

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

## TOWN of HAMMOND

Local Law No. \_\_\_1\_\_\_ of the year \_\_\_2023\_\_\_.

A local law to provide a minimum standard for the maintenance of the exterior grounds and visible facades of all properties within the Town of Hammond.

Be it enacted by the Town Board of the Town of Hammond as follows:

### **EXTERIOR PROPERTY MAINTENANCE:**

#### 1. Purpose

The purpose of this law is to provide a minimum standard for the maintenance of the exterior grounds and visible facades of all properties within the Town of Hammond.

#### 2. Definitions

Composting Materials – yard trimmings, vegetable wastes and other organic matter managed for the purpose of natural transformation into compost and stored in a container or compact pile that:

- A. Contains no sewage, sludge or seepage;
- B. Contains no inorganic materials, such as metal, plastic or glass; and
- C. Is maintained so as to minimize odors and the attraction of insect and animal pests.

Garbage – Food wastes, food wrappers, containers, nonrecyclables or other materials resulting from the use, consumption and preparation of food or drink, as well as other expended, used or discarded materials, such as paper, plastic, metal, rags or glass, etc., or any other wastes generated from day-to-day activities of a household, business or public facility.

Grounds and Exterior Property – Any area of a building or lot, excluding porch areas, not enclosed within the walls of a building. These terms include any public right-of-way which pass through or are adjacent to a property, including the sidewalk and any area between the sidewalk, if there is one, and the street pavement.

Porch Area – Includes any open and/or partially enclosed porches or decks as well as any entranceways or exitways which are in the public view.

**Public View** – Areas of any property that are visible by pedestrian or vehicular traffic in the public right-of-way or visible from the exterior ground level of adjoining properties or properties within 100 feet of the subject property or special circumstances that allow for public visibility or detection.

**Solid Waste** - Includes materials or substances that are discarded or rejected as being spent, worthless, useless or in excess to the owners at the time of such discard or rejection, including but not limited to materials or substances such as garbage, refuse, industrial and commercial wastes, sludge from air or water treatment facilities, rubbish, tires, ashes, incinerator residue, construction and demolition debris, discarded motor vehicles, discarded household and commercial appliances and discarded furniture. An object shall be presumed to be discarded or rejected solid waste when the object is stored, placed or left on the grounds or exterior of the property in the view of neighbors or passersby under circumstances which meet any of the following criteria:

- A. The object produces an offensive smell.
- B. The object is of a type designed for interior use or made of materials which are suitable only for the interior use, and the object is left outside and exposed to precipitation.
- C. The object has reached a degree of dilapidation or disrepair that can reasonably be presumed to render the material unsuitable for or incapable of being used for its original intended purpose or some other reasonable purpose.

**Toxic or Noxious Substance** - Any solid, liquid, or gaseous matter, including but not limited to gases, vapors, dusts, fumes, and mists containing properties which by chemical means are inherently harmful and likely to destroy life and impair health, or capable of causing injury to the well-being of persons or damage to property.

**Trash Receptacle** - A container that is nonabsorbent, watertight, and durable having a tight-fitting lid in place. Plastic bags are not considered durable containers.

**Weeds** – All grasses, annual plants and vegetation, other than trees or shrubs; provided, however, this term shall not include cultivated flowers and gardens.

## **STANDARDS FOR GROUNDS AND EXTERIOR PROPERTY.**

It shall be the responsibility of all owners, their delegated agents, tenants, or occupants of their property within the Town and it is their respective duty to adopt the following practices:

- A. That all grounds and exterior property are kept clean and free of solid waste.
- B. Solid waste, other than garbage stored in proper containers described in the preceding section, is not stored in the public view, except construction and demolition debris related to an ongoing construction project with a valid building permit may be stored in the public view for no more than 30 days or by special use by the Code Enforcement Official. Residents may place reusable materials on the front lawn for purposes of informal scavenging, to not be in public view for more than two successive days.
- C. Strong, waterproof plastic bags may be used to place garbage at the roadside on the day of collection.
- D. All premises and immediate exterior property shall be maintained free from weeds in excess of 10 inches. All noxious weeds shall be prohibited.



- (1) Upon failure of the owner or agent having charge of a property to cut and destroy weeds after service of notice of violation, he or she shall be subject to prosecution in accordance with "Penalties for Offenses". Upon failure to comply with the notice of violation, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, and the costs of such removal shall be paid by the owner or agent responsible for the property.

#### E. Motor vehicles.

- (1) Except as provided for in state statute or other municipal or state regulations, two or more inoperative or unlicensed motor vehicles shall not be parked, kept or stored on any premises, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled.

#### (2) Junkyard Permits

Persons applying for "junkyard permits" must apply yearly to the Town Board.

#### STANDARDS FOR STAIRWAYS, DECKS, PORCHES AND BALCONIES.

It shall be the responsibility of the property owners or their designated agents within the Town and their duty to adopt the following practices:

- A. Stairways, decks, porches and balconies are to be kept free of garbage, unless the garbage is stored and completely contained in a durable, nonabsorbent, watertight container having tight-fitting lids in place in anticipation of weekly collection or disposal. Plastic bags are not considered durable containers.
- B. Construction and demolition debris can be located in these areas for no longer than 30 days.
- C. Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.

