

Minutes of the September 19, 2017 meeting of the Board of Trustees of the Village of Newark held in the 2<sup>nd</sup> floor court room of the Municipal Building at 6:00 PM.

**PRESENT**

Mayor Jonathan Taylor (23); Trustees: Robert Bendix (18), Stuart Blodgett (16), and Alan Schober (23). Excused - Rebecca Vermeulen (18).

Police Chief David Christler (Excused) Village Clerk/Treasurer Steve Murawski, Code Enforcement Officer Mark Peake (Excused), Fire Chief Rusty Havert, AECC Executive Director Mike Muscolino, and Attorney Art Williams.  
General Public: 42

**WELCOME BY  
MAYOR**

At 6:05 P.M., Mayor Taylor led the gathering in the Pledge of Allegiance to open the meeting.

**APPROVAL OF  
MINUTES**

Motion Trustee Bendix, seconded Trustee Blodgett and carried unanimously 4-0 (Trustee Vermeulen Excused – TVE) to approve the following minutes:

- Regular Board Meeting August 15, 2017.
- Special Board Meeting August 29, 2017.

**CONSENT  
AGENDA**

Motion Trustee Blodgett, seconded Trustee Schober and carried unanimously 4-0 (TVE) to approve the September vouchers and invoices Mayor Taylor reviewed for reasonableness and which were submitted for payment approval. Payments totaling \$690,815.55 were authorized for all funds.

The Board thanked the department heads for their monthly reports.

**MAYOR – GIRL  
SCOUT AWARD  
CEREMONY**

Mayor Taylor introduced Jean Smith, leader of Girl Scout NY Troop 40015, who was present to participate in the awarding of the Girl Scout Bronze Awards. The Mayor noted that the girls being honored tonight had participated in the “Wow! Water Conservation” project at Perkins Park in the Village. The girls who were presented the certificate of congratulations from the Village for receiving the Girl Scout Bronze Award were Gracie Bennett, Grace McAdams, Sierra George, Mikalya Miller, Camryn Tolleson, Isabella Cary, Shyanne Pillozzi, Anna Lanse, Bailey Harris, and Lori Hobart.

**MAYOR –  
PUBLIC  
HEARING**

Mayor Taylor opened the Public Hearing on the proposed changes to Village Code Section 113 at 6:10 P.M. Hearing no request from anyone from the public to speak, the Mayor closed the hearing at 6:11 P.M.

FIRE CHIEF  
RUSTY HAVERT

Chief Havert spoke on the following:

- 378 calls YTD for service.
- Fire Prevention Week starts October 9<sup>th</sup> with the proposed annual event at Wegmans on October 13<sup>th</sup> at 6:00 P.M. that is open to the public. The annual inspection of the Fire Department is October 14<sup>th</sup> at the Fire Hall at 150 E. Miller St. at 6:00 P.M. The Board will be receiving their invitations this week.
- A successful multi-department training event took place at the Newark McDonalds that is being demolished to make room for the new store being constructed on the same site.
- Recommended that specific changes be made to the Village Code concerning new construction and major renovation projects that would help to improve responses to fire calls. The requirement would be that knock boxes would need to be installed at new and major renovations.

Motion Trustee Bendix, seconded Trustee Schober and carried unanimously 4-0 (TVE) to approve the Fire Prevention Education event at Wegmans on October 13, 2017.

AECC DIRECTOR  
MIKE  
MUSCOLINO

Mr. Muscolino spoke on the following:

- Light maintenance at AECC for end of summer.
- School hours in effect.
- Making change to one Hoffman St. ball field to move the pitcher's mound and bases from a 46 foot by 60 foot configuration to 50 feet by 70 feet to bring into conformity to the size used by the age groups utilizing the field.
- Halloween Party is October 30, 2017 at 6:00 P.M. at AECC.

Motion Trustee Schober, seconded Trustee Bendix and carried unanimously 4-0 (TVE) to approve \$1,000.00 to be spent on the Halloween and Christmas Parties, with the expenditures being charged to account number A00.07550.4950.

