

Local Law #1-2005
Junk/Rubbish Storage Law
Of
the Town of Groveland, Livingston County, New York

Article 1: Introduction

Section 1. Authority

Be it enacted by the Town Board of the Town of Groveland as follows:

The Town of Groveland Junk/Rubbish Storage Law is adopted pursuant to the authority granted the Town in Section 10 of the New York State Municipal Home Rule Law and in Section 130 (6) of New York State Town Law.

Section 2. Title

This local law shall be known as the "Junk/Rubbish Storage Law of the Town of Groveland, New York."

Section 3. Purpose

By adoption of this law the Town of Groveland declares its intent to regulate and control the storage or keeping of junk and rubbish on both residential and commercial properties. The Town Board hereby declares that a clean, wholesome, and attractive environment is of vital importance to the continued welfare of its citizens, and that junk/rubbish can constitute a hazard to property, persons, and water resources, and can be a public nuisance. The presence of junk/rubbish is unsightly and tends to detract from the value of surrounding properties.

The purpose of this law is to further;

- Avoid, prevent and eliminate conditions, which if permitted to exist or continue will depreciate or tend to depreciate the value of adjacent or surrounding properties.
- Preserve property values in the Town of Groveland
- Maintain the value and economic health of the commercial properties and businesses that serve and support the Town of Groveland and its citizens

Section 4. Prior Existing Junk Law

This local law shall replace and supersede any prior existing law regarding property maintenance and junk/rubbish storage within the Town of Groveland. Where agriculture and market law applies, agriculture and market law supersede this law.

Section 5. Interpretation

Where the conditions imposed by any provision of this law, are either more restrictive than comparable conditions imposed by any other law, ordinance, resolution, rule or regulation of any kind, the regulations which are more restrictive or which impose higher standards or requirements shall govern.

Section 6 Definitions

As used in this chapter the terms defined in Appendix A shall have the meanings indicated. Please refer to Appendix A.

Article 2: Junk Maintenance Regulations

The exterior of all premises shall be kept free of the following matter material, or condition:

- Rubbish or junk as defined in this law
- Rodents, vermin, pest infestations or rodent harborages.
- Nuisance as herein before defined.

Article 3: Exclusions

Article 2 shall not apply to the storage or placement on the premises of the following material:

- Wood intended for consumption in a wood burning stove, furnace or fireplace located in a building on the premises.
- Lawn or yard or garden ornaments and implements.
- Lawn and patio furniture.
- Operable farm garden and yard machinery and apparatus used on the premises.
- Standing fences.
- Hoses and sprinklers used for watering lawns or gardens.
- Storage or placement and accumulation of materials in connection with a
- Commercial operation duly conducted on the premises where such storage, placement and accumulation is expressly permitted by the laws of the municipality.
- Construction materials and equipment used for the construction or renovation of a building on the premises for which a building permit has been issued.

Article 4: Administration and Enforcement

Section 1. Enforcement Officer

The code enforcement officer and/or building inspector of the Town are hereby designated, unless otherwise designated by the Town, as the officer(s) charged with the enforcement of this chapter and is hereinafter referred to as the enforcement officer.

The enforcement officer shall make periodic inspections of the Town to ensure that violations of this statute do not exist, and the requirements of this law are met. Any observed violations shall be noted and the property owner contacted for compliance.

The enforcement officer shall enter the premises of any private property with the consent of the owner or upon a proper court order, or may make an evaluation from any public way.

Section 2. Notice of violation; Issuance of Summons

Whenever the enforcement officer determines that there is a violation of any provision of this chapter, he shall give notice of such violation to the person, persons or entities responsible therefore under this chapter.

Such notice shall be in writing and shall include a concise statement of the reason for the issuance.

Such notice shall be deemed to be properly and sufficiently served if a copy thereof is sent by certified mail to the last known address of the person or entity upon which the same is served, as shown by the most recent tax lists of the municipality, or a copy thereof handed to such person or persons, or copy thereof left at the usual place or abode or office of such person or entities.

Notice shall be given as aforesaid within or without the municipality.

The notice shall also state that unless the violation is abated, removed, cured, prevented, or desisted from within thirty (30) days of the date of the service of such notice (exclusive of the date of service) a summons shall be issued for such violation

The enforcement officer may, at any time he issues the notice, extend the period for compliance with the violation stated in the notice for period in excess of the foresaid thirty (30) days if in his judgment, the abatement, removal, prevention or cure of the condition violated cannot reasonably be affected within the thirty (30) day period. In such cases, the enforcement officer shall state such reasonably required extended period in the notice, which shall then be applicable instead of the aforesaid thirty (30) days.

