

**VILLAGE OF CAYUGA HEIGHTS  
LOCAL LAW 2 OF THE YEAR 2024**

**A LOCAL LAW TO AMEND THE VILLAGE OF CAYUGA HEIGHTS CODE TO  
DELETE ARTICLE XIII, "PROPERTY MAINTENANCE"  
FROM CHAPTER 305, "ZONING," AND  
TO CREATE A NEW CHAPTER OF THE VILLAGE OF CAYUGA HEIGHTS CODE  
TO BE ENTITLED, "PROPERTY MAINTENANCE"**

Be it enacted by the Board of Trustees of the Village of Cayuga Heights (the "Village") as follows:

**SECTION I                    INTRODUCTION**

The Village of Cayuga Heights occupies a small area above Cayuga Lake and the City of Ithaca that was founded, among other things, to be a neighborhood that takes advantage of its elevations, natural features and planned land and streetscapes. This Local Law is intended to give residents of the Village and those who enforce our Local Laws a framework that clarifies policies and procedures necessary to address certain conditions, situations and nuisances that may affect all of us as neighbors.

We want to encourage property owners to maintain a vibrant, flourishing landscape, considering as much as possible evolving ideas about creative, ecologically sensitive landscapes in a neighborhood of smaller residential lots.

Against this backdrop, it falls to the Village of Cayuga Heights to enforce the rules below. It must be emphasized that it is the purpose of this Local Law that our residents will always have notice and an opportunity to discuss with the appropriate Village official(s) their individual property situations. It is not our intent to require or encourage residents to convert areas that are not currently lawn into lawn areas. We strongly encourage discussion before any other actions become necessary.

We want to strike a balance between the rights of residents to choose how their properties look while being part of a community with a shared vision. This Introduction shall be deemed an integral part of Local Law B of the Year 2024 and shall be explicitly considered by any person, board or court who or which may interpret this Local Law.

**PURPOSE AND INTENT**

Currently, the requirements for maintenance of property in the Village of Cayuga Heights are found in the Village's Zoning Law (specifically, Article XIII, "Property Maintenance," of Chapter 305, "Zoning" of the Village Code, the "Current Property Maintenance Law"). The Village's Board of Trustees has determined that the Current Property Maintenance Law should be substantially revised to better serve the interests of the Village's residents and officials, and to better preserve and protect the quality of life in the Village that derives from the physical and visual manner in which Village properties are maintained. This Local Law is intended to give the Village's residents and the officials who enforce the Village's laws more detailed guidance to understand what is, or is not, permitted on the exterior of a lot, and a more streamlined mechanism

for enforcing those requirements.

In cases that a property owner may be in violation of this Local Law, this Local Law is intended to provide enforcement procedures that give the property owner adequate notice and the opportunity to discuss their situation with the appropriate Village officials. By deleting the Current Property Maintenance Law from the Village's Zoning Law, the Village will be able to implement the less procedurally complex and more expeditious enforcement provisions of this Local Law.

The Village Board of Trustees recognizes that violations of property maintenance requirements may threaten the health, safety and welfare of Village residents, may create fire hazards, may endanger the environment and groundwater, may lead to infestation by insects, vermin or rodents, may cause depreciation of property values, and may cause a blighting effect upon the neighborhood and community. Therefore, the Village Board has determined that such violation may constitute a public nuisance. In order to address the foregoing points, the purpose of this Local Law is to modify the Village Code to delete Chapter 305, Article XIII, and to create a new chapter that will set forth in greater detail the requirements for property maintenance.

## **SECTION II            AUTHORITY**

This Local Law is enacted pursuant to the grant of powers to local governments provided in Section 10 of the Municipal Home Rule Law to adopt and amend local laws not inconsistent with the provision of the New York State Constitution and not inconsistent with any general law relating to its property, affairs, government or other subjects provided for in said Section 10 of the Municipal Home Rule Law.

## **SECTION III            DELETION FROM THE VILLAGE CODE OF ARTICLE XIII, "PROPERTY MAINTENANCE," OF CHAPTER 305, "ZONING"**

Article XIII, "Property Maintenance," of Chapter 305, "Zoning," of the Village Code, is hereby deleted in its entirety.

## **SECTION IV            ESTABLISHMENT OF VILLAGE CODE CHAPTER 209, "PROPERTY MAINTENANCE"**

### **Chapter 209**

### **PROPERTY MAINTENANCE**

#### **§ 209-1. Purpose.**

The purpose of this chapter is to protect the public health, safety and welfare by establishing minimum standards governing the maintenance, appearance and condition of all property in the Village of Cayuga Heights. The further purpose of this chapter is to ensure compliance with all provisions of this chapter by providing equitable, expeditious and effective administration and enforcement and to provide penalties for violations of this chapter.

