and imprisonment; for a second conviction within eighteen months thereafter, such person shall be punished by a fine of not more than Five Hundred (\$500.00) Dollars or

by imprisonment for not more than sixty (60) days or by both fine and imprisonment and such upon third or subsequent conviction within eighteen months after the first conviction, such person shall be punished by a fine of not more than One Thousand (\$1,000.00) Dollars or by imprisonment of not more than Ninety (90) days or by both such fine and imprisonment.

***Section 19. Separability:***

Each separate provision of this Local Law shall be deemed independent of all other provisions therein, and if any provisions shall be deemed or declared invalid, all other provisions hereof shall remain valid and enforceable.

***Section 20. Effective Date:***

This Local Law shall take effect upon its being duly filed in the office of the Secretary of State of the State of New York as provided in Section 27 of the Municipal Home Rule Law.



