

TOWN OF CHESTER
PROPERTY MAINTENANCE LOCAL LAW

SECTION 1. PURPOSE AND INTENT

- The purpose and intent of this law is to provide protections for the health, safety, and welfare for all living and visiting the Town.
- It is also intended to preserve and improve Town appearance, citizen pride and protect property values.

SECTION 2. DEFINITIONS

For the purposes of this law, the following terms shall have the meanings indicated:

Accessory Structure – any structure or a portion of a building attached or detached from the principal building and customarily incidental and subordinate to a principal land use or development.

Blight – something that impairs or harms the visual appearance, safety, wellness or pride of owning or belonging to a neighborhood or community.

Extermination – the elimination of insects, rodents or any pests by any means.

Garage, yard or similar sale events –an informal event for the sale of used goods by private individuals in which sellers are not required to obtain business licenses.

Garbage – the animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.

Infestation – the presence within or contiguous to a structure or premises of insects, rodents or any other pests.

Junk – any manufactured good, appliance, fixture, furniture, machinery, motor vehicle, recreational vehicle, trailer, or similar object which is abandoned, demolished, discarded, or generally unusable.

Premises – Any lot, plot or parcel of land, easement, or public way, private or commercial, including any structures thereon.

Rubbish – Any combustible and noncombustible waste materials including plant and tree trimmings and non-functioning products of any kind.

Structure – that which is built or constructed or a portion thereof.

Vacant parcel – A parcel of land with no buildings or structures located on same.

Vacant Structure – A building or structure, or a portion thereof, shall be deemed vacant if it has not been used or occupied for 12 consecutive months, or, if in a lesser period of time, there is a manifestation of a clear intent on the part of the owner to abandon the building or structure.

SECTION 3. VACANT PROPERTY

All vacant structures or vacant parcels shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.

SECTION 4. STRUCTURE EXTERIOR MAINTENANCE

- 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.
- No owner shall allow the condition of property or accumulation on the property of items which have a blighting effect.

SECTION 5. RUBBISH, GARBAGE, and JUNK

Gathering and disposal of all rubbish and garbage shall be handled in such a manner as to keep the premises free of insects, rodents and any other pests.

SECTION 6. RESPONSIBILITY OF OWNER OR OCCUPANT

Owners and all occupants shall be responsible for compliance with this law. If resolution of enforcement becomes a need for liens or other court sanctions, these will be placed against the property owner.

SECTION 7. GARAGE SALES, YARD SALES OR SIMILAR SALES ACTIVITIES

Perpetual sales of this type are not allowed. Garage or yard sales or similar sales may be held on weekends including holiday weekends and not to exceed 4 days or the weekend length, whichever is shorter.

SECTION 8. ENFORCEMENT

- A. The Enforcement officer of the Town of Chester shall be charged with the duty of administering and enforcing this law.
- B. It shall be the duty of the Enforcement officer to issue a notice of violation or to order, in writing, the correction of all conditions found to exist in or on any premises which violate the provisions of this law.
- C. The Enforcement Officer shall inspect or cause an inspection when the Enforcement Officer has a reasonable basis to believe a property or structure is a

threat to the health, safety, welfare and the property values for those living in or visiting the Town of Chester.

- D. The Enforcement Officer is authorized to enter onto all premises, public or private, consistent with constitutional safeguards and any requisite warrant in order to effectuate enforcement.
- E. If there becomes a conflict in this law as compared to the Town Zoning Local Law this law is to prevail.

SECTION 9. JUDICIAL ENFORCEMENT

The Enforcement Officer is empowered to seek criminal enforcement through local criminal courts. In order to streamline and possibly shorten this process the Enforcement Officer is also authorized to use an "Appearance Ticket" procedure issued directly to the defendant without any documents having been filed first with the court.

