

**TOWN OF NORTH HEMPSTEAD  
LOCAL LAW NO. \_\_ OF 2019**

**A LOCAL LAW AMENDING CHAPTER 28 OF THE TOWN CODE  
ENTITLED “HOUSING, REHABILITATION AND PROPERTY MAINTENANCE  
CODE”**

**BE IT ENACTED** by the Town Board of the Town of North Hempstead as follows:

**Section 1. Legislative Intent**

The Board finds that it is in the best interest of the residents of the Town of North Hempstead to make amendments to Chapter 28 of the Town Code entitled “Housing, Rehabilitation and Property Maintenance Code” in order to simplify and clarify the requirements within the property maintenance code.

**Section 2.**

Section 28-7 of Chapter 28 of the Town Code is hereby amended to read as follows:

§28-7. Maximum occupancy and minimum room size

No person shall occupy as owner or occupant or let to another for occupancy any structure or portion thereof which does not comply with the following requirements:

A. Calculation. For the purpose of this regulation, each person 12 years of age and older shall be counted as one person; children more than one year old but less than 12 years old shall be deemed to be 1/2 person; and infants up to one year old shall not be counted. The floor area shall be based upon the area of habitable rooms contained within the living unit, exclusive of utility and storage rooms, halls, closets, porches and any connecting spaces. Any area in a habitable room which has a ceiling height of less than five feet shall not be counted or included in the computation of the space.

B. Dwelling units. Every dwelling unit shall have at least 150 square feet of habitable floor space for the first occupant, plus 100 square feet of habitable floor space for each additional occupant. Each dwelling unit shall contain one habitable room with at least 150 square feet of floor area and a minimum horizontal dimension of eight feet. Any additional habitable rooms shall have a minimum floor area of [~~100~~] **120** square feet and a minimum horizontal dimension of [~~seven~~] **7** feet.

C. Sleeping rooms. No room in any dwelling unit or rooming unit shall be used for sleeping purposes unless there is a minimum habitable floor space of 70 square feet for [~~each occupant~~] **a space with a single occupant, and a minimum habitable floor space of 50 square feet per occupant for a space with multiple occupants.**

D. Ceiling height. [~~At least 1/2 of the floor space of any habitable room must have an average height of at least seven feet six inches. Portions of floor spaces having ceiling heights less than~~

~~five feet shall not be counted.]~~ **Habitable spaces, hallways, corridors, laundry areas, bathrooms, toilet rooms and habitable basement areas shall have a minimum clear ceiling height of 7 feet, except:**

**(1) In one- and two-family dwellings, beams or girders spaced not less than 4 feet on center may project a maximum of 6 inches below the required ceiling height; and**

**(2) Basement rooms in one-and two-family dwellings occupied exclusively for laundry, study or recreation purposes shall have a minimum ceiling height of 6 feet 8 inches with a minimum clear height of 6 feet 4 inches under beams, girders and similar obstructions; and**

**(3) In rooms occupied exclusively for sleeping, study or similar purposes and having a sloped ceiling, all or part of the room shall have a minimum clear ceiling height of 7 feet over not less than one-third of the required minimum floor area. In calculating the floor area of such rooms, only those portions of the floor area with a minimum clear ceiling height of 5 feet shall be included.**

### **Section 3.**

Section 28-22 of Chapter 28 of the Town Code is hereby amended to read as follows:

§28-22. Maintenance standards

It shall be a violation of this chapter for any person, owner or occupant to create, cause, maintain or permit to continue any condition which is prohibited or otherwise inconsistent with the provisions of this section.

A. Open areas; parking spaces.

(1) Surface and subsurface water shall be appropriately drained to protect buildings and structures and to prevent the development of stagnant ponds. Gutters, culverts, catch basins, drain inlets, stormwater sewers, approved combined storm and sanitary sewers or other satisfactory drainage systems shall be utilized where necessary. No roof, surface or sanitary drainage shall create a structural, safety or health hazard by reason of construction, maintenance or manner of discharge.

(2) Fences, planting areas and other minor construction shall be maintained in a safe and substantial condition. Such maintenance shall include but not be limited to the replacement or removal of trees and shrubs which may die and/or otherwise be destroyed, and the replacement and/or repair of fences or other structures which may become in disrepair.

(3) Steps, walks, driveways, parking spaces and similar paved areas shall be in a proper state of repair, maintained so as to afford safe passage under normal use and weather

conditions and shall be maintained free from hazardous conditions. Any holes or other hazards that may exist shall be filled or necessary repairs or replacement carried out.

