

Local Law Filing

(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 Town Village

(Select one:)

of Cohocton _____

Local Law No. 1 of the year 20¹⁴

A local law requiring property maintenance in the Town of Cohocton
(Insert Title)

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

County City Town Village

(Select one:)

of Cohocton _____ as follows:

See Attached

(If additional space is needed, attach pages the same size as this sheet, and number each.)

Section 1. Legislative findings.

It is hereby found and declared that there have existed from time to time in the Town of Cohocton, through lack of maintenance, infestation and unsanitary conditions, which constituted a menace to the health, safety, morals, welfare, and reasonable comfort of the citizens and inhabitants of the Town of Cohocton. In order to prevent the growth and spread of such conditions in the future, to maintain the neighborhood and property values, the desirability and amenities of dwellings and to protect and foster the health, safety, & welfare of our town, this Board deems the restrictions, as hereafter set forth, to be prudent and necessary.

Section 2. Purpose.

The purposes of this chapter are to protect the public health, safety, welfare, and public and private property by establishing minimum standards governing the exterior maintenance of premises and duties of owners and operators of buildings; to authorize and establish procedures for the inspection of exterior of premises; and to fix penalties for the violations of the law. This law is hereby declared to be remedial and essential for the public interest, and it is intended that this law be liberally construed to effectuate the purposes as stated herein.

Section 3. Definitions.

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 cleanup. Such materials include but are not limited to bricks, concrete and other masonry materials, soil, rock, wood, wall coverings, plaster, drywall, plumbing fixtures, non-asbestos 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, equipping, remodeling, repair or demolition. A compost pile is not considered debris.

Dwelling Any occupied or unoccupied building, structure, manufactured home, or mobile home, or part thereof, used and occupied for human habitation or intended to be so used.

Farm

Operation The land and on-farm buildings, equipment, manure processing and handling facilities, and practices which contribute to the production, preparation and marketing of crops, livestock and

livestock products as a commercial enterprise, including a “commercial horse boarding operation”, a “timber operation”, “compost, mulch or other biomass crops” and “commercial equine operation”. Such farm operation may consist of one or more parcels of owned or rented land, which parcels may be contiguous or noncontiguous to each other.

- Garbage** Includes all putrescible animal and vegetable waste resulting from processing, marketing and preparation of food items, including the container in which packaged.
- Outdoors** Includes anything not housed in a fully enclosed building.
- Owner** The owner as identified on the current assessment roll, or the managing representative of the owner.
- Rubbish** Includes all nonputrescible solid wastes consisting of both combustible and noncombustible 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. A compost pile is not considered rubbish.
- Solid Waste** Includes all putrescible and nonputrescible materials and substances having served their original intended use or being spent, useless, worthless or in excess to the owner, including but not limited to household and commercial garbage, industrial waste, rubbish, debris, garbage, litter and ashes.
- Vermin** Various small animals or insects, such as rats or cockroaches, that are destructive or injurious to health, including squirrels, but not including bats, raccoons, skunks, or opossums.
- Vegetation** All brush, grass, weeds or other vegetation, excluding and excepting gardens, flower beds, or farm crops which exceed the height of 10 inches, on a premises which is improved by a residential, commercial or industrial building.

Note that all other terms as used in this law shall have their common or ordinary meaning.

Section 4. General Regulations.

- A. All property exteriors within the Town of Cohocton, including the exteriors of all buildings and structures and including all lands within the Town of Cohocton, either occupied or vacant, shall be kept clean and free from garbage and rubbish, shall be kept free from rodents and vermin which may constitute a health or safety hazard and shall be kept free from any other health and safety hazards of any kind.
- B. All exterior parts of the premises shall be maintained so to prevent infestation and the accumulation of debris, excluding materials from ongoing construction or remodeling.
- C. All lawns, hedges, shrubs, bushes, weeds, and growth or vegetation of any kind within 100 feet of a dwelling on the same property shall be kept trimmed and shall not be permitted to become overgrown, and no grass or weeds shall be permitted to grow to a height in excess of 10 inches, not including banks or slopes greater than 15% in grade (15" in 100").
- D. Agricultural buildings used by farmers with a farm operation, as defined by the New York State Agriculture and Market Board AML §301(11), for the storage of farm equipment or crops shall be exempt from the provisions of subdivision "C" above.
- E. In the Low Density Residential (LDR) District, it shall be unlawful for any owner, lessee, or occupant, or any agent, servant, representative, or employee of such owner, lessee, or occupant, having control of any occupied or unoccupied lot or land or any part thereof in the Town of Cohocton to permit or maintain on any such lot or land or on or along the sidewalk, street, or alley adjacent to the same, along the property line and the curb or middle of the alley, any growth of weeds, grass, or other vegetation to a greater height than ten (10) inches on the average, or any accumulation of dead weeds, grass, or brush. It shall also be unlawful for any such person or persons to cause, suffer, or allow poison ivy, ragweed, or other poisonous or harmful weed shall extend upon, overhang, or border any public place.

Section 5. Disposal of Garbage.

Garbage out for collection shall be contained within receptacles with watertight lids.

