

Local Law Filing

New York State Department of State
41 State Street, Albany, NY 12231

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County
City of Lyndonville
Town
Village

Local Law No. 1 of the year 2002.

A local law PROPERTY MAINTENANCE LAW OF THE VILLAGE OF LYNDONVILLE
(Insert Title)

Be it enacted by the Board of Trustees of the
(Name of Legislative Body)

County
City of Lyndonville, New York as follows:
Town
Village

SECTION 1. Title

This local law shall be known as the "Property Maintenance Law of the Village of Lyndonville."

SECTION 2. Legislative Findings and Purpose

The Village Board of the Village of Lyndonville hereby finds that the outdoor storage, accumulation, deposit or placement of: abandoned, junked, discarded, wholly or partially dismantled or unlicensed or unregistered motor vehicles, rubbish, debris, or solid waste upon private property threatens the health, safety and welfare of Village residents. Outdoor storage, accumulation, deposit or placement of such items creates a significant fire hazard, endangers the environment and ground water, leads to infestation by insects, vermin or rodents, depreciates property values, and has a deteriorating and blighting effect upon the neighborhood and community.

The Village Board hereby determines that the outdoor storage, accumulation, deposit or placement of: abandoned, junked, discarded, wholly or partially dismantled or unlicensed or unregistered motor vehicles, rubbish, debris, or solid waste upon private property constitutes a public nuisance.

SECTION 3. Definitions

Motor Vehicles- As used in this chapter, the term “motor vehicle” includes all vehicles as defined by NYS Vehicle and Traffic Law §125. The term “motor vehicle” as used in this chapter shall also include “all terrain vehicles” as defined by NYS Vehicle and Traffic Law §2281 and snowmobiles as defined by NYS Vehicle and Traffic Law §2221.

Rubbish- As used in this chapter, the term “rubbish” includes all discarded or worthless nonputrescible solid wastes consisting of both combustible and non-combustible wastes, including but not limited to paper and paper products, rags, wrappings, cigarettes, cardboard, tin cans, yard clippings, wood, glass, metals, plastics, tires, bedding, cloth, crockery, furniture, appliances and similar items.

*Debris-*As used in this chapter, the term “debris” includes all materials resulting from the construction, excavation, renovation, equipping, remodeling, repair or demolition of structures, property or roads as well as materials consisting of vegetation resulting from land clearing and grubbing, utility line maintenance and seasonal and storm related clean up. Such materials include but are not limited to: bricks, concrete and other masonry material, soil, rock, wood, wall coverings, plaster, drywall, plumbing fixtures, nonasbestos insulation, roofing shingles, asphaltic pavement, glass, window frames, electrical wiring and components, plastics, carpeting, foam padding, linoleum, metals, or any combination thereof which are incidental to construction, excavation, renovation, equipment, remodeling, repair or demolition.

Solid Waste- As used in this chapter, the term “solid waste” includes all putrescible and nonputrescible materials and substances discarded or rejected as having served their original intended use or as being spent, useless, worthless or in excess to the owner at the time of such discard or rejection including but not limited to household and commercial garbage, industrial waste, rubbish, debris, litter, and ashes.

Garbage- As used in this chapter, the term “garbage” includes all putrescible animal and vegetable waste resulting from growing, processing, marketing and preparation of food items, including container in which packaged.

All other terms as used in this chapter shall have their common and ordinary meaning.

SECTION 4. Outdoor deposit or storage of waste

No person, as owner, occupant, lessee or agent, or in any capacity shall store, deposit, place, maintain or cause or permit to be stored, deposited, placed or maintained outdoors any abandoned, junked, discarded, wholly or partially dismantled, unlicensed or unregistered motor vehicles or any other solid waste, rubbish or debris upon any private property within the Village. This section shall not apply to any solid waste, rubbish or debris temporarily stored or placed in a container for collection or disposal.

Violation of this section is punishable by fine of up to \$250 and/or up to fifteen days in jail.

SECTION 5. Inspection

Whenever it shall appear that the provisions of this chapter are violated, the Code Enforcement Officer or any such other officer or employee authorized by the Village to have jurisdiction thereof, shall make an inspection of the property involved and shall prepare a written report of the conditions found, which report shall be filed with the Village Board.

SECTION 6. Notice of Violation

(1) If conditions existing on the inspected property violate the provisions of this chapter, the Code Enforcement Officer or other designated officer or employee shall serve or cause to be served a written notice of such violation, either personally or by certified mail, upon the owner or owner's agent as well as upon the lessee or occupant of said premises.

(2) Said notice shall contain substantially the following: the name of the owner, lessee or occupant of the premises; the address or location of the premises; the identification of the premises as the same appears on the current assessment roll; a statement of the conditions on the property deemed upon inspection to be in violation of this chapter; demand that the motor vehicle, solid waste, rubbish or debris determined to be in violation of this chapter be removed from the property on or before 10 days after the service or mailing of such notice; a statement that a failure or refusal to comply with the provisions of this chapter and the notice given pursuant thereto within the time specified may result in a duly authorized officer, agent or employee of the Village entering upon the property and removing such motor vehicle, solid waste, rubbish or debris and causing the same to be disposed of or otherwise destroyed; and that the cost and expense of such removal and disposal or destruction shall be assessed against the described property and shall constitute a lien thereon to be collected as provided by law.

