

LOCAL LAW NUMBER 1 OF 2016
as enacted by the Town Board of
the Town of Urbana, New York

BE IT ENACTED a new Chapter 78 of the Code of the Town of Urbana, New York to read:

Chapter 78 PROPERTY MAINTENANCE

- § 78-1. Purpose.
- § 78-2. Definitions.
- § 78-3. Regulations.
- § 78-4. Specific Regulations.
- § 78-5. Enforcement
- § 78-6. Penalties for offenses.
- § 78-7. Emergencies.
- § 78-8. Repealer.
- § 78-9. Severability.
- § 78-10. When effective.

§ 78-1. Purpose. Multifamily premises, commercial premises, single-family residences, vacant lots and land shall be maintained in conformity with the provisions of this chapter. It is the intent of the Town of Urbana not only to protect the health, safety and welfare of its residents but also to protect the property values of adjoining property owners whose property values may decline due to the failure of any person to properly care for his/her/its property. The purpose of this chapter shall be to:

- A. Provide for the public health, safety and welfare of the Town.
- B. Avoid, prevent and eliminate conditions which, if permitted to exist or continue, will depreciate or tend to depreciate the value of adjacent or surrounding properties.
- D. Prevent the physical deterioration or progressive downgrading of the quality of housing facilities in the Town.
- E. Maintain the value and economic health of the commercial properties and businesses that serve and help to support the Town and its citizens.
- F. Prevent or eliminate physical conditions in or on property which constitute nuisances and are thereby potentially dangerous or hazardous to the life, health or safety of persons on or near the premises where such conditions exist.
- G. Fix responsibilities and duties therefore upon owners, lessees, operators and occupants of property.
- H. Regulate the maintenance, placement, sanitation and screening of commercial and bulk refuse containers in such a manner as to reduce visual impacts, reduce odors, and eliminate potentially dangerous health hazards to the public health.
- I. Provide for administration and enforcement of this legislation.

§ 78-2. Definitions. For the purposes of this chapter, the following terms shall have the meanings indicated. Commonplace words, where not defined, shall have commonly accepted meanings.

BULK REFUSE CONTAINERS, PERMANENT - Bulk containers, used for the purpose of collecting private or public refuse for the subsequent disposal by private haulers, including but not limited to, dumpsters, roll-offs, grease containers, recycling bins, trailers or vehicles. Bulk refuse containers shall be differentiated from residential type moveable refuse or waste disposal containers.

BULK REFUSE CONTAINERS, TEMPORARY - Includes, but is not limited to, dumpsters, roll-offs,

containers, trailers or vehicles used on a temporary basis not exceeding a period of thirty (30) consecutive days or ten (10) days beyond the term of a building permit to which such containers are integral.

COMMERCIAL PREMISES - A building, structure or land, together with any garage or other accessory building and the lot upon which such buildings or structures are constructed, used for any purpose other than for single-family or multifamily purposes, including, but not limited to, premises used for retail purposes, business purposes, lodging or industrial purposes. Agricultural operations shall not be considered commercial premises.

COMPOST - A mixture of decayed or decaying organic matter to be used to fertilize soil. Compost may include organic materials such as leaves, grass clippings, vegetable scraps and similar plants based matter and may be combined with manure. Compost shall not include meat scraps, bones, dairy products, oils, fats, cat litter or dog feces.

CRIME - means a misdemeanor or a felony.

GARBAGE - Shall include any and all rejected or waste food, kitchen refuse, and the refuse accumulation of animal, fruit or vegetable matter, liquid or otherwise, that attends the preparation, use, cooking and dealing in or storing of food, meat, fish, fowl, fruit or vegetable.

LITTER - Garbage, refuse and rubbish as herein defined and all other waste material which, thrown or deposited as herein prohibited, tends to create a hazard to public health, safety and welfare.

MAINTENANCE - Deemed to mean that every exterior wall, roof, porch or appurtenance thereto shall be maintained in a manner so as to prevent the collapse of the same or injury to the occupants of the building or to the public.