CODE  
ENFORCEMENT/  
ECONOMIC  
DEVELOPMENT

Mr. Peake was excused.

Motion Trustee Blodgett, seconded Trustee Bendix and carried unanimously 4-0 (TVE) to approve the proposed changes to Village Code Section 113, which are attached at the end of the minutes.

Mayor Taylor noted that the Wal-Mart Grand Reopening is scheduled for September 29<sup>th</sup> at 8:00 A.M.

CLERK/  
TREASURER

Motion Trustee Schober, seconded Trustee Blodgett and carried unanimously 4-0 (TVE) to authorize the Village to participate in the FL BOCES Cooperative Electricity Bid WFL 2018-12.

MAYOR

Motion Trustee Bendix, seconded Trustee and carried unanimously 4-0 (TVE) to approve the proposed Fall Brush Pickup schedule from October 9<sup>th</sup>-27<sup>th</sup>, 2017, with leaf pickup scheduled to start October 30<sup>th</sup>.

Motion Trustee Schober, seconded Trustee Blodgett and carried unanimously 4-0 (TVE) to authorize the Mayor to sign the letter of recognition for Matthew Roelands for achieving the rank of Eagle Scout.

Motion Trustee Bendix, seconded Trustee Schober and carried unanimously 4-0 (TVE) to declare surplus an 80 pound homemade ballast weight, and to dispose of at Fair Market Value.

Motion Trustee Blodgett, seconded Trustee Bendix and carried unanimously 4-0 (TVE) to approve the contract with MRB Group to write the water grant application at a cost not to exceed \$1,800.00 and to authorize the Mayor to sign the same.

Motion Trustee Schober, seconded Trustee Blodgett and carried unanimously 4-0 (TVE) to approve the Annual Homecoming Parade to be held on Friday, September 29<sup>th</sup> at 6:00 P.M. utilizing the route used in past homecoming parades.

Motion Trustee Bendix, seconded Trustee Schober and carried unanimously 4-0 (TVE) to approve the use of the Village Parking Lot on E. Union St. for a Chicken BBQ on October 1<sup>st</sup> to benefit the Newark Wahoo Swim Club.

Motion Trustee Blodgett, seconded Trustee Bendix and carried unanimously 4-0 (TVE) to award the bid to Jeff Corran to purchase the Village's 2006 Chevy 3500 dump truck at a price of \$10,600.00

Motion Trustee Bendix, seconded Trustee Blodgett and carried unanimously 4-0 (TVE) to declare surplus the 2006 Jeep vehicle utilized at the WWTP, and to dispose of at the Monroe Co. auction in October 2017.

Motion Trustee Blodgett, seconded Trustee Schober and carried unanimously 4-0 (TVE) to approve the following resolution:

**WHEREAS**, the Newark Village Board of Wayne County, supports the submission of a New York State Department of Health Application for Drinking Water Fluoridation- Round 4; and

**WHEREAS**, the Village was successfully awarded the Fluoridation grant for Planning and Feasibility, and is now applying for Component 2; Implementation and Maintenance Projects; and

**WHEREAS**, the Village of Newark's municipal water treatment system serves over 20,000 residents throughout the Finger Lakes in both Wayne and Ontario counties and fluoridation of the water supply provides health benefits to community members regardless of age, race or socioeconomic status; and

**WHEREAS**, if awarded, this funding will implement NYSDOH approved planning report recommendations consisting of construction for a new fluoride chemical room, sized to accommodate necessary safety precautions associated with chemical storage as well as operations and includes the replacement of aging WTP fluoride equipment; and

**WHEREAS**, This implementation project will be of great benefit to the community through its positive impact on the dental as well as overall health of its residents by assisting in the reduction of tooth decay in children, while helping to prevent the loss of teeth in adults.

