

VILLAGE OF GRANVILLE
Property Maintenance Law
Local Law No.: 2-2021

**LOCAL LAW ESTABLISHING A PROPERTY MAINTENANCE RULES
AND REGULATIONS OF THE VILLAGE OF GRANVILLE.**

BE IN ENACTED by the Village Board of the Village of Granville, State of New York, as follows:

I. SHORT TITLE

This Local Law shall be known and may be cited as the "Property Maintenance Law of The Village of Granville".

II. LEGISLATIVE INTENT AND FINDINGS OF FACT

A. Background:

The Village of Granville, Washington County, New York, is concerned about a sanitary and hazard free environment to be of vital importance to the health, welfare, and safety of the inhabitants of the Village of Granville as is the safeguarding of their material right against unwarranted invasion and the protection of the public health. In addition, such an enforcement is deemed essential to the maintenance and continued development of the economy of the Village of Granville 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 premisses whether improved or vacant, the Village Board of Trustees of the Village of Granville does hereby enact this Local Law to promote the health, safety, and general welfare of the inhabitants of the Village of Granville.

B. Legislative Finding of Fact:

The Village Board does hereby find that appropriate and salutary measures must be taken to protect the public interest by regulating the property maintenance of the Village of Granville.

C. Legislative Intent:

Pursuant to authority duly vested in it, it is the intention of the Village Board to protect the public interest and to preserve its intended objectives and ensure implementation by hereby adopting reasonable property maintenance regulations of Village property in the Village of Granville, and thereby to protect the public interest and welfare.

III. GENERAL REQUIREMENTS:

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

IV 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 WASTE HAULER:

Any person, firm, corporation, partnership or other association engaged in the business of collection, disposing or transporting garbage, refuse or waste material in any part of the Village of Granville.

COMPOSTING:

A combination of decomposing plant and/or other materials (not animal based materials, meat, and/or animal waste or animal or chemical byproducts) that are being processed largely through aerobic decomposition into a rich black soil.

GARBAGE:

Any refuse from animal and vegetable matter, waste food or parts thereof, refuse from kitchen, market, fish, bones, fat, and all offal and organic waste substance or substances capable of decay, including waste from slaughterhouses, rendering plants or sanitary disposal systems. Garbage shall not include Compost or Composting as defined by this local law.

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 the 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 of legal use on the public highways or any vehicle incapable of passing a New York State inspection. This does not include inoperable farm or 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.

NOXIOUS FUMES:

A gas, smoke, vapor or odor that is perceived and then deemed to be offensive or suffocating by the Village code enforcement officer, safety officer, police officer or member of the Village Board of Trustees.

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 or persons having legal title to property and also the person or persons shown as the owner of the property on the current assessment rolls of the Village of Granville.

PERSONS:

One (1) or more persons of either sex, natural persons, corporations, partnerships, 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 Village of Granville, 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 receptacles, ashes, dead animals, junked vehicles, solid market and industrial wastes, cardboard, crockery and similar materials.

RESIDENT:

Any person having a domicile within general limits of the Village of Granville, 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 Village of Granville.

RESIDENTIAL PREMISES:

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

WASTE MATERIAL:

Includes, but not limited to waste produced by industrial or manufacturing process, including food processing waste, boiling house cinders, lumber scraps and shavings, slag, industrial sludge or other chemical waste and by-products, tires and oils and large amounts 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.

V

APPLICABILITY

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

VI. OPEN AREAS AND PARKING SPACES

A Surface or subsurface water:

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:

Fences and other minor construction shall be maintained in a safe and substantial condition.

C Maintenance of walkways, parking lots and steps:

Steps, walks, driveways, parking spaces and similar traveled 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 replacements carried out.

D Yards and vacant lots:

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.

VII BUSINESS UNITS

A Storage:

No outside 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 premisses.

B Trash receptacles:

All trash receptacles are to be placed at the curb side for pick up no more than twenty-four (24) hours before pick up and shall be removed from the curb side within twenty-four (24) hours after pick up.

C All other items placed on curbs:

All other items such as furniture, mattresses, tires or any other items that are met to be sold, given away, or disposed of, shall be removed from the curb side within twenty-four (24) hours and cannot be replaced on the curb side for another thirty (30) days.

VIII INFESTATION AND SCREENING

A Infestation:

Grounds, buildings and structures within the Village of Granville shall be maintained free of insect, vermin and rodent harborage and infestations. Methods used for exterminating insects, vermin and rodents shall conform with generally accepted practice.

B Screening:

Where the potential for rodent or vermin infestation exists, windows and other openings in basements, cellars and attics shall be appropriately screened with wire mesh or other suitable materials provided that all trash receptacles are to be placed at the curb side for pick up no more than twenty-four (24) hours before pick up and shall be removed from the curb side within twenty-four (24) hours after pick up.

