Chapter 157. PROPERTY MAINTENANCE

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GENERAL REFERENCES

Unsafe buildings — See Ch. 88
Fire prevention and building construction — See Ch. 92
Junked vehicles — See Ch. 190
Zoning — See Ch. **265**.

Article I. General Provisions

§ 157-1. Title.

This chapter shall be known and cited as the "Murray Property Maintenance Law" and will be referred to herein as "this chapter."

§ 157-2. Purpose.

The purpose of this chapter is to prevent the gradual encroachment of blight, deterioration, unsightliness and property devaluation and to assure that all premises within the Town of Murray are maintained in a manner that, in the discretion of the Code Enforcement Officer, will assure the safety, health and welfare of the general public.

§ 157-3. Scope; applicability.

A. The provisions of this chapter shall apply to all buildings and premises within the Town of Murray as follows:
(1) Lots, plots or parcels of land which are vacant or upon which are occupied or vacant buildings or portions of buildings.
(2) Buildings intended for residential use or occupancy, including one- and two-family dwellings and multiple dwellings, mixed-occupancy buildings and accessory structures.
(3) Buildings intended for use as commercial, industrial, institutional or storage, and related accessory structures.
(4) Any and all buildings or parcels which are under construction or demolition, including buildings not completed, to the extent that a nuisance or practice exists, or is being carried out, which, in the opinion of the Code Enforcement Officer, is a disturbance to the public health, safety or welfare of the general public.
B. Public land owned or under the control of local, state or federal governments or their political subdivisions is exempt from the provisions of this chapter.

§ 157-4. Construal of provisions.

A. The provisions of this chapter shall supplement state and local laws, ordinances, codes and regulations. Where a provision of this chapter is found to be in conflict with any provision of a state law, local law, ordinance, code or regulation, the provision which is more restrictive or which establishes the higher standard shall prevail when legally permissible.
B. Nothing in this chapter shall be deemed to abolish or impair existing ordinances or remedies of the Town of Murray or its officers or agencies relating to the repair, removal or demolition of any building deemed to be dangerous, unsafe or unsanitary.
C. For reference purposes, this chapter includes sections of and references to Chapter **265**, Zoning, of the Code of the Town of Murray, to codes of the Town of Murray and to the New York State Uniform Fire Prevention and Building Code. References to local or state laws, ordinances, codes, rules or regulations or sections thereof shall be construed to include the addendum "as from time to time amended." Any sections of this chapter which are contained in any laws, codes or ordinances having provision for variances and appeals shall not prohibit the seeking of variances and appeals under such laws, codes or ordinances.
D. All words in this chapter which are not hereinafter defined shall carry the meanings set forth in the laws referred, and if no such definition exists, the meaning shall be derived from the customary use of the English language. If a

dispute should arise, the Code Enforcement Officer or his/her representative shall be responsible for determining which specific meaning is appropriate for a word which has more than one meaning and which is not defined in this chapter.

E. Requirements not covered by chapter. Requirements necessary for the strength, stability or proper operation of an existing fixture, structure or equipment, or for the public safety, health and general welfare, not specifically covered by this chapter, shall be determined by the Code Official.

Article II. Regulatory Provisions

§ 157-5. Property maintenance.

A. Exterior property areas.

(1) Surface and subsurface water shall be appropriately drained to protect buildings and structures and to prevent ponding (as required by the New York State Uniform Fire Prevention and Building Code).

(2) Fences, walls and other minor constructions shall be maintained in safe, good and substantial condition (as required by the New York State Uniform Fire Prevention and Building Code). Fences must be constructed in a workmanlike manner using generally accepted standard fencing materials, in the opinion of the Code Enforcement Officer.

(3) Steps, walks, driveways, parking spaces and similar paved areas shall be maintained to afford safe and convenient passages (as required by the New York State Uniform Fire Prevention and Building Code). All hazards, including but not limited to holes, deep ruts, cracking or buckling of service walks, driveways and parking lots, shall be repaired or removed.

(4) Yards, courts and vacant areas shall be kept clean and free of hazards (as required by the New York State Uniform Fire Prevention and Building Code).

(5) Ground cover shall be properly established to prevent undue soil erosion, due to the elements.

(6) Heavy undergrowth and accumulations of plant growth which are noxious or detrimental to health or safety shall be eliminated (as required by the New York State Uniform Fire Prevention and Building Code). Except for farms, all grass, weeds, trees, or other plant growth shall be cut or trimmed to avoid the development of places for the accumulation of blowing trash, dumping, rodent harborages, infestation, criminal activity or places which constitute a blighting or unsightly influence on the neighborhood. In addition thereto, in order to provide for the proper use of land and to prevent unhealthful, hazardous or dangerous conditions due to the accumulation of brush, grass, rubbish or weeds or growth of poisonous shrubs or weeds and to protect the public health, safety and general welfare of the residents of this Town, all owners or occupants of property must remove such dangers to health, life and property. All owners and/or occupants of land are required to cut, trim or remove brush, grass, rubbish or weeds, or to spray with herbicides, cut, trim, remove or destroy poisonous shrubs or weeds, when ordered to do so by notice from the Town of Murray. Upon default, the Town of Murray may cause the same to be done and assess the costs against the real properties on which such violations are found.

