

Chapter 112 Brush, Obnoxious Growth and Trash

PROPERTY MAINTENANCE

General References

Brush, grass and weeds -See Ch. 35.
Unsafe buildings -See Ch. 41.
Health and sanitation -See Ch. SO.
Housing standards -See Ch. 82.
181

Littering -See Ch. 90.
Nuisances -See Ch. 99.
Residential rentals -See Ch. 120.
Streets & Side walks - See C7h. 132-10

112-1. Maintenance compliance required.

Commercial and Residential properties regulated; short title.

The purpose of this chapter is to provide basic and uniform property and maintenance standards of governing the condition and maintenance of all residential properties as to assure the desirable character of the property (including rental properties), commercial & existing industrial properties, including but not limited to offices, places of public assembly, shopping centers, supermarkets, retail stores, warehouses, manufacturing and fabrication plants, gasoline stations and other business uses. This chapter shall be known as the "Property Maintenance Code of the Incorporated Village of Manorhaven."

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

112-2. Definitions.

ACCESSORY BUILDING OR USE — A subordinate building or use customarily incidental to and located on the same lot occupied by the main building or use.

ALTERATION — As applied to a building or structure, any change, whether exterior or interior, whatsoever.

APARTMENT OR SUITE — A room or suite of two or more rooms occupied or intended to be occupied as the home or residence of an individual, family or household.

APPROVED — Approved by the Superintendent of Buildings of the Village

APPROVED MATERIAL AND CONSTRUCTION — Material and construction approved by the Building Inspector of the Village.

BASEMENT — That space of a building that is partly below grade, which has more than 1/2 of its height, measured from floor to ceiling, above the average established finished grade of the ground adjoining the building.

BATHROOM — An enclosed space containing one or more water closets. It may also contain additional plumbing fixtures, such as a lavatory, bathtub or shower or other fixtures serving similar purposes.

BOARDER — One who rents a room in or a portion of a private residence for living purposes with no cooking facilities in the room or portion rented.

BRUSH - A dense growth of unkemp brushes or shrubs, land covered by such growth and/or cut or broken branches and or land covered with scrub vegetation.

BUILDING – Any structure used or intended for supporting or sheltering any use or occupancy.

BUSINESS UNIT — A building used for business purposes, including but not limited to shopping centers, supermarkets, retail stores, discount houses, warehouses, manufacturing or fabrication plants, gasoline service stations, public garages, motor vehicle repair shops or other business uses.

CELLAR — That space of a building that is partly or entirely below grade, which has more than 1/2 of its height, measured from floor to ceiling, below the average established finished grade of the ground adjoining the building.

CODE OFFICIAL – The officer or other designated authority charged with the administration and enforcement of this code.

COMPOST – Organic fertilizing mixture

COURT — A required open and occupied space on the same lot and enclosed on at least three sides by walls of a building.

CULTIVATE – To improve and prepare (land), as by plowing or fertilizing for raising crops; till, to loosen or dig soil around (growth plants), to form and refine, as by education, to seek the acquaintance of goodwill of; make friends with, to promote growth, and/or to improve by labor, care, or study :refine.

DEBRIS — Any garbage, litter, used automotive parts, construction waste, refuse or other solid waste.

DWELLING — Any building which is wholly or partly used or arranged, designed or intended to be occupied or used for living or sleeping by one or more human occupants.

DWELLING, ONE-FAMILY — A building containing not more than one dwelling unit occupied exclusively for residential purposes.

DWELLING, TWO-FAMILY — A building containing two dwelling units occupied exclusively for residential purposes by families living independently of the other.

DWELLING UNIT — A living unit containing two or more habitable rooms with provisions for living, cooking, eating, sanitary and sleeping facilities arranged for the use of one family.

EXIT — A way of departure from the interior of a building or structure to the exterior at street or grade, including doorways, passageways, hallways, corridors, stairways, ramps, fire escapes and all other elements necessary for egress or escape.

FAMILY — Parents, grandparents, great grandparents, children, brothers and sisters, whether natural or adopted, living and cooking together on the premises as a single housekeeping unit

GARAGE, COMMERCIAL — A building or part thereof, other than a private or private residential garage, designed or intended and lawfully used for the temporary storage and contemporaneous repair, servicing, alteration or other care or maintenance of motor vehicles for a profit.

