Local Law #4 of 2002

A LOCAL LAW PROVIDING FOR THE REGULATION AND CONTROL OF CLUTTER, LITTER AND DEBRIS

ARTICLE 1, AUTHORITY, TITLE, PURPOSE, APPLICATION

Section l. Authority.

This Law is adopted pursuant to Town Law Section 130 and Article 2 and 3 of the Municipal Home Rule Law of the State of New York.

Section 2. Title.

This Local Law shall be known as the Town of Watson Clutter, Litter, and Debris Control Law.

Section 3. Purpose.

By adoption of this Law the Town of Watson declares its intent to regulate and control clutter, litter, and debris, and to regulate clutter, litter, and debris conditions whether they result from an operation for commercial profit or otherwise. The Town of Watson Town Board hereby declares that a clean, wholesome, and attractive environment is of vital importance to the continued general welfare of its citizens, and that clutter, litter, and debris can constitute a hazard to property and persons and can be a public nuisance. Such materials may be highly flammable and sometimes explosive. Clutter, litter, and debris can constitute attractive nuisances to children and certain adults. The presence of clutter, litter, and debris is unsightly and tends to detract from the value of surrounding properties and economic vitality of the Town unless entirely screened from view.

Section 4. Applications.

The provisions of this Law shall supplement all local laws, ordinances, and codes existing in the Town of Watson, and other statutes and regulations of municipal authorities having applicable jurisdiction. Where conflicts exist, the more restrictive provisions shall apply.

This Local Law shall apply to clutter, litter, and debris not being regulated by the County of Lewis Junkyard Law, Local Law No. 3-1992, and as amended. Nothing in this Law shall be construed to pre-empt the enforcement of the County of Lewis Junkyard

Law by the County of Lewis in the Town of Watson. The provisions of this Law shall be applicable to existing conditions.

ARTICLE 11. DEFINITIONS

The words used in this Local Law shall be defined as follows:

Clutter, Litter, and Debris: Ordinary household or combustible trash including, but not limited to plastics, metal cans, paper, barrels, cartons, boxes, crates, furniture, rugs, clothing, rags. mattresses, blankets, tires, lumber, brick, stone, and other building materials no •longer intended or in condition for ordinary use, and any and all tangible personal property no longer intended or in condition for ordinary and customary use, including, but not limited to, junk vehicles, junk boats, junk boat trailers, junk appliances, junk mobile homes, and parts of the above.

Junk Appliance: Any stove, washing machine, dryer, freezer, refrigerator, or other household device or equipment abandoned, junked, discarded, or wholly or partially dismantled.

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 overnight trailers; which is no longer suitable for human habitation.

Junk Vehicle: Any motor vehicle, whether automobile, bus, trailer, truck, tractor, motor home, motorcycle, mini-bicycle, or snowmobile, or any other device originally intended for travel on the public highways, which meets all of the following conditions: l) it is unregistered; 2) it is either abandoned, wrecked, stored, discarded, dismantled, or partly dismantled; 3) it is not in any condition for legal use upon the public highway. With respect to any motor vehicle not required to be licensed or motor vehicle not usually used on public highways, the fact that such motor vehicle has remained unused for more than six months and is not in condition to be removed under its own power shall be presumptive evidence that such motor vehicle is a junk vehicle.

Lot: A parcel of land, which is recorded by deed or survey in the office of the Lewis County Clerk, or under land contract.

Lot Line: Property lines bounding a lot.

Lot Line, Rear: That lot line which is opposite and most distant from the road line.

Lot Line, Side: A lot line that is not a road line or a rear lot line.

Owner: The person having legal title to the property, and also the person shown as owner of the property on the current assessment rolls of the Town.

Property or Premises: Any real estate or part thereof, yard or driveway, other than that used as a public place, road, street, or highway.

Road: A public way for vehicular traffic which affords the principal means of access to abutting properties or sites.

Road Line: Right of way line of a road as dedicated by a deed or record. Where the width of the road is not established, the road line shall be considered to be twenty-five (25) feet from the center line of the road,

Yard: Any open space located on the same lot with a building.

Yard, Front: The space within and extending the full width of the lot from the road line to all portions of a building which face such road line, if a lot adjoins two or more roads, it shall be deemed to have a front yard respectively on each.

Yard. Rear: The space within and extending the full width of the lot from the rear lot line to that part of the building or structure which is nearest to such rear lot line.

Yard, Side: The space within and extending the full distance from the front yard to the rear yard and from the side lot line to all portions of a building which face such side lot line.