**NOW, THEREFORE BE IT RESOLVED**, that the Newark Village Board of Wayne County supports the submission of a New York State Department of Health Application for Drinking Water Fluoridation-Round 4, Component 2; Implementation and Maintenance Projects.

Motion Trustee Blodgett, seconded Trustee Bendix and carried unanimously 4-0 (TVE) to accept the close out documentation of the HVAC Contractor for the WWTP Upgrade project.

Mayor Taylor noted the following:

- Village received a Letter of Thanks from Operation Graduation 2017 for the Village's contribution to the event.
- Ribbon Cutting for the WWTP Capital Project is scheduled for October 19<sup>th</sup> at 1:00 P.M.
- Flu Vaccine shots will be given October 26<sup>th</sup> at 3:00 P.M. in the Municipal Building 3<sup>rd</sup> Floor Conference Room for Village employees.
- Introduced Bill Davis of MRB Group, who provided a cost summary of the entire \$23,000,000 sanitary sewer system capital upgrade project, providing printed handouts for each phase of the project. He noted that all the contractors have been closed out for the entire project, except for the WWTP G.C., who has one item left to address. Mr. Davis also noted that the entire project came in very slightly under budget.

LEGAL

Village Attorney Williams had nothing for open session.

POLICE CHIEF

Motion Trustee Bendix, seconded Trustee Blodgett and carried unanimously 4-0 (TVE) to approve the hiring of Peter Pellicano, Jr. as a Substitute Crossing Guard to fill the vacant position.

Motion Trustee Blodgett, seconded Trustee Schober and carried unanimously 4-0 (TVE) to authorize the Village to submit the application for the Will Docken Scholarship Grant to provide Investigator Warren with free training in the field of Computer Forensics.

Motion Trustee Bendix, seconded Trustee Blodgett and carried unanimously 4-0 (TVE) to approve the training request of Officer Dean to attend the Criminal Debriefing course held by NYS DCJS in Geneseo, New York from October 10<sup>th</sup>-12<sup>th</sup> at a cost of \$50.00.

Motion Trustee Schober, seconded Trustee Bendix and carried unanimously 4-0 (TVE) to approve the request of Michael Thompson to complete an Internship with the Village of Newark Police Department as part of his requirement for his Criminal Justice degree with Finger Lakes Community College.

TRUSTEES                      None of the Trustees had anything for Open Session.

TIME FOR THE PUBLIC                      None one from the public wished to address the Board.

ADJOURNMENT                      Motion Trustee Blodgett, seconded Trustee Schober and carried unanimously 4-0 (TVE) to adjourn the meeting.

The meeting was adjourned at 7:00 P.M.

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Stephen Murawski,  
Village Clerk-Treasurer

# Chapter 113

## Property Maintenance

[HISTORY: Adopted by the Board of Trustees of the Village of Newark 7-19-1997 by L.L. No. 61997; amended in its entirety 7-18-2000 by L.L. No. 6-2000. Subsequent amendments noted where applicable.]

### GENERAL REFERENCES

Unsafe or unsightly buildings See Ch. 67.  
Electrical standards — See Ch. 79.

Housing standards — See Ch. 90.

Vehicles and traffic — See Ch. 140.

Snow and ice removal — See Ch. 145, Art. II.

Notification of defects — See Ch. 145, Art. III.

### § 113-1 Title.

This chapter shall be known and may be cited as the "Property Maintenance Law of the Village of Newark."

### § 113-2 Purpose.

It is the purpose of this chapter to promote the public health, safety and general welfare and to maintain property within the Village of Newark in a safe, healthy and aesthetically pleasing manner.

