

## Chapter 157

### PROPERTY MAINTENANCE

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[HISTORY: Adopted by the Board of Trustees of the Village of Pelham Manor as indicated in article histories. Amendments noted where applicable.]

#### GENERAL REFERENCES

Dumping — See Ch. 93.

Protection of property — See Ch. 160.

#### ARTICLE I

##### Control of Foliage, Grass and Weeds

[Derived from Section 41 of the General Code of Ordinances]

§ 157-1. Land adjoining any street or sidewalk or abutting village property. [Amended 8-9-1976 by L.L. No. 8-1976]

Every owner or occupant of a plot or parcel of land adjoining any street or sidewalk or abutting village property shall:

- A. Cause all hedges, trees, shrubs or other vegetation thereon to be kept trimmed in such manner that they will not:
  - (1) Encroach over the property line of any street or over any sidewalk or on to village property in such manner as to interfere with or annoy pedestrians, vehicles or others lawfully using such street, sidewalk or property;
  - (2) Obstruct the light from the streetlights; or

- (3) Obstruct the views of approaching traffic on intersecting streets.
- B. Cause all grass and weeds on any land within or adjoining such plot or parcel of land and lying between the edge of the street paving and the edge of the sidewalk nearest the street or if there is no sidewalk within five feet of the edge of the street paving to be kept trimmed to a height of six inches or under.
- C. When notified by the village of a violation of the foregoing, remove such violation forthwith.

## ARTICLE II

### Cleanup of Private Property

[Derived from Section 48 of the General Code of Ordinances]

#### § 157-2. Notice; abatement by village.

After five days notice by the village to the owner or occupant of any land or premises in the village, which notice may be served personally or by mail, the village shall have the right to remove from any such place any broken, abandoned or unusable automobile or other vehicle or parts thereof or any other debris or rubbish and to assess the cost of the removal thereof against the property.

## ARTICLE III

### General Maintenance

[Derived from Section 48A of the General Code of Ordinances; amended 3-10-1975 by L.L. No. 3-1975]

#### § 157-3. Purpose.

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

#### § 157-4. Definitions.

For purposes of this article, 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.

**§ 157-5. Open areas. [Amended 4-26-1976 by L.L. No. 1-1976]**

- 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 and sanitary 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 24 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, invitees 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 so as to interfere with the use of such 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 covered with broken stone, gravel, concrete or asphalt paving which 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. On commercial premises all parking areas shall be paved with concrete or asphalt and all parking spaces shall be clearly marked with painted white or yellow lines.
- 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 in growth.
- 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 it 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 one inch or more in diameter removed.

**§ 157-6. Buildings and structures.**

The owner shall keep all and every part of the building and accessory structures in attractive condition and good repair, including but not limited to the following:

- A. Exterior wood surfaces of buildings and structures that are not inherently resistant to deterioration shall be periodically treated with a protective coating of paint or other suitable preservative.
- B. In the case of multifamily premises and commercial premises, interior floors, walls, ceilings, furnishings and fixtures shall be maintained in a clean, safe and sanitary condition.

**§ 157-7. Infestation and screening.**

- A. In the case of multifamily premises and commercial premises, grounds, buildings and structures shall be maintained free of insects, vermin and rodents.
- B. In the case of multifamily premises and commercial premises, where the potential for rodent or vermin infestation exists, windows and other openings in basements and cellars shall be screened with wire mesh or other suitable materials.
- C. From May 1 to October 1, entrances to multifamily premises shall be provided with self-closing type devices or screens. Windows and other openings in such premises used for ventilation shall be screened.

**§ 157-8. Garbage and refuse.**

- A. Sanitary methods and facilities shall be used for the collection, storage, handling and disposal of garbage, refuse and other debris.
- B. Garbage, refuse and other debris shall not be permitted to accumulate in public halls and stairways of multifamily and commercial premises.
- C. Garbage, refuse and other similar type debris shall be kept in covered containers and shall be stored in such a manner that such containers cannot be seen from any public street or highway except as may be permitted by rules and regulations of the Public Works Department.
- D. Garbage, refuse and other similar type debris shall be removed at least once a week.

**§ 157-9. Responsibilities of owners and occupants. [Amended 4-26-1976 by L.L. No. 1-1976]**

- A. Owners of premises and other persons (as defined in § 157-11B of this article) shall be responsible for compliance with this article.
- B. In addition, tenants and occupants of multifamily premises and commercial premises shall be responsible for compliance in respect to the following.
  - (1) Maintaining all and every part of the commercial premises which he rents, occupies or controls and the steps, walks, driveways and parking areas located in 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) Maintaining in a clean and sanitary condition all plumbing, cooking and refrigeration fixtures and appliances, as well as other building equipment and storage facilities, in that part of the premises which he occupies or controls.
- (3) Keeping exits from that portion of the premises which he occupies clean and free from obstructions.
- (4) Disposing in a clean and sanitary manner of garbage, refuse and debris into provided facilities.
- (5) Exterminating insects, rodents or other pests within that part of the premises which he occupies.

**§ 157-10. Enforcement.**

- A. The Inspector of Buildings and other duly appointed law enforcement officers of the Village of Pelham Manor shall be charged with the duty of administering and enforcing this article.
- B. It shall be the duty of the Inspector of Buildings 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 article.

**§ 157-11. Penalties for offenses.**

- A. Any person upon conviction of violation of this article shall be fined a sum of money at not less than \$100 nor more than \$200 for the first offense, and not less than \$150 nor more than \$250 for the second or any subsequent offense within a twelve-month period. In addition, such person shall be subject to injunction prohibiting and otherwise preventing any further violations.
- 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.

**§ 157-12. Service of notices and violations.**

- A. Notice of violation issued by the Inspector of Buildings 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 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. The provisions of §§ 157-10B and 157-12A notwithstanding, it shall not be necessary for the Inspector of Buildings to issue a notice of violation or to order in writing the correction of a condition in the case 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 be immediately served with an appearance ticket or summons. [Amended 3-13-1978 by L.L. No. 3-1978]

ARTICLE IV  
Weeds and Refuse

[Derived from Section 50 of the General Code of Ordinances]

**§ 157-13. Removal by owner required; abatement by village. [Amended 3-13-1978 by L.L. No. 2-1978]**

- A. It shall be the duty of the owner or occupant of premises within the limits of the village to cut and destroy all unsightly weeds or brush on all such lots or pieces of land, and to remove all litter, debris, paper, dirt, garbage, junk and other refuse from them.
- B. Upon the neglect or refusal of the owner of any such premises to do so, the village may, by written notice served either personally or by mail to the last known address of such owner, order the owner or occupant to cut or destroy such weeds and brush upon such premises, and to remove all such refuse from said premises. Upon the failure of the owner to comply with such notice, within 10 days, the village may cause the weeds and brush to be destroyed and such refuse removed and may assess the cost thereof against the property from which the same was so removed, or at the option of the village, recover such cost by civil action. In addition, an owner or occupant shall be subject for violation of this article to injunction prohibiting and otherwise preventing any further violations.