(7) Refrigerators and similar equipment with locking mechanisms shall not be discarded, abandoned or stored on premises accessible to children without first removing the locking devices or the hinges of the doors

(8) Exterior doors, windows, skylights and similar openings shall be maintained weathertight (as required by the New York State Uniform Fire Prevention and Building Code).

(9) Exterior stairs, porches, entrance platforms, fire escapes and the railings thereon shall be maintained in a safe and sound condition (as required by the New York State Uniform Fire Prevention and Building Code).

(10) Roofs shall be maintained in a watertight condition (as required by the New York State Uniform Fire Prevention and Building Code).

(11) Exterior surfaces shall be maintained in good condition. Surfaces not inherently resistant to deterioration shall be treated with a protective coating of paint or other suitable preservative (as required by the New York State Uniform Fire Prevention and Building Code). Exterior siding shall be of generally accepted standard materials, in the opinion of the Code Enforcement Officer.

(12) Exterior walls, including foundations, shall be maintained so that ground- and surface water does not penetrate into basements.

(13) Railings shall be provided at open sides of balconies, mezzanines, porches, decks, accessible roofs, ramps, stairways and around floor openings (as required by the New York State Uniform Fire Prevention and Building Code).

(14) Dust, site drainage or any other condition which may create a nuisance to the public must be controlled during construction and at all times.

(15) All elements and stipulations of an approved site plan must be complied with, installed and maintained.

(16) Required handicapped parking spaces, signs or markings must be maintained and remain unobstructed and accessible in accordance with the New York State Uniform Fire Prevention and Building Code and any referenced standards. All handicapped parking spaces shall be independently indicated by permanent signs installed in accordance with aforementioned standards.

B. Garbage and refuse.

(1) Storage of refuse.

(a) No person shall accumulate or permit the accumulation of refuse upon any premises owned or occupied by him/her except for the purpose of collection, which shall normally occur at intervals not less frequent than once every seven days, except for holidays, Sundays, vacations or extraordinary weather, or except where caused by or arising out of the construction or remodeling of a dwelling or other building on the premises or incidental to the landscaping of said premises or customary agricultural operations thereon, in which cases due care shall be taken that such accumulation shall not create an unsightly appearance or unreasonably disturb the comfort and repose of the neighborhood and shall be removed within a reasonable time or immediately upon completion of the work causing such accumulation.

(b) The determination of violations related to this provision shall be in the sole discretion of the Code Enforcement Officer.

(2) Keeping required number and type of receptacles. Every owner, lessee or occupant of any building, premises or place of business within the Town of Murray shall provide or cause to be provided and at all times keep suitable and sufficient receptacles for receiving and containing garbage/rubbish that may accumulate or be used upon said premises. Every owner, tenant or occupant of any building, premises, except vacant land, or place of business must be able to demonstrate they are serviced by a licensed refuse company. No such receptacles shall be kept near any public place longer than may be necessary for the removal of the contents thereof. Such receptacles shall be a container of sufficient capacity, and said container shall have handles and a tight-fitting cover and shall be watertight. All receptacles should be closed at all times. Lawn carts, wheelbarrows, fifty-five-gallon drums, fiber barrels and wastebaskets are not considered suitable and sufficient containers.

(3) No person shall throw or deposit or cause to be thrown or deposited any refuse, hazardous waste or recyclable materials in or upon any portion of a public right-of-way, street or place or on any property not owned or occupied by him/her, or in any refuse container not owned, leased or rented by him/her within the Town of Murray.

(4) Preparation of recyclables for collection.

(a) Recyclables shall be prepared for collection in accordance with guidelines provided by the refuse collectors. Recyclables to be picked up must be set out in appropriate containers as specified and no material may be placed at the curb before 12:00 noon on the day preceding the scheduled collection day. Containers and uncollected recyclables shall be removed from the curb by 12:00 noon the day following collection day.

(5) Preparation of yard waste for collection.

(a) Grass clippings will not be collected.

(b) Shrubs, stumps, branches, and logs may be collected by the Town of Murray on a year-round basis at the discretion of the Superintendent of Highways. If a resident contracts with a private lawn service or tree removal service, it is the responsibility of the hired contractor to properly remove and dispose of said material.

(6) Preparation of bulky refuse.

(a) Appliances and bulky refuse shall be dismantled in such a way so as not to pose a threat to public health and safety. For example, refrigerator doors must be removed from their hinges.

(b) All bulky refuse, where practicable, construction and demolition waste shall be bagged or bundled into packages not weighing more than 60 pounds.

(c) Such materials are to be placed at the curb and cannot exceed the volume allowed. Amounts in excess of this quantity will require special collection arrangements to be made by the person.

(7) Preparation of garbage/refuse.