## § 209-2. Definitions.

For the purposes of this chapter, the following terms shall have the following definitions. In the event of a conflict between a definition provided below and a definition of the same term or word elsewhere in the Code of the Village of Cayuga Heights, the definition provided below shall provide the meaning and govern the use of such term or word in this chapter of the Code.

- A. **Front yard** means, as defined in the Village Zoning Law, the yard between the front lot line and the front facade of the principal building, extended from each rearmost exterior corner of the front façade, parallel to the front façade, to the adjacent side lot line. In addition, any yard that abuts a public or private street shall be considered a front yard for the purposes of this chapter; as a result, any corner lot, and any other lot with frontage on more than one public or private street, shall have a front yard adjacent to each street.
- B. **Garden** means a cultivated area dedicated to growing vegetables, fruits, annual and/or perennial plants, ornamental grasses and/or ground cover in a well-defined location.
- C. **Lot** means, as defined in the Village Zoning Law, any area of land bounded by property lines which is not divided into parts by a public street or railroad. Each part of any area so divided by a street or railroad is considered an individual lot.
- D. **Meadow** means an open habitat or field, 0.1 acre or larger, composed of one or more regionally native herbaceous plant communities, consisting mainly of grasses and other non-woody plants not including noxious and/or invasive weeds.
- E. **Environmentally sensitive areas** include areas with steep slopes, streams, wetlands, drainage swales and protective buffer areas.
- F. **Native plants** means those grasses (including prairie grasses), sedges (solid, triangular-stemmed plants resembling grasses) and forbs (flowering broadleaf plants) that are regionally native. Native plants do not include noxious weeds.
- G. **Noxious weeds** means any plant listed or otherwise identified, but not limited to, on a list of invasive species by New York State or by Tompkins County as being a weed.
- H. **Ornamental grasses and groundcovers** means species used for such purposes but does not include turf grasses or noxious weeds.
- I. **Planned natural landscaping** means intentional and maintained plantings of regionally native species. Planned natural landscaping does not include any species of turf grasses and is not intended to allow a property owner to ignore lawn care, or any other property maintenance requirements.
- J. **Street right-of-way** means, as defined in the Village Zoning Law, the lands under and bordering the travelled portion of a public street, road, or highway owned and maintained by the Village, to the width owned by the Village or otherwise as prescribed by applicable law.
- K. **Rain garden** means a garden composed of regionally native plants that is designed not only to aesthetically improve properties, but also to reduce the amount of stormwater and accompanying pollutants from entering streams, rivers and lakes.
- L. **Unmanaged plant growth** means any grass, hay, noxious weeds, brush or other vegetation which has grown to a height of over ten inches but does not include:
  - (1) Gardens and rain gardens, ornamental grasses and ground covers;

- (2) Plants located on agricultural land;
  - (3) Plants located on shoreland within 35 feet of the ordinary high-water mark;
  - (4) Plants located within environmentally sensitive areas such as steep slopes, drainageways, stream and wetlands, and protective buffer areas;
  - (5) Planned natural landscaping that is wholly contained within the parcel on which it is planted and maintained; or
  - (6) Environmentally Sensitive areas
- M. Yard means, as defined in the Village Zoning Law, an open space on the same lot with a building, unoccupied and unobstructed from the ground upward except as otherwise permitted under applicable law.
- N. Paved means any ground surface covered by a material or combination of materials intended to prevent foot traffic or vehicular traffic from sinking into the soil. Paving includes but is not limited to asphalt, concrete, brick, gravel whether crushed or bank run, bluestone, cobblestones, sett (otherwise known as Belgian block) and perforated steel planking.
- O. Unimproved surface means any ground surface that is not occupied by a garden, meadow, planned natural landscaping, rain garden, or paved.
- P. Lawn area means and shall include all areas at ground level of any property that are not occupied by (a) man-made improvements or structures (including driveways and parking areas that are paved, (b) trees or shrubs, (c) ornamental grasses and groundcovers (d) gardens and rain gardens, (e) regionally native plants, nor (f) planned natural landscaping or environmentally sensitive areas. The term "lawn area" shall include, but shall not be limited to, (g) any area on which is growing any variation of turf grass, (h) any area on which has been allowed to grow noxious weeds or unmanaged plant growth.

