

LEGAL NOTICE

INVITATION TO BID

The Town of Lenox is requesting sealed bids for the purpose of **Property Maintenance Code of NYS chapter 96 and adopted by Town of Lenox Town Board.**

Scope of work to be performed is as follows: Under section 96-3, all premises and immediate exterior property shall be maintained free of weeds and/or plant growth in excess of 5 inches (127 mm). All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants, and vegetation, other than trees or shrubs; provided, however, that this term shall not include cultivated flowers and gardens.

Additional conditions for Chapter 96 property maintenance can be obtained @ Town of Lenox Office located at 205 So. Peterboro St. Canastota N.Y. 13032. **Bids shall be delivered no later than 4:00 pm on May 30, 2019 and will be opened on June 4, 2019 at 4:00 p.m.**

LEGAL NOTICE

INVITATION TO BID

Pursuant to a Town of Lenox Town Board resolution adopted as indicated in article histories, The Town of Lenox, New York request sealed bids for the purpose of: **Property Maintenance Code of NYS chapter 96 and adopted by Town of Lenox Town Board.**

Scope of work to be performed is as follows: Under section 96-3, all premises and immediate exterior property shall be maintained free of weeds and/or plant growth in excess of 5 inches (127 mm). All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants, and vegetation, other than trees or shrubs; provided, however, that this term shall not include cultivated flowers and gardens. Therefore, any property within the Town of Lenox that does not comply with the above will be found to be in violation of said Town law and shall be dealt with as provided within local law.

The intended use provides basic and uniform standards governing the condition, occupancy and maintenance of commercial, residential and mixed occupancy premises for the purpose of establishing reasonable safeguards for the safety, health & welfare of the occupants of said premises, adjoining properties and the general public and enforcement of the NYS property maintenance code as previously adopted by the Town of Lenox. Definitions and additional conditions for Chapter 96 property maintenance can be obtained @ Town of Lenox offices located at 211 So. Peterboro St. Canastota N.Y. 13032. **Bids shall be delivered no later than 4:00 p.m. on May 30, 2019 and will be opened June 4, 2019 at 4:00 p.m.** The successful bidder(s) will be required to supply the Town of Lenox with proof of insurance and a complete list of equipment available that can/will be utilized by successful bidder(s) to comply with expected services anticipated. Said info shall accompany each bid, as a guarantee that if the proposal is accepted a contract will be entered into. This agreement will assure the Town that the contractor(s) shall perform and fulfill all the undertakings, covenants, terms, conditions

and agreements of the contract including any duly modifications.

Bidders must submit their proposal in a sealed envelope clearly marked, Property Maintenance Bid Town of Lenox. Please include your Co. name and date bid is due when submitting your Proposal. Faxed bids are unacceptable. The Town of Lenox is exempt from the payment of sales and compensating use taxes of the State of NY and counties thereof on all materials, equipment and supplies sold to the bidder(s) pursuant to the contract. Any Taxes are not to be included in bid. Bids should include rate per square foot for brush hogging as initial mowing and a rate per square foot for subsequent mowing's as described and authorized by Town of Lenox codes enforcement officer, who shall supply the bidder with property square footage. The Town of Lenox reserves the right to revise or amend the specifications prior to the date set for opening of bids. Such revisions and amendments, if any, will be announced by addenda to this advertisement. The Invitation to bid is also considered as part of the specifications and shall be complied with in all respects. The Town of Lenox reserves the right to reject any or all bids not in the best interest of the Town of Lenox.

Town of Lenox, NY
Thursday, May 16, 2019

Chapter 96. Property Maintenance

[HISTORY: Adopted by the Town Board of the Town of Lenox as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Building construction and fire prevention — See Ch. 47.

Unsafe buildings — See Ch. 56.

Fire prevention — See Ch. 70.

Article I. Commercial, Residential and Mixed-Occupancy Property Maintenance

[Adopted 5-10-2006 by L.L. No. 1-2006]

§ 96-1. Title.

This article shall be known as the "Commercial, Residential and Mixed-Occupancy Property Maintenance Code of the Town of Lenox."

§ 96-2. Purpose.

This article provides basic and uniform standards governing the condition, occupancy and maintenance of commercial, residential and mixed-occupancy premises for the purpose of establishing reasonable safeguards for the safety, health and welfare of the occupants of such premises, adjoining properties and the general public and the enforcement of the New York State Property Maintenance Code.

§ 96-3. Incorporation of State Code.

[Amended 8-14-2017 by L.L. No. 8-2017]

This section shall incorporate the standards found in the Property Maintenance Code of New York State, which shall be referred to in this chapter as the "State Code." On January 1, 2003, the Property Maintenance Code of New York State, based on the 2000 International Property Maintenance Codes, became effective as part of the New York State Uniform Fire Prevention Building Code of New York. This new eight-volume series of building codes applies to all buildings in New York State outside of New York City and as amended and renamed. Under Section 106 of the State Code, violations of the State Code shall be dealt with as provided for in local law.