GARAGE, PRIVATE — A detached accessory building or attached part or portion of a main building, on a nonresidentially zoned parcel of land, designed or intended for use, or capable of use, for the sheltered parking and temporary storage of motor vehicles of the occupants of the main building or building group to which the garage is accessory or forms a part, and in which no service, occupation, business or other commercial activity is carried on or conducted.

GARAGE, PRIVATE RESIDENTIAL — A nonhabitable accessory building, or that nonhabitable portion attached to and forming a part of the dwelling or multiple dwelling, on a residentially zoned parcel of land, designed and intended for use, or capable of use, for the sheltered parking and temporary storage of one or more passenger automobiles and other vehicles incidental to the residential use and occupancy of the premises.

GARBAGE — All putrescible animal or vegetable wastes resulting from the handling, preparation, cooking and consumption of food.

HABITABLE FLOOR AREA — In a dwelling, those rooms occupied or capable of being occupied by one or more persons for living, eating and/or sleeping purposes; on the first floor of such dwelling it shall be construed to mean all finished floor area having a clear headroom of 71/2 feet (90 inches) or more, including stairwells; on the second floor, it shall be construed to mean all finished or unfinished floor area having a clear headroom of 71/2 feet (90 inches) or more for a minimum horizontal measurement of seven feet, with sidewalls of not less than 51/2 feet (60 inches) in height.

HAZARD – Danger or risk

HAZARDOUS MATERIALS – Those chemicals or substance that rare physical hazards or health hazard as defined and classified in this section and the Fire Code of New York State, whether the materials are in unstable of waste condition.

INFESTATION — The presence of insects, rodents, vermin or other pests.

JUNK VEHICLE — Any vehicle, including but not limited to a motor vehicle, a motor home, a camper or RV (recreational vehicle), an ATV (off-road all-terrain vehicle), a boat or other watercraft, and any type or kind of towable trailer, which is in such a noticeably wrecked, damaged, dismantled or partially dismantled condition, or in such other observable state of physical or mechanical deterioration or disrepair, as to actually or apparently render such vehicle incapable of legal use and/or safe, proper and reasonable operation upon the public streets and highways, upon the public waterways, or upon public lands, as the case might be.

KITCHEN — A space of 60 square feet or more in floor area, located in a dwelling or other structure, and designed or intended or actually so used for the preparation and cooking or warming of food.

KITCHENETTE — A space of less than 60 square feet in floor area, located in a dwelling or other structure, and designed and intended or actually so used for the preparation and cooking or warming of food.

LOT — Also means plot, tract, premises or parcel of land, with or without buildings or structures located thereon, as surveyed and apportioned for sale or other purposes.

MIXED OCCUPANCY — Occupancy of a building or structure in part for one use and in part for another use not customarily accessory or incidental to the other.

MULTIPLE DWELLING — A dwelling which is designed or intended to be occupied or is occupied as a temporary or permanent residence or home of three or more families living independently of each other.

NONHABITABLE ROOMS — Rooms within a dwelling, such as bathrooms, water closet compartments, laundries, serving and storage pantries, corridors, cellars and similar spaces, that are not used frequently or during extended periods.

PERSON -Any individual, partnership, corporation or other entity.

PLUMBING SYSTEM — The water supply system, the drainage system, the vent system, fixtures and traps, including their respective connections, devices and appurtenances, within the property lines of the premises.

POTABLE WATER — Water which is approved for drinking, culinary and domestic purposes.

PREMISES — The same as "lot."

PRIVATE DWELLING — A one- or two-family dwelling occupied exclusively for residence purposes by one or two families, respectively, as defined in this section

PUBLIC SPACE — Space within a building which is dedicated to or for a public use, such as a lobby, lounge, reception hall, meeting or conference room, recreation or lecture room, dining or banquet room, swimming pool or other similar public gathering places.

REFUSE — All cardboard, plastic, metal or glass food containers, wastepaper, rags, sweepings, small pieces of wood, excelsior, rubber, leather and similar waste material that ordinarily accumulates around a home, business or industry.

RIGHT OF WAY – An easement for passage or access for passage or access upon or across the lands of another.

SEWAGE — Liquid waste containing animal or vegetable matter in suspension or solution and which may include industrial wastes and liquids containing chemicals.