Section 6. Enforcement.

The Town Code Enforcement Officer and such persons as may be designated from time to time by the Board of Trustees of the Town of Cohocton, or any of them, are hereby designated as the officers charged with the enforcement of this law hereby established and are hereinafter referred to as the "enforcement officer".

Section 7. Notice of Violation.

Whenever the enforcement officer determines that there are reasonable grounds to believe that there has been a violation of any provision of this law, he shall give notice of such alleged violation to the person or persons responsible therefor as hereinafter provided. Such notice shall be in writing, including a statement of the reasons why it is being issued; and be served upon the owner or occupant of the premises or the agent of either of them. Such notice shall be deemed to be properly served if a copy thereof is served upon such person personally or is sent by certified or registered mail to his last known address or is posted in a conspicuous place in or about the premises affected by the notice. Such notice shall also state unless within 10 days from service of the notice a written request is made for a hearing before the enforcement officer, said notice shall, at the expiration of such ten-day period, be deemed an order to cease and desist from and to abate the described violation, and such notice shall prescribe a reasonable time within which such person shall be required to cease and desist from and abate such violation. The notice may also contain an outline of remedial action which, if taken, will effect compliance with the provisions of this law.

Section 8. Hearings.

If a hearing as aforesaid is requested, it shall be commenced not later than 10 days after request therefor is made, provided that for good cause the enforcement officer may postpone such hearing for a reasonable time. If, after a hearing, the enforcement officer finds that no violation exists, he shall withdraw the notice. If he finds that a violation does exist, he shall enter and issue an order requiring the abatement of same within a prescribed, reasonable time. The proceedings at such hearing, including the findings and decision of the enforcement officer, shall be summarized, reduced to writing, and entered as a matter of public record in the office of the enforcement officer.

Section 9. Emergency Action.

Whenever the enforcement officer finds that an emergency exists which requires immediate attention to protect the public health or safety, he may, without notice or hearing, issue an order reciting the existence of such an

emergency. Notwithstanding any other provisions of this law, such order shall be effective immediately. Any person to whom such order is directed shall comply therewith immediately, but upon petition to the enforcement officer, he shall be afforded a hearing as soon as possible. After such hearing, the enforcement officer shall continue such order in effect to modify it or withdraw it.

Section 10. Noncompliance; charge included in tax bill, filed statement constitutes lien.

- A. Action upon noncompliance. Upon the failure, neglect, or refusal of any owner or agent so notified to properly comply with this law the prescribed time as set pursuant to Section 7 or Section 8, or within 48 hours after the date of such notice in the event that the same is returned to the enforcement officer because of its inability to make delivery thereof and provided that the same was properly addressed to the last known address of the last owner or agent, the enforcement officer is hereby authorized and empowered to undertake, arrange and pay for the correction of such violation.
- B. Charge included in tax bill. When the Town has effected the correction of the violation or has paid for its removal, the actual cost thereof, plus the accrued legal rate of interest per annum from the date of completion of the work, if not paid by such owner prior thereto, shall be charged to the owner of such property on the next regular tax bill forwarded to such owner by or on behalf of the Town, and such charge shall be due and payable by said owner at the time of payment of such bill.
- C. Filed statement constitutes lien. Where the full amount due the Town is not paid by such owner within 20 days after the correction of such violation, as provided in Subsections A. & B. above, then and in that case the enforcement officer shall cause to be filed in the office of the Town Clerk a sworn statement showing the cost and expense incurred for the work, the date the work was done, and the location of the property by address, section, lot, and block on which said work was done and the name of the reputed owner thereof. The filing of such sworn statement shall constitute a lien and privilege on the property and shall remain in full force and effect for the amount due in principal and expenses shall be collected in a manner fixed by law for the collection of taxes and, further, shall be subject to a delinquent penalty at the legal rate of interest in the event that same is not paid in full on or before the date the tax bill upon which such charge appears becomes delinquent. Sworn statements filed in accordance with the provisions hereof shall be prima facie evidence that all legal formalities have been complied with and the work has been properly and successfully done and shall be full notice to every person concerned that the amount of the statement, plus interest, constitutes a charge against the property designated and described in the statement and that the same is due and collectible by law.

Section 11. Penalties for offenses.

Any person who violates any of the provisions of this law or any order promulgated hereunder shall, upon conviction, be punished by a fine not to exceed \$250 for each violation of any of the provisions of this law, and each day that such violation shall continue shall be deemed to be a separate and distinct offense.

Section 12. This Local Law shall take effect upon filing with the Secretary of State.

(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 20¹⁴ of the ~~(County)(City)~~(Town)(Village) of Cohocton was duly passed by the Cohocton Town Board on August 19, 20¹⁴, 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) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ and was deemed duly adopted on _____ 20____, 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 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ on _____ 20____.

Such local law was submitted to 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 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, 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 chairperson 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 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)


Clerk of the county legislative body, ~~City~~, Town or ~~Village~~ Clerk or officer designated by local legislative body ~~Sandra L. Riley~~
TAMARA THURLING
DEPUTY TOWN CLERK
Date: 08/19/2014