

VILLAGE OF VICTORY

DRAFT LOCAL LAW 1 OF 2025

A LOCAL LAW ENTITLED: "VILLAGE OF VICTORY PROPERTY MAINTENANCE LOCAL LAW"

BE IT ENACTED by the Village Board of the Village of Victory as follows:

Section 1: Title.

The title of this local law shall be "Village of Victory Property Maintenance Local Law." It may be cited as VOV LL 1-2025.

Section 2: Authority.

This local law is enacted pursuant to the authority of (a) Municipal Home Rule Law (“MHRL”) § 10(1)(i), which authorizes a Village to adopt a local law not inconsistent with the provisions of the Constitution or not inconsistent with any general law relating to its property, affairs or government; (b) MHRL § 10(1)(a)(11) and (12), which authorize a village to adopt a local law relating to the protection and enhancement of its physical and visual environment and the government, protection, order, conduct, safety, health and well-being of persons or property therein; and (c) Village Law (“VL”) § 4-412(1), which authorizes a Village to enact local laws protecting the health, safety, morals or general welfare of the inhabitants of the Village, the protection of their property and the preservation of peace and good order.

Section 3: Applicability.

This Local Law shall apply to all property situate in the Village of Victory.

Section 4: Legislative Findings and Intent; Conflict With Other Provisions.

In order to prevent blight and the spread thereof, it is hereby declared that all structures or properties, whether occupied or vacant, shall be maintained in conformity with the standards set out in this Local Law so as to ensure that none of these structures or properties will adversely affect their neighborhood or the community. It is found and declared that by reason of lack of maintenance and progressive deterioration, structures and properties have the further effect of creating blighting conditions and initiating slums and the presence of unkempt lawns, overgrowth, brush, weeds and noxious or poisonous brush and weeds creates the blighting effect of causing poor drainage, and that if the same are not curtailed and removed, the aforesaid conditions will grow and spread and will necessitate in time the expenditure of large sums of public funds to correct and eliminate the same. By reason of timely regulations, as herein contained, the growth of slums and blight may be prevented and the neighborhood and property values thereby maintained the desirability and amenities of residential and nonresidential uses and neighborhoods enhanced and the public health, safety and welfare protected and fostered.

Section 5: Conflict With Other Provisions

Nothing herein shall be read to diminish any of the procedural or substantive rights of the Village of Victory established elsewhere in other local laws and ordinances of the Village of Victory. When this local law is in conflict with any other local law, ordinance, statute, rule, regulation or any other code or ordinance adopted by the Village of Victory, the most restrictive law shall prevail.

Section 6: Enforcement.

This Local Law shall be enforced by the Code Enforcement Officer of the Village of Victory.

Section 7: Definitions of Words and Phrases.

For purposes of this local law, the following terms shall have the following meanings:

- 7.1 Accessory Structure. A use, occupancy or tenancy customarily incidental to the principal use or occupancy of the premises.
- 7.2 Basement. That space of a building that is partly below grade which has 1/2 or more of its height measured from floor to ceiling above the finished grade of the ground adjoining the building.
- 7.3 Brush and Weeds. Any untended or uncultivated grasses, bushes, deleterious or unhealthful vegetation or other growing matter in excess of 10 inches in height, except trees, properly tended ornamental shrubbery, properly tended flowers or vegetables, properly tended pastureland, woodland or land under cultivation.
- 7.4 Building. A structure, wholly or partially enclosed within exterior walls or within exterior or party walls, and a roof affording shelter to persons, animals or property.
- 7.5 Debris. Scattered remains, discarded waste and litter.
- 7.6 Dwelling, Two-Family. A building containing not more than two dwelling units occupied or designed exclusively for residential purposes by not more than two families, each with separate household arrangements.
- 7.7 Emergency Notice of Violation. A notice of violation containing each of the elements set forth in the definition of notice of violation (except notice of a right to a hearing), and in addition thereto, a statement that an emergency condition requiring immediate correction has been found to exist and setting forth the date and time by which the violation is to be cured.
- 7.8 Garbage. Food wastes, as from a kitchen, worthless matter and trash.
- 7.9 Hotel. A multiple dwelling used primarily for the purpose of furnishing lodging with or without meals for transient guests for compensation.