STORAGE YARD — A fully fenced and screened, open-air, off-street lot or portion of a lot lawfully used for the temporary storage of junk vehicles or other motor vehicles awaiting service or repair, in connection with and incidental to a towing business licensed under, and conforming with, the regulations of Chapter 181 of the Village Code

STRUCTURE — A combination of materials, other than a building, to form a construction that is safe and stable, and includes, among other things, stadiums, gospel and circus tents, reviewing stands, platforms, stagings, observation towers, radio towers, sheds, storage bins, walls, fences and display signs. The term "structure" shall be construed as if followed by the words "or part thereof."

TENANT — A person who rents a portion of a private residence with cooking facilities therein

UNOCCUPIED HAZARD — Any building or part thereof situated within one or more residential zoning districts or within 1,000 feet of any residential zoning district, which remains unoccupied for a period of more than 90 days with either doors, windows or other openings broken, removed, 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 90 days.

VEHICLE, ELECTIVELY INOPERABLE — Any motor vehicle, trailer or other vehicle which, though neither a junk vehicle or a legally inoperable vehicle as defined elsewhere in this section,

is nonetheless continuously parked or stored upon a lot or parcel of real property without its intervening use and operation off the premises.

VEHICLE, LEGALLY INOPERABLE — Any motor vehicle, trailer or other vehicle required to be periodically registered and/or inspected for lawful operation or transport upon the public highways and which does not have affixed or attached thereto a current and valid registration sticker, inspection sticker or license plates, or any combination thereof, as may be legally required by any federal, state or local law in order for such vehicle to be lawfully used and operated upon the public streets and highways.

VENTILATION — Supply and removal of air to and from a space by natural or mechanical means.

YARD — An open space on the same lot which contains a building and located between the building line and the lot line which the particular building line faces.

112-3. Maintenance standards.

A. Open areas; parking spaces.

- (1) Surface and subsurface water shall be appropriately drained to protect buildings and structures and to prevent the development of stagnant ponds/puddles. Gutters, culverts, catch basins, drain inlets, storm water sewers or other satisfactory drainage systems shall be utilized where necessary. No roof, surface or sanitary drainage shall create a structural safety or health hazard by reason of construction, maintenance or manner of discharge.
- (2) Fences and other accessory structures shall be maintained in a safe and non-deteriorated condition. "
- (3) Steps, walks, driveways, parking spaces and similar paved areas shall be maintained so as to afford safe passage under normal use and weather conditions. Any holes or other hazards that may exist shall be filled, and necessary repairs or replacement shall be made. Moreover, sidewalks, curbs, aprons, ramps and driveway approaches shall be constructed in accordance with the specifications set forth in § 132 of the Village Code.
- (4) Yards, courts and vacant lots shall be kept clean and free of physical hazards, rodent harborage and infestation and debris. They shall be maintained in a manner that will prevent dust or other particles from being blown about the neighborhood. Open wells, cesspools or cisterns shall be securely closed or barricaded from access to the public.
- (5) Heavy undergrowth and accumulations of plant growth which are noxious or detrimental to health shall be eliminated. Any trees or portions thereof located on private property and constituting a hazard to person or property shall be removed by homeowner.
- (6) A junked vehicle may not be parked, stored or left in the open.
- (7) All fences and plantings areas installed on the premises shall be maintained by the owner of the property. Such maintenance shall include but not be limited to the replacement of trees and shrubs which may die and/or otherwise be destroyed, the maintenance and cutting of lawns and the replacement and/or repair of fences which may be in disrepair.
- (8) Restaurants and other eating facilities shall have garbage containers sufficient in number for all of their solid waste and shall maintain them in satisfactory condition.

- (9) All areas used for off-street parking, storage of trucks and of other motor vehicles and access driveways, including any right-of-way or easement over the subject property, shall be surfaced in accordance with the following specifications: not less than two inches of broken stone after compaction and one inch of premixed bituminous material after compaction; or concrete not less than four inches thick; or, in a residential district, Belgian block or brick not less than four inches thick.

