

Chapter 61

PROPERTY MAINTENANCE

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| § 61-1. Purpose; definitions. | § 61-6. Service of notice of violation. |
| § 61-2. Exterior maintenance. | § 61-7. Emergencies. |
| § 61-3. Responsibilities of owners and occupants. | § 61-8. Action upon noncompliance. |
| § 61-4. Enforcement. | § 61-9. Repealer. |
| § 61-5. Penalties for offenses. | § 61-10. Severability. |
| | § 61-11. When effective. |

[HISTORY: Adopted by the Board of Trustees of the Village of Champlain 11-23-1992 by L.L. No. 4-1992. Amendments noted where applicable.]

GENERAL REFERENCES

Garbage, rubbish and refuse — See Ch. 48.	Junkyards — See. Ch. 73.
Fire prevention and building construction — See Ch. 60.	Littering — Ch. 75.

§ 61-1. Purpose; definitions.

A. Multifamily premises, commercial premises and single-family residences shall be maintained in conformity with the provisions of this chapter so as to establish reasonable safeguards for the safety, health and welfare of the occupants and users thereof and of the general public.

B. For the purposes of this chapter, the following terms shall have the meanings indicated:

COMMERCIAL PREMISES — A building, structure or land used for any purpose other than for single-family or multifamily purposes, including premises used for retail purposes, business purposes or industrial purposes.

MULTIFAMILY PREMISES — Any building which is used as a home or residence, other than a single-family residence, together with any garage or other accessory building and the lot upon which such building or buildings are constructed.

SINGLE-FAMILY RESIDENCE — A building which is occupied exclusively as the home or residence of a single family, together with any garage or other accessory building and the lot upon which such building or buildings are constructed.

§ 61-2. Exterior maintenance.

A. Surface and subsurface water shall be drained to prevent damage to buildings and structures, and to prevent development of stagnant water, gutters, culverts, catch basins, drain inlets, stormwater sewers or other satisfactory drainage systems shall be provided and utilized. In no case shall the water from any rain leader be allowed to flow over the sidewalk or adjoining property.

- B. Fences and retaining walls shall be maintained in a safe condition.
- C. In the case of multifamily premises 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. Within 12 hours after the cessation of snowfall, snow shall be plowed or shoveled from all steps, walks, driveways and parking areas used or intended to be used by tenants, occupants, customers, invites or other members of the public.
- D. No snow removed from driveways, walks or other areas shall be deposited upon the public streets or highways or with the use of any other premises.
- E. In the case of multifamily premises and commercial premises, all driveways and parking spaces provided shall be kept in good repair, and such driveways and parking spaces shall be regularly cleaned to avoid accumulation of dirt, paper and other debris.
- F. Heavy undergrowth and accumulation of plant growth which are unsightly, noxious or detrimental to health shall be eliminated or removed. Hedges and shrubs shall be kept pruned or trimmed. Grass shall not be permitted to exceed six inches.
- G. The owner shall keep all and every part of the premises which he owns, and the steps, walks, driveways and parking areas located in the front, rear or side of said premises, from the building line to the nearest public street line, in a clean, sanitary and safe condition and free from litter, debris, paper, dirt, garbage and junk, and except for public improvements, in good repair.
- H. In the case of multifamily premises and commercial premises, all areas within 20 feet of a public highway shall either be used as driveways and parking areas, which areas shall be in compliance with Subsection E of this section, or shall be planted with grass, shrubbery, flowers, trees or other suitable plantings so that they will not be unsightly in appearance.
- I. Dead or incurably diseased trees shall be taken down and the diseased portion thereof removed and destroyed. Trees shall be kept pruned, and dead wood shall be removed.
- J. Responsible party for tree removal. **[Added 5-28-1996 by L.L. No. 2-1996]**
- (1) The owner of the real property on which a tree that is to be trimmed or removed is located shall be responsible to pay all of the costs necessarily incurred in the safe removal of the tree and the cleanup of the debris in the area on which the tree was located.
- K. No owner or occupant of a premises shall store, place or allow to accumulate any refuse, garbage, rubbish litter, debris or other material of any kind or nature which may serve as food for rats, rodents, pigeons, wild animals or other pests or provide harborage for rats, rodents, pigeons, wild animals or other pests in or upon said property. **[Added 7-26-1999 by L.L. No. 3-1999]**
- L. No owner or occupant shall allow the condition of the parcel or lot of any real property (or portion thereof) or any buildings, sheds or other structure located thereon, whether closed or open, to attain a condition that would attract rats, rodents, pigeons, wild animals or other pests to congregate, occupy, breed or live upon or be attracted to said property. **[Added 7-26-1999 by L.L. No. 3-1999]**

- M. No person shall place food for the feeding of birds, fowl or other animals, in the open, in such a manner that such food is accessible to rats, rodents, pigeons, wild animals or other pests, except if such food is placed in containers which would prevent the scattering of such food upon the ground. The scattered food, if any, shall be removed from the ground so that it is not accessible to rats, rodents, pigeons, wild animals or other pests. [Added 7-26-1999 by L.L. No. 3-1999]
- N. Except at locations where it is expressly permitted and allowed by the Village Board of Trustees, no person shall place or allow to be placed any litter, debris, leaves, leaf cuttings, grass cuttings, trees or shrubs, tree or shrub trimmings, garbage, rubbish or other material of any kind or nature in or upon any public-owned property of the Village of Champlain or upon or in any right-of-way used by the Village of Champlain, including, but not limited to, any drainage ditches or drainage culverts adjacent to any public Village roadway or in or upon any drainage area used by the Village for facilitation of any roadway drainage. [Added 12-8-2008 by L.L. No. 2-2008]

§ 61-3. Responsibilities of owners and occupants.