### § 113-3 Definitions.

The following words, phrases and terms shall have the following meanings:

#### ABANDONED, NONRESIDENTIAL

As applied to any building other than residential building shall mean any building or structure which is not legally occupied or has been wholly vacant for 60 consecutive days, and shows visible signs of substantial physical distress, including, but not limited to, boarded-up or broken windows or doors, fire damage, collapsed roofs, exposure to the elements, susceptibility to unauthorized entry, disconnected utilities, the accumulation of trash, junk, and/or debris, or that appears to pose a risk to public safety, as determined by the Code Enforcement Officer or designee. Abandoned does not include a building that is unoccupied while undergoing renovations for which a valid building permit exists, or while undergoing repairs due to fire or other casualty or that is temporarily vacant due to seasonal absences.

#### ABANDONED, RESIDENTIAL

As applied to residential buildings means a building or structure which is not being used or occupied as intended and shows visible signs of substantial physical distress, including, but not limited to, boarded-up or broken windows or doors, fire damage, collapsed roofs, exposure to the elements, susceptibility to unauthorized entry, disconnected utilities, the accumulation of trash, junk, and/or debris, or that appears to pose a risk to public safety, as determined by the Code Enforcement Officer or designee. Abandoned does not include a building that is unoccupied while undergoing renovations for which a valid building permit exists, or while undergoing repairs due to fire or other casualty or that is temporarily vacant due to seasonal absences.

#### ABANDONED MOTOR VEHICLE

As defined by the NYS Department of Motor Vehicles, an abandoned vehicle is a motor vehicle that has been left unattended on the property of another for more than 96 hours, if it was left without permission of the owner.

#### CODE ENFORCEMENT OFFICER

The official who is charged with the administration and enforcement of this code, or any duly authorized representative.

#### DISASSEMBLED, INOPERABLE, JUNKED OR WRECKED MOTOR VEHICLES, TRUCK BODIES, TRACTORS, TRAILERS, RECREATIONAL VEHICLES, FARM OR UTILITY TRACTORS, AND WATERCRAFT

Motor vehicles, truck bodies, tractors, trailers, recreational vehicles, farm or utility tractors, or watercraft in such state of physical or mechanical disrepair or ruin as to be incapable of propulsion or of being operated upon the public streets or highways or on the water, as the case may be, or those not usable or unsightly due to lack of maintenance.

DUMPSTER — a container designed to receive, transport or dump waste

#### FORECLOSED

Means a property, placed as security for a real estate loan, as to which all rights of the mortgagor or his/her grantee is the property have been terminated as a result of a default on the loan.

#### JUNK

Worn out or discarded material of little or no value, including but not limited to household appliances or parts thereof, tools, discarded building materials, discarded furniture, discarded or broken toys, used tires or any other unsightly debris, the accumulation of which has an adverse effect upon neighborhood or village property values, health, safety or general welfare. "Junk" shall also include refuse, trash and rubbish.

#### LEGALLY OCCUPIED

Occupied in accordance with the provisions of the New York State Building Code.

#### MOTOR VEHICLE

As defined in § 125 of the New York State Vehicle and Traffic Law; unlicensed motor vehicles, truck bodies, tractors or trailers; motor vehicles, and truck bodies, tractors or trailers which do not bear lawful current license plates.

#### MORTGAGEE

Means the creditor, including but not limited to service companies, lenders in a mortgage agreement, or any successor in interest of the mortgagee's rights, interests or obligations under the mortgage agreement.

#### NOTICE OF VIOLATION

A statement in writing above the signature of the Code Enforcement Officer or designee, setting forth the name and address of the person/owner, mortgagee, mortgagor, occupant, or tenant to be served, the date, time and location of the violation, a description of the violation, the date by which the violation must be cured, notice of a right to a hearing, the penalties which may accrue and the right of the Code Enforcement Officer or designee to correct the violation if not corrected in a timely manner.

#### NONOPERATIONAL MOTOR VEHICLE

A motor vehicle, which is left unattended on private property for more than 72 hours, which does not have lawfully affixed thereto both an unexpired license plate or plates and a current motor vehicle safety inspection certificate and the condition of which is wrecked, dismantled or inoperative.