B. Buildings and structures.

- (1) All exterior exposed surfaces not inherently resistant to deterioration shall be repaired, coated, treated or sealed to protect them from deterioration or weathering. Said surfaces having once been coated with any finish, such as paint, varnish, lacquer, etc., must be continuously maintained and recoated as necessary to keep uniformity of color and texture. Such surface shall be recoated in a workmanlike manner.
- (2) Every exterior wall, roof and porch or appurtenance thereto shall be maintained in a manner so as to prevent collapse of the same or injury to the occupants of the building or to the public.
- (3) The foundation walls of every building shall be maintained in good repair and shall be structurally sound.
- (4) Exterior walls, roofs and all openings, doors and windows, including glass, 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 and unsecured objects and material and improperly secured objects and materials. Such objects or materials shall be removed or replaced.
- (5) The owner of a vacated building shall take such steps and perform such acts as may be required of him from time to time by the village's Superintendent of Buildings, the Building Inspector or the Code Enforcement Officer 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. All openings shall be provided with painted exterior-grade plywood closures, securely fastened.
- (6) Buildings and structures shall be maintained in such condition so that they shall not become an unoccupied hazard as defined in this chapter. All graffiti or defacing shall be removed and the surface finish restored within a five-day period.
- (7) All signs, awnings and lighting systems shall be maintained in a completely operable, clean, sightly, nondeteriorated and safe condition.
- (8) All decorative pools and similar devices shall be maintained free of litter and operated as intended. Should the maintenance costs of such devices prove unacceptable, the device shall be removed.
- (9) Fuel-burning, heat-producing equipment shall be installed and maintained so that the emission or discharge into the atmosphere of smoke, dust particles, odors or other products of combustion will not create a nuisance or be detrimental to the health, comfort, safety or property of any person.

- (10) Chimneys, flues and their supports shall be installed and maintained so as to be structurally safe, durable, smoke tight, noncombustible and capable of withstanding the action of flue gases without softening, cracking, corroding or spalling.
- (11) Air-conditioning units which are over any public opening shall have condensation piped away from the entranceway of same.
- (12) Electrical fixtures, devices, wiring and systems shall be maintained in safe working condition, so as not to be a potential source of ignition of combustible material or an electric hazard or shock, and shall be properly connected to a reasonable, adequate source of electrical power.
- (13) All plumbing fixtures, sanitary facilities, plumbing appliances and plumbing I equipment shall be properly maintained in good working condition.
- (14) If a sign is removed from the exterior of a building or structure, the area that was covered by the removed sign and now left exposed, even if a new sign is installed, shall be cleaned and maintained so that the exterior of the building or structure shall I have a uniform color and texture.

C. Dumpsters. All permanent dumpsters shall be enclosed with fencing and shrubs and other screening as approved by the Superintendent of Buildings.

- (1) All permanent dumpsters shall be enclosed with fencing and shrubs and other screening as approved by the Superintendent of Buildings.
- (2) The use of temporary dumpsters shall only be permitted when stored on the property for which they are being used and shall not block the fire hydrant. A permit must be applied for and approved by the Building Department. Should the curb, apron or sidewalk be damaged during the drop off or pick up of the dumpster, the property owner or resident shall be responsible for repairs within 5 working days. In the event that it is impossible to store the dumpster on the property the Superintendent of Buildings shall determine if the dumpster can be placed in the street.

When placing the dumpster in the street, the following requirements must be satisfied:

- a. Permit application must be completed and returned with appropriate fees.
- b. The dumpster shall be obtained from a certified carter that has been pre-qualified with the Village of Manorhaven. The carter shall provide the Village of Manorhaven with liability insurance naming the Village as an additional insured entity in the amount of \$3 million.
- c. The size shall be limited to a 20 yard container.
- d. The dumpster shall be placed in a location chosen by the Building Department and shall have reflective tape and flashing lights visible during evening hours.
- e. The use of the dumpster shall be limited to a 72 hour period if it is to be placed in the street.
- f. The permit shall require a \$50.00 fee and an additional bond of \$500.00. The bond shall be returned once the dumpster is removed and the street and curb inspected for any damage that may have occurred. If there are any damages, the cost of repair shall be assessed against the bond.

D. Unoccupied hazard. Unoccupied hazards shall be subject to condemnation in accordance with the laws of the State of New York and this village.

E. Swimming pools must be maintained in a clean and sanitary condition and in good repair.

112-4 Compliance required.

Buildings occupied in whole or in part as defined in this chapter shall comply with the requirements set forth in this chapter concerning occupancy, size, light and ventilation in order to provide a safe and healthful environment.

112- 5 Abatement of nuisances.

All buildings, dwellings, dwelling units, multiple dwellings, yards, courts, open areas and vacant lots which are in violation of this chapter and or chapter 99 are hereby declared to be nuisances and shall be abated by being corrected, made sanitary, repaired, vacated or demolished in accordance with the orders issued pursuant to the provisions of this chapter by the Building Inspector or by the Board of Trustees.

