

INCORPORATED VILLAGE OF POQUOTT  
LOCAL LAW NO. \_\_ YEAR 2014

A LOCAL LAW REGULATING & GOVERNING PROPERTY MAINTENANCE  
WITHIN THE VILLAGE OF POQUOTT

**BE IT ENACTED THIS THE \_\_ DAY OF \_\_, 20\_\_ BY THE BOARD OF  
TRUSTEES OF THE VILLAGE OF POQUOTT AS FOLLOWS**

- |         |     |  |
|---------|-----|--|
| Section | 1.0 | Title of Local Law                                 |
|         | 1.1 | Enactment of Local Law                             |
|         | 1.2 | Effective Date                                     |
| Section | 2.  | Purpose/ Intent of Local Law                       |
| Section | 3.  | Definitions  |
| Section | 4.  | Requirements                                       |
| Section | 5.  | Standards for Exterior Maintenance.                |
| Section | 6.  | Standards for Exterior of Buildings and Structures |
| Section | 7.  | Prohibition Against Running Bamboo                 |
| Section | 8.  | Enforcement  |
| Section | 9.  | Penalties for offenses                             |
| Section | 10. | Severability                                       |
| Section | 11. | Adoption   |

**Section 1.0 Title of Local Law**

This Local Law shall be entitled: a Local Law Regulating & Governing Property Maintenance within the Village of Poquott.

**1.1 Enactment of Local Law**

Pursuant to Section 10 of the Home Rule Law, the Incorporated Village of Poquott, County of Suffolk, State of New York, hereby enacts this Local Law \_ of 2014 of the Incorporated Village of Poquott.

**1.2 Effective Date**

This Local Law shall become effective upon filing with the New York State Secretary of State.

**Section 2. Purpose/ Legislative Intent.**

This chapter provides for the administration and maintenance of real property used for, or zoned for residential purposes in the Village of Poquott, so as to establish reasonable safeguards for the safety, health and welfare of the occupants and users thereof and of the general public. It is the further purpose and intent of this local law to preserve property values, as well as, the aesthetics of the Village, and to provide the Village with an enforcement mechanism to address conditions of properties located within the Village which negatively impact the goals and purpose of this local law.



### **Section 3. Definitions.**

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

- A. 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.

### **Section 4. Requirements**

- A. No person with a legal interest in a property shall fail to maintain the property in accordance with the following standards nor shall any such owner, person or entity permit the property to fall into a state of disrepair so as to result in the deterioration of any exterior architectural feature which would produce a detrimental effect upon the character of the community as a whole or the life and character of the particular property itself.

### **Section 5. Standards for Exterior Maintenance.**

- A. Surface and subsurface water shall be appropriately drained to protect buildings and structures and to prevent damage to adjacent property, and to prevent the development of stagnant ponds or pools of water.
- B. No snow removed from driveways, walks or other areas of a property 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.
- C. 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 height.
- D. Each 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, must be maintained in a clean, sanitary and safe condition and kept free from litter, debris, paper, dirt, garbage and junk and, except for public improvements, in good repair.
- E. Dead or incurably diseased trees shall be taken down and removed. Trees shall be kept pruned, and dead wood shall be removed.
- F. 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.
- G. No owner or occupant, or responsible party 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 or provide harborage for rats, rodents, pigeons, wild animals or other pests in or upon said property.



- H. The condition of the parcel or lot of any real property (or portion thereof) or any buildings, sheds or other structures located thereon, whether closed or open, shall not be permitted to attain, or remain in, 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.
- I. 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.
- J. Yards, courts, play areas and vacant lots shall be kept clean and free of physical hazards. They shall be maintained in a manner that will prevent rubbish from being blown about the neighborhood. Open wells, cesspools or cisterns shall be securely closed or barricaded to prevent access by the public.
- K. The owner of a vacated building shall take such steps and perform such acts as may be required of him from time to time to ensure that the building and its adjoining yards remain safe and secure and do not present a hazard to adjoining property or to the public.
- L. A junked vehicle may not be parked, stored or left in the open but shall be stored in a suitably enclosed location inside a building or behind a fence which screens such junked vehicles from view. A "junked vehicle," for the purposes of this chapter, shall mean an unregistered motor vehicle not suitable for operation as originally intended. Lack of a license plate affixed to a motor vehicle shall be presumptive evidence that the vehicle is unregistered.
- M. All 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 curblin, must be maintained in a clean, sanitary and safe condition free from litter, debris, paper, dirt, garbage and junk.
- N. Disposal facilities must be provided in a clean and sanitary way, for all garbage, refuse and debris. Exterminating insects, rodents or other pests must be done within that part of the premises which they occupy.

#### **Section 6. Standards for Exterior of Buildings and Structures**

- A. All exterior exposed surfaces not inherently resistant to deterioration shall be repaired, coated, treated or sealed to protect them from deterioration or weathering.
- B. The foundation walls of every building shall be maintained in good repair and shall be structurally sound.



- C. Exterior walls, roofs and all openings around doors, windows, chimneys and other parts of a building shall be so maintained as to keep water from entering the building and to prevent undue heat loss from occupied areas. Materials which have been damaged or show evidence of dry rot or other deterioration shall be repaired or replaced and refinished in a workmanlike manner. Exterior walls, roofs and other parts of the building shall be free from loose, improperly secured, and unsecured objects and material. Such objects or materials shall be removed, repaired or replaced.
- D. The owner of a vacated, or otherwise vacant building or premises shall take such steps and perform such acts as may be required from time to time to ensure that the building or premises and its adjoining yard remain safe and secure and do not present a hazard to adjoining property or to the public.
- E. All graffiti or defacing shall be removed and the surface finish restored within a five-day period.
- F. Buildings and structures shall be maintained in such a condition so that they shall not become unoccupied hazards, as defined below, or an unsafe building pursuant to Chapter 50 of this Code.
  - 1) An "unoccupied hazard," for purposes of this subsection, shall be defined as any building or part thereof which is unoccupied with either doors, windows or other openings broken, removed or boarded or sealed up, or any building under construction upon which little or no construction work has been performed for a period of more than six months.

## **Section 7. Prohibition Against Running Bamboo**

A. No Person shall plant, install, or cause or permit the planting or installation of plant species upon any property located within the Village of Poquott, commonly considered to be classified as "running bamboo," hereinafter defined as any tropical or semi-tropical grasses with monopodial (leptomorph) rhizome (root) systems, including, but not limited, to the following plant genera: Arundinaria, Chimonobambusa, Phyllostachys, Pleioblastus, Pseudosasa, Sasa, Sasaella, and Semiarundinaria.

B. Duty to confine bamboo. In the event any species commonly considered to be classified as "bamboo," either "running" or "clumping," hereinafter defined as any tropical or semi-tropical monopodial (leptomorph) or sympodial (pachymorph) grasses, including, but not limited to, Arundinaria, Bambusa, Chimonobambusa, Dendrocalamus, Fargesia, Phyllostachys, Pleioblastus, Pseudosasa, Sasa, Sasaella, and Semiarundinaria, is located upon any property, within the Village of Poquott, the owner or occupant of said property shall confine such species to prevent the



encroachment, spread, invasion or intrusion of same onto any other property or right-of-way.

C. Presumption. In the event any species commonly considered to be classified as "bamboo" is found to have encroached, spread, invaded, or intruded upon any other property or right-of-way, said species shall be presumed to be classified as "running bamboo." This presumption shall be rebuttable.

D. Running Bamboo is deemed to be a nuisance in the Village of Poquott, and may be deemed a hazard, and may be deemed to create an unsafe condition, depending on the location of the Running Bamboo.

#### **Section 8. Enforcement.**

- A. The Code Enforcement Officer and other duly appointed law enforcement officers of the Incorporated Village of Poquott shall be charged with the duty of administering and enforcing this chapter.
- B. It shall be the duty of the Code Enforcement Officer 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.

#### **Section 9. Penalties for Offenses.**

- A. Any person, corporation or other entity, upon conviction of a violation of this chapter, shall be fined a sum of money of not less than \$100 nor more than \$200 or be imprisoned for a term of not exceeding 15 days for the first offense, and shall be fined not less than \$500 nor more than \$1,000 or be imprisoned for a term of not exceeding 30 days for the second or any subsequent offense. Each week's continued violation shall constitute a separate additional violation. The Village reserves the right to seek any other remedy at law or equity against any person, corporation, or other entity that is alleged to be in violation of this Chapter.
- B. In Addition to the penalties detailed above in 9.A. the Village may abate and otherwise remediate any violation of this Chapter, and place a lien against the real property for the cost of said abatement and/or remediation. For the purposes of this subsection, the dictates of following sections of Chapter 50 of the Village Code, shall govern: §50-6 Inspection report; §50-7 Action by Board after filing of report; §50-8 Notice to owner of the subject premises; §50-9 Filing of the notice; §50-10 Public hearing; and, §50-12 Costs and expenses.

- C. Nothing in this section or this chapter shall be construed as depriving the Village of any other available remedy relevant to a violation of this chapter and the election by the Village of any particular remedy, including a prosecution shall not constitute a waiver by the Village of the rights that the Village may have to a civil or other remedy.

### **Section 10: Severability**

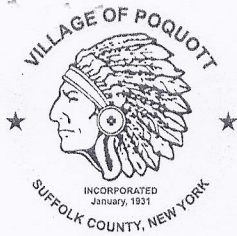
If the provisions of any article, section, subsection, paragraph, subdivision or clause of this local law shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any article, section, subsection, paragraph, subdivision or clause of this local law.

### **Section 11. Adoption**

Approved by: \_\_\_\_\_

Date: \_\_\_\_ day of \_\_\_\_\_, 2014





# Incorporated Village of Poquott

45 Birchwood Avenue

Poquott, NY 11733

Telephone (631) 476-4043 • Fax (631) 331-0402 • Website: [www.Poquott.org](http://www.Poquott.org)

Barbara Donovan, Mayor

---

## INCORPORATED VILLAGE OF POQUOTT

### SEQRA DETERMINATION: LOCAL LAW 1 OF 2014

The Village Board of Trustees of the Incorporated Village of Poquott, after due deliberation hereby concludes and resolves that:

1) Local Law 1 of 2014 entitled: A Local Law Regulating and Governing Property Maintenance within the Village of Poquott, is a Type II action pursuant to the SEQRA regulations, 6 NYCRR 617.5(c)(27), and, hence, is not subject to the requirements of SEQRA.