

VILLAGE OF CAYUGA HEIGHTS

Local Law 5 of the Year 2013

A LOCAL LAW TO PROVIDE FOR REGULATIONS FOR THE CARE AND MOWING OF PROPERTY

Be it enacted by the Board of Trustees of the Village of Cayuga Heights as follows:

SECTION I PURPOSE AND INTENT

The purpose of this Local Law is to provide a minimum standard for the maintenance of the exterior grounds of all properties within the Village of Cayuga Heights. This Local Law is intended to help provide stable and inviting neighborhoods and businesses and to promote public health and safety by prohibiting certain deficiencies in exterior property maintenance which create or contribute to unhealthy or hazardous conditions. This Local Law is also intended to ensure that property owners or their delegated agents perform such repair and maintenance of properties as will prevent deficiencies that could become an attractive nuisance with regard to children, trespassers or household pets or that may attract insect or animal pests. The adoption and enforcement of this Local Law is intended to serve as deterrent to substandard exterior property maintenance and as a tool for protecting property investment, the tax base and the health, safety and welfare of all Village residents.

SECTION II AUTHORITY

This Local Law is enacted pursuant to the grant of powers to local governments provided for in Section 10 of the Municipal Home Rule Law to adopt and amend local laws not inconsistent with the provisions of the New York State Constitution or not inconsistent with any general law relating to its property, affairs, government or other subjects provided for in said Section 10 of the Municipal Home Rule Law.

SECTION III DEFINITIONS

- A. Bulk Items.** Items and materials, including furniture (other than outside furniture such as aluminum and plastic yard furniture), house furnishings and large appliances, such as refrigerators, stoves, washing machines and clothes dryers.

B. Garbage. Discarded materials generated from the activities of a household, business, institution, or public or quasi-public facility, consisting of:

1. Food wastes, including but not limited to kitchen and table scraps, decaying or spoiled vegetable, fruit and animal matter, and fallen fruit.
2. Any other used or discarded waste materials such as paper, plastic, metal, rags, food wrappings and containers, sweepings, rubber, leather, cloth, clothing, waste materials from normal maintenance and repair activities, pasteboard, crockery, shells, dirt, ashes, wood, and glass.
3. Note: "Garbage" does not include properly prepared and stored recyclable materials or collectible yard wastes, properly stored and maintained composting materials, rubble and bulk items.

C. Grounds and Exterior Property. Any area of a building or lot, excluding porch areas, not enclosed within the walls of a building. These terms include any public rights-of-way which pass through or are adjacent to a property, including the sidewalk and any area between the sidewalk, if there is one, and the street pavement.

D. Litter. Improperly discarded material consisting of but not limited to paper and plastic bags, bottles, cans, bottle caps, containers, garbage, paper, newspaper, pieces of paper, paper and plastic cups, wrappers, articles of clothing, cigarette butts, toilet paper, or any other trash disposed of on the grounds, bushes or trees of a property.

E. Natural Woodlands. Natural woodland is an area covered in trees. Woodlands allow sunlight to penetrate between the trees, limiting shade. Woodlands may support an understory of shrubs, herbs, or grasses.

F. Public View. Areas of any property that are visible by pedestrian or vehicular traffic in the public right-of-way or visible from the exterior ground level of adjoining properties or properties within 100 feet of the subject property.

G. Rubble. Waste material typically resulting from construction, demolition and major renovation activities, including but not limited to waste cement, concrete, masonry, bricks, tiles, sheetrock, plaster, shingles, lumber, telephone poles, railroad ties, wooden pallets, doors and door frames, windows and window frames and any similar material.

H. Yard Waste. Hedge trimmings, limbs, branches and vines that meet the criteria for Village pick up of such items on a periodic basis.

SECTION IV STANDARDS FOR GROUNDS AND EXTERIOR PROPERTY

A. It shall be the duty and responsibility of all property owners, care takers or individual(s) residing on such property within the Village of Cayuga Heights to keep their property in a sanitary condition, free from bulk items, garbage, litter and rubble within public view.

1. Bulk items, garbage and rubble placed at the street front for collection by Village services or other waste haulers shall not constitute a violation of this ordinance as long as they are not placed more than 48 hours before collection.
2. The size of containers and conditions in which bulk items, garbage, yard waste and rubble are presented for collection by Village services shall conform to rules and regulations as adopted by the Village Board of Trustees.

B. It shall be the duty and responsibility of all property owners, care takers or individual(s) residing on such property within the Village of Cayuga Heights to keep the grass, weeds or other vegetation on the grounds and exterior property maintained so that the height of the vegetation is limited to 10 inches, except for trees, bushes and other vegetation planted, maintained or kept for some ornamental or other useful purpose.

1. Natural woodlands shall be considered an ornamental or useful purpose.
2. Trees, bushes and other plantings shall conform to rules and regulations as adopted by the Village Board of Trustees.

SECTION V PENALTIES FOR VIOLATIONS

A. A violation of this Local Law is hereby declared an offense. A conviction for a violation shall be punishable by a fine of \$50 for the first offense.

- B. A conviction by any individual for a given property address for a second time within a six-month period shall be punishable by a fine of \$100.
- C. For the third or subsequent conviction of this Local Law within a 12 month period the violation shall be punishable by a fine of \$200.
- D. If personal contact with the property owner, care taker or individual residing on such property cannot be made after a reasonable time and effort, the Village Board of Trustees shall cause the work to be done and assess the expense, including time of supervising officials, against the property.
- E. Any violation that is not corrected within 120 hours of issuance of a citation shall constitute a separate violation. The Village has the burden of proof to establish repeat violations.

SECTION VI SUPERSEDING EFFECT

All ordinances, local laws, resolutions, rules, regulations and other enactments of the Village of Cayuga Heights in conflict with the provisions of this Local Law are hereby superseded to the extent necessary to give this Local Law full force and effect.

SECTION VII VALIDITY

The invalidity of any provision of this Local Law shall not affect the validity of any other provision of this Local Law that can be given effect without such invalid provision.

SECTION VIII EFFECTIVE DATE

This Local Law shall be effective immediately upon filing in the office of the Secretary of State, except that it shall be effective from the date of its service as against a person served with a copy thereof, certified by the Village Clerk, and showing the date of its passage and entry in the Minutes of the Village Board of Trustees.