



Local Law
LITTER CONTROL LAW

Local Law Filing New York State Department of State

41 State Street, Albany, NY, 12231

Town of Fine

Local Law No. 5 of the year 2011

A Local Law Providing for the Control of Litter within the Town

Be it enacted by the Town Board of the Town of Fine, in the County of St. Lawrence, as follows:

SECTION 1:

TITLE

This local law shall be known as the "Litter Control Local Law of the Town of Fine."

SECTION 2:

PURPOSE

This local law is enacted in recognition of the fact that the outdoor storage and maintenance of abandoned, junked, discarded, dismantled and unlicensed motor vehicles, household appliances, rubbish, and debris upon private property is a matter affecting the public interest. The Town Board declares that the unrestrained accumulation and outdoor storage of such abandoned, junked, discarded, dismantled and unlicensed motor vehicles, household appliances, rubbish, and debris constitutes a hazard to the health, safety, and welfare of all of the citizens of the Town of Fine.

Another benefit of this local law is to preserve and enhance the overall attractiveness and quality of the town for the benefit of all residents and property owners, as well as promoting economic development within the town. Maintaining the quality of each property within the town affects the quality of the town as a whole.

SECTION 3:

DEFINITIONS

The words used in this local law shall be defined as follows:

- a. **CODE ENFORCEMENT OFFICER** - The Code Enforcement Officer of the Town of Fine or such other person appointed by the Town Board to enforce the provisions of law or code of the Town of Fine, including provisions of this law.
- b. **GARBAGE** - Putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.
- c. **JUNK APPLIANCE** - Any stove, washing machine, dryer, freezer, refrigerator, or other household device or equipment abandoned, junked, discarded, or wholly or partially dismantled.
- d. **JUNK MOBILE HOME** - Any enclosed dwelling built upon a chassis, motor vehicle, or trailer used or designed to be used for either permanent or temporary living and/or sleeping purposes including motor homes, truck campers, camping trailers, campers, travel trailers, pop-up trailers, tent trailers, and over-night trailers, which is no longer suitable for human habitation.
- e. **JUNK MOTOR BOAT** - Any boat, originally intended for motorized operation, which is:
 - a) Unregistered;
 - b) either abandoned, wrecked, stored, discarded, dismantled, or partly dismantled; or
 - c) not in condition for legal use upon public waterways.

- f. **JUNK VEHICLE** - Any motor vehicle, whether automobile, bus, trailer, truck, tractor, motor home, motorcycle, mini-bicycle, all-terrain vehicles, or snowmobile, or any other device originally intended for travel on the public highways, which is: 1) unregistered; 2) either abandoned, wrecked, stored, discarded, dismantled, or partly dismantled; or 3) not in any condition for legal use upon the public highway. This definition does not affect motor vehicle storage that complies with applicable licensing requirements, such as repair garages, salvage yards, and similar establishments. With respect to any motor vehicle not required to be licensed or not usually used on public highways, the fact that such motor vehicle has remained unused for more than one year and is not in condition to be removed under its own power shall be presumptive evidence that such motor vehicle is a junk vehicle.
- g. **LITTER** - Garbage, refuse, rubbish, junk appliances, junk boats, junk mobile homes, and junk vehicles, as here defined, and all other waste material which, if thrown or deposited as here published, tends to endanger the public health, safety, and the aesthetic value of the premises in relation to the town or causes untidiness or disorder within the town.
- h. **OWNER** - The owner, executor, administrator, agent, lessee, or any person having a vested or contingent interest in the premises, as shown by the records of the Town Tax Collector or of the St. Lawrence County Clerk.
- i. **PREMISES** - Unimproved property, dwelling house, building, or other structure designed or used either wholly or in part for private purposes, whether inhabited or vacant and shall include any yard, grounds, walk, driveway, porch, steps, vestibule or mailbox belonging or appurtenant to such dwelling, house, building, or other principal or accessory structure.
- j. **REFUSE** - All putrescible and non-putrescible solid wastes, except body wastes; including but not limited to garbage, rubbish, ashes, street cleanings, dead animals; abandoned automobiles, tires; metal goods, including but not limited to refrigerators, stoves, and like appliances, furniture and furnishings; construction materials including but not limited to lumber, gypsum wall board, chip board, concrete; and tree limbs and branches.
- k. **RUBBISH** - Non-putrescible solid wastes consisting of either combustible or non-combustible wastes, such as paper, wrappings, cigarettes, cardboard, tin cans, yard clippings, wood, glass, bedding, crockery, and similar materials.

SECTION 4:

MAINTENANCE of PREMISES

It shall be unlawful for any owner, tenant, or occupant of any premises or portion of any premises, or the owner, tenant, or occupant of the land upon which the same is situated, to allow for the accumulation of litter, garbage, junk appliances, junk mobile homes, junk motor boats, junk vehicles except as authorized by the Property Maintenance Code of New York State, refuse, or rubbish as here defined, or otherwise violate the Property Maintenance Code of New York State.