- 7.10 Litter. To make untidy by discarding trash carelessly.
- 7.11 Mold. Any form of multicellular fungi that live on plant or animal matter and in indoor environments. Types of mold include, but are not limited to, Cladosporium, Penicillium, Alternaria, Aspergillus, Fusarium, Trichoderma, Memoniella, Mucor and Stachybotrys chartarum and are often found in water- damaged building materials.
- 7.12 Motel. A multiple dwelling, not over two stories in height, intended primarily for motorists; includes but is not limited to the terms "motor court," "motor hotel" and "tourist court."
- 7.13 Multiple Dwelling.
 - (a) A building containing three or more dwelling units.
 - (b) A building with sleeping accommodations for more than five persons, used or occupied for a club, dormitory, fraternity or similar use.
 - (c) A dwelling unit occupied by more than five unrelated persons either by blood or marriage.
- 7.14 Notice of Violation. A statement in writing above the signature of the Code Enforcement Officer or designee, setting forth the name and address of the person/owner, mortgagee, mortgagor, occupant or tenant to be served, the date, time and location of the violation, a description of the violation, the date by which the violation must be cured, notice of a right to a hearing, the penalties which may accrue and the right of the Manager of the Building Department or designee to correct the violation if not corrected in a timely manner.
- 7.15 Person/Owner. Includes the owner, occupant, mortgagee, mortgagor, vendee in possession, operator, assignee or rents receiver, executor, trustee, lessee, property manager, property maintenance company, agent or any other person, firm or corporation directly or indirectly in control of a building or parcel or part thereof, including banks or other financial institutions or private lenders that have initiated, but not completed foreclosure proceedings.
- 7.16 Premises. A lot or parcel of land, including the buildings and structures thereon.
- 7.17 Refuse. Something rejected or discarded as worthless or useless.
- 7.18 Structure. An assembly of materials forming a construction framed of component structural parts for occupancy or use, including buildings.
- 7.19 Trash. Any discarded material.

Section 8: Responsibilities.

- 8.1. Person/owner of premises, occupant, mortgagee in possession, mortgagor in possession, vendee in possession, operator, assignee or rents receiver, executor,

trustee, lessee, agent or any other person, firm or corporation, banks or other financial institutions or private lenders that have initiated, but not completed foreclosure proceedings, who are directly or indirectly in control of a building or parcel or part thereof, including single-family dwellings, shall be responsible for compliance with this Local Law and shall remain responsible therefor, regardless of the fact that this Local Law may place certain responsibility on operators and occupants and regardless of any agreements between owners and operators or occupants as to which party shall assume responsibility. Person/owner of premises, occupant, mortgagee in possession, mortgagor in possession, vendee in possession, operator, assignee or rents receiver, executor, trustee, lessee, agent or any other person, firm or corporation, banks or other financial institutions or private lenders that have initiated, but not completed foreclosure proceedings, who are directly or indirectly in control of a building or parcel or part thereof shall be responsible for maintenance of the premises in a clean, safe and sanitary condition.

- 8.2. Occupants of dwelling units shall be responsible for compliance with this Local Law in regard to the following:
- (a) Maintenance of that part of the premises which they occupy and control in a clean, safe and sanitary condition and in compliance with this Local Law.
 - (b) Keeping all exits from the dwelling unit clean and unencumbered.
 - (c) Disposal of garbage and refuse into refuse containers in a clean and sanitary manner.
- 8.3. Front, side and rear yards shall be maintained by person/owners and/or occupants of dwelling units to the standards of the New York State Property Maintenance Code and front, side and rear yards must be maintained, including but not limited to watering, mowing, removal of grass cuttings, removal of trimmings and leaf removal.

Section 9: Protection Against Water Damage.

All land shall be properly graded as to permit the appropriate drainage of surface and subsurface waters to prevent the accumulation of stagnant waters and to appropriately protect buildings and structures thereon. Exterior walls, including doors and windows and the areas around doors, windows, chimneys and other parts of the building, shall be so maintained as to keep water from entering the building. 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.

Section 10: General Requirements.

- 10.1. All land must be kept free of dead or dying trees and accumulations of brush, shrubs, weeds, grass, stumps, roots, excessive and/or noxious growths, garbage, grass cuttings, trimmings, refuse or debris which would either tend to start a fire or

increase the intensity of a fire already started or cause an unsightly condition, cause poisoning or irritation to people or animals or cause or tend to cause or enhance an unhealthy or dangerous or obnoxious condition on said property or on any adjacent or neighboring property.

- 10.2. All land shall be maintained in a manner that will prevent excessive dust or other particles of dirt from being blown onto adjacent or neighboring property.
- 10.3. Steps, walks, driveways, parking areas and similar paved areas on the premises shall be maintained so as to afford safe passage under normal use and weather conditions. All off-street parking facilities shall be swept clean not less than twice each year.
- 10.4. All open wells, cisterns, cesspools, cellars or otherwise unnatural declivities shall be kept covered, barricaded or otherwise closed or secured from public access and shall be kept free of stagnant water and debris. All temporary excavations and declivities shall be kept covered or barricaded so as to protect the general public from injury.
- 10.5. *Reserved.*
- 10.6. Fences, planters, garden structures, accessory structures, pools and other minor construction shall be maintained in a safe and substantial manner.
- 10.7. All repairs to public walkways are subject to prior approval of the superintendent, acting superintendent, foreperson, or other person in charge of the Department of Public Works of the Village of Victory, or his/her designee.
- 10.8. The exterior of all structures shall be kept free from loose, broken or unsecured objects and materials. Such loose or unsecured objects or materials, including but not limited to antennas, aerials, shutters, shingles, bricks, railings and gutters, shall be properly secured or removed from the structure.
- 10.9. Floors, corridors, hallways, walls, vestibules, ceilings, stairs and fixtures of buildings shall be maintained in a clean, safe and sanitary condition. Every floor, exterior wall, roof, porch or appurtenance 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.
- 10.10. Foundation walls and bearing walls of every building shall be maintained in good repair and be structurally sound.
- 10.11. Vacated buildings or structures must be kept locked or secured. Person/owners of such buildings shall take such steps and perform such acts 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 unsightly or infested with vermin or rodents.
- 10.12. Each owner (and, if applicable, property manager) 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 accumulate. Containers must be fly-tight, rodent-tight and watertight and must be kept covered at all times. No storage of any garbage, rubbish, waste, yard waste or recycling receptacle over 96 gallons in size is permitted within the side yard or front yard except for weekly residential pickup and except as permitted by site plan approvals. Temporary residential dumpsters are permitted, but may not remain on a property for more than 30 days per calendar year unless an active building permit has been issued for the property, except where work associated with that permit has ceased for a period of 30 days. No more than one temporary residential dumpster is permitted on any residential parcel.

