

(Please Use this Form for Filing your 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.

~~XXXXX~~
~~XXXXX~~ of COHOCTON
Town
~~Village~~

Local Law No. 2 of the year 19 87

A local law regulating junk cars and other nuisances
(Insert title)

Be it enacted by the TOWN BOARD of the
(Name of Legislative Body)

~~XXXXX~~
~~XXXXX~~ of COHOCTON as follows:
Town
~~Village~~

1. LEGISLATIVE INTENT:

A clean, wholesome, attractive environment is declared to be of importance to the health and safety of the inhabitants of the Town of Cohocton and the safeguarding of their material rights against unwanted invasion and, in addition, such an environment is deemed essential to the maintenance and continued development of the economy of the Town of Cohocton and the general welfare of its citizens. It is further declared that the unrestrained accumulation of debris, trash, junk, and other types of abandoned, discarded or unused objects or equipment, or parts thereof, is a hazard to such health, safety and welfare of the citizens of the Town of Cohocton necessitating the regulation and restraint and the elimination thereof.

2. DEFINITION - NUISANCE:

For the purposes of this Local Law, the term nuisance is defined to mean any condition, or use of any premises or building exteriors located within the Town of Cohocton, which is in existence for seven (7) days or more and which is detrimental to the property of others or which causes or tends to cause diminution in the value of other property in the neighborhood in which such premises are located. This includes, but is not limited to, the keeping, depositing, scattering or the unsheltered storing on the premises, or causing or allowing the same to be done, of any of the following:

- (a) Lumber, junk, trash or debris;
- (b) Abandoned, discarded or unused objects or equipment such as furniture, stoves, refrigerators, freezers, cans or containers, or any part or parts thereof;
- (c) Abandoned, junked, unlicensed or inoperative motor vehicles, or any part or parts thereof;
 - (1) For the purposes of this Local Law, a motor vehicle shall mean all vehicles propelled or drawn by power other than muscular power;

(If additional space is needed, please attach sheets of the same size as this and number each)

- (2) For the purposes of this Local Law, 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 two (2) months and is presently unable to be moved under its own power, shall be presumptive evidence that such motor vehicle is an abandoned or junked motor vehicle;
- (3) For the purposes of this Local Law, the fact that a motor vehicle may be licensed or registered within the State of New York, but does not display a current license plate, shall be presumptive evidence that such motor vehicle is unlicensed;
- (4) For the purposes of this Local Law, an inoperative motor vehicle shall mean a motor vehicle that is incapable of presently moving under its own power and is presently no longer usable for the purposes for which it was manufactured;

3. EXCLUSIONS:

Notwithstanding the foregoing provisions, this Local Law shall not apply with regard to any motor vehicle or other objects or equipment in an enclosed building and shall further not apply with regard to any motor vehicle on the premises of a business enterprise operated in a lawful place and in a lawful manner when the keeping and maintenance of such motor vehicle is necessary to the operation of such business enterprise; or with regard to a motor vehicle in an appropriate storage place or depository maintained in a lawful place and manner by the Town of Cohocton or any other public agency or entity. Further, this Local Law shall not prohibit or prevent the establishment and regulation of automobile junk yards as is provided in General Municipal Law Section 136.

4. DUTY OF MAINTAINING PRIVATE PROPERTY:

No person owning, leasing, occupying or having charge of or control of any premises within the Town of Cohocton shall maintain or keep any nuisance thereon, nor shall any person keep or maintain such premises in a manner causing substantial diminution in the value of other property in the neighborhood in which such premises are located.

5. ABATEMENT OF NUISANCE:

No person owning, leasing, occupying or having charge of or control of any premises within the Town of Cohocton (collectively "Owners") shall maintain or keep or cause or allow any nuisance to be kept on any premises within the Town of Cohocton for a period of seven (7) or more days. Such owners shall jointly and severally abate said nuisance by the prompt removal of said property causing said nuisance to be placed into a completely enclosed building authorized for such purpose or else remove the same from the Town of Cohocton.

