

A LOCAL LAW TO AMEND § 128, OF THE CODE OF THE VILLAGE FREEPORT, ENTITLED “HOUSING STANDARDS,” BY ADDING § 128, ARTICLE IX “HOUSING STANDARDS.”

SECTION 1. BE IT ENACTED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF FREEPORT:

§ 128, Article IX, Sections 58-65, is hereby amended to add the following:

§128-58. Property Maintenance Requirements. The purpose of this article is to protect the public health, safety and welfare by establishing minimum standards governing the maintenance, appearance and condition of premises situated within the Village, whether used or intended to be used or designed to be used, in whole or in part, for residential, commercial, business or industrial use and occupancy, and to fix certain responsibilities and duties upon owners, operators and occupants in order to assure the desirable character of the property.

§128-59. Maintenance Standards. It shall be a violation of this § for any person, owner or occupant to create, cause, maintain or permit to continue any condition which is prohibited or otherwise inconsistent with the provisions of this section or the NYS Property Maintenance Code.

A.

Open areas; parking spaces.

(1)

Surface and 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, stormwater sewers, approved combined storm and sanitary 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. The requirements of this section shall be in addition to and not in lieu of the requirements of the Village Code. If any section is inconsistent, the more restrictive shall apply.

(2)

Fences, planting areas and other minor construction shall be maintained in a safe and substantial condition. Such maintenance shall include but not be limited to the replacement or removal of trees and shrubs which may die and/or otherwise be destroyed, and the replacement and/or repair of fences or other structures which may become in disrepair. The requirements of this section shall be in addition to and not in lieu of the requirements of the Village Code. If any section is inconsistent, the more restrictive shall apply.

(3)

Steps, walks, driveways, parking spaces and similar paved areas shall be in a proper state of repair, maintained so as to afford safe passage under normal use and weather conditions and shall be maintained free from hazardous conditions. Any holes or other hazards that may exist shall be filled or necessary repairs or replacement carried out. The requirements of this section shall be in addition to and not in lieu of the requirements of the Village Code. If any section is inconsistent, the more restrictive shall apply.

(4)

Yards, courts 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. The requirements of this section shall be in addition to and not in lieu of the requirements of the Village Code. If any section is inconsistent, the more restrictive shall apply.

(5)

All premises and immediate exterior property shall be maintained free from weeds or plant growth in excess of 8 inches. All noxious weeds are prohibited. Any trees or shrubs or portions thereof located on private property and constituting a hazard to persons or property shall be removed. The requirements of this section shall be in addition to and not in lieu of the requirements of the Village Code. If any section is inconsistent, the more restrictive shall apply.

(6)

A junked vehicle may not be parked, stored or left in the open. Unlicensed vehicles must be relocated to a completely enclosed location or otherwise removed from the property. The requirements of this section shall be in addition to and not in lieu of the requirements of the Village Code. If any section is inconsistent, the more restrictive shall apply.

(7)

That portion of the public right-of-way not covered by pavement or a similar surface and located between the portion of the right-of-way used for vehicular traffic and the boundary line of said right-of-way shall be maintained by the adjoining property owner. Such maintenance shall include but not be limited to the removal of litter, glass, paper

and all other nonindigenous materials and the cutting of all weeds except trees, bushes and shrubs to a height of less than four inches. The requirements of this section shall be in addition to and not in lieu of the requirements of the Village Code. If any section is inconsistent, the more restrictive shall apply.

(8)

No person shall park any motor vehicle or boat in any front yard area except on driveways constructed and installed in compliance with the Village Code. The requirements of this section shall be in addition to and not in lieu of the requirements of the Village Code. If any section is inconsistent, the more restrictive shall apply.

(9)

The accumulation of any filth, dirt, ashes, junk, garbage, wastewater, raw sewage, sewage, wastepaper, dust, rubbish, sticks, stones, wood (including log piles exposed to the weather and elements), leaves, paper or paper boxes, iron, tin, nails, bottles or glass of any kind, old cars and parts thereof, discarded appliances such as refrigerators and the like is prohibited upon any premises. The requirements of this section shall be in addition to and not in lieu of the requirements of the Village Code. If any section is inconsistent, the more restrictive shall apply.