In the event that the violation is not abated, removed, cured, prevented or desisted from or successfully remedied within the thirty (30) day period or within such period as set forth in the notice pursuant to foregoing, a summons shall then be issued against the person, persons, or companies so notified.

Section 3. Penalties

A. Any person who shall violate any of the provisions of this local law shall be guilty of an offense and subject to a mandatory fine

- not to exceed one hundred dollars (\$100.00) for the first violation
- and two hundred and fifty dollars (\$ 250.00) for each offense after

- and up to fifteen (15) days in jail.

B. Every person shall be deemed guilty of a separate offense for each day such violation, disobedience, omission, neglect or refusal shall continue.

Article 5: Severability

If any clause, sentence, paragraph, section or article of this local law shall be adjudicated by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or article thereof directly involved in the controversy in which such judgment shall have been rendered.

Article 6: Effective Date

This law shall be effective upon filing with the Secretary of State

See Appendix A.

Appendix A

ENFORCEMENT OFFICER - Any person appointed by the Town Board to represent them in particular matters pertaining to this local law

JUNK - The outdoor storage or deposit of any, but not limited to, of the following shall as constitute junk.

MOTOR VEHICLES - Two or more inoperative or unlicensed, uninsured, uninspected, motor vehicles, or the used parts or waste materials from motor vehicles which, taken together, equal in bulk two or more such vehicle, shall not be parked, kept or stored on any premises, except as provided for in statute or other regulations. No vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless contained inside an approved spray booth.

Exception: A vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure or similarly enclosed area designed and approved for such purposes.

Exception: Vehicles regularly operated and used onsite in the day-to-day activities of commercial and/or industrial premises, including seasonal use recreational use vehicles shall not be construed as junk.

APPLIANCES - One or more abandoned or inoperable appliance including but not limited to any stove washing machine, dryer, dish washer, refrigerators, freezers, television, computer equipment, hot water heaters, water purification units or other household device or equipment abandoned, junked, discarded, or wholly or partially dismantled, or otherwise left un-housed or otherwise left exposed to the elements, no longer intended or in the condition for ordinary use.

FURNITURE - One or more abandoned or irreparably damaged pieces of indoor or outdoor furniture including but not limited to sofas, lounge chairs, mattresses, bed frames, desk, tables, chairs, and chest of drawers.

LAWN EQUIPMENT - One or more items of abandoned, discarded, or obviously unusable lawn or garden equipment.

RECREATIONAL VEHICLE - One or more boat, water craft, recreational equipment, four-wheeler, all-terrain vehicle, mini bike, snowmobile, not able to be used.

FIXTURES - One or more kitchen or bathroom fixtures, including but not limited to sinks, toilets, tubes, showers, faucets, countertops.

MANUFACTURED HOME/MOBILE HOME - A structure, transportable in one or more sections, built on a permanent chassis and designed to be used as a dwelling unit, which is currently not inhabited and is no longer habitable under the New York State Uniform Fire Protection and Building Code.

JUNK YARD - A commercial enterprise that recycles material and/or sells used parts of all sorts. Any junkyard will require a junkyard permit from the Town of Groveland. The junkyard enterprise must demonstrate the possession of all applicable town, county, state, and federal permits for this type of operation.

MOTOR VEHICLE - All vehicles propelled or drawn by power other than muscular power originally intended for use on public highways.

NUISANCE - Any public or private condition that would constitute a nuisance according to the statutes, laws and regulations of the State of New York or its governmental agencies or the ordinances or local laws of the Town.

Any physical condition existing in or the exterior of any premises, which is potentially dangerous, detrimental, or hazardous to the life, health or safety of persons on, near or passing within the proximity of the premises where such condition exist.

PERSONS - Any individual, firm, partnership, association, corporation, company, or organization of any kind.

RUBBISH - All discarded, useless, unusable, unused or worthless solid waste matter or materials, including but not limited to garbage, trash, ashes, paper, paper goods and products, wrappings, cans, bottles, containers, yard clippings, garden waste, debris, junk, glass, boxes, crockery wood, mineral matter, plastic, rubber, tires, leather, furniture, household goods, appliances, bedding, scrap metal, construction material. Inoperable machinery or parts thereof, garden equipment, and supplies, dead or rotting vegetation, abandoned, inoperative, or unusable automobiles and vehicles and solid commercial or industrial waste.

STORAGE AREA - The areas of any parcel of land or body of water used for the placement, storage or deposit of junk other than a commercial junkyard.