112-6. Penalties for offenses.

Any violation of this chapter or of any rule or regulation made under authority conferred thereby shall be deemed a violation, and any person found guilty thereof shall be liable and punishable for each such violation as follows: by a fine not less than \$250 nor more than \$1,000 or by imprisonment for a period not to exceed 15 days, or both, for conviction of a first offense; by a fine not less than \$1,000 nor more than \$2,500 or by imprisonment for a period not to exceed 15 days, or both, for a conviction of a second offense, both of which offenses were committed within a period of five years; and by a fine not less than \$2,500 nor more than \$10,000, or both, upon conviction for a third or subsequent offense, all of which offenses were committed within a period of five years.

112-7. Deposit of litter prohibited.

It is hereby declared to be the policy of the Village Board to prohibit the deposit and accumulation of litter, rubbish and all forms of waste material upon public and private property located within the Incorporated Village of Manorhaven so as to decrease fire hazards and promote the public welfare.

A. No person, firm or corporation shall deposit, throw or scatter, or suffer, permit or allow the accumulation of any filth, dirt, ashes, junk, garbage, wastepaper, dust, rubbish, sticks, stones, paper or paper boxes, iron, tin, nails, bottles or glass of any kind, old cars and parts thereof, or any other kind of rubbish or waste material, upon any sidewalk, village street or public place, or upon any vacant or improved lot, piece or parcel of ground abutting upon any sidewalk, village street or public place or upon any private property within the Incorporated Village of Manorhaven. Nothing herein shall be deemed to prohibit the placing of garbage, rubbish or litter in containers or appropriately bundled for the purpose of having such material collected.

B. The owner and/or person in possession and control of any private property, either occupied or vacant, shall at all times maintain the premises in a neat, clean, safe, sanitary and orderly condition and free from the deposit and accumulation of rubbish, garbage and litter as detailed in the immediately preceding subsection of this section. Nothing herein shall be deemed to prohibit the placing of garbage, rubbish or litter in containers or appropriately bundled for the purpose of having such material collected.

- C. Any owner of real property located in the Village of Manorhaven who fails to cut, trim or remove brush, trash, rubbish or weeds upon notice to do so may, upon default thereof, have said brush, trash, rubbish, weeds or other materials cut, trimmed or removed by the Village of Manorhaven and the total cost as determined by the Village Code may be assessed upon the real property on which such brush, trash, rubbish or weeds are found, and said cost 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 by the Village Treasurer in the manner provided by law for collection of delinquent taxes.
- D. It shall be unlawful for any person, firm or corporation, employed by a homeowner or business to perform work on said homeowner's or business' premises, to deposit, throw or scatter, or suffer, permit or allow to be deposited upon the public or private property located within the Village of Manorhaven any accumulated filth, dirt, junk, garbage, wastepaper, dust, rubbish, sticks, stones, grass, wood, leaves, paper or paper boxes, iron, tin, nails, bottles or glass of any kind or any other kind of rubbish or waste material which has been collected by said person, firm or corporation while in the employ of a homeowner or business.

112-8. Visual traffic hazards prohibited.

No tree, bush, shrub, fence, wall or other structure located on any land at or near any intersection on any village street shall be allowed by the owner or owners thereof to remain if it obstructs or interferes with the view of either intersecting village street by drivers of vehicles, on either village street, at a point more than 2 feet and less than six feet above the street level and within 20 feet of the point of intersection of the two village streets, but this prohibition shall not apply to buildings to the effective date of this chapter, or so long as there is on file with the Village Clerk a certificate signed by the Superintendent of Buildings or the Code Enforcement Officer for public safety that the erection or maintenance of the tree, bush, shrub, fence, wall or other structure does not constitute a traffic hazard. Nothing herein shall prevent the withdrawal by the Superintendent of Buildings of a certificate previously filed with the Village Clerk. **Also see Chapter 132.10 Interference with use of sidewalks prohibited.**

112-9. Vacant land shall be kept orderly.

All persons owning or in control of land abutting upon sidewalks, village streets or public places shall keep said parcel or parcels of land in a neat and orderly condition, including trimming of bushes and shrubbery. Grass and weeds shall be maintained at a height no greater than six inches.

112-10. Storage of certain motor vehicles on private property.