### **§ 209-3. Maintenance of Yards.**

A. The owner of any lot in the Village shall be responsible for maintaining the yard of such lot free of litter and all nuisances and hazards to the safety of owners, tenants, occupants, pedestrians and other persons having authorized access to the lot, and free of unsanitary conditions, and the owner shall promptly remove and abate any of the foregoing. Hazards shall include, but not be limited to, the following:

(1) Refuse consisting of broken glass, garbage, trash and debris of any description, excepting brush piles so long as they are located in the back yard and are not visible from a public street or sidewalk;

(2) Natural growth consisting of dead or dying trees or parts thereof and other natural growth which, by reason of age, rotting or deteriorating conditions or storm damage, are dangerous to persons and vehicles in the street right of way;

(3) Overhangings consisting of loose, overhanging, and projecting objects and accumulations of ice and snow, which, by reason of location above ground level, constitute dangers to persons and vehicles in the street right of way;

(4) Accumulation of stormwater other than in locations and to the extent designed for same in a stormwater management plan; and

(5) Sources of infestation of any insects, rodents, or other pests.

B. The owner of any lot in the Village shall store, place or maintain the below specified items, property or materials only in accordance with the terms of this subsection B:

- (1) The following items, property or materials are not permitted to be stored, placed or maintained in any exterior location on any lot:
  - (a) abandoned appliances; and
  - (b) more than one (1) unregistered motor vehicle;
- (2) The following items, property, materials or growth are not permitted to be stored, placed or maintained in any front yard of any lot:
  - (a) unstacked firewood for more than two weeks (*stacked* firewood is permitted to be stored in a front yard);
  - (b) compost piles and brush piles;
  - (c) furniture that is not lawn or outdoor furniture.
  - (d) building materials, commercial and industrial goods, equipment, and tools shall not be stored at any location in the front yard, except while construction is occurring on the lot;
  - (e) motor vehicles on an unimproved surface;
  - (f) boat, utility, vehicle or camping trailers on an unimproved surface;
  - (f) storage units (including "PODS") and shipping containers for longer than thirty
- (30) days; and
  - (g) meadows.

C. The owner of any lot in the Village shall be responsible for performing the following maintenance activities on an ongoing basis:

(1) Trees and other natural growth shall be kept pruned or trimmed in order that such trees and natural growth do not constitute a hazard, as described above. Other than such required pruning and trimming, trees and other natural growth are permitted without maintenance, unless otherwise required in accordance with any other provision of this chapter.

(2) All lawn areas shall be kept mowed such that the height of growth in any lawn area does not exceed 10 inches.

(3) Drainage systems, facilities and features shall be maintained in good operating condition and so as to prevent accumulation of stormwater, except in locations and to the extent designed for same in accordance with a stormwater management plan for the lot.

(4) Vegetation or lawn areas between the edge of pavement of any public street and the property line of the lot shall be maintained in the same manner and to the same standards as vegetation or lawn area within the adjacent lot, notwithstanding that this area is within the public street right-of-way; however, the Village shall be responsible for maintenance of any street trees in this area. Notwithstanding the foregoing, if any portion of these areas consist of a steep slope or other configuration that is reasonably likely to cause performance of such maintenance to constitute a hazard or danger, the owner of the lot may request assistance with such maintenance from the Village of Cayuga Heights Department of Public Works. The lot owner shall not install any hard surface in this area other than a connection between the edge of pavement of the adjacent public street and the driveway providing vehicular access to the lot, and then only as authorized in writing by the Code Enforcement Officer.

(5) Vegetation on a lot along a public street right-of-way or public sidewalk, or on areas between the edge of pavement of any public street and the property line of the lot (as described in subsection (4) above), shall be kept from becoming a hazard or nuisance to users of the public

street or sidewalk. If such vegetation exists in areas between the edge of pavement of any public street and the property line of the lot, and if any portions of these areas consist of a steep slope or other configuration that is reasonably likely to cause performance of such maintenance to constitute a hazard or danger, the owner of the lot may request assistance with such maintenance from the Village of Cayuga Heights Department of Public Works.

(6) The exterior of all buildings shall be kept in good repair. Chimneys and flue and vent attachments shall be maintained in structurally sound and good operating condition.

#### **§ 209-4. Enforcement.**

A. General enforcement provisions. In the event that any owner of property in the Village is found to be in violation of this chapter, the Code Enforcement Officer and the Board of Trustees of the Village are responsible for enforcement. The Board of Trustees may from time to time enact amendments to this chapter, or additional chapters, that govern the Code Enforcement Officer's actions.

B. Code Enforcement Officer.

(1) The Village's Code Enforcement Officer shall have the authority to administer and enforce all provisions of this chapter.

(2) In the event the Code Enforcement Officer is unable to serve as such for any reason, the Village's Board of Trustees may appoint an individual to serve as Acting Code Enforcement Officer.

C. Violations and Complaints. The Code Enforcement Officer shall review and investigate complaints that allege or assert the existence of conditions or activities that fail to comply with this chapter. The Code Enforcement Officer shall respond to a complaint or violation by taking the following steps as appropriate:

(1) Performing an inspection of the conditions and/or activities alleged to be in violation and documenting the results of such inspection.