ARTICLE 111. REGULATIONS

Section l. Clutter, litter and debris prohibited

In order to preserve and promote reasonable quality of environment and aesthetics and to prohibit actions and conduct which offends the sensibilities and tends to debase the community and reduce real estate values, the deposit, accumulation, or maintenance of clutter, litter, or debris regardless of quantity in any of the following areas is hereby prohibited:

a. in the front or side yards of lots improved with a building.

b. any location on a lot where the clutter, litter, and debris would be visible from:

   1. a public road
   2. adjacent property; or
   3. a public or private body of water including streams, ponds, lakes, and rivers.

Section 2. Responsibilities of owners, occupants, or tenants

An occupant or tenant of the premises shall be responsible for compliance with this Law as if they were an owner.

Owners of premises shall be responsible for compliance with the provisions of this Law and shall remain responsible therefore regardless of the fact that this Law may also place certain responsibilities on tenants or occupants and regardless of any agreements between owners and tenants or occupants as to which party shall assume such responsibility.

Whenever any person or persons shall be in actual possession of or, have charge, care or control of any property within the Town as executor, administrator, trustee, guardian, operator or agent, such person shall be deemed and taken to be the owner or owners of said property within the true intent and meaning of this Law and shall be bound to comply with all the provisions of this Law to the same extent as the record owner; and notice to any such person of any order or decision of the Enforcement Officer shall be deemed and taken to be a good and sufficient notice, as if such person or persons were actually the record owner of owners of such property. In instances where an occupant is responsible or shares responsibility with the owner for the existence of one (l) or more violations of this Law, said occupant shall be deemed and taken to be an owner within the true intent and meaning of this Law.

ARTICLE IV. ADMINISTRATION AND ENFORCEMENT

Section 1. Enforcement authority and procedure.

The Enforcement Officer of the Town of Watson shall have authority, as specified herein. to inspect property in the Town of Watson, to enforce the provisions of the Law. and to file a written report of violations with the Town Board. The Enforcement Officer shall be authorized to prepare a written notice of violation and shall serve such notice upon the owner personally or by certified mail. The notice shall contain the following:

a. The name of the owner(s), lessee, agent, tenant, and other persons with authority over the property to whom the notice shall be addressed.

b. The location of the premises involved in the violation.

c. A statement of the conditions of the property which Violate this Law.

d. A demand that the clutter, litter, and debris be removed or placed so as to be in compliance with this Law within ten days of the service or mailing of the notice.

e. A statement that a failure to comply with the demand may result in prosecution.

Pursuant to Section 150.20 (3) of the Criminal Procedure Law, the Enforcement Officer is hereby authorized to issue an appearance ticket to any person causing a violation of this law, and shall cause such person to appear before the Town Justice.

Section 2. Extension.

Upon application of the owner showing reasonable cause, the Town Board may grant an extension of up to 30 days for the owner to comply with the demands.

Section 3. Actions available to Town.

If, after the expiration often days from the date of mailing the notice provided in Section I above. or after the completion of any extension period allowed in Section 2 above, the owner shall fail to comply with the requirements of Article Ill, Section l., the Town Board shall have the authority to:

a. remove such clutter, litter, and debris from its location and dispose of same, and the expense thereof shall be charged to the property so affected by including such expense in the next annual tax levy against the property.

b. file a complaint with the Town of Watson Justice Court.

c. maintain an action or proceeding in the name of the Town in a court of competent jurisdiction to compel compliance with, or restrain by injunction, the violation of any section of this Law,

d. direct the Enforcement Officer of the Town of Watson to issue an appearance ticket in accordance with Section 1. above.

Section 4. Penalties.

Any violation of this Local Law is an offense punishable by a fine up to $50.00 dollars for conviction of a first offense: for conviction of a second offense both of which were committed within a period of 1 8 months, punishable by a fine up to $100.00 dollars and upon conviction of a third or subsequent offense all of which were committed within a period of 1 8 months, punishable by a fine not less than $100.00 dollars nor more than $1,000.00 dollars or imprisonment for a period not to exceed six months, or both. However, for the purpose of conferring jurisdiction upon courts and judicial officers generally, violation of this Local Law shall be deemed misdemeanors and for such purpose only all provisions of law relating to misdemeanors shall apply to such violations. Each week's violation shall constitute a separate additional violation.

Section 5. Separability.

Each separate provision of this Local Law shall be deemed independent of all other provisions therein, and if any provisions shall be deemed or declared invalid, all other provisions hereof shall remain valid and enforceable.

Section 6. Effective Date.

This Local Law shall take effect immediately upon filing in the office of the Secretary of State.