IX LITTERING

A Litter free premises:

Residential and business premises within the Village of Granville, whether improved or vacant, shall be maintained free of litter; provided, however, that this section shall not prohibit the storage of litter in authorized private receptacles for collections.

B Adequate sanitary facilities:

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

C Littering:

It shall be unlawful for any person to knowingly 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, 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 Village of Granville any garbage, refuse, rubbish and waste material or litter of filth, including but not limited to sewage, excrement, slops, dead carcasses, ashes, soot or any material subject to be carried by the wind or unwholesome or putrescible matter of any kind.

X OUTDOOR DEPOSIT OR STORAGE OF WASTE AND ABANDONED APPLIANCES:

A Storage of Motor Vehicles or Equipment:

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, placed or maintained outdoors any abandoned, junked, discharged, wholly or partially dismantled or unlicensed motor vehicles or vehicle, motorized equipment, appliance, rubbish or debris as defined in this local law upon private property within the corporate limits of the Village of Granville.

B Appliance Safety:

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

XI LAWN AND YARD MAINTENANCE

It shall be unlawful for any owner, lessee or occupant, or any agent, servant, representative or employee of such owner, lessee or occupant to allow the growth of weeds, grass or other rank vegetation to a greater height than 8" (eight) inches on any lawn or other area of any lot or property within the Village of Granville.

XII PROPERTY MAINTENANCE

A No littering on property:

It shall be unlawful for any person as identifiable 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 Village limit. Compositing as defined in this local law shall be permitted.

B Temporary Storage of Garbage and Refuse:

Nothing in this local law shall be construed to prohibit the temporary storage of garbage, refuse and waste material awaiting removal, provided that such storage is accomplished by

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. Compositing is also allowed as defined by this local law.

XIII DUTIES OF OWNERS, OCCUPANTS OR TENANTS:

A Compliance Responsibilities:

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

B Owner's Responsibility:

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 the tenants or occupants and regardless of any agreements between owners and tenants or occupants as to which party shall assume such responsibility.

C Possession and Control of Property:

Whenever any person or persons shall be in actual possession of or have charge, care or control of any property within the Village 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 local law and shall be bound to comply with the provision of this local law to the same extent as the record owner; and notice to any such person of any order or decision of the building inspector, code enforcement officer, police officer or village trustee shall be deemed and taken to be a good and sufficient notice, as if such person or persons were actually an occupant is responsible or shares responsibility with the owner for the existence of one (1) or more violations of this local law, said occupant shall be deemed and taken to be an owner within the true intent and meaning of this local law.

XIV INSPECTION

A Inspectors:

The building inspector, code enforcement officer, police officer or village trustee or other person or persons as designated by the Village Board of Granville, shall have the authority, as specified herein, to inspect all premises within the Village of Granville to enforce the provisions of this local law.

B Inspection of property:

Whenever it shall appear that the provisions of this local law are being violated, the inspector

shall, except upon plain view where no entry is necessary secure approval from any owner, lessee, agent, tenant or other person with authority, to make an inspection of the property and shall prepare a written report for the condition found.

XV NOTICE OF VIOLATION

If the condition existing on the property violates the provisions of this local law, the inspector can give a verbal warning or serve a complaint or appearance ticket upon the owner, lessee, agent, tenant or other person with authority over said premises.

XVI PENALTIES:

First Offence: Minimum \$100.00 fine or up to 20 days in jail

Maximum \$500.00 fine and/or 20 days in jail

Second Offence: Minimum \$200.00 fine or up to 60 days in jail

Maximum \$1,000.00 fine and/or 60 days in jail

Third Offence: Minimum \$500.00 fine or up to 90 days in jail

Maximum \$2,000.00 fine and/or 90 days in jail

XVII VALIDITY

The invalidity of any work, section, clause, paragraph, sentence, part or provision of this Local Law shall not effect the validity of any other part of this Local Law which can be given effect without such invalid part or parts.

XVIII EFFECT ON OTHER LAWS

All ordinances and laws or parts of ordinances and laws in conflict with the provisions of this Local Law are hereby superseded to the extent necessary to give this Local Law full force and effect during the effective period.

XIX HOME RULE

This Local Law is adopted pursuant to the authority granted to the Village as set forth in Section 10 of the Municipal Home Rule Law and Statues of Local Government.

XX EFFECTIVE DATE

This local law shall take effect immediately upon the filing of this local law with the

New York Secretary of State.

Be it Enacted, this ___ day of December, 2021 by the Village Board of Trustees of the Village of Granville, Washington County, New York.

Paul Labas, Mayor

Gordon Smith, Trustee

Dan Brown, Trustee

Dean Hyatt, Trustee

Lisa Ackert, Trustee