

**Town of Richmond**  
**Part II: General Legislation**  
**Chapter 159. Property Maintenance**

**GENERAL REFERENCES**

**Unsafe buildings and structures — See Ch. 101-9**  
**Building Code Administration — See Ch. 101**

**§ 159-1. Title.**

This chapter shall be known as the "Property Maintenance Law of the Town of Richmond."

**§ 159-2. Purpose.**

The purpose of this chapter is to promote the general health, safety and welfare of the residents of the Town of Richmond and to protect the value of real property in the Town of Richmond and to promote and perpetuate the attractive appearance of the community, by requiring proper maintenance of real property within the Town.

**§ 159-3. Legislative authority.**

The Town Board of the Town of Richmond enacts this chapter under the authority granted by:

- A. Article IX of the New York State Constitution, § 2(c)(6) and (10).
- B. New York State Municipal Home Rule Law, § 10 Subdivision 1(i) and (ii) and Subdivision 1(a)(6), (11) (12), and (14).
- C. New York State Town Law § 64 Subdivision 5-a, Removal of fire and health hazards and weeds.
- D. New York State Town Law § 130 Subdivision 15, Promotion of public welfare.

**§ 159-4. Removal of fire and public health, safety hazards and weeds.**

A. All owners of land within the Town of Richmond are required to cut, trim or remove from the land owned by them brush, grass, rubbish, or weeds, or to spray poisonous shrubs or weeds on such land; as well as to comply with the following applicable sections of the New York State Property Maintenance Code: 301.1 (Sanitation), 302.4 (Weeds), 302.5 (Rodent Harborage), 308.1 (Accumulation of rubbish or garbage) 308.2.2 (Refrigerators), and 309.1 (Insect and rodent infestation). These provisions include the obligation of all owners of land within the Town of Richmond to keep the grass and weeds of any parcels properly cut and mowed to a height not to exceed 10 inches.

B. In addition, It shall be a violation of this chapter for any owner or other occupant or person having control of real property in the Town of Richmond to deposit, abandon, maintain, keep or allow the accumulation on their real property, outside of any building, of any junk, debris, discarded materials, and any other waste material which, if thrown or deposited as herein prohibited, tends to create a danger to the public health, safety and welfare or creates degradation through unsightliness.

(1) Examples of such materials are as follows:

- (a) Any boat, snowmobile, all-terrain vehicle, marine and/or aircraft item or other such device, vehicle or machinery which is in a state of disrepair or is otherwise dilapidated, broken, or abandoned.
- (b) Abandoned, discarded, broken, or inoperable refrigerators, washing machines or other machinery or appliances or parts thereof. Any such items stored on any yard or lot for a period of more than 10 days shall be presumed to be abandoned and subject to enforcement.

**§ 159-5. Notice of violation.**

A. Upon receiving a complaint or upon any inspection of a property, the Code Enforcement Officer shall determine whether or not there appears to be a violation of this chapter. Upon determining that this chapter has been violated, the Code Enforcement Officer shall give the owner of the real property or other person charged with the maintenance of the property, if known, written notice setting forth the nature and existence of the violation, and the provisions of this chapter violated, and directing that the violation be terminated or corrected within 10 days of the date of such notice. Such notice shall be given personally to

the owner, lessee, occupant or other person, or by posting a copy of the notice in a conspicuous place on the real property, or by mailing the same to the address of the real property or that listed by the owner for the receipt of tax bills. If the owner of said property is a non-resident of the Town of Richmond or if the Code Enforcement Officer was unable to personally serve the owner, a notice to cure the violation shall also be mailed to such owner by registered mail, addressed to his or her last known address that is on file with the Town Assessor.

B. The notice shall contain the following:

- (1) A description of the condition of the property needing remediation with citations to the sections of the New York State Property and Maintenance Code, if applicable.
- (2) An order outlining the manner in which the property is to be made compliant with this chapter and/or the applicable sections of the New York State Property and Maintenance Code within 10 days of the notice date.
- (3) A statement that in the event of neglect or refusal to comply with the order within the time set forth therein, the Town of Richmond is authorized to cause compliance as required in the order, and the total expense of remediation may be assessed by the Town Board upon the cited real property, and the expense so assessed will constitute a lien and charge on the real property on which it is levied until paid or otherwise satisfied or discharged, and shall be collected in the same manner and at the same time as other Town of Richmond charges.

#### **§ 159-6. Remediation by Town.**

In the event of neglect or failure of any owner to comply with the order of the Code Enforcement Officer within the time fixed for compliance therewith, the Town may cause such grass, brush, rubbish or weeds to be cut, trimmed or removed, and/or such poisonous shrubs or weeds to be sprayed by the Town, and/or cause compliance with the applicable sections of the New York State Property and Maintenance Code cited in such order. The total expense for such remediation and/or complies may be assessed by the Town Board upon the real property which was subject to the order, 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 Town of Richmond charges.

#### **§ 159-7. Penalties for offenses.**

Any person who violates this chapter shall be guilty of a violation, and upon conviction thereof, shall be subject to a fine of not less than \$100, and not more than \$500, or imprisonment for a term not to exceed 15 days, or both. Each week's continued violation shall constitute a separate, additional violation.

#### **§ 159-8. Effect of state law.**

The provisions of this chapter shall be subject to and subordinate to the provisions of the New York State Agriculture and Markets Law.

#### **§ 159-9. Administration and enforcement.**

The Town of Richmond Code Enforcement Officer is hereby charged with the responsibility and duty to administer and enforce this chapter.

#### **§ 159-10. Severability.**

If any part or provision of this chapter or the application thereto to any person or circumstance shall be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this chapter or the application thereof to other persons or circumstances.