

LOCAL LAW NUMBER 4 OF 2023 OF THE VILLAGE OF EVANS MILLS

A Local Law for Standards of Property Grounds and Exteriors

Be it enacted by the Board of Trustees of the Village of Evans Mills as follows:

Section 1. Authority

This local law is enacted pursuant to the provisions of the New York Municipal Home Rule Law.

Section 2. Purpose

The purpose of the Proposed Local Law is to strike and replace Local Law No. 1 of 2004 with a new local law relating to property maintenance and appearance, lawncare, snow and ice removal, and repair or removal of unsafe buildings or structures within the Village of Evans Mills.

Section 3. Amendments to Code

See the attached proposed amendments.

Section 4. State Environmental Quality Review Act (SEQRA)

The Board of Trustees of the Village of Evans Mills has considered the provisions of Article 8 of the Environmental Conservation Law ("SEQRA") and the regulations adopted thereunder at 6 NYCRR Part 617 and finds that the proposed local law will not result in any significant adverse environmental impacts. Therefore, no further review is required under SEQRA.

Section 5. Severability

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court's order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 6. Effective Date

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

ARTICLE I. EXTERIOR PROPERTY MAINTENANCE:

1. Purpose. The appearance of properties within the Village of Evans Mills (hereinafter the "Village") to those in the public is important to maintaining the standards and quality of life which the Village strives to foster and to the preservation of the values of the surrounding properties within the Village. Therefore, the Village encourages property owners and occupants to maintain the exterior of their properties such that they maintain aesthetic values and provide a pleasant view to the public. The purpose of this Article is to provide minimum standards for property maintenance of exterior grounds and visible facades of all properties within the Village.
2. Definitions.
 - A. Composting Material. Yard trimmings, vegetable wastes and other organic matter managed for the purpose of natural transformation into compost and stored in a container or compact pile that contains no sewage, sludge or septage; contains no inorganic materials such as metal, plastic or glass; and is maintained in a manner to minimize odors and the attraction of insects and pests.
 - B. Garbage. Food wastes, food wrappers, containers, nonrecyclable materials or other materials resulting from the use, consumption and preparation of food or drink, as well as other expended, used or discarded materials such as paper, plastic, metal, rags or glass, or any other wastes generated from day to day activities of a household, business, or public facility.
 - C. Public View. Areas of property that are visible by pedestrian or vehicular traffic in the public right-of-way or visible from the exterior ground level of adjoining properties within one hundred feet (100') of the subject property.
 - D. Nuisance, Hazard and Litter. All discarded waste material, debris, garbage, refuse, rubbish, used appliances, furniture, machinery, bottles, cans, glass, waste wood, construction materials or supplies, paper, cardboard, rags, tree stumps or other parts of trees or shrubs, or any other junk substance and any matter prejudicial to a clean environment.
 - E. Solid Waste. Materials or substances that are discarded as being spent, worthless, useless or in excess to the owners at the time of such discard or rejection, including but not limited to materials or substances such as garbage, refuse, industrial and commercial waste, sludge from air or waste treatment facilities, rubbish, tires, ashes, incinerator residue, construction and demolition debris, discarded motor vehicles or parts thereof, discarded household and commercial appliances and discarded furniture. An object shall be presumed to be discarded material or rejected solid waste when the object is stored, placed or left on the grounds or the exterior of the property in public view under circumstances which meet any of the following criteria:

- (i) The object produces an offensive smell.
 - (ii) The object is of a type designed for interior use or made of materials which are suitable only for interior use and the object is left outside and exposed to the elements.
 - (iii) The object has reached the degree of dilapidation, deterioration, or disrepair that can reasonably be presumed to render the material unsuitable for or incapable of being used for its original intended purpose or some other reasonable purpose.
 - (iv) The object is left placed or stored in a manner which would likely cause injury.
 - F. Suitable Receptacle. A container of metal, plastic or other durable material with a suitable well fitted secure cover.
3. Standards for Grounds and Property Exteriors. It shall be the duty and responsibility of all owners and occupants of property within the Village to insure that:
- A. All grounds and exterior property are kept clean and free of solid waste, garbage, litter, nuisances and hazards.
 - B. All garbage, when stored outside, is completely contained in suitable receptacles. Plastic bags are not considered suitable receptacles.
 - C. Solid waste, other than garbage stored in suitable receptacles, is not to be stored in public view, except that construction and demolition debris relating to an ongoing construction project with a valid zoning and building permit may be stored in the public view for not more than thirty (30) days.
 - D. Property owners and occupants shall be responsible for the regular collection and/or disposal of all garbage and solid waste which may accumulate on the property. No person shall accumulate or permit the accumulation of garbage or solid waste on any premises within the Village except for purposes of collection and disposal, which shall be not less frequent than every ten (10) days.
 - E. Not more than one unlicensed motor vehicle may be stored in the public view. No parts for motor vehicles may be stored in the public view.
 - F. Grass, weeds or other vegetation and grounds are to be properly maintained on the exterior of the property. Lawns shall be maintained in a neat and sightly manner. Planted grass shall be kept mowed at a height of not greater than eight inches (8"). Shrubs, bushes and other similar plantings shall be kept trimmed and weeds shall not be permitted to become overgrown.