#### NOXIOUS WEEDS AND GROWTH

Grass, brush, rubbish or weeds of a nature which are a fire or health hazard, including lawns in excess of six inches in height, and shall also include any plants or vegetation in excess of six inches in height between the sidewalk and curb of any property.[Amended 10-18-2011 by L.L. No. 32011]

#### PERSONS

Any person, firm, partnership, association, corporation, company or organization of any kind.

"Persons" shall also include the occupant of the parcel of land.

#### PORTABLE STORAGE CONTAINERS

A container that is a transportable enclosure rented for use as temporary, on-site storage. Portable storage containers are also commonly referred to using the trade-name "PODS".

#### RECREATIONAL VEHICLE

*see "Trailer, camp or travel"*

#### REFUSE

Combustible and noncombustible waste materials that include discarded, abandoned or inoperable appliances, inoperable vehicles, ruined furniture, discarded unusable

building material, uninhabitable mobile homes, unsightly boats, trailers, recreational vehicles, farm or utility tractors, that have come into disrepair due to lack of maintenance, discarded household items and similar material that is inoperable, ruined or discarded.

TRAILER BOAT OR CARGO — A vehicle designed exclusively for the transportation of one boat or the hauling of cargo.

CAMP OR TRAVEL — a vehicle or portable structure equipped, but not regularly used for sleeping, but which may or may not have sanitary facilities. A recreational vehicle.

#### UTILITY TRACTOR

A tractor of low to moderate horsepower used in construction to auxiliary equipment and for other site preparation work.

§ 113-4 Storage or accumulation of licensed, unlicensed, and inoperable vehicles. [Amended 10-18-2011 by L.L. No. 3-2011]

- A. Restricted. Except as otherwise provided for in statute, no more than one unlicensed, inoperable, junked or wrecked motor vehicle, truck body, tractor body, tractor or trailer or watercraft shall be kept or stored on any public or private property within the Village for a period exceeding 72 hours. No person shall accumulate, store, or allow any unregistered motor vehicle, truck body, tractor or trailer or watercraft in the open upon any public or private property within the Village for a period exceeding 72 hours.
- B. The presence of an abandoned or nonoperational vehicle or parts thereof on private or public property is hereby declared a public nuisance, which may be abated as such in accordance with the provisions of this chapter and those provisions of the General Laws of the State of New York relative to abandoned motor vehicles.
- C. Exceptions. Any business lawfully engaged in automotive sales or repair may retain no more than three disassembled, inoperable, junked or wrecked vehicles in the open, whether covered or uncovered, for a period not to exceed 30 days, after which such vehicles shall be removed. This section shall not apply to properly zoned, permitted and licensed junkyards established pursuant to § 136 of the General Municipal Law.
- D. Any singly permitted vehicle, truck body, tractor body, tractor or trailer or watercraft must be covered by a fitted car or watercraft cover. The use of cloth or plastic tarps is strictly prohibited.
- E. There shall be no accumulation of more than one farm or utility tractor in the open upon private property within the Village for a period exceeding 72 hours.

§ 113-5 Noxious weeds or growth and junk prohibited.  
[Amended 10-18-2011 by L.L. No. 3-2011]

- A. No person shall maintain, plant or permit to remain on any private property any noxious weeds or growth or permit junk to accumulate thereon.
- B. All premises and immediate exterior property shall be maintained free from noxious weeds or growth. No owner, occupant or person having control of any lot or land in the Village shall maintain, plant or permit any noxious weeds.
- C. The area between the property line and the curb, or for 10 feet outside the property line if there is no curb, shall be maintained to ensure that no growth of weeds, grass or flowers shall exceed six inches on average or to allow any accumulation of dead weeds, grass or brush.
- D. If an area is established as a flower garden, garden, or natural area of wildflowers, the area must be clearly defined by the utilization of fencing, mulching or other form of delineation and shall be located not closer than 10 feet of any public roadway, street, or right-of-way.
- E. It is prohibited to allow hedges, shrubs or trees to encroach onto public sidewalks and lines of sight of public roadways.
- F. No person shall cause the accumulation of any noxious weeds or growth, including raked leaves and lawn clippings, to be deposited in whole or in part on any public roadway.
- G. Refuse and recycling totes are not to be stored overnight in the front of residential and commercial dwellings, which includes sidewalks and driveways.