SECTION 10. PENALTIES FOR OFFENSES

- A. A violation of this law, as determined by the court, is hereby declared to be an offensive punishable by a fine not more than \$250 for each, and every day the violation exists after proper written notice is given, or imprisonment for a period not to exceed six months, or both for conviction of a first offense.
- B. Conviction of a second offense, both of which were committed within a period of five years, is punishable by a fine of not more than \$500 for each, and every day the violation exists, or imprisonment for a period not to exceed six months, or both.
- C. Conviction for a third or subsequent offense, all of which were committed within a period of five years, is punishable by a fine of not more than \$750 for each, and every day the violation exists, or imprisonment for a period not to exceed six months, or both.
- D. The term "person" shall include the owner, tenant, occupant, mortgagee or vendee in possession, assignee of rents, receiver, executor, trustee, lessee, sublessee, agent or any other person, firm or corporation directly or indirectly in control of any premises, building or part thereof.

SECTION 11. SERVICE OF NOTICE OF VIOLATION

- A. A notice of violation issued by the Enforcement Officer relative to a premises shall be served either personally upon the person or by posting the violation notice in a conspicuous place upon the premises affected. If a notice of violation is served by posting it upon the premises, a copy thereof shall be mailed to the person to whom it is directed.
- B. A notice of violation shall state that unless, within 10 days from service of the notice, a written request is made for a hearing before the Enforcement Officer, such notice shall, at the expiration of such ten-day period, be deemed an order to

- cease and desist from and to abate the described violation; such notice shall prescribe a reasonable time within which such person shall be required to cease and desist from and abate such violation. The notice may also contain an outline of remedial action which, if taken, will effect compliance with this law.
- C. If a hearing is requested, it shall be communicated in writing not later than 10 days after the request is made, provided that for good cause, the enforcement Officer may postpone such hearing for a reasonable time. If, after the hearing, the Enforcement Officer finds that no violation exists, or that unusual, extraordinary circumstances exist, he shall withdraw the notice. If he finds that a violation does exist, he shall forthwith issue an order requiring the abatement of the same within a prescribed reasonable time. The proceedings at such hearing, which shall be informal in all respects, shall be summarized in a report reduced to writing and entered as a matter of public record in the office of the Town Clerk.
 - D. Any party aggrieved by the decision of the Enforcement Officer may, within 10 days of the decision of the Enforcement officer, appeal said decision to the Town Board of the Town of Chester by filing a letter describing the situation.
 - E. Notwithstanding, it shall not be necessary for the enforcement officer to issue a notice of violation or to order in writing the correction of a condition in the instance of a second or any subsequent offense within a twelve month period, and in the case of a second or subsequent offense, the person in violation may immediately be served with an appearance ticket or summons.

SECTION 12. EMERGENCIES

Whenever the enforcement officer finds that an emergency or a potential emergency exists which requires immediate attention to protect the public health or safety, he may, without notice or hearing, issue an order reciting the existence of such emergency or potential emergency. Notwithstanding and other provisions of this chapter, such order shall take effect immediately. Any person to whom such order is directed shall comply therewith immediately, but, upon petition to the Enforcement officer or the local Justice Court shall be afforded a hearing as soon as possible. After such hearing, the enforcement officer or court shall continue such order in effect or shall modify or withdraw it.

SECTION 13. ACTION UPON NONCOMPLIANCE

- A. Upon the failure, neglect or refusal of any owner, person or agent so notified to properly comply with this law within 30 days, or 15 days after the service of notice as provided herein, the Enforcement Officer is hereby authorized and empowered to pay for the correction of such violations, subject to the approval of the Town Board of the Town of Chester.

- B. When the Town, due to failure, neglect or refusal of the property owner or tenant to properly comply with this law, has contracted for elimination of the maintenance (blight) condition, such contracted maintenance will continue until the property owner notifies the Town Board of Chester, in writing, that the property owner has made arrangements to comply with this law.

- C. In addition to any other remedies or penalties that may be imposed, a violation of this law shall entitle the Town Board to remedy or repair the conditions constituting the violation, at the owners expense, in order to bring the premises into conformity and compliance with this law. The disbursements and expenses shall become a charge and a lien upon the premises and the same shall be added to the premises' next annual Town tax bill, to be collected with interest, as may be provided by law. This provision shall be in addition to any other provisions, penalties or powers available to the Town for enforcement of this law.