(a) Garbage/Refuse shall be stored in proper containers. Such receptacles shall be a container of sufficient capacity, and said container shall have handles, a tight-fitting cover and shall be watertight. All such receptacles shall be securely closed at all times. Wheelbarrows, lawn carts, fifty-five-gallon drums, fiber barrels and

wastebaskets are not considered suitable containers for collection of garbage/refuse.

(b) Garbage/Refuse to be picked up must be set out for collection and no material may be placed at the curb before 12:00 noon of the day preceding the scheduled pickup day. Containers and uncollected recyclables shall be removed from the curb by 12:00 noon the day following collection day.

(c) Except for one-family or two-family residential uses, refuse containers shall be stored either inside of a building or within an enclosure which screens said containers from public view.

C. Storage of junk.

(1) The outdoor storage or maintenance of junk shall not be permitted on any lot in any district.

(2) Definition of junk. As used in this section, the term "junk" shall mean any manufactured good, appliance, fixture, furniture, machinery, motor vehicle, recreational vehicle, trailer or similar object which is abandoned, demolished, discarded, dismantled or so worn, deteriorated or in such a condition as to be generally unusable in its existing state. This definition shall include but shall not be limited to scrap metal, scrap material, waste bottles, cans, paper, rubble, boxes, crates, rags, used construction materials, motor vehicle parts and used tires, or any item normally used inside which is left outside.

D. Outdoor lighting.

(1) Exterior artificial lighting shall be maintained in operating condition (as required by the New York State Uniform Fire Prevention and Building Code).

(2) All outdoor lighting fixtures shall be equipped and used in a manner which causes all of the luminous flux from said fixtures to fall upon the surface of the structure or ground which is intended to be illuminated.

E. House numbers.

(1) Address numbers shall at all times be affixed and mounted in a secure fashion to the building's front wall (facing the public or private street), entryway from a public street or main path of travel leading to the main entrance from a public street. Such numbers shall be no less than four inches in height and shall be Arabic in format and style. Script or roman numerals shall not be considered to be in compliance with this chapter and must be removed.

(2) Address numbers may also be mounted on a post in the front yard of the premises not within the right-of-way (as required by Chapter **73**, Buildings, Numbering of, of the Code of the Town of Murray).

(3) All address numbers shall be mounted at a height of not less than four feet and not more than 10 feet above grade. The numbers shall be mounted against a contrasting background arranged so that the numbers may be legible from the center of the road (as required by Chapter **73**, Buildings, Numbering of, of the Code of the Town of Murray).

(4) In all cases, address numbers shall be clearly visible at all times from the public or private street on which the property is located (as required by Chapter **73**, Buildings, Numbering of, of the Code of the Town of Murray).

(5) The view of said address numbers from the public or private street shall not be interfered with by trees, shrubs, structures or other objects (as required by Chapter **73**, Buildings, Numbering of, of the Code of the Town of Murray).
(6) Where the building upon which the number is to be displayed is more than 150 feet from the edge of the right-of-way, whether improved or not, of the street or road serving the building, the number shall, in addition to the other requirements of this chapter, be displayed on a sign readily visible from the road or street and in no event further back than 25 feet from said road or street right-of-way (as required by Chapter **73**, Buildings, Numbering of, of the Code of the Town of Murray).
(7) Builders and developers of new structures may post a temporary weather-resistant sign on the site displaying the assigned street address. The posting shall otherwise be in accordance with Subsection **E(1)** above. No certificate of occupancy shall be issued if said numbers are not so installed (as required by Chapter **73**, Buildings, Numbering of, of the Code of the Town of Murray).
(8) Where a group of structures or buildings carry the same address, the posting of the address number at the principal entry point to the complex, being visible as required in Subsection **E(1)** above, shall be considered in compliance (as required by Chapter **73**, Buildings, Numbering of, of the Code of the Town of Murray).

§ 157-6. Interior maintenance.

A. Structural members shall be protected and maintained to resist and prevent deterioration (as required by the New York State Uniform Fire Prevention and Building Code).
B. Ceilings, walls, floors and stairways shall be maintained in a safe and sound condition (as required by the New York State Uniform Fire Prevention and Building Code).
C. It shall be prohibited to use for sleeping purposes any kitchen or nonhabitable space. It shall be prohibited to use any basement space as habitable space. The definitions of "habitable space," "nonhabitable space," "kitchen" and "basement" are those definitions in the New York State Uniform Fire Prevention and Building Code.
D. Habitable space shall have natural light provided by means of one or more windows, skylights, transparent or translucent panels, or any combination thereof, that face directly on open space (as required by the New York State Uniform Fire Prevention and Building Code).
E. Habitable space shall be provided with electric light appropriate for the intended use (as required by the New York State Uniform Fire Prevention and Building Code).
F. Habitable space shall have natural ventilation provided by means of openable parts of windows or other openings in exterior walls that face directly on open space, or through openable parts of skylights (as required by the New York State Uniform Fire Prevention and Building Code).

G. Kitchens without windows shall be provided with mechanical ventilation (as required by the New York State Uniform Fire Prevention and Building Code).