MISDEMEANOR - means an offense, other than a "traffic infraction", for which a sentence to a term of imprisonment in excess of fifteen days may be imposed, but for which a sentence to a term of imprisonment in excess of one year cannot be imposed.

MULTIFAMILY PREMISES - Any building which contains more than one dwelling unit, together with any garage or other accessory buildings and the lot upon which such building or buildings are constructed.

PERSON - Includes the owner, tenant, occupant, mortgagee or vendee, sublessee, agent or any other person, firm, corporation, or limited liability company, directly or indirectly, in control of any premises, building or part thereof or who is entitled to such control in preference of, but not necessarily in exclusion of, all others.

REFUSE - All decaying solid wastes or waste subject to decay, including garbage, rubbish, street or yard cleanings, dead animals, demolition and construction debris, vehicular parts, and solid commercial and industrial wastes.

RUBBISH - Solid wastes, including, but not limited to, combustible and noncombustible materials such as papers, cardboard, bottles, cans, yard clippings, discarded wood, grass, bedding, household goods, furniture, power equipment, toys, bicycles, appliances or parts thereof and similar other materials.

SOLID WASTE - Materials or substances discarded or rejected as being spent, useless, worthless or in excess to the owner at the time of such discard or rejection, except sewage.

VIOLATION - means an offense, other than a "traffic infraction", for which a sentence to a term of imprisonment in excess of fifteen days cannot be imposed.

§ 78-3. General Regulations.

A. Unless otherwise stated, persons, as defined herein, shall be responsible for compliance with the following regulations:

(1) A person shall maintain all and every part of the premises, and structures thereon, which he or she owns, or is in control of the premises, in good repair and in a clean, sanitary and safe condition, free from litter, rubbish, refuse, solid waste, debris and junk and in accordance with the provisions set forth in this chapter.

(2) In the case of multifamily and commercial premises, steps, walks, driveways, parking spaces and similar paved areas shall be maintained so as to afford safe passage under normal use and weather conditions.

(3) Permanent commercial bulk refuse and grease containers shall be located and screened as to comply with the provisions of this chapter and shall be kept in a sanitary condition in such a manner as to comply with the provisions of this chapter.

(4) Temporary bulk refuse containers shall be located in the manner prescribed by this chapter, and for a period not to exceed thirty consecutive (30) days. When such containers are integral to the execution of a building permit, they must be removed within ten (10) days of completion of the permitted work.

§ 78-4. Specific Regulations.

A. Permanent bulk containers used for the purpose of collecting residential and or commercial refuse for the subsequent disposal by private haulers shall be further regulated as follows:

1. Refuse containers located on any lot or parcel for a period exceeding thirty (30) consecutive days shall have permanent screening as described within this chapter.
2. Commercial industrial municipal, educational and multifamily residential premises containing two (2) or more units, both private and other, shall abide by requirements as described within.
3. Residential single family dwellings are exempt from screening refuse containers; however, the containers shall be removed from the public right-of-way within twelve (12) hours after being emptied.
4. Permanent or temporary bulk containers shall not be located in any public thoroughfare or right-of-way.
5. Compost shall be contained within a composting bin or container constructed and maintained in such a manner as to facilitate microbial activity thereby resulting in anaerobic decomposition. Composting bins or containers shall be placed in a location to prevent odors from being detected from beyond the boundaries of the property.

B. Screening Required.

1. All permanent bulk containers shall be screened in a manner prescribed as to provide complete obstruction of public view from ground floor viewpoints, public thoroughfares and rights-of-way.
2. All refuse containers shall be kept closed at all times, except when loading. Lids, doors, gates and overall structure shall be tight and in proper repair, as not to cause leakage, offensive odors or litter and provide one hundred percent (100%) visual concealment from ground view.
3. All commercial refuse containers containing food wastes shall be sanitized and deodorized regularly in order to prevent offensive odors and prevent conditions that are hazardous to the public health. Refuse containers containing decaying food wastes may be required to be emptied more than once per week. Any such containers that are found to be emitting offensive odors or are considered to be in a state hazardous to the public health shall be emptied within 24 hours or a written notice to comply with this section.
4. Refuse containers that are filled to capacity or to the point that the cover cannot be closed and secured shall be emptied within 24 hours.