G. Steps, sidewalks, driveways and other similar paved or cemented areas must be maintained by property owners and occupants and kept clear of any and all debris including, but not limited to, grass, weeds and other vegetation.

4. Work by Village upon Non-Compliance, Collection of Costs.

A. In the event that an owner or occupant of property within the Village shall fail to comply with any of the provisions of Section 3 of this Article, the Code Enforcement Officer may provide written notice of such non-compliance to the owner and occupant. Such notice shall either be served in person, if such person can be found within the Village, or mailed by first class mail to the person at his or her address as it appears on the latest completed assessment roll for the Village. Such notice shall state that if such person fails to correct the non-compliance within thirty (30) days of service of the notice, the Village shall be authorized to cure the violation and impose the cost thereof as a charge against the property.

B. Notwithstanding the provisions of Paragraph A of this Section, if an owner or occupant of property within the Village fails to keep grass mowed at a height of not greater than eight inches (8"), the Superintendent of Public Works may provide written notice of such non-compliance in the same manner provided in Paragraph A of this Section. Such notice shall state that if such person fails to correct the non-compliance within ten (10) days of service of the notice, the Village shall be authorized to cure the violation and impose as a charge against the property the following fee:

i. First Violation: \$150.00

ii. Subsequent Violation: \$200.00

The Village Board of Trustees may, at its sole discretion, and without any further authority, modify the above fee schedule by Board Resolution.

C. Any cost so charged shall become a lien and a tax upon the property, shall be added to, recorded, and collected in the same way and manner as the taxes next to be levied and assessed upon such premises, and shall bear interest and be enforced and collected by the same officers and in the same manner as other taxes. The imposition of any other fine or penalty permitted under this Article shall not constitute any bar to the right of the Village to collect costs imposed in the manner provided herein.

5. Snow and Ice Removal.

A. Every owner or occupant of property within the Village and any person having the charge of any church or other public building in the Village shall remove all snow and ice from all sidewalks on or abutting such property within seventy-two (72) hours of snowfall or formation of ice thereon. In the event that ice is so frozen as to make removal impracticable, said individual may instead cause such ice to be thoroughly covered with sand, salt, or cinders, provided the same occurs within the requisite seventy-two (72) hour period.

B. No person shall move, push, or deposit or cause to be moved, pushed, or deposited any snow or ice upon the property of another without that person's consent or into any street, highway, sidewalk, or public right-of-way.

C. In the event of any violation of this Section 5, the Superintendent of Public Works shall cause such snow or ice to be removed and shall certify the cost of such removal to the Village Board of Trustees. The Board of Trustees shall examine such certification and shall cause a fee of one hundred and fifty dollars (\$150) to be charged against the property responsible for such violation; provided, however, that where the property responsible for such violation has no prior violations of this Section 5 within the three (3) calendar years preceding the date of such violation, the fee shall be reduced to seventy-five dollars (\$75.00). The Village Board of Trustees may, at its sole discretion and without further authorization, modify this fee schedule by Board Resolution.

Any amount so charged shall become a lien and a tax upon the property, shall be added to, recorded, and collected in the same way and manner as the taxes next to be levied and assessed upon such premises, and shall bear interest and be enforced and collected by the same officers and in the same manner as other taxes. The imposition of any other fine or penalty permitted under this Article shall not constitute any bar to the right of the Village to collect costs certified in the manner provided herein.

D. The Department of Public Works shall plow designated public parking areas north of the railroad tracks and sidewalks spanning the length of the Jefferson County-owned bridges located on North Main Street and Noble Street.

6. Penalties for Offenses. In addition to any cost assessed pursuant to Section 4 or 5 of this Article, any person who violates any provision of this Article shall be punishable by a fine not to exceed Two Hundred Fifty Dollars (\$250.00), by imprisonment for a term not to exceed fifteen (15) days, or by both a fine and imprisonment. Each day upon which such violation continues shall constitute a separate offense.