(3) Said notice shall also contain the date, time and location at which the Village Board will conduct a public hearing to determine whether the conditions upon the subject property constitute a public nuisance. Said notice shall state the property owner, his/her agent, lessee or occupant is entitled to be heard such hearing and present evidence or testimony. The date of such public hearing must be at least 10 days after service or mailing of the Notice of Violation. Notice of the public hearing shall be published in a paper of general circulation in the village at least five days prior to the date of the public hearing.

(4) Nothing contained herein shall require notice as a prerequisite to the issuance of a summons or appearance ticket for a violation of any of the provisions of this chapter.

SECTION 7. 2nd Inspection and Report

On or before the date of the public hearing and prior to commencement of the public hearing the Code Enforcement Officer or other duly authorized officer or employee shall conduct a second inspection of the property and file a written report of the conditions deemed in violation of this chapter found thereon with the Village Board. Such inspection shall be conducted as close to the date of the public hearing as practicable.

SECTION 8. Declaration of Public Nuisance and Remediation

At the close of the public hearing, the Village Board may determine the conditions upon the subject property which violate this chapter constitute a public nuisance. Upon determination by the Village Board that conditions upon the property constitute a public nuisance, the Village Board is empowered to authorize officers, agents or employees of the Village to enter onto the property to remove any vehicle, solid waste, rubbish or debris stored, deposited, placed or maintained in violation of this chapter and dispose of or otherwise destroy same. Any costs and expenses incurred by the city/village when acting pursuant to this chapter to abate a public nuisance shall be assessed against the property involved and shall constitute a lien thereon to be collected as provided by law.

SECTION 9. Emergency Actions

Nothing in this chapter shall prohibit the Village of Lyndonville from entering onto private property to remove any solid waste, motor vehicle, appliance, rubbish or debris whenever there exists an imminent threat to the life or safety of persons. The Village authority pursuant to this section may only be exercised where there is a dire necessity to protect persons. Any municipal action taken pursuant to this section must be reasonably calculated to alleviate or prevent the crisis condition and must be limited to those actions necessary to eliminate the emergency situation.

A property owner shall be given notice and an opportunity to be heard prior to any costs and expenses incurred pursuant to this section being placed on the property's tax bill.

SECTION 10. Judicial Relief

Nothing contained in this chapter shall prevent the Village from seeking judicial or equitable relief to abate violations of this chapter.

SECTION 11. Severability

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

All Local Laws, Ordinances, rules, regulations or parts or portions thereof that conflict or are contrary to any provision of this Local Law are hereby repealed.

SECTION 12. Effective Date

This local law shall take effect upon its proper filing as required by law.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 1 of 2002, of the ~~(County)~~ ~~(City)~~ ~~(Town)~~ (Village) of Lyndonville, New York was duly passed by the Board of Trustees (Name of Legislative Body) on February 11, 2002, in accordance with the applicable provisions of law.

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the ~~(County)~~ ~~(City)~~ ~~(Town)~~ (Village) _____ was duly passed by the _____ on _____ 20____, and was (approved) (not disapproved) (Name of Legislative Body) (repassed after disapproval) by the _____ and was deemed duly adopted (Elective Chief Executive Officer*) on _____ 2002, in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 2002 of the ~~(County)~~ ~~(City)~~ ~~(Town)~~ (Village) of _____ was duly passed by the _____ on _____ 2002, and was (approved) (not disapproved) (repassed after disapproval) by the _____ on _____ 2002. Such local law was submitted to (Elective Chief Executive Officer) the people by reason of a (mandatory) (permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general) (special) (annual) election held on _____ 20____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 2002 of the ~~(County)~~ ~~(City)~~ ~~(Town)~~ (Village) of _____, New York was duly passed by the Board of Trustees (Name of Legislative Body) on _____, 2002, and was (approved) (not disapproved) (repassed after disapproval) by the Mayor on _____, 2002. Such local law was subject to permissive referendum and (Elective Chief Executive Officer*) no valid petition requesting such referendum was filed as of _____, 2002, in accordance with the applicable provisions of law.

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairman of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36) (37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special) (general) election held on _____ 20 _____, became operative.

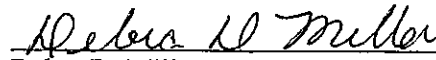
6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the County of _____, State of New York, having been submitted to the electors at the General Election of November _____ 20 _____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and of a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1, above.

(SEAL)



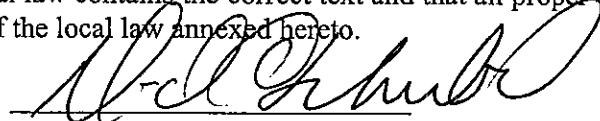
Debra D. Miller
Village Clerk, Village of Lyndonville

Date: 2-28-2002

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized Attorney of locality.)

STATE OF NEW YORK
COUNTY OF ORLEANS

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.



David C. Schubel
Village Attorney

County _____
City of Lyndonville
Town _____
Village _____

Date: 2/28/2002



STATE OF NEW YORK
DEPARTMENT OF STATE
41 STATE STREET
ALBANY, NY 12231-0001

RANDY A. DANIELS
SECRETARY OF STATE

March 11, 2002

DAVID C. SCHUBEL
VILLAGE OF LYNDONVILLE
2 SOUTH MAIN ST., POB 270
LYNDONVILLE, NY 14098

RE: Village of Lyndonville, Local Law 1, 2002, filed 03/06/2002

The above referenced material was received and filed by this office as indicated. Additional local law filing forms will be forwarded upon request.

Sincerely,

A handwritten signature in black ink that reads "Linda Lasch". The signature is written in a cursive, flowing style.

Linda Lasch
Principal Clerk
State Records & Law Bureau
(518) 474-2755