

- ii. Issue a written reprimand to such member without removing such member from such board; or
- iii. If the Village Board shall find that the reasons for failing to meet the minimum training requirements are excusable because of illness, injury or other good and sufficient cause, the Village Board may elect to take no action.

§44-14.6 Removal for Cause.

Nothing contained herein shall be deemed to limit or restrict the Village Board's authority to remove a member from the Planning Board for cause (i.e. for other than the reasons enumerated herein). The procedural provisions of Section 6 (Procedure) of this Local Law shall govern any hearing to remove a member for cause.

Chapter 45

PROPERTY MAINTENANCE

- § 45-1. Purpose and application.
- § 45-2. Definitions.
- § 45-3. Regulations.
- § 45-4.1 Removal by Village.
- § 45-5. Penalties for offenses.

[HISTORY: Adopted by the Board of Trustees of the Village of Port Dickinson 7-9-74 as Local Law No. 5-1974. Amendments noted where applicable.]

GENERAL REFERENCES

Building construction — See Ch. 26.
Fire prevention — See Ch. 34.
Abandoned vehicles — See Ch. 59.

§ 45-1. Purpose and application.

- A. In order to prevent blight and the spread thereof it is hereby declared that all structures, including but not limited to one- and two-family and multiple-family dwellings, whether or not used for residential purposes; garden apartments; all other apartment complexes; all shopping centers; supermarkets; retail stores; discount houses; warehouses; storage plants; factories; gasoline service stations; public garages; or buildings used for other business purposes; and accessory structures of all of the foregoing, whether occupied or vacant; shall be maintained in conformity with the standards set out in this chapter so as to assure that none of these structures or properties will adversely affect their neighborhood or the village community.
- B. 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.

§ 45-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

PERSON — Shall include a natural person or persons, firm, corporation, partnership, association or any other combination of two (2) or more persons, who is or are the owners or owners' mortgagee, assignee of rents, receiver, executor, trustee, administrator, lessee or agent, directly or indirectly, in control of a building or other structure or premises within the Village of Port Dickinson.

§ 45-3. Regulations.

A. Yards, lots and open areas.

- (1) No shopping baskets, carts or wagons shall be left unattended or standing, and such baskets, carts or wagons shall be collected as often as necessary and removed to the interior of the building or buildings from which they were taken by the person responsible for said building or buildings.
- (2) All fences shall be maintained by the person responsible for the property. Such maintenance shall include but not be limited to painting, as needed, and the replacement or repair of fences which may become in disrepair.
- (3) All landscaping shall be maintained so that the lawns, hedges, bushes and trees shall be kept neatly and free from becoming overgrown and unsightly where exposed to public view and where the same may constitute a blighting factor having a tendency to depreciate adjoining property. Such maintenance shall include, but not be limited to, the replacement of trees and shrubs which may die and or otherwise be destroyed.
- (4) Lawns exposed to public view shall be maintained in a safe condition, neatly mowed, as necessary, and free from litter, poison ivy, ragweed and other noxious plants.
- (5) Steps, walks, driveways, 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 and necessary repairs or replacements accomplished.¹
- (6) Yards, courts and vacant lots shall be kept clean and free of physical hazards, rodent harborage and infestation, and shall be maintained in a manner that will prevent rubbish from being blown about them.
- (7) All signs exposed to public view shall be maintained in good repair. Excessively weathered or faded signs shall be removed or put into good repair. Any nonoperative or broken electric or other sign shall be repaired or removed.

- (8) No lights, floodlights or spotlights shall be so situated that light from such lamp is directly cast upon the nearby residences.
- (9) No automobiles, motorized vehicles, boats, trailers or other large equipment or objects shall be parked on any open area in front of the dwelling unit or between such unit and the adjacent street. For purposes of this section the words "open area" shall include areas covered by grass, dirt, gravel or similar substance, but shall not include any paved driveway the width of which shall not exceed the total width of the door(s) of the garage to which the driveway leads, or in the event there is no garage on the premises, then a width of not more than ten (10) feet. In the event there is a circular drive leading to the garage, the width of the driveway shall not exceed fifty percent (50%) of the total width of the doors of the garage. For the purposes of this section the words "doors of the garage" refers to those doors allowing entry of the automobiles, etc being stored therein, and not doors intended for entry by occupants of the property. [Amended by LL No. 4-2004]
- (10) The purpose of this sub-section is to promote awareness of the potential for mosquito borne disease and the benefit of the general population in having breeding areas minimized to the extent such breeding areas are created unnecessarily, and are determined to be a nuisance by the Code Inspection Officer. It is not intended to regulate situations where such breeding areas are created by natural conditions such as standing water resulting from rain or melting snow or ice.

No owner, occupant or tenant or any building or lot or part thereof within the Village shall allow the accumulation of untreated standing water and must, upon service of written notice from the Code Inspection Officer that such a nuisance exists, cure such condition within seventy-two hours after service of such notice. In addition, the Village may cure such condition if they are not cured by said owner, occupant or tenant within said seventy-two (72) hour period and assess the cost thereof against the owner of said property.