ARTICLE II. UNSAFE BUILDINGS AND STRUCTURES:

1. Purpose. Unsafe buildings pose a threat to life and property within the Village. Buildings and structures may become unsafe by reason of damage by fire, the elements, age, or general deterioration. Vacant buildings not properly secured at doorways and windows also serve as an attractive nuisance for young children who may be injured therein as well as a point of congregation by vagrants and transients. A dilapidated building may also serve as a place of rodent infestation thereby creating a health menace or hazard to the community. It is the purpose of this Article to provide for the safety, health, protection and general welfare of persons and property within the Village by requiring unsafe buildings to be repaired or demolished and removed.

2. Designation of Officer. The Village Code Enforcement Officer is hereby designated as the official inspection officer to inspect any and all buildings and structures which may be called to his or her attention and to duly report to the Board of Trustees any buildings or structures which, in the opinion of the Code Enforcement Officer, are deemed to be dangerous and/or unsafe to the public.
3. Order to Repair or Remove. Upon the filing of a report by the Code Enforcement Officer, the Board of Trustees shall consider the report and, by resolution, determine if there is reasonable cause to believe that the building or structure is unsafe and/or dangerous. If it is determined that such building or structure is unsafe and/or dangerous, the Board of Trustees may order its repair if the same can be safely completed, or its demolition and removal, and shall further order that a notice be served upon the owners and occupants of the building or structure in the manner provided herein.
4. Contents of Notice. The notice shall contain the following:
 - A. A description of the premises.
 - B. A description of the unsafe or dangerous conditions.
 - C. An order outlining the manner in which the building or structure is to be made safe and secure or demolished and removed.
 - D. A statement that the securing or removing of such building or structure shall commence within thirty (30) days of the service of the notice and shall be completed within sixty (60) days thereafter unless such time is extended for good cause shown.
 - E. A date, time and place for a hearing before the Board of Trustees in relation to such dangerous or unsafe condition, which hearing shall be scheduled not less than five (5) business days from the date of service of the notice.
 - F. A statement that in the event of neglect or refusal to comply with the order to make safe and secure or demolish and remove the building or structure, the Board of Trustees is authorized to provide for its demolition and removal, to assess all expenses thereof against the land upon which it is located, and to institute a special proceeding to collect the cost of such demolition, including any legal expenses, costs, and disbursements.
5. Service of Notice. The notice shall be served as follows:
 - A. By personal service upon the owner, executor, administrator, agent, lessee, or any person having a vested or contingent interest in such building or structure as shown on the latest completed assessment roll for the Village, or if no such person can be reasonably found, by mailing a copy of the notice by registered mail to such

person's last known address as shown on the latest completed assessment roll for the Village.

- B. By personal service upon any adult person residing in or occupying the premises if such person can be reasonably found.
 - C. By securely affixing a copy of the notice in a conspicuous location on the building or structure.
6. Failure to Comply. In the event of the refusal or neglect of the person so notified to comply with the order of the Board of Trustees, and after the hearing, the Board of Trustees shall provide for the demolition and removal of such building or structure either by Village employees or by contract.
7. Assessment of Costs. All expenses incurred by the Village in connection with the proceedings to repair and secure or demolish and remove the unsafe building or structure shall be assessed against the land upon which such building or structure is located, become a lien and a tax upon the property, be added to, recorded, and collected in the same way and manner as the taxes next to be levied and assessed upon such premises, and shall bear interest and be enforced and collected by the same officers and in the same manner as other taxes. The imposition of any other fine or penalty permitted under this Article shall not constitute any bar to the right of the Village to collect costs imposed in the manner provided herein.
8. Emergency Measures. Where it reasonably appears that there is an imminent clear and present danger to the life, safety or health of any person or property unless an unsafe building or structure is immediately repaired and secured or demolished, the Board of Trustees may, by resolution, authorize the Code Enforcement Officer to immediately cause the repair or demolition of such unsafe building or structure. The expenses of such repair or demolition shall be a charge against the land upon which it is located and shall be assessed, levied and collected as provided in the foregoing section.
9. Penalties for Offenses. In addition to any assessment of costs provided herein, any person who violates any provision of this Article shall be punishable by a fine not to exceed Two Hundred Fifty Dollars (\$250.00), by imprisonment for a term not to exceed fifteen (15) days, or by both a fine and imprisonment. Each day upon which such violation continues shall constitute a separate offense.