6. REMOVAL PROCEDURE:

Any abandoned, junked or inoperative motor vehicle, or parts thereof, or any other abandoned or unused objects or equipment, and any part or parts thereof, found by the enforcement official to be located within the Town of Cohocton in violation of this Local Law may be removed from the premises on which it is located in the following manner:

- (a) The enforcement official shall serve written notice on the owner of the property on which such vehicle, object or equipment is located, ordering such person to remove the same or cause the same to be removed therefrom within ten (10) days of the date of said service;
- (b) In the event said abandoned, junked or inoperative motor vehicle or vehicles or any abandoned, junked or unused objects or equipment, or parts thereof, are not removed from the premises or relocated within the time required in the notice, the Town of Cohocton shall have the right to enter upon the premises and to remove and dispose of said motor vehicles, objects or equipment.

The expense of such removal and disposal shall be a lawful charge against the owner of the private property and may be collected, if necessary, in a civil action instituted in the name of the Town of Cohocton.

7. PENALTIES:

In addition to any expenses which may be collected pursuant to paragraph 6, any person committing an offense against this Local Law shall, upon conviction thereof, be guilty of a violation pursuant to the Penal Law of the State of New York, punishable by a fine not exceeding Two Hundred Fifty Dollars (\$250.00) or by imprisonment for a term not exceeding fifteen (15) days or by both such fine and imprisonment. The continuation of an offense against the provisions of this Local Law shall constitute, for each day the offense is continued, a separate and distinct offense hereunder. In addition, or as an alternative to the above-referred penalty, the Town Board of the Town of Cohocton may also maintain an action or proceeding in the name of the Town of Cohocton in a court of competent jurisdiction to compel compliance with, or to restrain by injunction, the violations of this Local Law.

8. ENFORCEMENT:

Enforcement of this Local Law may be accomplished by the Town in any manner authorized by law, and in addition, any person who by reason of another's violation of any provision of this Local Law, suffers special damages to himself, different from that suffered by any other property owner throughout the Town of Cohocton generally, may bring an action to enjoin or otherwise abate an existing violation of this Local Law.

(Complete the certification in the paragraph which applies to the filing of this local law and strike out the matter therein 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. 2 of 19 87 of the ~~County~~ ~~City~~ ~~Town~~ ~~Village~~ of COHOCTON was duly passed by the TOWN BOARD (Name of Legislative Body) on August 11 19 87 in accordance with the applicable provisions of law.

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

I hereby certify that the local law annexed hereto, designated as local law No. of 19 County of the City of Town of Village was duly passed by the (Name of Legislative Body) on 19 and was approved by the Elective Chief Executive Officer* and was deemed duly adopted on 19, 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 19 County of the City of Town of Village was duly passed by the (Name of Legislative Body) on 19 and was approved by the Elective Chief Executive Officer* on 19. Such local law was submitted to the people by reason of a mandatory referendum, and received the affirmative vote of a majority of the qualified electors voting permissive general thereon at the special election held on 19, in accordance with the applicable provisions of law.

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

I hereby certify that the local law annexed hereto, designated as local law No. of 19 County of the City of Town of Village was duly passed by the (Name of Legislative Body) on 19 and was approved by the Elective Chief Executive Officer* on 19. Such local law being subject to a permissive referendum and no valid petition requesting such referendum having been filed, said local law was deemed duly adopted on 19, 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 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 19..... of the City of..... having been submitted to referendum pursuant to the provisions of § 36 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 election held on general 19 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 19..... of the County of, State of New York, having been submitted to the Electors at the General Election of November, 19, 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.

Patricia Bidlack
Clerk of the County legislative body XXXX Town XXXX Clerk or officer designated by local legislative body

Date: August 11, 1987

(Seal)

(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 Steuben

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.

John F. Leyden Signature
Attorney Title

Date: August 14, 1987

XXXXXX
XXXXXX of COHOCTON
Town
Village