(4) Yards, courts and vacant lots shall be kept clean and free of physical hazards, rodent harborage and infestation. They shall be maintained in a manner that will prevent dust or other particles from being blown about the neighborhood. Open wells, cesspools or cisterns shall be securely closed or barricaded from access to the public.

(5) All premises and immediate exterior property shall be maintained free from weeds or plant growth in excess of 10 inches. All noxious weeds are prohibited. Any trees or shrubs or portions thereof located on private property and constituting a hazard to persons or property shall be removed.

(6) A junked vehicle may not be parked, stored or left in the open. Unlicensed vehicles must be relocated to a completely enclosed location or otherwise removed from the property.

(7) That portion of the public right-of-way not covered by pavement or a similar surface and located between the portion of the right-of-way used for vehicular traffic and the boundary line of said right-of-way shall be maintained by the adjoining property owner. Such maintenance shall include but not be limited to the removal of litter, glass, paper and all other nonindigenous materials and the cutting of all weeds except trees, bushes and shrubs to a height of less than four inches. The requirements of this section shall be in addition to and not in lieu of the requirements of Chapter 48 of this Code.

(8) No person shall park any motor vehicle or boat in any front yard area except on driveways constructed and installed in compliance with the Town Code.

(9) The accumulation of any filth, dirt, ashes, junk, garbage, wastewater, raw sewage, sewage, wastepaper, dust, rubbish, sticks, stones, wood (including log piles exposed to the weather and elements), leaves, paper or paper boxes, iron, tin, nails, bottles or glass of any kind, old cars and parts thereof, discarded appliances such as refrigerators and the like is prohibited upon any premises.

(10) The exterior of the premises and all structures located on the premises shall be kept free of all nuisances and any hazards to the safety of occupants, pedestrians and other persons utilizing the premises and shall be free of unsanitary conditions.

(11) Approved methods of erosion control and stormwater retention shall be provided for on all properties and shall conform to the requirements of § 70-202.2. Where existing site conditions fail to control erosion and contain stormwater on site, appropriate corrective measures shall be taken.

## B. Business units.

(1) Business units, as defined herein, shall at all times be maintained in compliance with the provisions of this code regulating open areas, parking spaces and buildings or structures.

(2) All garbage, crates, pallets, rubbish, refuse or debris shall be kept inside the building or buildings or on the premises in an acceptable enclosure and shall be regularly collected and removed from the premises.

[Amended 3-8-2011 by L.L. No. 3-2011]

(3) Storage of shopping baskets, carts and wagons shall be in compliance with § 70-202.4 of the Town Code.

[Amended 3-8-2011 by L.L. No. 3-2011]

(4) No mobile refrigeration unit shall be operated on the premises after the closing of the business conducted thereon unless such mobile refrigeration unit is electrically operated.

(5) No truck or other vehicle shall be loaded or unloaded outside the confines of the building or buildings on the premises, before 7:00 a.m. or after the business conducted on the premises has been closed to the public, in such manner as to cause excessive noise or disturbance to the adjoining properties. The loading and unloading area on the premises shall be enclosed at all times except where such area abuts a topographical barrier of such nature as to reduce the decibels of noise resulting from the loading or unloading activity. For the purposes of this section, a noise rating exceeding 25 decibels of average noise at the nearest residence to the premises shall be deemed excessive.

(6) All fences and planting areas installed on the premises shall be maintained by the owner or occupant of the property. Such maintenance shall include but not be limited to the replacement of trees and shrubs which may die and/or otherwise be destroyed and to the replacement and/or repair of fences which may become in disrepair. The owner or occupant shall, upon written notice of the Enforcement Officer, replace any shrubbery and/or trees and/or replace or repair any fence installed on the premises.

(7) All required parking spaces must be adequately marked or striped as per the building permit, building and/or zoning ordinance or Board of Zoning and Appeals decision.

(8) No exterior storage of industrial or commercial materials, or other materials, or trucks or trailers is permitted in required parking spaces.

(9) Restaurants and other eating facilities shall have garbage containers sufficient in number for all of their solid waste and shall maintain them in satisfactory condition.

