

INC. VILLAGE OF ISLAND PARK

LOCAL LAW 11 OF 2016

A local law to amend Local Law No. 2 of 1988

Be it enacted by the Board of Trustees of the Village of Island Park as follows:

Part I

General Provisions

1. General Requirements

A. Residential premises shall be maintained in a clean, safe and sanitary condition.

B. Fences, walls, and other minor constructions shall be maintained in good appearance and safe condition.

C. Steps, walks, driveways, parking spaces, and similar paved areas shall be maintained to afford safe and convenient passage.

D. Yards, courts, and vacant lots shall be kept clean and free of hazards and debris.

E. Ground cover shall be properly established to prevent undue soil erosion, due to elements.

F. Heavy undergrowth and accumulations of plant growth which are noxious or detrimental to health or safety shall be eliminated.

G. Lawns, weeds, ground cover vegetation shall be maintained and shall not exceed eight (8) inches in height.

H. Adequate sanitary facilities and methods shall be used for the collection, storage, handling, and disposal of garbage and refuse.

I. The accumulation or storage of rubbish garbage, refuse or rubbish in public view shall be prohibited.

J. Refrigerators, and similar equipment with locking mechanisms, shall not be discarded, abandoned, or stored on premises accessible to children, without first removing the locking devices or the hinges of the doors.

K. Junked vehicles equipment, and materials shall not be stored in areas of premises which can be viewed by the public from any public street or thoroughfare.

2. Prohibitions against the accumulation of rubbish; overgrowth of lawns, weeds, or vegetation

It shall be unlawful for any owner of real property in the Village of Island Park to permit or allow any violation of paragraph "1" above:

Part II

Administration and Compliance

3. Administrative Agency

A. The Building Department shall be designated by resolution, the agency to administer and secure compliance with the standards established under this local law, hereinafter referred to as the "Property Maintenance Standards."

B. The Agency shall have a chief officer and such assistants and inspectors as may be necessary to carry out effectively the powers and duties of the agency.

C. Personnel of the Agency shall be qualified and appointed as prescribed by resolution, and shall be furnished with appropriate official badges or identification cards, or both.

D. Personnel of the Agency shall be free from personal liability for acts done in good faith in the performance of official duties.

4. Powers and Duties

A. The Agency shall be charged with the duty of administering the Property Maintenance Standards and securing compliance therewith, and shall be empowered to adopt rules and regulations necessary for securing such compliance and for its own organization and internal management. Such rules and regulations shall not be in conflict any other provision of local, state or federal law.

B. The Agency shall be empowered to request, and shall receive, so far as may be necessary in discharge of its duties, the cooperation of other officials or agencies of the municipality.

C. The Agency shall be empowered to require independent inspections and of any premises.

D. The Agency shall be empowered to conduct surveys to determine the condition of premises, extend of deterioration, adequacy of maintenance, existence of unsafe and unsanitary conditions, land use, and other relevant facts affecting safety, health or welfare.

E. It shall be the duty of the Agency:

- i) To cause inspections to be made of any premises within the scope of the Property Maintenance Standards.
- ii) To cause an investigation of complaint of alleged violations of the Property Maintenance Standards;
- iii) To issue written orders for the elimination or removal of conditions affecting or found to exist on, or about premises in violation of the Property Maintenance Standards, and, where appropriate, order the cessation or repair of premises found to be in violation of the Property Maintenance Standards, and, to state in the violation order a reasonable time limit for compliance therewith, and the time within which an appeal may be taken;
- iv) To request the chief legal officer of the municipality to take appropriate legal action upon failure to comply with a violation order or orders;
- v) To assist and cooperate with the Board of Appeals;
- vi) To keep official records of Agency actions and activities;
- vii) To cause studies to be made of housing and environmental conditions for the purpose of community improvement;
- viii) To cooperate with other public and private agencies engaged in the study and improvement of housing and environmental conditions; and
- vix) To publish an annual report including a summary of actions, activities, results, accomplishments, studies, as well as current and proposed programs.

4. Inspection

A) The Agency and its representatives shall be authorized, in the performance of their duties, to conduct inspections, or premises, or parts of premises, at such times and in such manner as the Agency may find convenient or necessary, with the consent of the person in possession or occupancy.

B) If admission is refused or cannot be obtained from the person in possession or occupancy, the Agency or its representatives shall be authorized to obtain a warrant to make an inspection, provide reasonable or probable cause is shown.