H. Toilet room, bathroom and laundry room floors shall be maintained in a watertight condition (as required by the New York State Uniform Fire Prevention and Building Code).

I. Toilet rooms and bathrooms shall be arranged to provide privacy (as required by the New York State Uniform Fire Prevention and Building Code).

J. Toilet rooms and bathrooms shall be provided with natural or mechanical ventilation and light.

K. Stairs serving occupied and habitable space shall be provided with electric light to allow safe ascent and descent.

L. Heating equipment and chimneys.

(1) Heating equipment for residential habitable space shall be maintained so as to provide an indoor temperature of 68° F., measured at a distance of two feet from exterior walls and at a level of three feet above the floor.

(2) Chimneys, smokestacks, flues, gas vents, smoke pipes and connectors shall be maintained structurally safe and smoketight, so as to safely convey the products of combustion to the outer air (as required by the New York State Uniform Fire Prevention and Building Code).

(3) Heating equipment shall be maintained in good condition, in order to provide adequate and safe heat to occupied spaces, in the opinion of the Code Enforcement Officer.

(4) Gas heating equipment shall have a shutoff valve provided at or near the source of supply.

(5) Fuel gas piping systems shall be maintained gastight, safe and operative under conditions of use (as required by the New York State Uniform Fire Prevention and Building Code).

(6) LP Gas.

(a) Tanks subject to damage by vehicles shall be protected against such damage (as required by the New York State Uniform Fire Prevention and Building Code).

(7) Fuel oil.

(a) Fuel oil shall be stored and conveyed by means of fixed liquid-tight equipment (as required by the New York State Uniform Fire Prevention and Building Code).

(b) Tanks subject to damage by vehicles shall be protected against such damage (as required by the New York State Uniform Fire Prevention and Building Code).

(c) Tanks shall be maintained so as not to be a hazard to the premises served (as required by the New York State Uniform Fire Prevention and Building Code).

(d) Abandoned underground residential heating oil tanks under 1,100 gallons shall be removed or closed on site by first removing the existing petroleum product and filling with a solid, inert material, using good engineering practice. Acceptable inert materials for closing a tank in place include sand and concrete slurry. These tanks shall be made safe by draining the connecting lines, disconnecting the suction inlet, gauge and vent lines and capping the remaining piping.

M. Cooking and refrigeration.

(1) There shall be provided within each dwelling unit approved-type cooking and approved-type refrigeration equipment located in a kitchen or kitchenette (as required by the New York State Uniform Fire Prevention and Building Code).
(2) Electrical cooking and refrigeration equipment shall be properly connected to the electrical system (as required by the New York State Uniform Fire Prevention and Building Code).
(3) Gas-burning cooking and refrigeration equipment shall be connected to the gas supply system with pipe or tubing of solid metal or approved appliance connectors (as required by the New York State Uniform Fire Prevention and Building Code).
(4) Cooking and refrigeration equipment shall be maintained in good operating condition (as required by the New York State Uniform Fire Prevention and Building Code).
N. Plumbing maintenance.
(1) General plumbing systems shall be maintained in good, safe, sanitary and serviceable condition (as required by the New York State Uniform Fire Prevention and Building Code).
(2) Water supply.
(a) Potable water from an approved source shall be available at all times. The domestic water supply system of the building shall be connected to such approved source, shall not be subject to contamination and shall not be connected to unsafe water supplies (as required by the New York State Uniform Fire Prevention and Building Code).
(b) Water supply systems shall be maintained to provide at all times a supply of water to plumbing fixtures, devices and appurtenances in sufficient volume and at pressures adequate to enable them to function satisfactorily (as required by the New York State Uniform Fire Prevention and Building Code).
(c) Backflow prevention devices required by the Water Superintendent or other regulatory agencies, laws, rules or regulations must be installed and maintained in good working order to prevent contamination of the public water supply.
(3) Hot water. Hot water shall be supplied. Water heaters or central water heating equipment shall be maintained in good operating condition (as required by the New York State Uniform Fire Prevention and Building Code).
(4) Drainage.
(a) Sewage and stormwater drainage systems shall be maintained so as to function properly and be kept free from obstructions, leaks and defects (as required by the New York State Uniform Fire Prevention and Building Code).
(b) Stormwater drainage shall not interfere with the use of, or cause a nuisance to, adjoining properties.
(c) Required oil separators, grease traps and other intercepting devices must be maintained in good and operable condition.
O. Electrical maintenance
(1) Electrical fixtures, devices, wiring and systems shall be maintained in safe working condition in a manner which will avoid a potential source of ignition or shock. Deteriorated material and equipment shall be removed and replaced, as

may be required (as required by the New York State Uniform Fire Prevention and Building Code).

(2) Panel boards shall be kept free from encumbrances and shall be accessible at all times (as required by the New York State Uniform Fire Prevention and Building Code).

(3) Electrical systems shall comply with the National Electrical Code (NEC) and the New York State Uniform Fire Prevention and Building Code.