§ 113-6 Residential Portable Storage Containers and Dumpsters.

Persons seeking to store a portable storage container or dumpster (excluding totes) on their property shall apply for a portable storage container/dumpster permit. Such permit shall allow a portable storage container or dumpster to be parked, placed, or stored within the Village for up to thirty (30) days and shall include the portable storage container or dumpster's serial/rental number, the name and address of lot owner/occupant, date of its placement on the lot, date that removal is required, and local telephone number of the provider of the portable storage container or dumpster. This permit shall not be required for dumpsters picked up on a weekly or bi-weekly basis by a garbage service.

- A. A portable storage container or dumpster may be parked, placed, or stored on a residential lot abutting the right-of-way for more than thirty (30) days if the residence is under construction or reconstruction pursuant to a valid building permit. The portable storage container or dumpster shall be removed no later than ten (10) days after the expiration of the building permit or substantial cessation of construction for a period of more than thirty (30) days, whichever is sooner.

- B. Notwithstanding anything above, the permit period may be extended by the Village Code Enforcement Officer for additional periods of up to thirty (30) days upon request with good cause shown.
- C. There shall be no fee for the permit; however, the Village Code Enforcement Officer is authorized to pass through all Village costs to any person and/or lot owner who causes the Village to incur costs for inspections, clean up, removal or to otherwise remedy violations of this Section.
- D. No portable storage container or dumpster may be parked, placed, or stored on the paved surface of any public or private street of the Village or wholly within the public rights-of-way of the Village; provided, however, that a portable storage container or dumpster parked, placed, or stored on a residential driveway may encroach into the right-of-way slightly provided that it does not limit the sight distance for motorists or pedestrians, block a public sidewalk, or otherwise harm the health, safety and welfare of the neighborhood.
- E. The permit for a portable storage containers or dumpsters shall be displayed at all times on the inside of a window or door of the residence, and be visible from the right-of-way.
- F. In addition to the requirements above, all Portable Storage Containers on residential lots must also meet the following requirements:
  - 1. The portable storage container shall only be moved, delivered or removed between the hours of 7:00 a.m. and 6:00 p.m.;
  - 2. The portable storage container shall not be used for living quarters;
  - 3. The portable storage container shall not be used to store flammables, explosives, fire arms, or noxious chemicals;
  - 4. No items, equipment, or materials may be stored outside the portable storage container at any time.
  - 5. The portable storage container shall not be externally illuminated or have any utilities connected to it; and
  - 6. The portable storage container shall not be used as a dumpster.
- G. In addition to the requirements above, all Dumpsters on residential lots must also meet the following requirements:
  - 1. No waste shall be kept, stored, or accumulated outside a dumpster;
  - 2. Dumpsters must be well maintained and in good working condition and shall be kept free from standing water, vermin and insects, or other nuisances; and
  - 3. The dumpster shall only be moved, delivered or removed between the hours of 7:00 a.m. and 6:00 p.m., Monday through Saturday.

4. Dumpsters shall be of sufficient size to contain the accumulations between collections.

5. All dumpsters or containers must be emptied with sufficient frequency and in such a manner as to prevent the creation of objectionable conditions.

6. Dumpsters must be covered when materials inside are easily airborne, pose a hazard, emit an odor, or are otherwise offensive.

H. Portable storage containers or dumpsters kept in violation of this permit shall be subject to permit revocation in addition to being a violation punishable pursuant to Section 113-9 of the Village of Newark Code. The Village's costs of enforcement of this Section and/or the cost of bringing the premises or condition of residential property into compliance, including the Village's administrative costs of inspections and attorneys' fees, shall be a joint and several obligation of all liable persons.