(10)

The exterior of the premises and all structures located on the premises shall be kept free of all nuisances and any hazards to the safety of occupants, pedestrians and other persons utilizing the premises and shall be free of unsanitary conditions. The requirements of this section shall be in addition to and not in lieu of the requirements of the Village Code. If any section is inconsistent, the more restrictive shall apply.

(11)

Approved methods of erosion control and stormwater retention shall be provided for on all properties and shall conform to the requirements of Article XXIZ § 210 of the this Code. Where existing site conditions fail to control erosion and contain stormwater on site, appropriate corrective measures shall be taken. The requirements of this section shall be in addition to and not in lieu of the requirements of the Village Code. If any section is inconsistent, the more restrictive shall apply.

B.

Non-Residential.

(1)

Non-Residential, as defined herein, shall at all times be maintained in compliance with the provisions of this code regulating open areas, parking spaces and buildings or structures.

(2)

Storage of shopping baskets, carts and wagons shall be in compliance with § 155 of the this Code.

(3)

All fences and planting areas installed on the premises shall be maintained by the owner or occupant of the property. Such maintenance shall include but not be limited to the replacement of trees and shrubs which may die and/or otherwise be destroyed and to the replacement and/or repair of fences which may become in disrepair. The owner or occupant shall, upon written notice of the Enforcement Officer, replace any shrubbery and/or trees and/or replace or repair any fence installed on the premises. The requirements of this section shall be in addition to and not in lieu of the requirements of the Village Code. The requirements of this section shall be in addition to and not in lieu of the requirements of the Village Code. If any section is inconsistent, the more restrictive shall apply.

C.

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 or weathering. Said surfaces, having once been coated with any finish such as paint, varnish, lacquer, etc., must be continuously maintained and recoated as necessary to keep uniformity of color and texture. Such surface shall be recoated in a workmanlike manner.

(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 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 shall be structurally sound. All foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents and other pests. All buildings shall be properly placed on the foundation. Any building that has applied for a permit to raise a property height and has not completed the raising of the property within the timeframe defined in the building permit will be deemed a violation.

(4)

Exterior walls, roofs and all openings 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, materials missing from the structure 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 holes, breaks, rotting material and loose and unsecured objects and material and improperly secured objects and material. Such objects or materials shall be removed and repaired or replaced.

(5)

The owner, agent or other responsible party of a building shall take such steps and perform such acts as may be required of him from time to time to ensure that the building and its adjoining yards remain safe and secure and do not present a hazard to adjoining property or to the public. The owner, agent or other responsible party shall ensure that all openings on a vacant property shall be provided with painted exterior-grade plywood closures, securely fastened .

(6)

Buildings and structures shall be maintained in such condition so that they shall not become an unoccupied hazard as defined in §88 of this Code.

(7)

All signs, awnings and lighting systems shall be maintained in a completely operable, clean, non-deteriorated and safe condition in accordance with § 210-209 of this Code.

(8)

If a sign is removed from the exterior of a building or structure, the area that was covered by the removed sign and now left exposed, even if a new sign is installed, shall be cleaned, painted and maintained so that the exterior of the building or structure shall have a uniform color and texture.

(9)

Any building or structure which is structurally unsound, unsanitary or which has become unsafe by reason of the elements, age, general deterioration, inadequate maintenance, dilapidation, obsolescence or abandonment, or which is otherwise dangerous to human life, shall be prohibited upon any premises.

§ 128-60 Hazardous or open excavations or accumulation of industrial or commercial material prohibited.