P. Exits.

(1) Safe, continuous and unobstructed exit shall be maintained from the interior of a building or structure to the exterior at a street, or to a yard, court or passageway leading to a public open area (as required by the New York State Uniform Fire Prevention and Building Code).

(2) Nothing shall be placed, accumulated or stored on any premises which obstructs egress from stairways, passageways, doors, windows, fire escapes or other means of exit.

(3) In multiple dwellings, exits, including vestibules, stairways, passageways, corridors and hallways, but excluding fire escapes, shall be lighted with natural or electric light at all times so as to afford safe passage (as required by the New York State Uniform Fire Prevention and Building Code).

(4) Enclosed stairways shall have handrails on at least one side. Open stairways shall have handrails on two sides.

Q. Locking devices.

(1) In every single- and two-family residence, each means of ingress and egress shall be equipped with a locking device.

(2) In every multiple dwelling, all secondary means of egress, basement entrances and all entrances to accessory use areas shall be equipped with locking devices, and such locking devices shall not prevent free escape from the inside.

(3) In multiple dwellings, where the main entrance is equipped with separate bells to each dwelling unit, the main entrance shall remain locked.

(4) Separate dwelling unit, studio unit and rooming unit entrances and exits within structures shall be equipped with locking devices.

(5) The installation or use of double-cylinder dead-bolts is prohibited.

R. Smoke detectors.

The smoke detection system design, location and performance shall be subject to the provisions of the New York State Uniform Fire Prevention and Building Code and referenced standards contained therein.

S. Carbon monoxide detectors.

(1) Shall be installed on every floor where carbon monoxide is produced.

T. Buildings and structures shall be maintained free of insect, vermin and rodent harborage and infestation.

§ 157-7. Vacant structures.

Vacant buildings or structures. Every person owning or having charge or control of any building or structure which has been vacant for over 60 days shall remove all combustible waste and refuse therefrom and lock, barricade, guard

continuously or otherwise secure all windows, doors and other openings in the building to prohibit entry by unauthorized persons in a manner approved by the Code Enforcement Officer.

§ 157-8. Storage and parking of motor vehicles.

A.

1. It shall be unlawful for any person, firm or corporation, either as owner, occupant, lessee, agent, tenant or otherwise, of property within the Town of Murray to store or deposit, or cause to suffer or permit to be stored or deposited any abandoned or unlicensed motor vehicle or part or piece thereof in any Mobile Home Park within the Town of Murray.

Exception: 1 per unit in a designated fenced park maintained storage area.

2. It shall be unlawful for any person, firm or corporation, either as owner, occupant, lessee, agent, tenant or otherwise, of property within the Town of Murray to store or deposit, or cause to suffer or permit to be stored or deposited any abandoned or unlicensed motor vehicle or part or piece thereof on any private unimproved property within the Town of Murray.
3. It shall be unlawful for any person, firm or corporation, either as owner, occupant, lessee, agent, tenant or otherwise, of property within the Town of Murray to store or deposit, or cause to suffer or permit to be stored or deposited more than one abandoned or unlicensed motor vehicle or part or piece thereof on any private improved property within the Town of Murray unless:

(1) Such motor vehicle is stored or deposited in a completely enclosed building.

(2) An unlicensed motor vehicle stored on the premises must be owned by someone who must actually be residing upon the premises. Not more than one such motor vehicle shall be permitted at any one time on any premises. Such motor vehicle must be so maintained and protected as not to create any safety hazard, nuisance or unsightliness to surrounding property owners.

B. Abandoned motor vehicle; definition.

(1) As used in this section, "abandoned motor vehicle" shall mean any motor vehicle that:

(a) Is unlicensed or uninspected or old, wrecked, stored, discarded, abandoned or dismantled, or partly dismantled, which is no longer intended or in condition for legal use upon the public highway.

(b) Is being held or used for the purpose of resale of used parts therefrom or for the purpose of reclaiming for use some or all of the materials therein or for the purpose of disposing of the same.

(2) With respect to any motor vehicle not required to be licensed or motor vehicle not usually used on public highways, the fact that such motor vehicle has remained unused for more than six months and is not in condition to be moved under its own power shall be presumptive evidence that such motor vehicle is an abandoned motor vehicle.

(3) The fact that a motor vehicle which may be licensed or registered with the State of New York does not display a current license plate shall be presumptive evidence of the fact that such motor vehicle is unlicensed.
(4) Farm vehicles on a farm, as defined by Chapter **211**, Zoning, of the Code of the Town of Murray, are permitted, provided that such vehicles comply with Subsection **B(2)** of this section.