- 10.13. All grounds, buildings and structures shall be maintained in such a manner to ensure that they shall be free of vermin and rodent harborage and infestation.
- 10.14. Persons owning or occupying property shall keep all walkways located upon said premises free from litter and trash of whatever nature.
- 10.15. It shall be the person/owner's, occupant's or tenant's responsibility to ensure the immediate (within 48 hours) removal and disposal of human or animal feces on the premises in an appropriate and sanitary manner.
- 10.16. Garbage, refuse, junk and litter shall be disposed of in a safe and sanitary manner and the premises kept free and clear therefrom.
- 10.17. All land shall be maintained so as not to alter the existing flow rates, peaks, quantities or direction of storm drainage. The topography or surface quantities of an area shall not be modified so as to alter the water retention characteristics of the property. No person shall fill, obstruct, dam, divert or otherwise alter or change the natural or artificial flow of waters or drainage or the intensity or quantity of flow through any stream, ditch, pipe, culvert, swale, watercourse, drainage easement or other drainage system.
- 10.18. Roof stormwater drainage shall be discharged in such a manner as to not flow onto adjacent properties. Downspouts not tied directly into a stormwater sewer system shall be directed in such a manner as to allow stormwater to dissipate within the confines of the property or as to convey the stormwater directly to an existing drainageway located, at least in part, on the property.
- 10.19. All property shall be maintained so as to prevent erosion or sedimentation that causes or can be reasonably expected to cause in the future a loss of stability or any existing slope, slope failure, sediment deposition in a regulated body of water or natural or man-made drainageway, or deposition of soils on surrounding properties.
- 10.20. Areas of bare earth shall be covered with vegetation, mulch or other suitable material to prevent the spread of dust and mud.
- 10.21. The presence of mold, or a mold-like substance, that is greater than 10 square feet in a dwelling unit, building, appurtenant structure, common wall, heating system,

ventilation and air-conditioning system, attic, basement and/or crawl space that may affect the indoor quality of a dwelling unit or building must undergo a mold assessment by a New York State licensed mold assessor. If the assessor finds the presence of mold, the mold must be remediated by a New York State licensed mold remediator. Upon the completion of any and all required remediation, the mold assessor shall issue a written clearance report indicating the completion of the remediation. The property owner shall be required to provide a copy of the clearance report to the Village of Victory Code Enforcement Officer. In the event that the building/property owner fails to comply with mold assessment and remediation requirements as set forth herein, penalties and fines shall be implemented in accordance with Section 14 of this Local Law.

Section 11: Notice of Violation; Order to Remedy; Hearing; Removal.

- 11.1. Whenever the Code Enforcement Officer or designee shall declare that a building, property or vacant area is in violation of this Local Law, he or she shall serve a notice in the manner described in this Local Law, reciting the facts constituting such violation, specifying in what respect the building or vacant area is in violation and requiring and ordering the person/owner to remove such violation within a prescribed time as defined below. Such notice shall provide that, if the owner fails to remove such violation within such period for compliance so prescribed, the Code Enforcement Officer or designee may remedy, remove or cause the removal of such violation by cutting, cleansing, repairing or taking such other corrective actions deemed necessary and shall notify the owner of his or her right to a hearing as hereinafter provided.
 - (a) The prescribed time limit for lawn maintenance (i.e., grass/weed cutting) shall be seven days after service of such notice.
 - (b) The prescribed time for all other violations of this Local Law shall be 14 days after service of such notice, or such lesser period of time wherein an emergency exists as may be determined by the Code Enforcement Officer or designee.
- 11.2. With the exception of lawn maintenance notices of violation, whenever such notice is served, the person/owner may, within five days after such service of the notice of violation, request in writing a hearing before the Village Board or designee, and a hearing shall be given such person/owner prior to the expiration of the seven- or fourteen-day period for compliance so prescribed.
- 11.3. Whenever such notice is served for violation of lawn maintenance (grass/weed cutting) regulations, it shall be the responsibility of the person/owner to bring the property into compliance within the prescribed time limit.
- 11.4. If the Code Enforcement Officer or designee proceeds to execute a notice issued by him or her for the removal of a violation, the Village Board may let contracts

therefor and pay the cost thereof out of general Village funds to be appropriated by the Village Board for such purpose or direct Village personnel to remedy or remove the violation and charge the cost of same to the person/owner as set forth below.

Section 12: Service of Notice.

