

## LOCAL LAW 10-2011

A local law to create a new Chapter 280 of the Mamaroneck Village Code entitled, "Property Maintenance".

BE ENACTED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF MAMARONECK AS FOLLOWS:

### **Section 1. Enactment**

The code of the Village of Mamaroneck is hereby amended to add a new Chapter 280 entitled, "Property Maintenance", as follows:

#### **§ 280-1. Purpose.**

Proper maintenance of real properties within the Village of Mamaroneck is essential to protect the safety, health and well-being of persons living and working within the Village.

#### **§ 280-2. Compliance required.**

In keeping with the above purpose, no building or structure shall be maintained in the Village of Mamaroneck except in compliance with the provisions of the Property Maintenance Code of the State of New York.

#### **§ 280-3. Penalties for offenses.**

Every person who shall violate any provisions of the Property Maintenance Code of the State of New York in the Village of Mamaroneck shall be subject to a penalty of up to \$250 per day for each violation of the above code. Each and every day that such violation continues shall constitute a separate offense.

#### **§ 280-4 Exterior property and structures.**

- A. All exterior surfaces of a structure including but not limited to walls, window treatments, facades, windows, doors, fences, canopies and billboards, shall be maintained in a clean, safe and sanitary condition.
- B. All exterior property and premises shall be maintained in a clean, safe and sanitary condition.
- C. All graffiti or defacing of any exterior structure or premises shall be removed and the surface finish restored within a period of two (2) business days.

#### **§ 280-5. Enforced compliance procedures.**

Pursuant to the authority provided in Sections 106 and 302 of the Property Maintenance Code of the State of New York, the following enforced compliance procedures are established:

- A. If an owner or occupant of such property fails to maintain that property in keeping with the Property Maintenance Code and thereby violates provisions of that code, the Building Inspector shall serve upon such owner or occupant by certified mail, return receipt requested, and by ordinary mail at the owner's or occupant's last

known address, a written notice of violation and an order to correct, requiring the owner or occupant to remedy such failure and comply with the code provisions.

- B. A property owner or occupant, who disputes the notice of violation, shall have the right to appear before the Village Manager or his/her designee within five days after service of the above notice to contest the violation claim.
- C. The owner or occupant will be given a second written notice if the Village Manager or his/her designee upholds the violation claim after it is contested by the owner or occupant.
- D. If an owner or occupant fails, neglects or refuses to comply with the above notices within ten (10) business days of service of the notice, the Village and/or its agent may correct the maintenance violation.
- E. In a case where the Village has corrected the maintenance violation in response to a property owner's or occupant's failure to comply, that owner or occupant shall pay to the Village the costs of such maintenance compliance performed by the Village within 30 days of a request for payment issued by the Village for such maintenance compliance work.
- F. Upon the failure of an owner or occupant to pay the above costs in accordance within the time frame identified in §280-5(E) above, the Village Building Inspector shall certify such costs to the Village Clerk and or Treasurer, and thereupon such costs shall become and be a lien upon the land involved and shall be added to and shall become a part of the property taxes next to be assessed and levied upon such land and shall bear interest at the same rate as and be collected and enforced in the same manner as taxes. The provisions of this section with respect to costs shall be in addition to any penalty imposed for violation of or noncompliance with any provision of this article.
- G. The owner or occupant shall have an opportunity to contest the compliance costs and request for payment issued by the Village upon written request made within 10 business days of the request for payment being issued by the Village. The owner or occupant shall appear before a panel composed of the Village Manager or his designee, the Village Clerk-Treasurer and the Village Building Inspector.

## **Section 2. Severability**

If any section, subsection, clause, phrase or other portion of this Local Law is, for any reason, declared invalid, in whole or in part, by any court, agency, commission, legislative body or other authority of competent jurisdiction, such portion shall be deemed a separate, distinct and independent portion. Such declaration shall not affect the validity of the remaining portions hereof, which other portions shall continue in full force and effect.

## **Section 3. Effective Date**

This Local Law shall take effect immediately upon adoption and filing in the office of the Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.