C. Parking of motor vehicles, commercial vehicles and recreational vehicles.

(1) Outdoor parking or storage. The outdoor storage or the parking of motor vehicles or recreational vehicles shall not:
(a) Be located in any tree lawn area.
(b) Encroach upon a pedestrian walk, fire lane, driveway or any parking spaces which are needed to comply with the parking regulations established for the district in which said outdoor storage is located.
(c) Interfere with the safe use of adjoining premises or public rights-of-way.
(d) Impact the safe use of any required exit of any building.
(2) The parking of recreational vehicles owned by a resident of the premises is permitted, provided that such vehicles are in condition for their intended use and are licensed according to the regulations of New York State. No recreational vehicle is permitted to be parked on an unimproved lot for without a permit. A permit must be obtained prior to parking on an unimproved lot or for parking a non-resident owned recreational vehicle on an improved lot.
a) A permit may be obtained for 45 days twice a year. The Town Board will set the cost of the permit as part of the fee schedule. An application for the permit must be completed by the property owner.
(3) A "recreational vehicle" is defined as a device which is used as, mounted on or pulled by a motor vehicle and which is used for recreational purposes. For purposes of this chapter, the definition of "recreational vehicle" shall include but shall not be limited to travel trailers, tent trailers, pickup campers, coach motorized dwellings (commonly known as "motor homes"), boats, boat trailers, snow vehicles, racing vehicles, cycle trailers, utility trailers or similar vehicles or equipment.

§ 157-9. Temporary signs.

A. Temporary signs shall not be attached to fences, trees or utility poles, nor shall said signs be placed in public rights-of-way or be placed so as to obstruct or impair the vision of motorists.
B. Signs which support the election of an individual or which recommend the manner of voting on a particular matter shall be considered to be temporary signs. Said signs may be placed or erected on a lot not earlier than six weeks before any election, including but not limited to primary, general or special elections. Said signs shall be removed from a lot not later than one week after any such election.
C. The regulations for all permitted temporary signs are contained in Table 1 as follows:

Table 1

Regulations for Permitted Temporary Signs Where No Permit Is Required (as required by Chapter 211, Zoning, of the Code of the Town of Murray)

Type of Sign	Maximum Number	Maximum Size (square feet)
Roadside stand (for sales of produce, flowers or other plants grown on premises)	If 1	Then 20; or
	If 2	Then 10
Garage sale	3	2
Educational, charitable, civic or religious event	If 1	Then 20; or
	If 2	Then 10
Lot or building for sale, rent or lease, residential lot	1	6

D. Garage sale signs and other temporary signs must conform to Subsection **A** of this section and must be removed within 48 hours of the end of the event.
E. Posted signs are exempt.

§ 157-11. Filling and dumping.

A. Filling with nontoxic inorganic materials. Nontoxic inorganic fill material may be used to establish new grades, provided that the use of said fill material, including but not limited to its composition, amount, location and extent, are approved by the Code Enforcement Officer and the Town Engineer.
B. Filling with other materials. Filling with or dumping of organic materials, chemical wastes, liquid petroleum derivatives or other deleterious substances shall not be permitted.
C. A permit shall be required for all filling. The Town Board will set the cost of the permit as part of the fee schedule. An application for the permit must be completed by the property owner.

§ 157-12. Visibility at intersections.

A. On any lot in any district, no structure, sign, ornament, fence, wall or vegetation within the area defined below shall be greater than three feet in height above the nearest street grade. Said height shall be measured at the edge of pavement of the public street adjacent to the areas described below. However, trees and freestanding signs may exceed three feet in height, provided that the lowest branch which bears foliage or the lowest part of the sign, respectively, is at least seven feet above the nearest street grade.
B. The restricted area described above shall be defined as either of the following:
(1) At the intersection of two public streets, a triangular area whose sides are:

(a) The edge of right-of-way of a public street; and
(b) The edge of right-of-way of the intersecting public street; and
(c) A straight line connecting the sides indicated in Subsection **B(1)(a)** and **(b)** above at a point on side (a) and on side (b) which is 30 feet distant from the intersection of sides (a) and (b); or
(2) At the intersection of a public street and a driveway or private drive, a triangular area whose sides are:
(a) The edge of right-of-way of the public street; and
(b) The edge of pavement of the intersecting driveway or private drive; and
(c) A straight line connecting the sides indicated in Subsection **B(2)(a)** and **(b)** above at a point on side (a) and on side (b) which is 15 feet distant from the intersection of sides (a) and (b).

§ 157-13. Maintenance of vacant lots.

A. Combustible waste, refuse and large quantities of dry vegetation which, by reason of their proximity to buildings or structures, would constitute a fire hazard or contribute to the spread of fire shall be removed (as required by the New York State Uniform Fire Prevention and Building Code).
B. Heavy undergrowth and accumulations of plant growth which are noxious, detrimental to health or safety or unsightly shall be eliminated.
C. Lots with valid building permits are not required to maintain plant growth during active construction.
D. Individual undeveloped lots in developed areas shall be maintained.
E. Where two or more undeveloped lots adjoin and in all other open fields and undeveloped areas, an area of 15 feet must be maintained where these areas adjoin developed areas or public rights-of-way.
F. On all parcels, public rights-of-way must be maintained at all times by the owner of the adjoining parcel.

§ 157-15. Responsibility of owner, operator or agent.