- A. Weeds. All premises and immediate exterior property shall be maintained free from weeds or plant growth in excess of five inches (127 mm). All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs; provided, however, that this term shall not include cultivated flowers and gardens. (NOTE: This section shall supersede the 2016 Chapter 8 IPMC Section 302.4 amendment to the 2015 IPMC.)

§ 96-4. Definitions.

- (1) To inspect and to cause inspection to be made of commercial, residential, and mixed-occupancy premises within the scope of the applicable standards, as necessary.
 - (a) Inspectors shall be authorized and have the right, in performance of their duties, to enter any commercial, residential, and mixed-occupancy premises for purposes of inspection or any other reason necessary to administer or secure compliance with this article.
 - (b) Owners, agents, operators, occupants and tenants shall be responsible for providing access to all parts of the commercial, residential, and mixed-occupancy premises within their control to inspectors acting in performance of their duties.
- (2) To investigate and to cause an investigation of all complaints of alleged violations of this article. The Building Official shall keep records of all complaints received, inspections made and violations found regarding commercial, residential, and mixed-occupancy premises regulated by this article.
- (3) To issue notices of abatement under this article.
- (4) To issue notices of violation of this article and to order, in writing, the remedy of all conditions found to exist in or on any commercial, residential and mixed-occupancy premises, and accessory structures thereon, in violation of the provisions of this article and to state in the notice of violation a thirty-day limit for compliance, except in an emergency where conditions render the commercial, residential, and mixed-occupancy premises unsafe for occupancy and/or unsafe to adjoining properties and/or the general public, in which event there shall be a forty-eight-hour limit for compliance therewith and, where necessary, to order the vacating of the premises found unfit for occupancy.

§ 96-9. Responsibilities of owners.

Owners of commercial, residential, and mixed-occupancy premises shall be responsible for compliance with the provisions of this article.

§ 96-10. Abatement.

In the event that an owner of an occupied or unoccupied commercial, residential, and mixed-occupancy premises shall fail to maintain the same as required under this article, the Building Official or his authorized agent may, in lieu of or in addition to written violation, serve written abatement notice on the owner and the owner's representative and may cause such work to be undertaken by or on behalf of the Town of Lenox pursuant to the procedures set forth in § 96-14 of this article.

§ 96-11. Service of notice of violation.

A notice of violation may be served on the owner as follows:

- A. Personally;
- B. By delivering to and leaving a copy thereof with a person on the commercial, residential, and mixed-occupancy premises of reasonable age and discretion and by mailing copies thereof by both regular mail and certified mail, return receipt requested, to the owner at the owner's address as shown on the latest assessment roll of the Town Assessor; or
- C. By posting a copy in a conspicuous place on the exterior of a structure on the commercial, residential, and mixed-occupancy premises and by mailing copies thereof by both regular mail and certified mail, return receipt requested, to the owner at the owner's address as shown on the latest assessment roll of the Town Assessor.

- C. Should such owner fail to comply with the abatement notice, the Town may cause the work or repair to be made by entering contracts therefor and making payment out of available funds, except that, if the Town determines that an emergency exists, the Building Official may order the work or repair to be made by or on behalf of the Town. The Town shall keep records of the cost of such work.
- D. Should the work or repair be performed by or on behalf of the Town after notice has been given pursuant to this article and the owner's time for compliance has run out, the Town of Lenox shall advise the owner, in writing, of the cost of such work or repair, together with an additional 10% for the administrative fee for costs of inspection and other incidental costs associated with abating the condition, and subsequent thereto, the owner shall have the right to request a hearing to challenge the cost of such work or repair within 10 days of said notice. The cost of the work or repair as finally determined together with the administrative fee and all incidental costs shall be assessed as a lien against the affected property. Notice shall be given to the Town Clerk specifying the property affected by lot and block numbers as the same appear on the Official Tax Assessment Map of the Town of Lenox, together with the costs incurred in undertaking such work or repair together with an additional ten-percent administrative fee for costs of inspection and other incidental costs associated with abating the condition, and from the hour of filing, the amount of the charges specified in said notice to the Town Clerk shall be a lien upon the property affected thereby. A copy of this notice shall be served by certified mail upon the owner of the affected property, in the manner specified in Subsection A above. The costs specified, if not paid by or on behalf of the owner within 30 days of notice, shall be added to and collected with the subsequent Town property tax levy, and shall bear interest and be enforced as provided by law for other Town taxes.
- E. No action for damages may be maintained against the Town or its agents by reason of its failure to comply with any of the provisions of this section.