(2) If a violation is found to exist, providing the owner of the affected property with notice of the violation and opportunity to remedy, abate, correct, or cure the violation, or otherwise to achieve compliance with the applicable provision of this chapter. The notice shall be either hand-delivered to the owner or sent certified mail, return receipt requested, to the last known address of the owner, as it appears on the current tax records of the Village. The notice shall state the requirements for remediation set forth in subsection D immediately following this subsection C.

(3) In consultation with the Village's attorney, pursue such legal actions and proceedings as may be necessary to enforce this chapter.

D. Remediation. In any event that the Code Enforcement Officer determines that a violation of this chapter exists, and the Code Enforcement Officer shall so notify the owner in accordance with subsection C above, then:

(1) the owner is required to remedy, abate, correct, or cure the violation, or otherwise to achieve compliance within ten (10) business days of the date of the notice.

(2) the owner has the opportunity to have a meeting with the Code Enforcement Officer within such ten (10) business day cure period.

(3) if no agreement as to a resolution is reached, the owner can request a hearing with the Board of Trustees, and the ten (10) business day cure period shall be extended through the date ten (10) business days following the date of the Board of Trustees' decision.

(4) After the hearing, the Board of Trustees will reach a decision which shall be final.

(5) if, within the ten (10) calendar day cure period, the owner fails to remedy, abate, correct, or cure the violation and the owner fails to obtain, following a hearing before the Code Enforcement Officer, a written extension of the cure period or withdrawal of the notice of violation, the Code Enforcement Officer shall send the owner a second notice in the manner described in subsection C above, which notice shall advise the owner of the consequences and penalties described below.

(6) if the owner fails to remedy, abate, correct, or cure the violation, or otherwise to achieve compliance within ten (10) business days of the date of the second notice, the Village shall impose and the owner shall be obligated to pay an initial fine in the amount of one hundred fifty and no/100 (\$150.00) dollars, and additional fines for every subsequent period of ten (10) calendar days during which the owner has failed to achieve compliance, each in the amount of an additional one hundred fifty and no/100 (\$150.00) dollars.

(7) if the owner does not deliver payment to the Village of such fines within thirty (30) days of the date that any such fine has been imposed, such fines shall be charged and assessed against said property, shall constitute a lien and charge on the real property on which such lien is levied until paid or otherwise satisfied or discharged, and if not paid by such time, shall be collected in the same manner and at the same time as other Village charges against such real property as part of the Village's tax next due and payable. In addition, the Village may commence any other action or proceeding available to collect such fines, together with the costs and expenses incurred by the Village as a result of such action or proceeding.

(8) if the Code Enforcement Officer determines that a violation exists, the Code Enforcement Officer also may determine that the violation is or may become ongoing or recurring, such as the failure to maintain the height of growth in a lawn area, in which event such ongoing or recurring violation shall be subject to the additional fines described in subsection D(6) above, on an ongoing basis, without further notification to the property owner. These additional fines shall constitute a lien on the subject property and shall be collected as provided in subsection D(7) above.

(9) The remediation of any violation of the requirements of this chapter by the Village or its agents shall not operate to excuse the owner from properly maintaining any property as required by this chapter, and such owner shall, notwithstanding such action, be subject to any other penalties provided for herein.

#### E. Recordkeeping.

(1) The Code Enforcement Officer shall keep permanent records of all activities undertaken in connection with enforcement of the requirements of this chapter, including records of:

- (a) All inspections performed and investigations conducted;
- (b) All statements and reports issued;
- (c) All complaints received;
- (d) All other activities specified in or contemplated by this chapter; and
- (e) All fees charged and collected.

(2) All such records shall be public records open for public inspection during normal business hours and subject to the terms of the New York State Freedom of Information Law, including the exemptions provided therein.

**SECTION V            SUPERSEDING EFFECT**

All Local Laws, Articles, resolutions, rules, regulations and other enactments of the Village of Cayuga Heights in conflict with the provisions of this Local Law are hereby superseded to the extent necessary to give this Local Law full force and effect. Without limiting the foregoing, to any extent that the terms of the Zoning Law of the Village of Cayuga Heights are deemed to be in conflict with the requirements of this Local Law, the terms of this Local Law shall govern and control.

**SECTION VI           PARTIAL INVALIDITY.**

In the event that any portion of this Local Law is declared invalid by a court of competent jurisdiction, the validity of the remaining portions shall not be affected by such declaration of invalidity.

**SECTION VII         EFFECTIVE DATE.**

This Local Law shall be effective immediately upon filing in the office of the New York State Secretary of State, except that it shall be effective from the date of its service as against a person served with a copy thereof, certified by the Village Clerk, and showing the date of its passage and entry in the Minutes of the Village Board of Trustees.

Be it enacted by the Board of Trustees of the Village of Cayuga Heights (the "Village") as follows: