

## Chapter 179, PROPERTY MAINTENANCE

[HISTORY: Adopted by the Board of Trustees of the Village of Horseheads 9-18-1975 as L.L. No. 6-1975. Amendments noted where applicable.]

### GENERAL REFERENCES

**Brush, grass and weeds -- See Ch. 98.**  
**Building construction and fire prevention -- See Ch. 102.**  
**Unsafe buildings -- See Ch. 109.**

#### § 179-1. Purpose.

In order to prevent blight and the spread thereof, it is hereby declared that all structures, including but not limited to shopping centers, supermarkets, retail stores, discount houses and other business uses, whether occupied or vacant, and accessory structures located in the Village of Horseheads shall be maintained in conformity with the standards set out in this chapter so as to assure that these structures and properties will not adversely affect the neighborhood and the community at large. It is found and declared that, by reason of lack of maintenance and progressive deterioration, certain structures and properties have the further effect of creating blighting conditions and initiating slums and that, if the same are not curtailed and removed, the aforesaid conditions will grow and spread and will necessitate in time the expenditure of large amounts of public funds to correct and eliminate the same. By reason of timely regulations and restrictions as herein contained, the growth of slums and blight may be prevented and the neighborhood and property values thereby maintained, the desirability and amenities of residential and nonresidential uses and neighborhoods enhanced and the public health, safety and welfare protected and fostered.

#### § 179-2. Standards.

##### A. Open areas.

- (1) Surface and subsurface water shall be appropriately drained to protect buildings and structures.
- (2) All fences shall be maintained by the person responsible for the property. Such maintenance shall include but not be limited to the replacement and/or repair of fences which may become in disrepair.
- (3) All discharge stormwater catch basins shall be maintained by the person responsible for

the property. Such maintenance shall include but not be limited to:

- (a) The cleaning of storm sewers and other drainage appurtenances serving said basin so that said installations function as designed.
  - (b) The removal of any garbage, rubbish, silt, topsoil or other foreign material which creates an unsanitary condition or prevents or impedes the leaching action of said basin.
- (4) Steps, walks, driveways, parking lots, parking spaces and similar paved 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 or necessary repairs or replacement carried out.
  - (5) 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 rubbish from being blown about the neighborhood. Open wells, cesspools or cisterns shall be securely closed or barricaded from access by the public.
  - (6) All permanent signs exposed to public view shall be maintained in good repair. Excessively weathered or faded signs shall be removed or put into a good state of repair. All nonoperative or broken electrical signs shall be repaired or removed. All temporary signs, except "for rent" signs, shall be removed at the expiration of the event or sale for which they are erected or within sixty (60) days after erection, whichever shall occur sooner.
  - (7) No owner or person in control of any lot, place or area within the Village of Horseheads shall permit on such lot, place or area, or upon any sidewalk abutting the same, any weeds, grass, rubbish, obstructions or deleterious, unhealthy growths, accumulations or other noxious matter that may be growing, lying or located thereon.

**B. 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.
- (2) Floors, walls, ceiling, 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 be structurally sound.

- (4) Exterior walls (including doors and windows), roofs and the areas 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 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 loose and unsecured objects and materials. Such objects or materials shall be removed, repaired or replaced.
- (5) The owner of a vacated building shall take such steps and perform such acts as may be required of him or her 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.
- (6) Grounds, buildings and structures shall be maintained free of insect, vermin and rodent harborage and infestation. Methods used for exterminating insects, vermin and rodents shall conform to generally accepted practices.
- (7) Adequate sanitary facilities and methods shall be used for the collection, storage, handling and disposal of garbage and refuse.
- (8) In multiple dwellings, storage or accumulation of garbage or refuse in halls and stairways shall be prohibited.

**§ 179-3. Service of notice.** EN(1)

The Clerk and the Code Enforcement Officer of the Village of Horseheads are hereby empowered and authorized to notify, in writing, the owner, person in control or person responsible for such lot, place or area to drain, clean, mow, repair, remove or alleviate the hazardous or prohibited condition. Service of the notice may be personally served upon the owner, person in control, person responsible or person of suitable age and mental capacity in any building upon such lot or by registered or certified mail, addressed to said owner, person in control or person responsible at his or her last known address. Where the lot is vacant and the address of the owner, person in control or person responsible is not known, service may be made by affixing the notice to some object on the lot where it is likely to be seen.

**§ 179-4. Failure to alleviate conditions.**

Upon the failure, neglect or refusal of any owner, person in control or person responsible so notified to alleviate or correct said prohibited conditions within five (5) days after receipt of the written notice provided for above or within seven (7) days after the date of such notice in the event that the same is returned by the post office because of its inability to make delivery

thereof, provided that the notice was properly addressed to the last known address of such owner, person in control or person responsible, the Village Manager is hereby authorized and empowered to direct the removal, alleviation or correction of the prohibited condition.

**§ 179-5. Assessment of costs.**

When the Village of Horseheads has effected the removal, alleviation or correction of the prohibited condition or has paid for the same, the actual cost thereof, if not paid by the owner, person in control or person responsible, shall be assessed upon the real property involved and shall constitute a lien thereon until paid or otherwise satisfied or discharged and shall be collected by the Village Clerk in the manner provided by law for the collection of delinquent taxes.

**§ 179-6. Penalties for offenses.** EN(2)

Any person committing an offense against any provision of this chapter shall be punishable as provided in Chapter 1, General Provisions, Article II, General Penalty.

## **Endnotes**

### **1 (Popup - Popup)**

Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

### **2 (Popup - Popup)**

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