INVESTIGATION, NOTICE and REPORT

- a. In the event that any premises located in the Town of Fine shall be maintained in violation of § 4 of this Local Law or the Property Maintenance Code of New York State, the Code Enforcement Officer shall make an inspection and serve a written notice of the inspection:
 - (1) by personal service upon the owner;
 - (2) by certified mail to the owner's last known address;
 - (3) by personal service upon any adult person residing in or occupying the premises if such person can be reasonably found; or
 - (4) by securely affixing a copy of the notice upon any residence or other structure located on the property and mailing a copy of the notice by regular mail to the owner directed to his/her last known address.
- b. The notice shall contain:
 - (1) a brief description of the premises and its location;
 - (2) a description of the condition of the property needing remediation;
 - (3) an order outlining the manner in which the property is to be made compliant with this Local Law;
 - (4) a statement that the remediation of the property shall commence within 10 days of service of the notice and shall be completed within 21 days afterwards, but for good cause shown, such time may be extended;
 - (5) a statement that the owner may request a Town Board Hearing to contest the clean-up order by filing an appeal to the Town Board (via the Town Clerk), within the time allowed for remediation, and that at the hearing, the Town Board shall determine whether the order shall be affirmed or modified or vacated;
 - (6) a statement that failure to remedy the violation within the time allowed for remediation will result in a civil penalty per § 9;
 - (7) a statement that in the event of neglect or refusal to comply with the order, the Town of Fine is authorized to cause such litter, garbage, junk appliances, junk mobile homes, junk motor boats, junk vehicles, refuse or rubbish to be removed by town employees or by independent contractors, and total expense of such removal may be assessed by the Town Board on the real property on which such abandoned vehicle, garbage, litter, refuse, or rubbish was found, and the expense so assessed shall constitute a lien and charge on the real property on which it is levied until paid or otherwise satisfied or discharged and shall be collected in the same manner and at the same time as other town charges.

- c. If the owner contests the order by filing an appeal with the Town Board within the time allowed for remediation, the Town Board shall hold a hearing on the order at its next regularly scheduled meeting. At the hearing, the Town Board shall affirm, modify, or vacate the order. The time allowed for remediation will be tolled from the date the owner files the appeal, to the date the Town Board affirms or modifies the order.

- d. The Code Enforcement Officer shall make an inspection at the end of the time allowed for remediation. If the property has not been made compliant with this local law, the Code Enforcement Officer shall issue and serve an appearance ticket for violation of this local law. If the Code Enforcement Officer determines that the property has not been made compliant, but that the owner has been making diligent efforts to comply, the Code Enforcement Officer may, in his discretion, grant an extension of the time allowed for remediation.

SECTION 6:

REMOVAL BY TOWN

If, thirty (31) days after service of notice per § 5, or after any authorized extension, the owner shall fail to contest the order and fail to comply with the order, the Town Board is authorized to cause the removal and disposal of such clutter, litter, and debris from the property. The expense of the cleanup shall be assessed against the property so affected.

SECTION 7:

EMERGENCY SITUATIONS

Where it reasonably appears that there is present a clear and imminent danger to the life, safety, or health of any person or property unless the premises is immediately cleaned up, the Town Supervisor may authorize the Code Enforcement Officer to immediately cause the clean-up of said premises. The expense of the cleanup shall be assessed against the property so affected.

SECTION 8:

ASSESSMENT OF EXPENSES

All costs and expenses incurred by the town in connection with proceedings set forth in this law, including the cost of clean-up and also including any attorney fees attributable to the enforcement of this law, shall be assessed against the premises and shall be included in the tax levy and collected against said premises or may be collected by use of General Municipal Law Section 78-b.

Section 9:

CIVIL PENALTIES

- a. Any failure to remedy a noticed violation is an offense punishable by a civil penalty not to exceed one hundred dollars (\$100.) for a first offense; a civil penalty of not less than two hundred dollars (\$200.) and not more than three hundred fifty dollars (\$350.) for a second offense, committed within five years of the first offense, and a civil penalty of not less than five hundred dollars (\$500.) and not more than seven hundred and fifty dollars (\$750) for a third or subsequent offense committed within five years of the first offense.
- b. Violations of this local law are deemed a civil violation and may be recorded as a judgment.

Section 10:

SEVERABILITY

Each separate provision of this Local Law shall be deemed independent of all other provisions. Should any provision be deemed to be declared invalid, all other provisions of this Local Law shall remain valid and enforceable.

SECTION 11:

REPEALER

This Local Law supersedes and repeals Local Law No. 1 of 2006.

SECTION 12:

EFFECTIVE DATE

This Local Law shall take effect upon its being duly filed in the office of the Secretary of State of the State of New York.