C) In case of an emergency, the Agency or its representatives may, without a warrant, enter any premises, or parts of premises, to inspect the same, at any time, without the permission of the person in possession or occupancy.

5. Violations

A) Whenever the Agency finds that there has been a violation of the Property Maintenance Standards, the Agency shall issue a violation order to the person or persons responsible. The violation order shall:

- i) be in writing;
- ii) identify the premises;
- iii) specify the violation and remedial action to be taken;
- iv) provide a reasonable time limit for compliance which shall be seven (7) days, unless otherwise extended by the Agency.
- v) state the time within which an appeal may be taken which shall be fifteen (15) days; and
- vi) if the violation constitutes a public nuisance or renders the premises dangerous or unsafe, include, in the order, a statement that if the violation is not remedied within the time limit specified on the order, the Agency may remedy the violation.

B) A violation order may be served as follows:

- i) by personal in hand service, or
- ii) by mailing, by registered or certified mail, to the Property Owner, in accordance with this Local Law, or
- iii) if no owner, or other party upon who an order may be served can be located, then by posting a copy thereof in a conspicuous place on the premises and by mailing another copy thereof to the premises, on the same day as posted, enclosed in a postpaid wrapper addressed to the last known owner.

C) In case the owner, occupant, or the agent of any of them, shall fail, neglect, or refuse to remedied, eliminate, or abate the violation within the time specified, the Agency shall request the chief legal officer of the municipality to take appropriate legal action; and same shall be punished. The Village Justice Court shall have jurisdiction to hear and determine the complaint and render judgment thereon.

D) If the violation constitutes a public nuisance or renders the premises dangerous or unsafe, and the violation order has been served, but the violation has not been remedied within the time limit specified in such violation order, the Agency may remedy the violation, after obtaining a court order, without being required to give notice of the application for such order, authorizing the Agency to enter the premises and remedy such violation, after the expiration of three days from the date of service of the court order. Unless the court otherwise directs in such order, it shall be served in the same manner as provided, in paragraph "B" of this section, for the service of a violation order.

6. Recovery of Costs

Costs incurred by the Agency in eliminating or removing violations of the Property Maintenance Standards, nuisances and dangerous or unsafe conditions shall be paid for by the municipal fiscal officer out of the municipal treasury upon certification of the Agency. Such costs shall be charged against the premises, and shall constitute a lien thereon in favor of the municipality, and the amount of such costs may be assessed against the property owner and if not paid to the Village Clerk within thirty (30) days, may be entered on the tax rolls as being due and payable. Interest, at the rate of 12 percent per annum, shall be payable thereon and shall accrue from the date of the payment thereof by the municipality. Such costs may also be recovered in any other lawful manner.

7. Records

The Agency shall keep official records, but not limited to:

Registrations and reports filed, certificates issued, complaints received, inspections made, violations found, order issued, and actions taken. Such records shall be public records, open to inspection during business hours. Copies or transcripts of such records shall be furnished upon written application and payment of any and all lawful fees.

8. Penalties

A) Failure to comply with a violation order, within the time limit stated therein, shall constitute an offense. A person convicted of an offense shall be punished by a fine not to exceed two hundred fifty dollars (\$250.00) or by imprisonment for a period not to exceed fifteen (15) days, or both. Each and every week and such continued failure to comply with a violation order, after such time limit, may constitute a separate offense for which the aforesaid penalties may be cumulatively imposed. Notwithstanding the foregoing, punishment by imprisonment under this paragraph shall not exceed one (1) year regardless of the number of offenses.

B) the penalties heretofore prescribed shall not be imposed upon a person who by operation of law acquires premises containing violations for which a violation order has been issued, for a period of one month after the date of such acquisition of the premise. Nevertheless, the penalties provided shall attach and apply, either upon the expiration date of such one month period, or upon transfer of title to the premises before the expiration of such period, whichever first occurs.

Part III

Compliance

9. Responsibilities of Owners

A) Owners of premises shall be responsible for compliance with the Property Maintenance Standards and this Local Law, and shall remain responsible therefor regardless of the fact that this Local Law may also place certain responsibilities on occupants, and regardless of any agreement between or among owners, lessors, and occupants, as to which party shall be responsible, except as provided in subparagraph "B" of paragraph "11".