- A. Owners of premises and other persons, as defined in § 61-5B, shall be responsible for compliance with this chapter.
- B. In addition, tenants and occupants of multifamily and commercial premises shall be responsible for compliance with respect to the following:
- (1) Maintaining all and every part of the commercial premises which they rent, occupy or control and the steps, walks, driveways and parking areas located in the front, rear or side of said premises from the building line to the nearest public street curbline in a clean, sanitary and safe condition and free from litter, debris, paper, dirt, garbage and junk.
 - (2) Disposing in a clean and sanitary manner of all garbage, refuse and debris in the provided facilities.
 - (3) Exterminating insects, rodents or other pests within that part of the premises which they occupy.

§ 61-4. Enforcement.

- A. The Building Inspector and other duly appointed law enforcement officers of the Village of Champlain shall be charged with the duty of administering and enforcing this chapter.
- B. It shall be the duty of the Building Inspector 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 chapter.
- C. The Code Enforcement Officer shall cause an inspection to be made of any building, structure or open land when the Code Enforcement Officer has a reasonable basis to believe that the building, structure or open land is not free from infestation by rats, rodents, pigeons, wild animals or other pests. In the event that a building, structure or

other property is found to be infested, the Code Enforcement Officer shall serve upon the owner and the occupant of the property a notice to correct the condition which caused the infestation. The owner and the occupant placed on notice that the infestation exists shall take immediate and necessary action to remedy the condition that caused the infestation. [Added 7-26-1999 by L.L. No. 3-1999]

§ 61-5. Penalties for offenses.

- A. Any person committing an offense against any provision of this chapter shall, upon conviction, be punished by a fine of not less than \$100 nor more than \$200 for the first offense and not less than \$500 nor more than \$1,000 for the second or any subsequent offense within a twelve-month period or by imprisonment for a term not exceeding 15 days, or by both such fine and imprisonment for each violation thereof. [Amended 12-8-2008 by L.L. No. 2-2008]
- B. 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.

§ 61-6. Service of notice of violation.

- A. A notice of violation issued by the Building Inspector 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 Building Inspector, 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 chapter.
- C. If a hearing is requested, it shall be commenced not later than 10 days after the request is made, provided that for good cause the Building Inspector may postpone such hearing for a reasonable time. If, after the hearing, the enforcement officer finds that no violation exists, or that unusual, extraordinary or undue hardship shall occur as a result of the physical dimension and proportion of the property, 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 Building Inspector.

- D. Any party aggrieved by the decision of the Building Inspector may, within 10 days of the decision of the Building Inspector, appeal said decision to the Village Board of the Village of Champlain by filing the appropriate form.
- E. The provisions of §§ 61-4B and 61-6A notwithstanding, it shall not be necessary for the Building Inspector 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.

§ 61-7. Emergencies.

Whenever the Building Inspector or enforcement official finds that an 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 and requiring that such action be taken as he deems necessary to meet the emergency. Notwithstanding any 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 Building Inspector or the local Justice Court shall be afforded a hearing as soon as possible. After such hearing, the Building Inspector or court shall continue such order in effect or shall modify or withdraw it.

§ 61-8. Action upon noncompliance.

- A. Upon the failure, neglect or refusal of any owner, person or agent so notified to properly comply with this chapter within 10 days after the service of notice as provided herein, the Building Inspector is hereby authorized and empowered to pay for the correction of such violation, subject to the approval of the Village Board of the Village of Champlain. [Amended 12-8-2008 by L.L. No. 2-2008]
- B. When the village has effected the correction of the violation or has paid for its removal, the actual cost thereof, plus the accrued legal rate of interest per annum from the date of the completion of the work, if not paid by such owner prior thereto, shall be charged to such owner by the village, and such charge shall become due and payable by said owner or person at the time of the payment of such bill.
- C. Where the full amount due the village is not paid by such owner within 20 days after the correction of such violation as provided in Subsections A and B above, then, and in that case, the Building Inspector shall cause to be filed in the Office of the Village Clerk a sworn statement showing the cost and expense incurred for the work, the date the work was completed and the location of the property by section, lot and block on which said work was done and the name of the reputed owner hereof. The filing of such sworn statement shall constitute a lien and privilege on the property and shall remain in full force and effect for the amount due in principal and interest, plus cost of court, if any, for collection, until final payment has been made. Said costs and expenses shall be collected in the manner fixed by law for the collection of taxes, and further shall be subject to a delinquent penalty at the legal rate of interest in the event that the same is not paid in full on or before the date the tax bill upon which such charge appears becomes delinquent. Sworn statements filed in accordance with the provisions

hereof shall be prima facie evidence that all legal formalities have been complied with and the work has been properly and successfully done and shall be full notice to every person concerned that the amount of the statement, plus interest, constitutes a charge against the property designated and described in the statement and that the same is due and collectible as provided by law.

- D. When the village, due to failure, neglect or refusal of the property owner or tenant to properly comply with § 61-2F of this chapter, has contracted for trimming of grass or removal of other plant growth, such contracted maintenance will continue until the property owner notifies the Village Board, in writing, that the property owner has made arrangements to comply with § 61-2F of the Code. [Added 7-26-1999 by L.L. No. 3-1999]

§ 61-9. Repealer.

All ordinances, local laws or resolutions or parts of ordinances, local laws or resolutions of the Village of Champlain 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 other legislation regulating and governing the subject matter covered by this chapter.

§ 61-10. 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.

§ 61-11. When effective.

This chapter shall take effect immediately.