

## Chapter 244

### PROPERTY MAINTENANCE

[HISTORY: Adopted by the Common Council of the City of Buffalo City as indicated in article histories. Amendments noted where applicable.]

#### GENERAL REFERENCES

Brush, grass and weeds — See Ch. 25.  
Building construction — See Ch. 30.  
Solid waste — See Ch. 289.  
Zoning — See Ch. 350.

#### ARTICLE I

#### Vision Clearance; Trees and Shrubs [Adopted 12-7-1998 by Ord. No. 82]

##### § 244-1. Vision clearance.

There shall be vision clearance setback line connecting the points at which the required front and side street setbacks on a corner lot, when projected, intersect the street lines. Within the space bounded by such vision clearance setback line and the street lines, no structure or object of natural growth shall be constructed, maintained or permitted to grow so as to create a substantial obstruction to the view of motorists and pedestrians across the vision clearance opening from one street to another. This regulation shall not apply to the trunks of trees, posts not over six inches square or in diameter, or wire fences so designed and constructed as not to constitute a substantial obstruction to the view of motorists and pedestrians across the vision clearance opening from one street to another.

##### § 244-2. Pruning.

Every owner of any tree overhanging any street or right-of-way within the City shall prune the branches so that such branches shall not:

- A. Obstruct the light from any street lamp;
- B. Obstruct the view of any street intersection;
- C. Interfere with visibility of any traffic control device or sign;
- D. Have less than a clear space of nine feet above the surface of the street or sidewalk;
- E. Constitute a public hazard.

##### § 244-3. Declaration of nuisance. <sup>1</sup>

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1. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. D).

Any structure or object of natural growth found to be in violation of the provisions of § 244-1 or 244-2 shall be declared to be a nuisance. The Common Council shall notify in writing the owners of the existence of said nuisance, and within 15 days of the service of said notice, said owners shall remove or abate said nuisance so as to comply with the terms of this article. In the event of the failure of the owner to comply, the City shall have the authority to remove or abate said nuisance and charge the cost of doing so, plus an administrative fee as set by the Common Council, as a special charge against the property owner's real estate tax bill.

**§ 244-4. Tree or limb removal on private property.**

- A. The City has the right to cause the removal of any dead or diseased trees on private property within the City when such trees constitute a hazard to life or property, or harbor insects or disease which constitute a potential threat to other trees within the City.
- B. The Common Council will notify in writing the owners of such trees. Within 15 calendar days after the date the notice is served the owner shall:
  - (1) Remove such trees or limbs at their own expense, or
  - (2) Provide proof to the Common Council that a firm has been secured to do the job of removing the tree or limbs.
- C. Removal shall be completed no later than 45 days after the original date notice was served. In the event of failure of owners to comply with such provisions, the City shall have the authority to remove, upon proper notice to the owner, such trees or limbs and charge the cost of removal, plus an additional administration fee as set by the Common Council, as a special charge against the property owner's real estate tax bill.<sup>2</sup>

ARTICLE II

**Exterior Areas**

[Adopted 12-13-2004 by Ord. No. 84]

**§ 244-5. Definitions.**

For the purpose of this article, the following words and phrases shall have the meanings assigned to them in this section. Words and phrases not herein otherwise defined shall have the meanings accepted by common use.

**BLIGHTING INFLUENCE** — A condition having an adverse effect on surrounding properties.

**DEBRIS** — Broken concrete, bricks, blocks or other mineral matter; bottles, porcelain, and other glass or crockery; box; lumber (new or used), posts, sticks or other wood; paper, rags, cardboard, excelsior, rubber, plastic, wire, tin, and metal items; discarded household goods or appliances, junk lawn mowers, tar paper, residues from burning or any similar materials which constitute health, fire or safety hazards or a serious blighting influence upon their neighborhood or the City of Buffalo City in general.

**JUNK** — Any old or scrap metal, metal alloy, synthetic or organic material or waste, or any junked, ruined, dismantled or wrecked motor vehicles, discarded boats, snowmobiles, aircraft,

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2. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

all-terrain vehicles, automobiles, automobile parts, trucks, motors, refrigerators, furnaces, washing machines, stoves or machinery, or part thereof, whether salvageable or not. An unlicensed motor vehicle shall be construed to be a junked motor vehicle.

**NONCOMBUSTIBLE MATERIAL** — Material that cannot be burned.

**REFUSE** — Debris as heretofore defined.

**RUBBISH** — Combustible and noncombustible waste materials, and the term shall include the residue from burning of wood, coal, coke, and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tin cans, metals, minor matter, glass, crockery and dust, and other similar materials.

**§ 244-6. Exterior area requirements.**

No person, firm, or corporation shall allow or permit the exterior areas of their property to remain in a condition that is not in accord with the following provisions of this article.

- A. All exterior areas of any premises shall be kept in a clean and sanitary condition, free from any accumulation of combustible or noncombustible material, debris, junk, and refuse or any similar material which could or may cause fire, safety or health hazard or a serious blighting influence upon surrounding properties.
- B. No person shall store firewood on any residential premises, except for their personal use. No firewood pile may be located within the front setback or within three feet of any side or rear property line.

**§ 244-7. Exception for authorized junkyards.** <sup>3</sup>

Junkyards in the Industrial District which have been authorized by the Board of Appeals in accordance with Chapter 350, Zoning, of the Code of the City of Buffalo City shall comply with the provisions of that ordinance and any regulations adopted thereunder.

**§ 244-8. Violations and penalties.**

Any person who shall be adjudicated to have violated any of the provisions of this article shall be subject to a forfeiture of not less than \$10 nor more than \$100 plus the cost of said prosecution, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues. The City may further seek an abatement of the condition by injunction.

**§ 244-9. Enforcement.**

- A. Whenever the Mayor, or his designees, shall find any violations of this article herein within the City they shall notify the owner of said property which is in violation of this article of the condition. If the condition of the property is not remedied within five days, the City shall cause to be issued a citation to the property owner or tenant of the property which is in violation of this article.

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3. Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

- B. If the debris, junk, rubbish, refuse, or other material, as defined, is not removed within 20 days after the issuance of a citation, the Mayor or his designees shall cause the same to be removed and it shall be thereafter disposed of in a commercially reasonable manner. Any cost incurred in the removal and sale of said junk shall be recovered from the owner. However, if the owner of the junk cannot readily be found, the cost of such removal shall be charged to the property from which it is removed, which charges shall be entered as a special charge on the tax roll.