

STATE OF NEW YORK
DEPARTMENT OF STATE
ONE COMMERCE PLAZA
99 WASHINGTON AVENUE
ALBANY, NY 12231-0001
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ANDREW M. CUOMO
GOVERNOR

ROSSANA ROSADO
SECRETARY OF STATE

May 5, 2017

Village of Poquott
45 Birchwood Ave
E Setauket NY 11733

RE: Village of Poquott, Local Law #1-#4 2017, filed on 5/5/2017

Dear Sir/Madam:

The above referenced material was filed by this office as indicated. Additional local law filing forms can be obtained from our website, www.dos.ny.gov.

Sincerely,
State Records and Law Bureau
(518) 473-2492



**Department
of State**

LOCAL LAW NO. 4 OF THE YEAR 2017

CREATING CHAPTER 120 OF THE POQUOTT VILLAGE CODE
PROPERTY MAINTENANCE

BE IT ENACTED BY THE BOARD OF TRUSTEES OF THE
INCORPORATED VILLAGE OF POQUOTT AS FOLLOWS:

Section 1.0 Enactment, Effective Date,

1.1 Title of Local Law

1.2 Enactment.

1.3 Effective Date.

1.4 Purpose and Intent of Local Law.

2.0 Creating of Chapter 120 of the Poquott Village Code Property
Maintenance

3.0 Severability

1.1 Title.

This Local Law shall be entitled "Local Law 4 of 2017 Creating Chapter 120
of the Poquott Village Code; Property Maintenance.

1.2. Enactment.

Pursuant to Section 10 of the Home Rule Law and the Village Law of the
State of New York, the Incorporated Village of Poquott, County of Suffolk and State
of New York, hereby enacts by this Local Law of 2017, a Local Law of the Village of
Poquott.

1.3. Effective Date.

This Local Law shall take effect on the filing of the approved Local Law with
the Secretary of State of New York, which shall be within twenty (20) days after its

5. (City local law concerning Charter revision proposed by petition.)

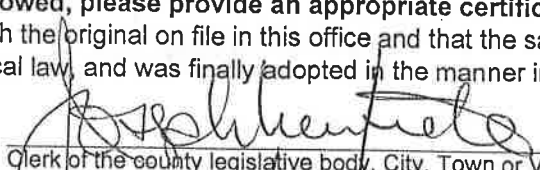
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1 above.


Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: 4/27/2017

(Seal)

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 4 of 2017 of the (County)(City)(Town)(Village) of Poquott was duly passed by the Board of Trustees (Name of Legislative Body) on April 20 2017, in accordance with the applicable provisions of law.

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ (Elective Chief Executive Officer*) and was deemed duly adopted on _____ 20____, in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ (Elective Chief Executive Officer*) on _____ 20____.

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ (Elective Chief Executive Officer*) on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County City Town Village
(Select one:)

of Poquott _____

Local Law No. 4 of the year 2017

A local law Creating Chapter 120 of the Poquott Village Code Property Maintenance
(Insert Title)

Be it enacted by the Board of Trustees of the
(Name of Legislative Body)

County City Town Village
(Select one:)

of Poquott _____ as follows:

(If additional space is needed, attach pages the same size as this sheet, and number each.)

approval by the Board of Trustees of the Incorporated Village of Poquott.

1.4 Purpose and Intent of Local Law.

A. The purpose of this Chapter is to provide a minimum standard for the maintenance of all properties within the Village of Poquott in accordance with the 2015 International Building and Fire Prevention Code, New York Supplement, the 2015 International Property Maintenance Code and the Poquott Village Code. This Chapter is intended to help provide a stable and inviting neighborhood, protect the aesthetic qualities of the Village of Poquott and its residential properties and environment, and to promote public health and safety by prohibiting certain deficiencies in property maintenance which create or contribute to unhealthy, unsightly or hazardous conditions. This Chapter is also intended to ensure that property owners or their delegated agents perform such repair and maintenance of properties as will prevent deficiencies that could become an attractive nuisance.

B. The provisions of this Chapter shall be in addition to, and in furtherance of the 2015 International Property Maintenance Code and the 2015 International Building and Fire Prevention Code, New York State Supplement, The 2015 International Property Maintenance Code and other applicable State and local laws and regulations.

2.0 General Provisions

A. Creation of Chapter 120 Property Maintenance:

Chapter 120 Property Maintenance of the Poquott Village Code is hereby created to read as follows:

“Chapter 120 Property Maintenance.

“§120-1 Applicability.