1. No person in charge of or in control of premises, whether as owner, lessee, tenant, occupant or otherwise, shall allow any abandoned, partially dismantled, damaged, wrecked, junked, discarded or otherwise inoperable motor vehicle, whether or not bearing thereon currently effective registration plates, tabs or stickers, to remain on such property for longer than 10 days, except as hereinafter provided
2. This regulation shall not apply with regard to any motor vehicle that is:
 - (A) Wholly enclosed within a building located on said premises or so located upon the premises as not to be visible from any public place or from any surrounding or adjoining private property.
 - (B) Located upon premises situated in a district zoned for business of repair of such vehicles.
 - (C) Maintained or stored in an appropriate storage facility or depository maintained in a lawful manner by the village or other public agency or authority.

3. The Superintendent of Buildings or Code Enforcement Officer of the village designated by the Mayor to enforce the provisions of this chapter, upon determining that a motor vehicle in a condition described in Subsection 112-10(1) of this section is being kept or maintained upon private property in violation of the provisions hereof, shall cause to be delivered notice by certified or registered mail, or in person, to be given to the owner and to the lessee, tenant, occupant or other maintainer of said premises directing that said motor vehicle either be removed from said premises or relocated thereon in such manner as not to be visible from any public place or from any surrounding or adjoining private property, not later than five days after such notice is served.
 - (A.) In the event that the remedial action specified in Subsection 112-10(3) is not taken within five days after such notice is served, the village may enter upon such premises and remove said abandoned, partially dismantled, damaged, wrecked, junked, discarded or otherwise non-operating or inoperable motor vehicle and to dispose of the same in the same manner provided for disposal of a vehicle that is abandoned or found on a village street.
 - (B.) The cost of such removal and disposal and any towing or storage charges incurred by the village in connection therewith shall be billed to the record owner of said premises, as appears from the then-current real property tax roll and, if not paid within 30 days thereafter, shall be assessed upon the real property from which said motor vehicle, or any part thereof, was removed prior pursuant to this section. Said cost shall constitute a lien and charge upon the real property on which it is levied until paid or otherwise satisfied or discharged and shall be collected by the Village Treasurer in the same manner provided by law for the collection of delinquent taxes.

112 – 11. Vehicular nuisances.

1. No person shall at any time park, store or otherwise maintain any junk vehicle on any lot or parcel of land in the Village, except fully within the confines of a commercial garage or storage yard lawfully located upon such premises; provided, however, that the foregoing provisions shall not be deemed to prohibit the temporary parking or storage of such a vehicle in a private garage or private residential garage while it awaits disposal or repair of the premises, and provided further that the duration of such temporary storage is not unreasonable and does not pose any significant or undue risk to the health or safety of persons or property.
2. No person shall park, store or otherwise maintain any legally inoperable vehicle or any electively inoperable vehicle on any lot or parcel of land in the Village for more than seven days, except in the showrooms or upon the inventory storage lots of those parcels lawfully being used for the sale or resale of such vehicles, or except within the confines of a commercial garage or storage yard or a private garage or private residential garage located on any other parcel; provided, however, that the foregoing provisions shall not be deemed to prohibit the temporary parking or storage of such a vehicle in the fenced and paved open rear yard or side yards of any residential parcel improved by a one-family or two-family dwelling, but having no garage on its premises, for the use of its occupants, and provided further that the duration of such temporary storage is not unreasonable and does not at any time prevent, impede or otherwise interfere with ingress to and egress from the legal entryways or exits of any nearby buildings or accessory buildings, whether they be located upon the same lot or any adjoining or neighboring parcel.

112-12. Brush, Obnoxious Growth and Trash

A. Responsibility of landowners.

For the protection of the residents of the Village of Manorhaven, it shall be the duty of all owners of land in the Village of Manorhaven to maintain their properties in such a manner as to properly control the growth of brush, un-maintained grass, hedges and weeds and the accumulation of rubbish thereon.

B. Notice to cut or remove.

If, in the judgment of the Superintendent of Buildings, any brush, grass, hedges, rubbish or weeds are in need of being cut, trimmed or removed because the same constitute or are about to become a fire, health or safety hazard, the Superintendent of Buildings shall cause a notice, in writing, to be served upon the owner, demanding that such action be taken by the owner within 10 days from the date of the notice. Such notice to comply shall be mailed to such owner, addressed to his last known address, shall be sufficient service thereof.