#### § 113-7 Complaints.

[Amended 10-18-2011 by L.L. No. 3-2011]

Complaints concerning any violation of this chapter shall be made to the Code Enforcement Officer or any duly authorized representative for the Village of Newark, who shall immediately cause an investigation to be made with respect thereto and the written report of such investigation filed with the Code Enforcement Office.

#### § 113-8 Notice of violations.

[Amended 5-2-2006 by L.L. No. 4-2006; 10-18-2011 by L.L. No. 3-2011; 6-17-2014 by L.L. No. 3-2014]

If, after such investigation, it appears that there is a reasonable basis to believe that any of the provisions of this chapter have been violated, the Code Enforcement Officer shall immediately cause a notice, in writing, to be served upon the owner or occupant of the property. The owner, occupant or any person having control over any lot, land or property found in violation of said code shall be notified in writing only once in any given year for a particular violation. Subsequent violations of a similar nature at the same location during the same year shall be corrected by the Village or its agent without notice to the owner, occupant or person having control of said property. After initial notification, such owner, occupant or person having control of said property will be presumed to have been given sufficient notice of infraction for the entire season. Such notice shall set forth the nature of the complaint and shall direct the owner or occupant to remove said noxious weeds and growth, junk, refuse, motor vehicles, farm or utility tractors, watercraft, portable storage container or dumpster. The notice required under this chapter shall be served upon the owner or his or her executor, legal representative, agent, lessee or any other person having a vested or contingent interest in such premises as shown by the records of the Town Assessor or of the Wayne County Clerk. Service shall be made either personally or, if not by personal service, sent by mail addressed to the owner at the address of record. If the letter is returned, a copy shall be posted in a conspicuous place in or about the structure affected by such notice. Service of such notice in the foregoing manner upon the owner's agent or upon the person responsible for

the structure shall constitute service of notice upon the owner. Issuance of a summons by a Code Enforcement Officer or a member of the Newark Police Department having jurisdiction will also constitute service of notice. The notice shall also set forth the consequences and effect of failure to comply with the said notice, which may include monetary fines or liens placed on personal property.

§ 113-9 Failure to comply.

[Amended 5-2-2006 by L.L. No. 4-2006; 10-18-2011 by L.L. No. 3-2011]

- A. In the event of the refusal or neglect of the person so notified to comply with said notice or order of the Village Board in the event the aggrieved party requests a hearing pursuant to § 113-9, the Village Board shall provide for the removal of the junk, refuse, motor vehicle, farm or utility tractor, watercraft or noxious weeds and growth, portable storage container, or dumpster, as the case may be, either by Village employees or by contract, and the total cost thereof, including an administrative fee of \$75, shall be billed to the owner and, if not paid within 45 days, will be assessed upon the real property upon which the motor vehicle, junk, watercraft, or noxious weeds and growth are found, and shall constitute a lien and charge upon the real property on which it is levied until paid or otherwise satisfied or discharged, and shall be collected by the Village Treasurer in the manner provided by law for the collection of real property taxes.
- B. In any case where the Village of Newark provides for the removal of junk, motor vehicle, watercraft, noxious weeds or growth, portable storage container, or dumpster, there shall be an administrative fee of \$75 assessed against the property from which the junk, motor vehicle, watercraft, noxious weeds or growth are removed.
- C. A second violation for the same or subsequent offense within a calendar year will result in a civil penalty of \$100 being billed to the property owner and levied upon the property owner's Village tax and collected as provided by law if not timely paid.

§ 113-10 Appeals.

[Amended 10-18-2011 by L.L. No. 3-2011]

Any person feeling aggrieved by any such action or notice may, within 72 hours after the receipt of such notice, demand the matter be inquired into by the Village Board. Such demand must be in writing, signed by the person seeking such inquiry, and filed with the Village Clerk. Within a reasonable time, the Village Board shall schedule a date, time and place for a hearing before the Village Board in which the aggrieved person may address the Village Board.