The provisions of this Chapter shall apply to all premises within the Village of Poquott. All properties, and the improvements, buildings and structures on any property, including fences, accessory structures, and all parts thereof, shall be maintained in a safe, sanitary and nonhazardous manner. All means of egress, devices, safeguards and equipment shall be kept in good working order. The exterior of all premises and the condition of all buildings, structures and components thereon including windows, roofs, siding, and leaders & gutters, shall be maintained so as to prevent and repair deterioration, so that the appearance thereof shall reflect a level of maintenance in conformity with the 2015 International Property Maintenance Law, the 2015 International Building and Fire Prevention Code, New York State Supplement, the Poquott Village Code and any other applicable State and local laws so as to ensure that the property itself may be preserved and that hazards to public health and safety are avoided.

§120-2 General Provisions

It shall be the duty and responsibility of the owner, tenant, occupant or other person having possession or charge of any structure, lot or property in the Village of Poquott to ensure that:

A. All grounds and exterior of the property are kept clean and free and clear of all composting materials, construction debris, garbage, junk, refuse, rubbish and/or solid waste, unless otherwise permitted by the Village of Poquott.

B. Lawns, trees and shrubbery shall be maintained in a safe and attractive condition, free of nuisance, hazard, debris, litter and unsightly materials, and in a manner that does not pose an obstruction or danger to the passage of pedestrians or vehicles

traveling the roadways. For the purposes of this provision, all lawns shall be trimmed to a height of no greater than ten inches. Dead or diseased trees, or any portion thereof, which present any hazard to life or property shall be removed.

C. Fences and walls are to be maintained in a safe and structurally sound condition. Broken fences and walls are to be repaired or replaced.

D. All steps, walks, driveways, private roads, and other similar paved and/or concrete areas are to be maintained and kept in a proper state of repair and maintained free from hazardous conditions.

E. All structures shall be maintained at all times in a safe and secure manner with appurtenant roofing, siding, chimneys, windows and doors. Broken or missing roofing, siding, chimneys, windows or doors shall be repaired or replaced.

F. All premises shall be graded and maintained to prevent the accumulation of stagnant water thereon or within any structure located thereon.

G. Roof drains, overflow pipes, air-conditioning drains and any other water runoff shall be maintained in a safe and operable condition and shall not drain onto a public right-of-way, street or adjoining property.

H. All structures and exterior property shall be kept free from rodent harborage and infestation. Where rodents are found, they shall be promptly exterminated by approved processes that will not be injurious to human health. After pest elimination, proper precautions shall be taken to eliminate rodent harborage and prevent reinfestation.

I. Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.

J. All premises shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property.

§120-3 Bamboo Restricted

A. No owner or occupant of property, or person, corporation or other entity, shall plant, install, or cause or permit the planting or installation, of plant species commonly classified as "running bamboo," (defined as any tropical or semitropical grasses with monopodial rhizome systems, including, but not limited to, the following plant genera: Arundinaria, Chimonobambusa, Phyllostachys, Pleioblastus, Pseudosasa, Sasa, Sasaella and Semiarundinaria). upon any property located within the Village of Poquott.

B. Duty to confine bamboo. In the event any species commonly considered to be classified as "bamboo," either "running" or "clumping," exists on any property within the Village of Poquott at the time of the adoption of this chapter, the owner or occupant of such property to prevent the encroachment, spread, invasion or intrusion of same onto any other property or right-of-way.

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

§120-4 Swimming Pools, Spas and Hot Tubs

A. All swimming pools, spas and hot tubs shall be maintained in a clean and sanitary condition, and in good repair.

B. All swimming pools, spas and hot tubs located on property within the Village of Poquott shall be governed and comply with the requirements set forth in

Section 303 of the 2015 International Property Maintenance Law New York State Supplement, and constitutes a part of this chapter.

§120-5 Abandoned Pools

A. Every owner of a below ground swimming pool which has been abandoned shall remove the liner, fill in or remove the excavation or depression and restore the surface of the ground to its original grade and condition as before the pool was installed. Nothing in this section shall permit such work to be done without first having obtained a permit and inspection from the Building Inspector.

§120-6 Supplement to the New York State Property Maintenance Law

A. In order to provide for the safety, health and welfare of the public, there is hereby incorporated into the Poquott Village Code and made a part of this chapter, all the sections of the 2015 International Property Maintenance Law not specifically referenced herein.

§120-7 Enforcement and compliance; notice of violation.

A. This Chapter shall be enforced by the Poquott Village Building Inspector, Code Enforcement Official, Poquott Village Department of Public Safety, or other person designated by the Mayor and approved by the Board of Trustees to enforce this Chapter.