112 – 13. Hazardous growths and obstructions prohibited; removal by Village.

- A.** It shall be unlawful for any owner, lessee or occupant of a lot or land, or any part thereof in the Village, to permit or maintain on any such lot or land, whether the same is improved or vacant, or on or along the sidewalk, street or alley adjacent to the same, between the property line and the curb, or a right of way, or for 10 feet outside the property line, any noxious grass, noxious weeds and other brush, briars, obstructions or rubbish amounting to a fire, health or safety hazard.
- B.** If any owner, lessee, occupant or person in control of any lot as described in Subsection 112-13(A) shall fail to remove any noxious grass, weeds or brush, briars, obstructions or rubbish as described in such subsection within 10 days after written notice by the Village to do so in accordance with the provisions of this chapter, the Village may itself effect such removal.
- C.** For the purposes of this section, any turf grass, brush or weeds on a premises in excess of six inches in average height above its surrounding grade shall be deemed obnoxious and shall be immediately cut, trimmed or removed in compliance with the provisions of this section and chapter.
- D.** Upon failure to comply by the owner, the cutting, trimming or removal may be done by the Village and the expense thereof assessed by the Village against the real property on which such brush, turf grass, hedges, rubbish or weeds in need of being cut, trimmed or removed are located, and said expense shall constitute a lien and charge upon such real property, until the same is paid or otherwise satisfied or discharged, and shall be collected in the same manner provided by law for the collection of delinquent taxes.

E. Land abutting streets.

No owner of land fronting or abutting on a street or road in the Village of Manorhaven shall permit any growth of brush, turf grass or weeds to a greater height than six inches or any accumulation of rubbish between his property line and the center of the street or road. Such brush, grass, weeds or rubbish shall be cut, trimmed or removed as often as may be necessary to comply with the foregoing provisions of this section.

- (1). If such owner shall fail to comply with the foregoing provisions of this section, the Superintendent of Buildings shall cause a notice, in writing, to be served upon such owner, demanding that the owner comply with such requirements within 10 days from the date of the notice. Such notice to comply mailed to such owner, addressed to his last known address, shall be sufficient service thereof.
- (2) Upon failure to comply by the owner, the cutting, trimming or removal may be done by the Village with costs assessed in the manner proscribed by 112-12 (B)
- (3) If the Superintendent of Buildings has served a notice to comply on an owner pursuant to this section and if, within six months from the date of the said notice, the same owner of the same property again permits any growth of such brush, turf grass or weeds to a greater height than six inches or any such accumulation of rubbish, the cutting, trimming or removal may be done by the Village without the necessity of another notice to comply, provided that the notice to comply sent to the owner on the first occasion specified that such action could be taken without further notice.
- (4) Each and every occasion on which cutting, trimming or removal is done by the Village pursuant to this section shall constitute a violation of this section by the owner, and for each and every violation the owner shall be subject to a penalty, which shall be and hereby is fixed at a sum equal to the expense of such cutting, trimming or removal as determined by the Superintendent of Buildings plus the cost of the enforcement proceeding.

112 –14. Occupant responsibilities

Occupants of dwelling units shall be responsible for compliance with this chapter in regard to the following:

- A. Maintenance of that part of the premises which the occupant occupies and controls in a clean, sanitary, neat and safe condition
- B. Maintenance of all plumbing, cooking and refrigeration fixtures and appliances as well as other building equipment and storage facilities in that part of the premises which are occupied or controlled in a clean and sanitary condition and providing reasonable care in the operation and use thereof.
- C. Disposal of garbage and refuse into provided facilities in a clean and sanitary manner in accordance with the provisions of all Village laws, ordinances, codes, rules and regulations
- D. Extermination of insects, rodents or other pests within his dwelling unit.
- E. Maintaining of yards, lawns and courts in a clean, sanitary and safe condition and free from infestation insofar as the occupant occupies or controls the yards, lawns and courts or any parts thereof.
- F. Keeping his domestic animals and pets in an appropriate manner and under control.
- G. Elimination of all prohibited uses for that part of the premises which he occupies, controls or has accessibility thereto.

112 – 15. Drainage and grading.