Every notice shall be served by one of the following methods:

- 12.1. By personal service upon one such person/owner;
- 12.2. By certified mail, addressed to the person/owner's last known address as shown on the latest completed assessment roll of the Village of Victory or as shown from any court process or filing or other reliable source; or
- 12.3. By the posting of such notice on a conspicuous place upon the premises affected.

Section 13: Costs and Expenses.

The Village shall be reimbursed for the actual costs and expenses of the work so performed or services rendered, including reasonable attorney's fees, costs and disbursements, by assessment and levy on the real property on which such violation occurred, and the 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 Village taxes and charges.

Section 14: Collection of Costs and Expenses.

- 14.1. In the event of the failure of the person, firm or corporation served with the Village Board's order issued pursuant to Section 12 above to correct the unsafe condition in accordance with the provisions of the order, and in the event the Village of Victory repaired, removed or corrected such unsafe condition pursuant to Section 12, the Village may either:
 - (a) Pursuant to this Local Law, assess all costs and expenses incurred by the Village in connection with the hearing and proceeding to remove or secure the property on which said building, structure, or equipment are located after notice of the amount of such assessment has been given to the person, firm or corporation described in Section 12 above; or
 - (b) Pursuant to § 78-b of the General Municipal Law, the Village Board may direct the Village Attorney to commence a special proceeding in a court of competent jurisdiction to collect the costs of repair, correction or demolition, including reasonable and necessary legal expenses incidental to obtaining an order to repair, correct or demolish, from the owner of said building, structure, equipment or site

14.2. Costs which may be recovered shall include, but not be limited to, the following:

- (a) Actual attorney's fees and disbursements for services rendered with or without the commencement of litigation;
- (b) Actual professionals' (e.g., Village-designated engineers, architects, outside engineers) fees and disbursements, including the costs and expenses of the Village Code Enforcement Officer and his designee(s);
- (c) Actual costs of securing, demolishing, removing or repairing the building, structure, equipment or site deemed dangerous or unsafe;
- (d) Costs of filing, recording, serving and/or publishing notices;
- (e) Costs of tax and/or title searched; and
- (f) All filing fees associated with the review process and litigation, if any.

Section 15: Penalties for Offenses.

Any person/owner or occupant who violates or knowingly permits the violation of this Local Law, as amended from time to time, shall be deemed to have committed an offense against this Local Law and shall be subject to the penalties provided herein. Each separate violation shall constitute a separate additional offense. However, for the purpose of conferring jurisdiction upon courts and judicial officers generally, violations of this Local Law shall be deemed misdemeanors, and for such purpose only, all provisions of law relating to misdemeanors shall apply to such violations. Every day of such violation after the period for compliance has expired shall be deemed to constitute a separate additional offense. Notwithstanding the foregoing, any person violating any provision of this Local Law or any article, section or subdivision thereof shall be subject to a civil penalty in the sum of \$500 for the first such violation, \$750 for the second such violation and \$1,000 for any subsequent violation, said penalties to be recoverable in the name of the Village of Victory.

Section 16: Severability.

If any term or provision of this local law, or the application thereof to any person or circumstance, shall to any extent be determined by a court of competent jurisdiction to be invalid or unenforceable, the remainder of this local law, or the application of such term or provision to persons or circumstances other than those to which it is held invalid or unenforceable, shall not be affected thereby, and each term and provision of this local law shall be valid and be enforced to the fullest extent permitted by law.

Section 17: Effective Date.

This local law shall take effect upon adoption and filing with the Secretary of State, as provided in Section 27(3) of the Municipal Home Rule Law.

ENACTED this 11th day of February, 2025 by the Board of Trustees of the Village of Victory, Saratoga County, New York.

Patrick Dewey, Mayor

Timothy Healy, Trustee

Leslie A. Dennison, Trustee

[SEAL]

ATTEST:

Maureen Lewsey, Village Clerk