C. Temporary bulk containers, used for a period of time not to exceed thirty (30) consecutive days, during construction, renovations, remodeling or demolition debris.

1. Temporary bulk containers may not be located in a public thoroughfare or right-of-way.
2. Temporary bulk containers shall not be placed on any premises, parcel or property for a period of time exceeding thirty (30) consecutive days or ten (10) days beyond the term of a building permit to which such containers are integral.

§ 78-5. Enforcement.

A. The Town Code Enforcement Officer is charged with the duty of administering and enforcing this chapter.

B. It shall be the duty of the Code Enforcement Officer to issue a notice of violation or to order, in writing, and require the correction of all conditions found to exist in or on any premises, within the period defined, which violate the provisions of this chapter.

C. Any person or persons who are or lawfully authorized by the Town of Urbana shall administer and enforce the provisions of this Article and for these purposes shall have the authority to issue summonses or appearance tickets. Should any person, upon receipt of any written notice or violation, fail to remedy the stated violation within the period prescribed in said notice, it shall be the duty of the Code Enforcement Officer to issue a summons or an appearance ticket directing the person to appear before a court having jurisdiction over such offense.

D. Should any person fail to comply with the requirements of this chapter, the Town of Urbana Code Enforcement Officer shall have the power to remedy the violations, and the expense thereof shall be charged to the property so affected by including such expense in the annual tax levy against the property, pursuant to the Town Law of New York State.

E. The Town Board hereby adopts the provisions of Title 19 (NYCRR) Chapter XXXIII - State Fire Prevention & Building Code Council, Subchapter A - Uniform Fire Prevention & Building Code, as it is now and hereafter amended, which provisions including enforcement, shall be applicable in this Chapter.

§ 78-6. Penalties for offense.

A violation of any of the provisions of this Chapter shall not constitute a crime, but rather a violation as defined in Section 78-2. Any person, upon conviction of a violation of this Chapter, shall be fined an amount not to exceed \$100.00 for the first offense and an amount not to exceed \$200.00 for the second or any subsequent offense reoccurring within a consecutive twelve month period. Additionally, such person shall be subject to imprisonment for a term not to exceed fifteen days for each offense or both such fine and imprisonment. The Court may issue a warrant for a person's arrest in the same manner as in a misdemeanor case. The continuation of any offense against the provisions of this Chapter shall constitute, for each day the offense is continued, a separate and distinct offense hereunder.

§ 78-7. Emergencies.

A. Whenever the Code Enforcement Officer finds that an emergency exists which requires immediate attention to protect the public health or safety, the officer may, without notice or hearing, issue an order reciting the existence of such emergency and requiring that such action be taken as the officer deems necessary to meet the emergency. Notwithstanding any other provisions of this chapter, such order shall take effect immediately.

B. Any person to whom such order is directed shall immediately, or shall within 24 hours of the issuance of the order, comply therewith.

§ 78-8. Repealer.

All ordinances, local laws or resolutions or parts of ordinances, local laws or resolutions of the Town of Urbana which are inconsistent with the provisions of this chapter are hereby repealed; provided, however, that such repeal shall be only to the extent of such inconsistency and that, in all respects, this chapter shall be in addition to the other legislation regulating and governing the subject matter covered by this chapter and the provision which establishes the highest standard shall prevail. More specifically, Chapter 78, as amended, of the Code of the Town of Urbana, New York, which chapter was adopted by local law number one of 1985, is hereby repealed in its entirety.

§ 78-9. Severability.

If any section, paragraph, subsection or provision of this chapter shall be adjudged invalid or held unconstitutional, the same shall not affect the validity of this chapter as a whole, or any part or provision thereof, other than the part so decided to be invalid or unconstitutional.

§ 78-10. When effective.

This chapter shall take effect immediately upon the filing in the office of the Secretary of State of the State of New York.