The owner, operator or agent in control of the building shall be responsible for the following:
A. Limiting occupancy to the maximum number of persons permitted and prohibiting unlawful uses (as required by the New York State Uniform Fire Prevention and Building Code).
B. Posting required statements of the maximum number of occupants permitted (as required by the New York State Uniform Fire Prevention and Building Code).
C. Maintenance of the premises in a clean, safe and sanitary condition (as required by the New York State Uniform Fire Prevention and Building Code).
D. Maintenance of the operation of service facilities in good order and condition (as required by the New York State Uniform Fire Prevention and Building Code).
E. Maintenance of plumbing, heating and electrical equipment and systems, appliances and fixtures, as well as other building equipment and facilities, in an

appropriate, good, operative, clean and sanitary condition (as required by the New York State Uniform Fire Prevention and Building Code).

F. Maintenance of walls, floors and ceilings in public places in a clean and sanitary condition (as required by the New York State Uniform Fire Prevention and Building Code).

G. Keeping exits free and clear (as required by the New York State Uniform Fire Prevention and Building Code).

H. Disposing of garbage, refuse and junk in a safe and sanitary manner and keeping the premises free and clear therefrom and broom-clean (as required by the New York State Uniform Fire Prevention and Building Code).

I. Extermination of insects, vermin, rodents, pests and elimination of harborage (as required by the New York State Uniform Fire Prevention and Building Code).

§ 157-16. Responsibility of occupants.

With respect to that part of a building which the occupant occupies, controls or uses, the occupant shall be responsible for the following:

A. Occupancy limitations and its lawfully permitted use (as required by the New York State Uniform Fire Prevention and Building Code).

B. Maintenance in a clean, safe and sanitary condition.

C. Maintenance of plumbing, cooking and refrigeration equipment, appliances, fixtures and facilities in a clean and sanitary condition and providing reasonable care in the operation and use thereof (as required by the New York State Uniform Fire Prevention and Building Code).

D. Keeping exits free and clear (as required by the New York State Uniform Fire Prevention and Building Code).

E. Disposing of garbage and refuse into provided facilities in a sanitary manner, and keeping the premises free and clear therefrom (as required by the New York State Uniform Fire Prevention and Building Code).

F. Keeping domestic animals and pets in an appropriate manner and under control (as required by the New York State Uniform Fire Prevention and Building Code).

Article III. Enforcement and Compliance

§ 157-17. Designation of enforcement officer.

A. This chapter shall be administered and enforced by the Town of Murray Code Enforcement Officer. The Code Enforcement Officer shall be assisted by a staff consisting of Assistant Code Enforcement Officers, clerks, typists and any other employee or person designated by the Town Board or Code Enforcement Officer to assist in carrying out the duties of the Code Enforcement Officer. When used in this chapter, the term "Town of Murray Code Enforcement Officer" shall have the same meaning as the "Town of Murray Zoning Officer", “Town of Murray Building Inspector” or his designee, and the term "Fire Marshal" shall have the same meaning as the "Town of Murray Code Enforcement personnel."

B. The Code Enforcement Officer and Fire Marshal may, between the hours of 8:00 a.m. and 10:00 p.m. or, if different, during normal business hours, enter any

building or premises within the Town of Murray for the purpose of making any inspection or investigation to ensure compliance with the provisions of this chapter, the Uniform Code and Part 444 of the Executive Law. *Editor's Note: Article 18 of the Executive Law is the New York Uniform Fire Prevention and Building Code Act. (Title 19 NYCRR).* Entry into legally occupied private residences or other residential tenancies where there exists an individual privacy right shall be permitted only when the Code Enforcement Officer or Fire Marshal has either obtained the informed consent of the property owner or person with a privacy right to the property, or obtained an appropriate search warrant, or acts in the belief that there exist exigent circumstances whereby immediate entry into a residence is required to ensure the protection of life, safety or property.

C. Should entrance upon a site to make an inspection required by this chapter or the Uniform Code be denied, or if permission cannot be obtained to make such an inspection, application may be made for a warrant to make such inspection to any court of competent jurisdiction.

D. Identification of inspectors. The Code Enforcement Officer or his/her duly authorized representative shall provide, upon request, proper identification prior to conducting a routine or emergency inspection of any building or premises.

E. Posting with placards.

(1) The Code Enforcement Officer or his/her representative shall be authorized to affix to any building or premises a placard for the purpose of notifying the owner, occupants and the general public that the building or premises is subject to enforcement proceedings by the Town of Murray. The placard may be placed anywhere on the building or premises that the Inspector determines will be readily noticeable and accessible.

(2) The nature of the placard to be used may be determined by the Inspector based upon the nature of the problem or condition. The placard may specify "Keep Out" or "Not To Be Occupied Until a Certificate of Occupancy Is Issued" or "Not To Be Demolished or Reconstructed Until a Permit Is Issued" or "Stop Work" or any other form of notice, or any combination of the above notices deemed appropriate by the Code Enforcement Officer.

(3) No person shall remove, deface, conceal or destroy any such placard affixed by the Code Enforcement Officer or his/her duly authorized representative.

§ 157-18. Correction of violations.