#### COMPONENT SERVICEABILITY

- A. The components of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition.
- B. Where any of the following components of a structure and equipment's conditions cause the component or system to be beyond its limit state, the component or system shall be determined as unsafe, and shall be repaired or replace to comply with the Uniform Code.

- (1) Components: Soils, Concrete, Aluminum, Masonry, Steel, Wood.

#### RUBBISH AND GARBAGE.

- A. All exterior property and premises and the interior of every structure shall be free from any accumulation of rubbish or garbage.
- B. Combustible waste, refuse and large quantities of dry vegetation, which by reason of their proximity to buildings or structures would constitute a fire hazard or contribute to the spread of fire, shall be removed.



- C. Every occupant of a structure shall dispose of all rubbish in a clean and sanitary manner by placing such rubbish in approved containers.
- D. The owner of every occupied premise shall supply approved covered containers for rubbish, and the owner of the premises shall be responsible for the removal of rubbish.
- E. Refrigerators and similar equipment shall not be discarded, abandoned, or stored on premises accessible to children without first removing the doors.
- F. Every occupant of a structure shall dispose of garbage in a clean and sanitary manner by placing such garbage in an approved garbage disposal facility or approved garbage containers.

#### EXTERMINATION

- A. All structures must be kept free from insect and rodent infestation. All structures in which insects or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After extermination, proper precautions shall be taken to prevent reinfestation.
- B. The owner of any structure shall be responsible for extermination within the structure prior to renting or leasing the structure.
- C. The occupant of a one-family dwelling or of a single-tenant nonresidential structure shall be responsible for extermination on the premises.
- D. The owner of a structure containing two or more dwelling units, a multiple occupancy, a rooming house or a nonresidential structure shall be responsible for extermination in the public or shared areas of the structure and exterior property. If infestation is caused by failure of an occupant to prevent such infestation in the area occupied, the occupant shall be responsible for extermination.
- E. The occupant of any structure shall be responsible for the continued rodent and pest-free condition of the structure. If the infestations are caused by defects in the structure, the owner shall be responsible for extermination.

#### FAILURE TO COMPLY AND ENFORCEMENT

These regulations shall be administered by the Code Enforcement Officer designated by the Town Board.

If any person shall fail to comply with these provisions, the Code Enforcement Officer shall mail certified notice of such condition to the property owner or agent of record and require corrective action of said violation within 7 days of receipt of notice.

#### TOWN TO CORRECT VIOLATIONS; COSTS

Any case in which the Town, by written notice, requires an owner or his/her designated agent to correct any violation of this chapter, and the owner or his/her designated agent fails to correct the condition within the time prescribed in said notice, shall be considered a default, and upon said default, the Town may cause the violation to be corrected, and the total expense of such correction may be assessed by the Town Board on the real property on which such corrections were not made. The expense so assessed shall be billed by the Clerk and sent to the property owner or agent on file and will be due by the 1<sup>st</sup> of the month following presentation of bill. A penalty of 1% shall be added per month thereto until paid. If any bills remain unpaid at the time for making the annual assessment role, the Clerk shall file with the Assessor a certificate of the amount due and shall constitute a lien and charge on the real property on which it is levied until paid or otherwise satisfied or discharged and shall be collected in the same manner and at the same time as other Town charges.

#### PENALTIES FOR OFFENSES

Any person, as herein defined, committing an offense against any provision of this chapter or the rules and regulations issued pursuant thereto shall be guilty of a civil violation punishable by a fine of not more than \$250 per week.

#### SEVERABILITY

If any section of this chapter shall be held unconstitutional, invalid, or ineffective, in whole or in part, such determination shall not be deemed to affect, impair, or invalidate the remainder of this chapter.



(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

**1. (Final adoption by local legislative body only.)**

I hereby certify that the local law annexed hereto, designated as local law No. 1 of 20 23 of the (County)(City)(Town)(Village) of Hammond was duly passed by the Hammond Town Board on 2/8 20 23, in accordance with the applicable provisions of law.  
(Name of Legislative Body)

**2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer\*.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20 \_\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20 \_\_\_\_\_, and was (approved)(not approved) (Name of Legislative Body) (repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted (Elective Chief Executive Officer\*) on \_\_\_\_\_ 20 ☐ ☐ , in accordance with the applicable provisions of law.

**3. (Final adoption by referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20 \_\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20 \_\_\_\_\_, and was (approved)(not approved) (Name of Legislative Body) (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20 \_\_\_\_\_. (Elective Chief Executive Officer\*)

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on \_\_\_\_\_ 20 \_\_\_\_\_, in accordance with the applicable provisions of law.

**4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20 \_\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20 \_\_\_\_\_, and was (approved)(not approved) (Name of Legislative Body) (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20 \_\_\_\_\_. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 20 \_\_\_\_\_, in accordance with the applicable provisions of law. (Elective Chief Executive Officer\*)

\* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

**5. (City local law concerning Charter revision proposed by petition.)**


I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on \_\_\_\_\_ 20\_\_\_\_, became operative.

**6. (County local law concerning adoption of Charter.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the County of \_\_\_\_\_ State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_ 20\_\_\_\_, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

**(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)**

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph \_\_\_\_\_ above.

  
Clerk of the county legislative body, City, Town or Village Clerk or  
officer designated by local legislative body

Date: 2/8/2023

(Seal)