All courts, yards or other areas on the premises of each building shall be maintained so as to be properly graded and drained. Surface and subsurface water shall be appropriately drained to protect buildings and structures and to prevent the development of stagnant ponds. Gutters, culverts, catch basins, drain inlets, storm water sewers, approved combined storm and sanitary sewers or other satisfactory drainage systems shall be utilized where necessary. No roof, surface or sanitary drainage shall create a structural, safety or health hazard by reason of construction, maintenance or manner of discharge. Storm drains shall be kept clear and free of debris.

112 – 16. Prohibited uses.

- A. It shall be prohibited to use for sleeping purposes any kitchen, nonhabitable space or public space.
- B. It shall be prohibited to use any cellar space as habitable space.
- C. Use of a single-family dwelling by more than one family is prohibited.
- D. Use of a two-family dwelling by more than two families is prohibited.
- E. No person shall use a mobile home, trailer or travel trailer for business purposes in the Village or in conjunction with such business purposes.
- F. A garage may not be used as a habitable unit unless it meets the specifications and requirements of this Code
- G. A detached garage may not be used as a habitable unit. Temporary storage containers
 - a. Definition: "Storage container" means any container intended for this purpose of storing or keeping household goods and other personal property that is intended to be filled, refilled, or emptied while located outdoors on a residential property, and later removed from the property for storage off-site.
 - b. It shall be unlawful for any person, firm or corporation to place, keep or maintain any storage container on any property improved with a single-family dwelling without securing a permit.
 - c. Any person desiring a permit to place or maintain a storage pod shall file an application with the Building Department. The form for this application is to be furnished by the Department of Buildings and shall be sworn to and filed by the applicant with the Department of Buildings, along with an application fee of \$100 for a new permit, \$75 for a time extension of a permit.
 - d. A permit for a storage pod may only be granted if there is currently a permit for improvement to a single-family dwelling with a cost of improvement for the time to be determined according to the need.
 - e. A storage container may not be more than 120 square feet, and no more than eight feet in height
 - f. The storage container shall be set back from any side yard a minimum of five feet, from the front yard by a minimum of five feet, and also be minimum of five feet away from any structures on the property. In granting the permit, the Building Inspector shall consider the rights of adjacent property owners so that there shall not be any unreasonable deprivation of light, air or a reasonable use of adjoining property.

- g. The Building Inspector is hereby authorized, in the exercise of reasonable discretion, to revoke any permit issued hereunder if, after due investigation, he deems that the holder thereof has violated any provisions of this subsection in that the storage pod is being maintained in an unsafe manner or is being maintained as a nuisance. Written notice of said revocation shall be given, either by personal service upon the person to be notified or by depositing said notice in the United States mail in a sealed envelope, postage prepaid, addressed to such person at the address which appears on the records of the Building Department.
- h. The length of time a storage container shall be permitted to remain shall be 60 days with up to one thirty-day extension. A further extension shall be permitted only upon good cause demonstrated to the Board of Trustees. It shall be mandatory that the storage container be removed at the end of the permitted period of time.
- i. The provisions of this subsection may be varied only upon good cause shown demonstrated to the Board of Trustees.

112 – 17. Yards, courts and vacant lots.

Yards, courts and vacant lots shall be kept clean and free of physical hazards, rodent harborage and infestation. They shall be maintained in a manner that will prevent dust or other particles from being blown about the neighborhood. Open wells, cesspools or cisterns shall be securely closed or barricaded from access to the public.

112 – 18. Noxious growths.

Heavy undergrowth and accumulations of plant growth which are noxious or detrimental to health shall be eliminated. Any trees or portions thereof located on private property and constituting a hazard to persons or property shall be removed.

112 - 19. Maintenance compliance required.

Residential, commercial and industrial premises, whether improved or vacant, shall be maintained in conformity with the provisions of this chapter so as to assure the desirable character of the property.

112 – 19. Vacant buildings, structures and open spaces.

Every person owning or having charge or control of any building, structure or open spaces on any land or parcel of land which has been vacant or unoccupied for more than 30 days shall be required to:

- A. Remove all combustible waste and refuse therefrom and lock, barricade, bar or otherwise secure all windows, doors and other openings in all buildings or structures so as to reasonably prevent entry by unauthorized persons; and
- B. Dispose of all garbage, litter, refuse, debris, junk and other solid waste in or about the premises in a safe and sanitary manner and keep and maintain such premises free and clear therefrom and in broom-clean condition; and
- C. Exterminate or eliminate all harborages of insect pests, rodents, vermin and other animal pests and keep and maintain the premises free and clear therefrom