Such cost if not paid, shall be assessable against the property as a tax thereon. If in the judgment of the Commissioner of Public Works the employees of the Department of Public Works, by reason of their work schedule, will be unable to attend to such curing activity within a reasonable time period, then the Enforcement Officer may direct a private contractor previously approved by the Board of Trustees to perform such services at the pay schedule previously approved.

Examples of standing water sites that may constitute such nuisance include, but are not limited to, abandoned swimming pools, construction sites, tires, boats and abandoned garden ponds [added 2/13/01 by LL-1-2001].

- B. Buildings and structures. All exterior exposed surfaces, not inherently resistant to deterioration, shall be repaired, coated, treated or sealed to protect them from deterioration. Exterior porch floors, walls, ceilings and stairs shall be maintained in a clean, safe, sanitary condition. Such areas which have been damaged or show evidence of rot or other deterioration shall be repaired or replaced and refinished in a workmanlike manner.

§ 45-3.1 Home Composting

- A. Home Composting Permits. Home composting for non-commercial purposes is permitted for yard waste and other organic plant materials, including fruit and vegetable matter, grown or consumed

within the lot or parcel of land where the home are erected, home composting shall only be permitted in the rear yards of such lots or parcels.

- B. Volume. Regardless of the method of home-composting used, no home-composting process shall exceed a height of four (4) feet above ground and a total volume capacity of 200 cubic feet per lot or parcel of land under any circumstances.
- C. Non-Conforming Processes. Any home-composting process which is in use as of the effective date of this Local Law which does not conform to the restrictions imposed herein shall either be brought into compliance with this Local Law or be removed on or before September 1, 1993. [Added 12-8-92 by L.L. No. 7-1992]

§45-3.2 Alarm Systems. [Added 6-12-01 by L.L. No. 4-2001]

§45-3.2 Definitions.

As used in this article, the following terms shall have the following meanings:

ALARM SYSTEM – A device or an assembly of equipment which is intended to alert emergency agencies by automatically dialing an emergency agency, or which contacts an alarm company thereby causing the alarm company to contact an emergency agency or which is directly connected to any city department.

ALARM USER – Any person who owns, leases or uses an alarm system within the Village of Port Dickinson.

AVOIDABLE ALARM – The activation of an alarm system through mechanical failure, malfunction, improper installation or the negligence of the owner, user, custodian or lessee of an alarm system, or of his employees or agents, or through any other cause which indicates that an emergency situation exists requiring response within the city when, in fact, an emergency situation does not exist. An “avoidable alarm” also includes the knowing or intentional activation of an alarm to an emergency agency when the activator knows that an emergency situation does not exist. “Avoidable alarm” does not include activated by violent conditions of nature such as hurricanes, tornadoes, earthquakes or any other similar cause beyond the control of the user of the alarm system. Activation of an alarm system under any circumstances under which the activator reasonably believes that an emergency situation exists is not an “avoidable alarm.” Notwithstanding any language to the contrary, the defective installation of an alarm system, the failure to repair or cause to be repaired an alarm system or the use of defective equipment in connection with an alarm system shall not constitute an extraordinary circumstances beyond the reasonable control of the alarm user.

EMERGENCY AGENCY– Any police department, fire department or other law enforcement agency or ambulance company (public or private) or other agency summoned to respond to an emergency situation and any public safety answering point serving the Village of Port Dickinson.

LICENSING AUTHORITY – The Village of Port Dickinson through its Village Clerk.

NOTICE ADDRESS – The address which an alarm user designates on the application for a license as the address to which notices are to be sent.

PERSON – Any person, firm, partnership, corporation, association, company or organization of any kind.

VILLAGE – The Village of Port Dickinson.

45-3.2.1 License required; authority.

- (a) Required. It shall be unlawful for an alarm system user to operate, own or maintain an alarm system, as defined by the terms of this Local Law, without first obtaining a license as hereunder provided.
- (b) Authority to grant licenses.
 - (1) The licensing authority is hereby authorized to grant a revocable license to any alarm user to own, lease, operate, maintain, install or modify an alarm system.
- (c) Applications for licenses. Applications for licenses shall be made as follows:
 - (1) An alarm user in the Village utilizing an alarm system shall apply to the licensing authority for a license to own, lease, or otherwise have such device on his or its premises. The application shall contain provisions relating to the device or system of devices installed or to be installed on the premises. Application for licenses for alarm system devices existing in premises on the effective date of this Local Law must be made to the licensing authority within thirty (30) days of the effective date. No such device may be installed on the premises of the owner or lessee, and no presently existing alarm device complying with the provisions of this article shall be modified after the effective date of this Local Law prior to the licensing authority's having issued a license to such owner or lessee. Each license need not be obtained on an annual basis but shall be obtained each time a device or system is to be installed or modified.
- (d) Confidentiality. The information required on the license application shall be treated as confidential and shall not be made available to members of the general public. The Village finds that the release of such information would constitute an unwarranted invasion of personal privacy and could endanger the life or safety of persons at the premises where an alarm system is located. The information on a license application shall be used by the Village only for public safety purposes and shall not be available through the Freedom of Information law.

§45-3.2.2 License fees.