It shall be unlawful for any person or persons to abandon, store, accumulate and/or maintain any industrial or commercial material, as defined herein, or to leave, cause, suffer, permit or maintain an excavation or trench, on any lot or premises, in an open, unsecured, unstable, dangerous or hazardous condition or place. Such industrial or commercial material or excavation or trench shall be effectively and properly fenced, shored or barricaded and shall be a sufficient distance from the property line so as to prevent the creation and/or maintenance of an unstable, unsafe or hazardous condition. The requirements of this section shall be in addition to and not in lieu of the requirements of the Village Code. The requirements of this section shall be in addition to and not in lieu of the requirements of the Village Code. If any section is inconsistent, the more restrictive shall apply.

§ 128-61 Graffiti; defacement of property.

A.

It shall be the responsibility of Any person or entity owning or occupying any building or structure which has been defaced with graffiti to cause such graffiti to be removed or covered over. When a covering is used, the cover must be the same or similar color as the surface upon which the graffiti was made. Responsibility for removal or covering of graffiti shall lie with the owner or occupant, notwithstanding that said person may not have created the graffiti. The requirements of this section shall be in addition to and not in lieu of the requirements of the Village Code. The requirements of this section shall be in addition to and not in lieu of the requirements of the Village Code. If any section is inconsistent, the more restrictive shall apply.

B.

Any person or entity owning or occupying any building or structure shall be liable for the cost of removing or covering the same.

§ 128-62 Nuisances and abatement.

All buildings, dwellings, dwelling units, multiple dwellings, yards, courts, open areas and vacant lots which are in violation of this code are hereby declared to be a nuisance and shall be abated by being corrected, made sanitary, repaired, vacated or demolished, in accordance with the orders of the Superintendent of the Building Department or the Superintendent of Public Works.

§ 128-63 Removal or repair of nuisance buildings.

All violation, within the terms of § 128-59 to § 128-62 of this §, are hereby declared to be public nuisances and shall be repaired or removed as herein provided.

§ 128-64 Inconsistent provisions.

Whenever the provisions of any local ordinance, resolution or regulation imposes requirements with regard to residence buildings inconsistent with the terms and provisions of this § or any part thereof, the provisions of this § shall govern, provided that should any such ordinance, resolution or regulation impose more stringent requirements with regard to nuisance buildings, as herein defined, than the provisions of this § impose, then such more stringent requirements shall be construed to apply.

§ 128-65 Requests for inspections of building.

A.

Right of inspection; certificate to issue. The owner, occupant, agent, or other responsible party of any building used, in whole or in part, for human occupancy and against whom no proceedings hereunder are pending with regard to such building may request the Superintendent of Buildings to cause an inspection thereof to be made, whereupon the Superintendent of Buildings shall cause an inspection of such building to be made and if, upon such inspection and a report thereon to the Village Board, it shall be disclosed that the same is not a nuisance building, the Village Board will direct the Superintendent of Buildings to issue a certificate to that effect to such applicant. The issuance of such certificate is not to be construed as a finding that such building is not a nuisance building beyond the date of issuance thereof. Should, however, such inspection disclose said building or structure to be a nuisance building, the Village Board will direct the Superintendent of Buildings to give written notice to the applicant to appear before them on a certain date within 15 days from the date of said notice and shall thereupon proceed in the same manner as prescribed in § 128-7B, C, D, E and F of this §. Such notice shall contain the same particulars as are required by § 128-6D hereof.

B.

Effect of application for inspection. No qualified owner who has applied for inspection, pursuant to Subsection A of this section, shall be prosecuted under §128-59 hereof with regard to any building of which inspection has been requested unless he fails to comply with the order of the Village Board made pursuant to Subsection A hereof.

SECTION 2. This local law shall take effect immediately upon filing with the Secretary of State.

VILLAGE OF FREEPORT-NEW YORK *
I HEREBY CERTIFY
THIS TO BE A TRUE
AND CORRECT COPY OF
THE ORIGINAL ON FILE
IN THIS OFFICE
Pamela Walsh Boening
VILLAGE CLERK
DATE *12/20/22*
* PAMELA WALSH BOENING-VILLAGE CLERK