B) Owners of premises shall be responsible for proper maintenance, of the premises.

C) Owners and lessors of premises shall be responsible for the removal of garbage, refuse, and junk, to assure that the premises are maintained in a safe, clean, healthful, and sanitary condition, and shall provide adequate private carting for such removal. Any municipal collection, which may be provided, shall be supplemented by private carting service; when necessary.

11. Responsibilities of Owners

A) Owners shall be responsible for compliance with the provisions of this Local Law and, with respect to premises in regard to the following:

- i) Maintenance in a clean, safe, and sanitary condition;
- ii) Disposing of garbage and refuse into provided facilities in a sanitary manner and keeping the premises free and clear therefrom;
- iii) Extermination of insects, vermin, rodents, pests, and elimination of harborage; and
- iv) Keeping domestic animals and pets in an appropriate manner and under control.

Part IV

Appeals

12. Board of Appeals

A) There shall be designated by resolution, a Board of Appeals, hereinafter referred to as the "Board". The number of members, terms of office, manner of appointment, and designation or election of a chief officer shall be fixed by resolution.

B) The Board shall be empowered to adopt rules of procedure for the conduct as its business, provided such rules are not inconsistent with provisions of law or this Local Law.

C) The Board shall be empowered to charge or collect reasonable fees and to make rules and regulations with respect thereto.

D) The Board shall have the following powers and duties:

- i) Determinations. The Board shall decide matter of involving determinations of the Agency with respect to this Local Law and the Property Maintenance Standards, or rules or regulations of the Agency.
- ii) Interpretations. The Board shall decide questions involving the, interpretation of this Local Law and the provisions of the Property Maintenance Standards, as well as the rules or regulations of the Agency.
- iii) Variances. The Board may grant variances where the strict application of the provisions of this Local Law or the Property Maintenance Standards, or rules or regulations of the Agency, would result in practical difficulty or unnecessary hardship, provided the intent of the provisions of this Local Law or of the Property Maintenance Standards, or rules or regulations, is carried out, with respect to the protection of safety, health, or welfare.
- iv) The Board of Appeals shall be the same body as the Village Zoning Board of Appeals, which shall also hear appeals brought up pursuant to this Local Law.

13. Procedure

A) An appeal from an order, determination, or regulation of the Agency shall be taken to the Board.

B) Such appeal shall be filed, on forms provided by the Board and made available at the Agency, simultaneously with the Agency and the Board, within the time limit established by the Agency. Compliance with a violation order shall not be required while an appeal is pending, unless the premises are a nuisance dangerous or unsafe, in which event adequate protective measures shall be taken.

C) The appellant shall serve upon the Board copies or transcripts of all records of the matter at issue.

D) The time in which an appeal must be commenced is 15 days from service of the violation order appealed from and appellant must serve and file his notice of appeal within such time.

E) The fee for filing a Notice of Appeal is \$75.00 a must be paid with service of the notice of appeal, to the Village Clerk. The notice of appeal shall also be served upon the Village Clerk and said service shall be deemed sufficient.

14. Hearings

A) The Board shall set a time and place for hearing the appeal, and shall give the Petitioner, the Agency, and such other interested persons as may have filed a written request to be heard, written notice thereof by mail at least ten days prior thereto.

B) The Board, at the hearing, shall grant the Petitioner, the Agency or its representatives, and any interested persons the opportunity to testify. The Board, in addition, may subpoena witnesses, records, and such other information as may be relevant to the matter at issue.

C) The Board may issue a subpoena requiring the attendance of a person to give testimony, or a subpoena duces tecum requiring the production of books, papers, and other things. A subpoena shall be served, and attendance or production may be compelled as provided by law.

D) The Board may conduct its hearings without regard to legal rules of evidence.

15. Decisions

A) Upon a determination of an appeal by the Board, the violation shall be corrected within the time limit provided for in the violation order, unless such violation order is reversed by the Board, or the Board changes or modifies such period of time within which to comply therewith.

B) Decisions of the Board shall be in writing, and copies of the decision shall be sent to the Petitioner by the Agency.

16. Records

Rules and regulations of the Board as well as its actions and decisions on matters that come before it for review shall be filed and maintained at the office of the Agency, and such records shall be public records open to inspection during business hours.

17. Effect

This Local Law shall take effect upon filing with the Secretary of State.