**(10) A refrigerated garbage locker shall be required within any restaurant, bar and grill or retail food use. There shall be no outdoor storage of putrescible waste generated by any food use at any time. The applicant shall arrange for indoor carry-out/pickup with a licensed sanitation collector and shall forward a copy of the contract to the Building Official prior to the issuance of a certificate of occupancy.**

**Terms used in this subsection that are not defined by this Chapter shall have the meanings ascribed to them by § 70-231 of the Town Code.**

C. Buildings and structures.

(1) All exterior exposed surfaces not inherently resistant to deterioration shall be repaired, coated, treated or sealed to protect them from deterioration or weathering. Said surfaces, having once been coated with any finish such as paint, varnish, lacquer, etc., must be continuously maintained and recoated as necessary to keep uniformity of color and texture. Such surface shall be recoated in a workmanlike manner.

(2) Floors, walls, ceilings, stairs, furnishings and fixtures of buildings shall be maintained in a clean, safe and sanitary condition. Every floor, exterior wall, roof and porch, or appurtenance thereto, shall be maintained in a manner so as to prevent collapse of the same or injury to the occupants of the building or to the public.

(3) The foundation walls of every building shall be maintained in good repair and shall be structurally sound. All foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents and other pests.

(4) Exterior walls, roofs and all openings around doors, windows, chimneys and other parts of a building shall be so maintained as to keep water from entering the building and to prevent undue heat loss from occupied areas. Materials which have been damaged or show evidence of dry rot or other deterioration shall be repaired or replaced and refinished in a workmanlike manner. Exterior walls, roofs and other parts of the building shall be free from holes, breaks, rotting material and loose and unsecured objects and material and improperly secured objects and material. Such objects or materials shall be removed, repaired or replaced.

(5) The owner of a vacated building shall take such steps and perform such acts as may be required of him from time to time to ensure that the building and its adjoining yards remain safe and secure and do not present a hazard to adjoining property or to the public. All openings shall be provided with painted exterior-grade plywood closures, securely fastened.

(6) Buildings and structures shall be maintained in such condition so that they shall not become an unoccupied hazard as defined in this code.

(7) All signs, awnings and lighting systems shall be maintained in a completely operable, clean, nondeteriorated and safe condition.

(8) All decorative pools and similar devices shall be maintained free of litter and operated as intended. Should the maintenance costs of such devices prove unacceptable, the device shall be removed.

(9) Fuel-burning or heat-producing equipment shall be installed and maintained so that the emissions or discharge into the atmosphere of smoke, dust particles, odors or other products of combustion will not create a nuisance or be detrimental to the health, comfort, safety or property of any person.

(10) Chimneys, flues and their supports shall be installed and maintained so as to be structurally safe, durable, smoke-tight, noncombustible and capable of withstanding the action of flue gases without softening, cracking or corroding.

(11) Air-conditioning units which are over any public opening shall have condensation piped away from the entranceway of same.

(12) Electrical fixtures, devices, wiring and systems shall be maintained in safe working condition, keeping in mind energy conservation, and shall be turned off when not in use, so as not to be a potential source of ignition of combustible material or an electric hazard or shock, and shall be properly connected to a reasonable and adequate source of electrical power.

(13) All plumbing fixtures, sanitary facilities, plumbing appliances and plumbing equipment shall be properly maintained in good working condition.

(14) If a sign is removed from the exterior of a building or structure, the area that was covered by the removed sign and now left exposed, even if a new sign is installed, shall be cleaned and maintained so that the exterior of the building or structure shall have a uniform color and texture.

(15) Any building or structure which is structurally unsound, unsanitary or which has become unsafe by reason of the elements, age, general deterioration, inadequate maintenance, dilapidation, obsolescence or abandonment, or which is otherwise dangerous to human life, shall be prohibited upon any premises.

#### **Section 4.**

Section 28-23.1 of Chapter 28 of the Town Code is hereby amended to read as follows:

§28-23.1. Graffiti; defacement of property.

A. It shall be unlawful to spray or create graffiti in any manner on any building or structure.

B. It shall be the responsibility of any person owning or occupying any building or structure which has been defaced with graffiti to cause such graffiti to be removed or covered over. Responsibility for removal or covering of graffiti shall lie with the owner or occupant, notwithstanding that said person may not have created the graffiti.

C. Any person who creates graffiti in any manner shall be liable for the cost of removing or covering the same.

**D. Notwithstanding § 28-35 of this Chapter, the required time for remedying a violation of this § 28-23.1 shall not be less than ten (10) days nor more than forty-five (45) days from the date of service of a notice of violation.**

**Section 6.**

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this article or in its application to the person or circumstance directly involved in the controversy in which such judgment or order shall be rendered.

**Section 5.**

This Local Law shall take effect immediately upon filing with the Secretary of State.