

LOCAL LAW NO, 6 OF THE YEAR 2021 OF THE  
TOWN OF SAUGERTIES, TO BE KNOWN AS THE  
PROPERTY MAINTENANCE LAW

BE IT ENACTED, by the Town Board of the Town of Saugerties, as follows:

1. Legislative Intent.

- A. The Town Board of the Town of Saugerties hereby declares that it is necessary for the health, safety, appearance and general welfare of the public, the residents of the Town of Saugerties, and the owners of real property located in the Town of Saugerties, to provide a method whereby properties, including roads and right-of-ways, within the Town are properly maintained, properly repaired, kept clean and kept free from vermin, nuisances, hazards, debris and litter.
- B. Properties which are not properly maintained and repaired may serve as an attractive nuisance, may result in injuries therein, may be a point of congregation by vagrants and transients, may attract rodents or insects and may also attract illegal drug activity.
- C. Properties which are not adequately maintained and repaired tend to diminish or lessen the appearance thereof or detract from the appearance of adjoining properties, which may lead to the progressive deterioration of a neighborhood and blight thereon.
- D. It is further found and declared that if the same are not curtailed and removed, the aforesaid conditions will grow and spread and will necessitate in time the expenditures of large amounts of public funds to correct and eliminate the same, and that by reason of timely regulations and restrictions as herein contained, the growth or blight may be prevented, the desirability and amenities of neighborhoods enhanced and the public health, safety and welfare protected and fostered.

2. General References

New York State Building Code, New York State Residential Code, New York State Fire Code, New York State Gas Code, New York State Property Maintenance Code.

### 3. Definitions.

**ABANDON or ABANDONED.** To withdraw or give up by leaving the premises or ceasing to operate or inhabit the premises; to relinquish or renunciate an interest, claim, privilege, possession or right in a real property or an improvement on real property, especially with the intent of never again resuming or reasserting it; more than a seasonal absence from the premises.

**ANCHORED.** Secured in a manner that provides positive connection.

**APPROVED.** Acceptable to the *building official*.

**AUTHORITY HAVING JURISDICTION.** The governmental unit or agency responsible for administration and enforcement of this code.

**BUILDING OFFICIAL.** The officer who is charged with the administration and enforcement of this code, or any duly authorized representative.

**CHILDREN'S OVERNIGHT CAMP.** A property consisting of a tract of land and any tents, vehicles, buildings or other structures that may be pertinent to its use, any part of which may be occupied by persons under 18 years of age under general supervision for the purpose of outdoor or indoor organized activities and on which provisions are made for overnight occupancy of children. However, the term "children's overnight camp" shall not include any place or facility which has been excepted from the State Sanitary Code by the Commissioner of the New York State Department of Health pursuant to Section 1392(1) of the Public Health Law.

**[NY] CODE ENFORCEMENT PROGRAM.** The program under which an *authority having jurisdiction* administers and enforces this code, as such program is currently in effect and as such program may hereafter be amended from time to time.

**CONDEMN.** To adjudge unfit for *occupancy*.

**COST OF SUCH DEMOLITION OR EMERGENCY REPAIRS.** The costs shall include the actual costs of the demolition or repair of the structure less revenues obtained if salvage was conducted prior to demolition or repair. Costs shall include, but not be limited to, expenses incurred or necessitated related to demolition or emergency repairs, such as asbestos survey and abatement if necessary; costs of inspectors, testing agencies or experts retained relative to the demolition or emergency repairs; costs of testing; surveys for other materials that are controlled or regulated from being dumped in a landfill; title searches; mailing(s); postings; recording; and attorney fees expended for recovering of the cost of emergency repairs or to obtain or enforce an order of demolition made by a *building official*, the governing body or board of appeals.

**DETACHED.** When a structural element is physically disconnected from another and that connection is necessary to provide a positive connection.

**DETERIORATION.** To weaken, disintegrate, corrode, rust or decay and lose effectiveness.

**DWELLING UNIT.** A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

**EASEMENT.** That portion of land or property reserved for present or future use by a person or agency other than the legal fee *owner(s)* of the property. The *easement* shall be permitted to be for use under, on or above said lot or lots.

**EQUIPMENT SUPPORT.** Those structural members or assemblies of members or manufactured elements, including braces, frames, lugs, snuggers, hangers or saddles, that transmit gravity load, lateral load and operating load between the equipment and the structure.

**EXISTING BUILDING.** A *building* or *structure* that is legally occupied and/or for which a *certificate of occupancy* authorizing its use(s) has been issued, without regard to the date on which such legal occupancy began or the date on which such certificate of occupancy was issued.

**EXTERIOR PROPERTY.** The open space on the *premises* and on adjoining property under the control of *owners* or operators of such premises.

**FIRE HAZARD.** Anything or any act which increases or may cause any increase of the hazard or menace of fire to a greater degree than that customarily recognized as normal by persons in the public service or preventing, suppressing or extinguishing fire or which may obstruct, delay or hinder or may become the cause of an obstruction, delay, hazard or hindrance to the prevention, suppression or extinguishment of fire.

**GARBAGE.** The animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.

**GUARD.** A building component or a system of building components located at or near the open sides of elevated walking surfaces that minimizes the possibility of a fall from the walking surface to a lower level.

**HABITABLE SPACE.** Space in a structure for living, sleeping, eating or cooking. *Bathrooms, toilet rooms, closets, halls, storage or utility spaces, and similar areas* are not considered *habitable spaces*.

**HISTORIC BUILDING.** Any building or structure that is one or more of the following:

1. Listed or certified as eligible for listing, by the State Historic Preservation Officer or the Keeper of the National Register of Historic Places, in the National Register of Historic Places.
2. Designated as historic under an applicable state or local law.
3. Certified as a contributing resource within a National Register or state or locally designated historic district.

**IMMINENT DANGER.** A condition that could cause serious or life-threatening injury or death at any time.

**INFESTATION.** The presence, within or contiguous to, a structure or *premises* of insects, rodents, vermin or other pests.

**INOPERABLE MOTOR VEHICLE.** A vehicle that cannot be driven upon the public streets for reason including but not limited to being unlicensed, wrecked, abandoned, in a state of disrepair, or incapable of being moved under its own power.

**LABELED.** Equipment, materials or products to which have been affixed a label, seal, symbol or other identifying mark of a nationally recognized testing laboratory, *approved* agency or other organization concerned with product evaluation that maintains periodic inspection of the production of the above-*labeled* items and whose labeling indicates either that the equipment, material or product meets identified standards or has been tested and found suitable for a specified purpose.

**NEGLECT.** The lack of proper maintenance for a building or *structure*.

#### **NUISANCE**

A. Any public or private nuisance known at common law or in equity jurisprudence, or as provided by the statutes of the State of New York, or the laws, codes or regulations of the Town of Saugerties.

B. Any attractive nuisance which may prove detrimental to the health or safety of children, whether in a building, on the premises of a building or upon an unoccupied lot, including, but not limited to, abandoned wells, shafts, basements, excavations, abandoned iceboxes, refrigerators, motor vehicles, any structurally unsound fences or structures, lumber, trash, fences, debris or vegetation.

C. Physical conditions dangerous to human life or detrimental to the health of persons on or near the premises where the condition exists.

D. Unsanitary conditions or anything offensive to the senses or dangerous to the health, in violation of this code.

E. Whatever renders air, food or drink unwholesome or detrimental to the health of human beings.

F. Fire hazards.

OCCUPANCY. The purpose for which a building or portion thereof is utilized or occupied.

OCCUPANT. Any individual living or sleeping in a building, or having possession of a space within a building.

OPENABLE AREA. That part of a window, skylight or door which is available for unobstructed ventilation and which opens directly to the outdoors.

OPERATOR. Any person who has charge, care or control of a structure or *premises* that is let or offered for *occupancy*.

OWNER. Any person, agent, *operator*, firm or corporation having legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

PERSON. An individual, corporation, partnership or any other group acting as a unit.

PEST ELIMINATION. The control and elimination of insects, rodents or other pests by eliminating their harborage places; by removing or making inaccessible materials that serve as their food or water; by other *approved pest elimination* methods.

PREMISES. A lot, plot or parcel of land, *easement* or *public way*, including any structures thereon.

PUBLIC WAY. Any street, alley or other parcel of land that: is open to the outside air; leads to a street; has been deeded, dedicated or otherwise permanently appropriated to the public for public use; and has a clear width and height of not less than 10 feet (3048 mm).

RUBBISH. Combustible and noncombustible waste materials, except garbage; the term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, *yard* trimmings, tin cans, metals, mineral matter, glass, crockery and dust and other similar materials.

STRICT LIABILITY OFFENSE. An offense in which the prosecution in a legal proceeding is not required to prove criminal intent as a part of its case. It is enough to prove that the defendant either did an act which was prohibited, or failed to do an act which the defendant was legally required to do.

**STRUCTURE.** That which is built or constructed.

**TENANT.** A person, corporation, partnership or group, whether or not the legal *owner* of record, occupying a building or portion thereof as a unit.

**ULTIMATE DEFORMATION.** The deformation at which failure occurs and that shall be deemed to occur if the sustainable load reduces to 80 percent or less of the maximum strength.

**UNIFORM CODE.** The New York State Uniform Fire Prevention and Building Code, adopted pursuant to Article 18 of the New York State Executive Law, as currently in effect and as hereafter amended from time to time.

**VENTILATION.** The natural or mechanical process of supplying conditioned or unconditioned air to, or removing such air from, any space.

**WEEDS.** Uncultivated vegetation such as grasses, brush, briars, and annual plants, excluding trees and cultivated vegetation, such as shrubs, flowers, gardens, and vegetation used for agricultural purposes.

**YARD.** An open space on the same lot with a structure.

#### 4. Applicability

- A. This chapter shall apply to the following Properties with any structures on it, vacant land if harm could occur or unsafe/unsanitary conditions, lots, plots or parcels of land on which residential, non-residential and mixed-use buildings are located.

Principal and accessory buildings and structures used for or intended to be used for residential, non-residential and mixed uses or occupancies.

- B. Every building, structure of use, and the premises on which it is situated, which is used or intended to be used for residential or non-residential or mixed-use occupancy shall comply with the provisions of this code, whether or not such building, structure or use shall have been established, constructed, altered or repaired before or after the enactment of this chapter, and irrespective of any permits or licenses which shall have been issued for the use or occupancy of the buildings, structures or premises for the use, occupancy, construction or repair of the building or structure, or for the installation or repair of equipment or facilities, or for the installation or repair of accessory structures and improvements prior to the effective date of this code. This code establishes minimum standards

otherwise established for the construction, repair, alteration or use of the buildings, structures, equipment or facilities contained therein.

- C. The provisions of this chapter shall supplement the local laws, codes and regulations of the Town of Saugerties. When a provision of this chapter is found to be inconsistent with any provision of any other local law, code or regulation of the Town, the provision or requirement which is the more restrictive or which establishes the higher standard shall prevail. A greater penalty shall not be considered as more restrictive or a higher standard.
- D. After the date of enactment hereof, all licenses, permits and approvals of any agency or board of the Town shall be issued conditionally upon compliance with this chapter as well as compliance with the local law, code or regulation under which such license, permit or approval is granted.
- E. No license, permit, approval or other certification of compliance with this chapter shall constitute a defense against any violation of any other local law, code or regulation of the Town of Saugerties applicable to any structure or premises, nor shall any provision herein relieve any owner or operator from complying with any such other provision or with the order of any official of the Town.

5. Disposal of Debris and Litter.

- A. The owner, tenant or occupant or person in control of a premises or property shall not abandon, leave, dump, store or keep any nuisance, hazardous material, debris and litter, or any matter, including matter attractive to vermin, upon any private or public premises, public highway, road, street, alley or thoroughfare, including any portion of the right-of-way thereof or any other public lands or upon any privately owned property within the Town of Saugerties.

6. Maintenance of Landscaping, Buildings and Structures.

The owner or occupant or tenant or operator, or person in control as the case may be of any building within the Town of Saugerties shall comply with the following:

- A. The premises shall be properly maintained. Lawns or other ground cover shall be kept trimmed to a height of no more than ten (10") inches. All hedges, bushes and shrubs shall be reasonably maintained so that overgrowth is not more than ten (10) inches where exposed to public view or depreciate the value of adjoining and nearby property, or which may impair the appearance of the neighborhood.

B. The premises shall be free of nuisance, hazardous items, debris, litter rubbish and unsanitary conditions.

C. Dead, damaged or diseased trees or shrubs, or any portion thereof that may present any imminent hazard to life and property of adjoining properties shall be removed.

D. Properties shall be maintained so as to prevent soil erosion and sedimentation.

E. The storage of two (2) or more unregistered, old or secondhand motor vehicles no longer intended for use on public highways is prohibited in accordance with Section 136 of the General Municipal Law.

F. The storage of two (2) or more unregistered, old or secondhand boats or watercraft no longer in condition or repair to be operated on the water is prohibited.

G. Disposal of garbage and refuse shall be into refuse containers in a clean and sanitary manner. Dumpsters are to be enclosed in a fenced area as per New York State law. Refuse containers should be removed from the curbside within twenty-four (24) hours. Refuse containers shall not be placed in a manner which blocks a sidewalk.

H. This section shall not prevent nor prohibit the maintenance of a compost site/area in an approved and properly functioning manner, in an area of no greater than ten (10) feet by twenty (20) feet (200 square feet) and provided such composite site/area is not located within any front yard, side yard or rear yard setback, under the Town of Saugerties Zoning Law.

I. Loose and overhanging objects which, by reason of their location above ground level, constitute a danger of falling on persons in the vicinity thereof shall be repaired or removed.

J. Sidewalks, driveways, parking areas and other means of ingress and egress for the property and structure shall be maintained free of hazardous conditions.

K. All holes, excavations, breaks, trenches and digging left open shall be appropriately filled and repaired or replaced.



L. The premises shall be kept and maintained in a clean, sanitary and safe condition, free from litter, rubbish, paper, dirt and garbage, except for public improvements, in good repair.

M. Roadways, driveways and parking areas shall have an unobstructed width of not less than 20 feet exclusive of shoulders and unobstructed vertical clearance of not less than 13 feet 6 inches and shall be maintained to support the imposed loads of emergency apparatus, be kept in good repair, be surfaced to provide safe access for all weather driving capabilities and free of dirt, rubbish and debris.

N. The exterior of all structures shall be kept free from loose, broken or unsecured objects or materials, including but not limited to windows, aerials, shutters, shingles, bricks, railings and gutters, shall be properly secured or removed from the structure.

O. All exterior exposed structures not inherently resistant to deterioration shall be coated, treated or sealed to protect them from deterioration or weathering. Wood, masonry or other exterior materials that will naturally resist deterioration do not have to be treated but must otherwise be maintained in a sound, secure manner. Exterior surfaces that have been painted or otherwise coated must be maintained in a neat, orderly and serviceable manner.

P. Every floor, exterior wall, roof, porch or accessory structures thereto shall be maintained in a manner so as to prevent the collapse of the same or injury to the occupants of the building or to the public.

Q. Foundation walls and bearing walls of every building shall be maintained in good repair and be structurally sound.

R. Vacated buildings or structures must be kept locked or secured. Steps and acts shall be taken as may be required 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 and that such property does not become infested with vermin or rodents.

S. Each owner of any building from which garbage, rubbish, mixed refuse, ashes or other wastes are collected shall provide refuse containers sufficient in number to hold all collectible wastes which may accumulated. Containers must be fly-tight, rodent-tight and watertight and must be kept covered at all times.<sup>7</sup> Enforcement and Compliance, Notice of Violation.

A. On any residential, non-residential or mixed-use premises, any owner, tenant or occupant or such person in control of any premises which has been determined to be in violation of this chapter shall cure or remove such violation when ordered to do so by the Code Enforcement Officer, by a member of the Police Department, Fire Inspector or Assistant Building Inspector or subordinate with code enforcement authority, or Superintendent of Highways of designee, regarding right-of-way violations, with thirty (30) days of the service of written notice as provided in subsection "C" below.

B. Any person or persons in control responsible for the creation of a violation under this chapter affecting a public street or other public property within the Town of Saugerties, shall remove such offense when ordered to do so by the Code Enforcement Officer, by a member of the Police Department, Fire Inspector or enforcement authority, Superintendent of Highways or designee within thirty (30) days of the service of written notice as provided in Subsection "C" below.

C. All written notices under this section shall either be served on the owner, tenant or occupant or person in control of any property located within the Town of Saugerties and by mailing a copy of such notice by certified mail/return receipt requested, to the owner, tenant or occupant or person in control of the property as shown on the current assessment records of the Town, or by posting a copy of such violation notice upon the front portion of the property or upon the main structure and by mailing a copy of such notice by certified mail/return receipt requested to the owner of the property as shown on the current assessment records of the Town. In the case of any person responsible for the creation of an offense existing upon a public street or public property, noticed may be personally served on such person or mailed by certified mail/return receipt requested to such person at such persons last known address.

D. The Code Enforcement Officer or Building Inspector and any subordinate of the building inspector with code enforcement authority shall be responsible to direct the proper securing of dumpsters, containers or enclosures upon all properties other than public property, and such officer shall provide written notice of non-compliance to the owner, tenant or occupant as provided in Subsection "C", which shall require the removal within thirty (30) days of any nuisance, hazard, debris or litter not properly secured within a dumpster, container or enclosure.

E. Inspections. The Enforcement Officer is authorized to enter upon any land at any reasonable time for the purpose of performing his or her duty under this section.

8. Penalties for Offenses.

A. A violation of this chapter or regulation is hereby declared to be an offense, punishable by a fine not exceeding \$1,000.00 or imprisonment for a period not to exceed five (5) days, or both. Each twenty-four (24) hours during which a violation shall continue constitutes a separate and distinct violation within the meaning of this chapter. However, for the purpose of conferring jurisdiction upon courts and judicial officers generally, violations of this chapter or regulation shall be deemed a misdemeanor and, for such purpose only, all provisions of law relating to misdemeanors shall apply to such offenses.