There shall be no annual license fees.

§45-3.2.3 Avoidable alarm charges.

- (a) Each alarm user shall pay to the Village a charge for each and every avoidable alarm to which the Village responds, in each calendar year, as follows:

First two (2) avoidable alarms each calendar year	No charge
Third avoidable alarm each calendar year	\$25.00

Each additional false alarm

\$50.00

- (b) The Chief of Police or his representative shall notify the alarm user of any avoidable alarm charges by mail. Within thirty (30) days of such notice the alarm user may appeal to the Mayor by showing proof to demonstrate that the alarm was not an avoidable alarm. The mayor shall have ten (10) business days to determine the appeal.
- (c) Should the alarm user fail to pay any and all alarm charges within thirty (30) days of receipt of notice or receipt of appeal denial, whichever is later, the Chief of Police shall certify to the Village Treasurer the amount of the penalties; and said penalties shall become a lien upon the property, shall be included in the next tax bill rendered to the owner unless paid before, and shall be collected in the same manner as other taxes against the property.
- (d) Additionally, should the alarm user fail to pay any and all charges within thirty (30) days of receipt of notice or receipt of appeal denied, whichever is later, the Chief of Police shall notify the Village Clerk to suspend the alarm user's license. Such license shall not be reinstated until all such charges are paid in full.
- (e) Further, should the alarm user accumulate more than five (5) avoidable alarms in any calendar year, the Chief of Police may notify the alarm user by mail that his license is terminated. Within thirty (30) days of such notice the alarm user may appeal to the Mayor by showing proof to demonstrate that the alarms were not avoidable alarms. The Mayor shall have ten (10) business days to determine the appeal.

§ 45-4. Enforcement. [Amended 11-20-84 by L.L. No. 5-1984 and 2-13-01 by L.L. No. 2-2001]

Upon his own investigation or receipt of information or complaint, the Enforcement Officer of the Village of Port Dickinson shall cause to be served upon the person responsible for any land or property upon which the violation has taken place or occurred, a written notice in the form approved by the Village Board directing removal or correction of such violation within fifteen (15) days after the service of such notice, except for violation of Section 45-3 (A) (1) and (9) where removal and correction shall be immediate upon notification by the Enforcement Officer and Section 45-3 (A) (10) where correction shall be within seventy-two (72) hours after such notification. In the event that such responsible person cannot reasonably be located, then notice shall be served by the posting of such notice in a prominent place upon the premises. If such violation is not corrected within such time periods, then the owner, occupant or person in control of said premises shall be deemed in violation of this chapter and subject to its penalties.

S 45-4.1 Removal by Village. [Added 8-14-01 by L.L. No. 10-2001]

If after the expiration of ten (10) days from the date of personal services or fifteen (15) days from the date of posting, the owner shall fail to comply with the requirements of Section 45-3A (3) or (4), the Enforcement Officer shall have the power to order the Village Department of Public Works to cut, trim or remove such hedges, brush, trees or lawns on any such yard, lot, or open area in the Village of Port Dickinson. If in the judgment of the Commissioner of Public Works the employees of the Department of Public Works, by reason of their work schedule, will be unable to attend to such activities within seven (7)

days from receipt of said order, the Enforcement Officer may direct a private contractor previously approved by the Board Trustees to perform such services at the pay schedule previously approved. In either such event the expense thereof shall become a lien upon the real property involved and be added to and become a part of the tax next so assessed by including such expense in the next annual tax levy against the property pursuant to the Village Law of New York.

§ 45-5. Penalties for offenses.

- A. Any person committing an offense against any provisions of this chapter shall, upon conviction, be guilty of violation of this chapter, punishable by a fine not to exceed one hundred dollars (\$100.).
- B. In addition to the above provided penalties, the Village Board of Trustees may also maintain an action or proceeding in the name of the village in a court of competent jurisdiction to compel compliance with or to restrain by injunction the violation of this chapter.

Chapter 46

PROPERTY NUMBERING SYSTEM

[History: Adopted by the Board of Trustees of the Village of Port Dickinson 12-8-92 as Local Law 6-1992]

§ 46-1. Numbering Maps

The Broome County 911 Maps for the Village of Port Dickinson are hereby adopted as the official property-numbering maps of the Village of Port Dickinson, Broome County, New York, and all property numbers assigned shall be assigned in accordance with these numbering maps, and no other property numbers shall be used or displayed in the Village of Port Dickinson, except numbers assigned in accordance with the official numbering maps. A copy of the property-numbering maps shall be kept on file in the office of the Village Clerk when the same are made available by Broome County.

§ 46-2. Posting of Designated Street Address

- A. The owner or occupant or person in charge of any house or building to which a number has been assigned will be notified in writing by Broome County Real Property Tax Service of the number assigned to the same.
- B. Within sixty (60) days after the receipt of such written notification, the owner or occupant or person in charge of a house or building to which a number has been assigned shall affix the number in a conspicuous manner in a conspicuous place near the front entrance thereto.
- C. Numerals indicating the official numbers for each principal building or each front entrance to such building shall be posted in a manner as to be legible and distinguishable from the street on which the property is located.