B. Upon the occurrence of a violation of the Chapter or of any law or regulation adopted or incorporated into this Chapter as provided herein, a written notice or Remedy Order shall be issued to the owner, manager, agent, tenant or occupant of the property where the violation exists. The written notice or Remedy Order shall be mailed by certified mail, return receipt requested, and regular mail, and a copy shall be posted on the front door of the main building on the premises. For purposes of this Chapter, the

manager is the person responsible for the management and care of the property, the agent is a person acting or responsible to act as the agent for the owner, manager, occupant or tenant, and the owner of the property shall be the owner indicated on the last filed tax assessment roll of the Village of Poquott.

C. The written notice or Remedy Order shall specify the name of the owner, manager, owner's agent, tenant or occupant, the property, and the violation, stating the date and time of the violation and the Chapter and Section of the Poquott Village Code or other Code that is violated, the action that must be taken for compliance and the time within which such action must be taken. The Remedy Order shall provide ten days for a remedy or compliance unless the Building Inspector, Code Enforcement Official, or Department of Public Safety determines that there is an issue of public health or safety or potential for fire or other damage to a structure or property, in which the notice provided shall be such shorter notice as deemed appropriate by the Building Inspector, Code Enforcement Official or Department of Public Safety.

D. Any owner, manager, owner's agent, tenant or occupant of any property located within the Village of Poquott who is in violation of this Chapter shall abate such condition when directed to do so by the Building Inspector, Code Enforcement Official or Department of Public Safety and within the time prescribed in the written notice as provided herein.

E. In the event that the violation is not remedied within the time specified on the written notice or Remedy Order, the owner, tenant, or occupant may be issued an Appearance Ticket in accordance for Section 5-4 of the Village Code.

F. (1). In the event that a Remedy Order is issued with regard to a violation of

this Chapter, and the owner, manager or agent or other person or entity to which the Remedy Order was issued does not remedy the violation or condition within the specified time, whether or not a notice of violation or appearance ticket is issued, the Poquott Village Board of Trustees may, on ten days notice to the owner, manager, agent or other person or entity to which the Remedy Order was issued of the consideration of the resolution at a public meeting, adopt a resolution determining and directing that on ten days notice to the owner of the property, in the event that the condition is not remedied within that ten day period (or five days in the event of a conditional affecting public health or safety, fire or potential damage or destruction to a property or structure, the condition may be remedied by the Village.

(2). After a presentation to the Board of Trustees by the Building Inspector of the costs to the Village of the remedy action, on ten days prior notice to the owner of the property as notice is to be provided herein, the Board of Trustees may conduct a public hearing on the assessment of the remedy costs to the owner, including any costs associated with the remedy action, and an administrative fee of 25%, and any engineering, legal, or other professional expenses incurred, be charged to and shall become the responsibility of the owner of the property. In the event that the owner of the property does not pay the assessed expenses within 30 days of the date of the billing of those amounts, that the amounts shall be added to and as an assessment to the next Village tax bill for that property. The Village may also commence a civil proceeding to obtain the monies from the owner, and the election of the Village to commence a civil proceeding shall not be exclusive and shall not waive or preclude the Village from pursuing any other available remedy.

G. The Village of Poquott may commence a civil proceeding in the New York State Supreme Court to enforce this Chapter and or for injunctive relief in the form or temporary relief or enjoinder preventing an action or condition that is in violation of this Chapter or mandatory injunctive relief requiring an action of compliance or removal or a violation or condition, or such other action as may be necessary to enforce this Chapter, correct or prevent a violation or further violation, or as otherwise be necessary. The defendant owner, manager, owner's agent, tenant or occupant of any property of any such action shall be liable to the Village of Poquott for the legal fees and other expenses of the Village in the action, and the Village of Poquott shall recover those expenses in the proceeding.

§120-8 Penalties

A. Any person, corporation, limited liability company, partnership or other entity that is the owner, manager, owner's agent, tenant or occupant of any property, or person who is responsible for the maintenance of a property that is in violation of this Chapter shall be liable for a fine or penalty of not less than \$250 for the first offense of this Chapter by that person, a fine or penalty of not more than \$1,000 for a second violation of this Chapter by a person within one year of a conviction under the first violation, and a fine or penalty of not more than \$2,500 for a third violation of this Chapter by a person within one year of the first and second violations. Each and every day that a violation of this Chapter remains outstanding shall be a separate violation with a separate and additional penalty.

B. The director or officer of a corporation, the member of a limited liability company, the general or limited partner of a partnership or a person of similar

management capacity in any other type of entity shall be personally responsible for violations of this chapter by their respective entity.

3.0 Severability

3.1. In the event that any provision of this Chapter should be deemed or determined to be invalid or unenforceable for any reason, then the remaining sections of this Chapter shall continue in full force and effect.