A. Commencement of proceedings. Whenever the Code Enforcement Officer or his/her duly authorized representative has inspected any building or premises and has determined that said building or premises is in violation of any provision of this chapter, he/she shall commence proceedings to cause the cleanup, repair, rehabilitation, vacation or demolition of the building or premises.

B. Routine action. Whenever the Code Enforcement Officer or his/her duly authorized representative determines that a building, premises or land is in violation of any provision of this chapter, he/she shall give notice of the violation or violations as herein provided.

C. Notice.

(1) Such notice shall be given by first class mail, addressed to the last known owner at the address as shown by the records of the Orleans County tax roll, or such notice shall be given by:

(a) Personal delivery upon such owner or owners of property; or

(b) Personal delivery to the occupant of the building or premises or to the person or individual using the land or to the person or persons allegedly responsible for such violation; or

(c) Posting the notice on the building, premises or land where the violations are deemed to exist.

(2) The depositing of the notice into a depository, maintained under the exclusive control of the United States Postal Service, shall be deemed sufficient to satisfy the mailing requirement.

(3) Such notice shall be in writing and shall specify the alleged violation and shall provide a reasonable time of not less than five days for compliance and shall be served as stated above. Such notice may contain an outline or mention of the remedial action that will be taken to effect compliance in the event the owner, occupant, agent or operator does not comply with said notice within the time period specified therein. The Code Enforcement Officer or his/her duly authorized representative may extend the compliance time specified in any notice issued under the provisions of this chapter where there is evidence of intent to comply within the period specified, provided that reasonable conditions exist which prevent immediate compliance.

D. Emergency action.

(1) Whenever the Code Enforcement Officer or his/her duly authorized representative has determined that a condition exists which poses an immediate threat to life, health or safety, he/she may, without prior notice, issue a notice citing the violation and ordering that such action be taken as is necessary to remove or abate the hazard or danger. Such notice may include an order to vacate, board up, fence off or demolish. Notwithstanding any other provision of this chapter, such an order shall be effective immediately upon mailing, delivery or posting of the notice of the violation or violations as herein provided.

(2) Notice.

(a) Such notice shall be given by first class mail, addressed to the last known owner at the address as shown by the records of the Orleans County tax roll, or such notice shall be given by:

[1] Personal delivery upon such owner or owners of property; or

[2] Personal delivery to the occupant of the building or premises or to the person or individual using the land or to the person or persons allegedly responsible for such violation; or

[3] Posting the notice on the building, premises or land where the violations are deemed to exist.

(b) The depositing of the notice into a depository, maintained under the exclusive control of the United States Postal Service, shall be deemed sufficient to satisfy the mailing requirement.

(c) Such notice shall be complied with immediately or as otherwise provided. The Code Enforcement Officer or his/her duly authorized representative may extend

the compliance time specified in any order issued under the provisions of this chapter where there is evidence of intent to comply within the period specified, provided that reasonable conditions exist which prevent immediate compliance. Whenever the Code Enforcement Officer or his/her duly authorized representative determines that the condition which poses an immediate threat to life, health or safety has not been corrected in the time specified by the order issued, he/she may take such direct action as is necessary, including demolition or whatever other action may be required to remove or abate the hazard or danger. Expenses incurred in the execution of such orders shall be recovered as provided herein.

§ 157-19. Action in cases of noncompliance.

A. Whenever a notice or notices referred to above have been given, and the violations continued to exist beyond the time specified in the notice or notices, the Code Enforcement Officer or his/her duly authorized representative may authorize the work to be done and pay the cost thereof out of general Town funds.
B. The Town shall be reimbursed for the cost of the work performed or services rendered by direction of the Code Enforcement Officer or his/her representative, as hereinabove provided, by assessment and levy upon the lots or parcels of land wherein such work was performed or such services rendered, 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 charges.

§ 157-20. Alternative remedies.

The Town of Murray Code Enforcement Officer or his designee shall have the following alternative remedies for enforcement of this chapter:

A. Appearance tickets. The Code Enforcement Officer or his/her representative shall have the authority, pursuant to the New York State Criminal Procedure Law, to issue an appearance ticket subscribed by him/her, directing a designated person to appear in a designated local criminal court at a designated future time in connection with the alleged commission of a designated violation of this chapter or any order made thereunder.
B. Penalties for offenses. Any person who fails to comply with any provision of this chapter or fails to comply with any notice, order or directive of the Code Enforcement Officer or his/her representative after expiration of the time for compliance established in accordance with this chapter shall, upon conviction, be guilty of a violation and, be punished by a fine of not less than $25 or more than $1,000 or by imprisonment not to exceed 15 days, or both, for such violation. In the event of any failure to so comply, each and every day that such violation continues shall constitute a separate offense, and the penalties prescribed above shall be applicable to each such separate offense.

§ 157-21. Severability.

If any clause, sentence, paragraph, section, article or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, section, article or part thereof directly involved in the controversy in which such judgment shall have been rendered.

§ 157-22. When effective.

This chapter shall take effect immediately.