B. In addition to any other remedies set forth herein authorizing the Town to enforce the provisions of this chapter, establishing penalties and setting for additional remedies, the person charged with the responsibility to enforce the provisions of this chapter may impose a civil fine or agree to a civil fine not to exceed \$1,000.00 per day for each day of the violation. If said civil fine is imposed, then the alleged violator may appeal to the Town Board within thirty (30) Days after being served with notice of the civil fine. If the civil fine is not vacated or overturned by the Town Board, and is not paid in full to the Town Tax Receiver or Town Clerk by the tax collection date next following, the civil fine and charge shall be a lien upon the premises on which it is levied, and shall be collected by the Town as an assessment upon said premises on the next real property tax statements issued by the County of Ulster, as provided by law.

9. Removal by Town; Charges.

A. Upon the failure of an owner, tenant or occupant or person in control with notice to correct a condition complained of, the Town Board shall hold a public hearing. The public hearing shall be held upon notice published in the official paper, posted conspicuously on the affected property and, if obtainable, forwarded to the last known address of the property owner, as it appears on the current assessment records of the Town, by certified mail/return receipt requested. Posting, forwarding and publication shall be made not less than ten (10) days prior to the date of the public hearing.

B. The Town Board, after a public hearing as provided by Subsection "A" hereof, may cause and continue to cause the removal of any building, structure, vermin, nuisance, hazard, debris or litter as defined in this chapter, or any vehicle parked or stored in violation of this section, to be removed from any premises within the Town of Saugerties, upon the failure or the continued failure, of such owner, tenant or

occupant to comply with any requirements and/or conditions of the Town Board. Said removal may be performed by the Town of Saugerties or by its designee, or agent, including a private contractor. The Town Board shall ascertain the cost of the proceeding and the costs of removal and assess such expense against the record owner of the property. Any expense so assessed shall constitute a lien and charge on the real property on which it is levied until paid or otherwise satisfied or discharged and shall be collected in the same manner and at the same time as other Town charges, as an assessment upon said premises on the next real property tax statements issued by the County of Ulster as provided by law.

C. The removal of any building, structure, nuisance, hazard, litter or debris by the Town of Saugerties or its agents shall not operate as an excuse for such owner, tenant or occupant from properly maintaining the premises as required by this section, and such owner, tenant or occupant shall, notwithstanding such action, be subject to any other penalties as provided for herein.

#### 10. Emergencies

Whenever the Code Enforcement Officer, Building Inspector or Fire Inspector, at any stage of the proceedings instituted under the provisions of this code finds that a violation of this code exists which, in his or her opinion, presents immediate danger to the health, safety or welfare of the occupants of a building or of the public, he or she may, without prior notice or hearing, issue an order citing the violation and directing that such action be taken as is necessary to remove or abate the hazard or danger. Such order may include an order to vacate. Notwithstanding any other provision of this code, such order shall be effective immediately upon service and shall be complied with immediately or as otherwise provided.

#### 11. Transfer of Ownership.

No owner of any building, structure or other premises upon which any notice or order pursuant to this code has been served shall sell, transfer, grant, mortgage, lease or otherwise dispose of such property to another until compliance with the provisions of such notice or order has been secured; or until such owner shall furnish to the purchaser, transferee, grantee, mortgagee or lessee, prior to such sale, transfer, grant, mortgage or lease, a true copy of such notice or order and, at the same time, give adequate notification to the Code Enforcement Officer, Building Inspector or Fire Inspector, in writing, of the name and address of such person, persons or firm to whom or to which the sale, transfer, grant, mortgage or lease is proposed. A purchaser, transferee, grantee, mortgagee or lessee who has been

informed of the existence of any notice or order issued pursuant to the code shall be bound thereby.

12. Severability; Repealer.

A. If any provision, paragraph, word, section or article of this chapter is invalidated by a court of competent jurisdiction, the remaining provisions, paragraphs, words, sections and articles shall not be affected and shall continue in full force and effect.

B. All other chapter, ordinances or local laws and any parts thereof which are inconsistent or conflict with any part of this chapter are hereby repealed to the extent of any inconsistency or conflict.

13. Effective Date.

This Local Law shall be effective, upon filing and acceptance by the Secretary of State.

PASSED, ADOPTED AND APPROVED This 17<sup>th</sup> day of November 2021.

SAUGERTIES TOWN BOARD

By: \_\_\_\_\_



Fred Costello, Supervisor  
Town of Saugerties



Lisa Stanley, Town Clerk  
Town of Saugerties