

Town of St. Johnsville

7431 State Highway 5 St. Johnsville NY 13452



SCHEDULE A

LOCAL LAW #1 of 1999

A local law revising and updating LOCAL LAW # 2 Of 1988.

TOWN of ST. JOHNSVILLE

Section 1. Title.

This law shall be known as the "Property Maintenance & Clean Environment Law of the Town of St. Johnsville."

Section 2. Legislative Intent.

A sanitary and hazard free environment is declared to be of vital importance to the health, welfare and safety of the inhabitants of the Town of St. Johnsville as is the safeguarding of their material rights against unwarrantable invasion and the protection of public health. In addition, such an environment is deemed essential to the maintenance and continued development of the economy of the Town of St. Johnsville and the general welfare of its citizens. Therefore, recognizing the above and the need of the community for an effective and well regulated procedure for the disposal of garbage and rubbish and for the maintenance of residential and business premises whether improved or vacant, in the exercise of its police power in these regards, the Town Board of the Town of St. Johnsville, does hereby enact this chapter.

Section 3. General Requirements.

All residential and business premises located within the Town of St. Johnsville, whether improved or vacant, shall be maintained in conformity with the provisions herein except as otherwise provided by superceding law.

Section 4. Definitions.

APPLIANCE ~ Includes any stove, washing machine, dryer, freezer, refrigerator, or other household device or equipment abandoned, junked, discarded, wholly or partially dismantled, no longer intended or in condition, for ordinary use for the purpose for which it was designed originally.

BUSINESS UNIT ~ A building or combination of buildings and the lot on which the same is located, used wholly or in part for commercial purposes, including but not limited to offices, places of public assembly, shopping centers, restaurants, supermarkets, retail stores, warehouses, manufacturing or fabrication plants, gasoline stations and other business uses.

COMMERCIAL HAULER ~ Any person, firm, corporation, partnership or other association engaged in the business of collecting, disposing or transporting garbage, refuse or waste material in any part of the Town of St. Johnsville.

GARBAGE ~ Any refuse from animal and vegetable matter, waste food or parts thereof, refuse from kitchen, market, store or house, floor sweepings, table waste or animal or vegetable matter, meats, fish, bones, fat and all offal and organic waste substance or substances capable of decay, but not including waste from slaughterhouses, rendering plants or sanitary disposal systems.

INFESTATION ~ The presence of insects, rodents, vermin or other pests.

LITTER ~ Garbage, refuse and rubbish as herein defined and all other waste material which, if thrown or deposited as herein prohibited, tends to create a danger to public health, safety and welfare.

LOT ~ A plot, tract, premises or parcel of land with or without buildings or structures, located thereon, as surveyed and apportioned for sale or other purpose.

MOTOR VEHICLE ~ Includes any and all vehicles propelled or drawn by power other than muscular power, intended for use on public highways; any unregistered, old or secondhand motor vehicle or trailer; any motor vehicle in such condition or state of repair that it cannot be licensed immediately without extensive repair; any abandoned, junked, discarded, wholly or partially dismantled motor-vehicle no longer intended or in condition for legal use on the public highways.

OUTDOOR STORAGE ~ Includes the placing, maintaining or keeping of any motor-vehicle, appliance, rubbish and debris as the same as are defined herein, in a place other than a structure with a roof and fully enclosed on all sides.

OWNER ~ Included the person having legal title to property and also the person shown as owner of the property on the current assessment rolls of the Town of St. Johnsville.

PERSON ~ One (1) or more persons of either sex, natural persons, corporations, partnership's, associations, joint stock companies, unincorporated associations, their agents or employees, societies, clubs and all other entities of any kind capable of being sued.

PRIVATE PROPERTY or PRIVATE PREMISES ~ Any real estate or part thereof, yard or driveway, other than that used as a public place, road, street or highway, situated in the Town of St. Johnsville.

PUBLIC NUISANCE - AFFECTING HEALTH ~ A nuisance which is a thing, act or occupation or use of property, premises, equipment or structure, either private or public, affecting the health of one (1) or more persons.

REFUSE AND RUBBISH ~ Plastics, combustible trash, including but not limited to paper, cartons, boxes, barrels, pallets, wood, excelsior, tree limbs and branches, yard trimmings, wood furniture and bedding. Also included is noncombustible trash, including but not limited to tires, metals, cans, plastics, metal furniture, small quantities of rock, brick, and concrete, glass, metal fixtures, bottles and street rubbish, street sweepings, dirt, leaves, catch basin dirt and contents of litter receptacles, ashes, dead animals, junked vehicles, solid market and industrial wastes, cardboard, leaves, crockery, and similar materials.

RESIDENT ~ Any person having a domicile within the general limits of the Town of St. Johnsville, including landlords and tenants. The term shall also include any person, firm, partnership, corporation or other association operating an established business within the limits of the Town of St. Johnsville.

RESIDENTIAL PREMISES ~ A building or combination of buildings used solely for personal living purposes of the occupants thereof, whether as owners or tenants thereof and not used for any business purposes.

UNOCCUPIED HAZARD ~ Any building or part thereof which remains unoccupied for a period of more than ninety (90) days with either doors, windows or other openings broken, removed, boarded or sealed up or any building under construction upon which little or no construction work has been performed for a period of more than ninety (90) days.

WASTE MATERIAL ~ Includes, but is not limited to, waste produced by industrial or manufacturing process, including food processing waste, boiling house cinders, lumber scraps and shavings, slag, industrial sludge or other chemical waste and by-products, tires and oils and large amounts of wood, concrete, rocks, bricks and other wastes from building operations.

YARD ~ An open space on the same lot which contains a building and is located between the building line and the lot line which the particular building line faces.

Section 5. Applicability.

The provisions of this law shall supplement all local laws, ordinances, codes or regulations existing in the Town of St. Johnsville and the other statutes and regulations of municipal authorities having jurisdiction applicable thereto. Where a provision of this law is found to be in conflict with any provision of any existing local law, ordinance, code or regulation, the provision or requirement which is more restrictive or which establishes the higher standard shall prevail.

Section 6. Open areas and parking spaces.

A. Surface or subsurface water shall be appropriately drained to protect buildings and structures and to prevent the development of stagnant ponds, gutters, culverts, catch basins, drain inlets, stormwater sewers or other satisfactory drainage systems shall be utilized where necessary . No roof, surface or sanitary drainage shall create a structural, safety or health hazard by reason of construction, maintenance or manner of discharge.

B. Fences and other minor construction shall be maintained in a safe and substantial condition.

C. Steps, walks, driveways, parking spaces and similar paved areas shall be maintained so as to afford safe passage under normal use and weather conditions. Any holes or other hazards that may exist shall be filled, and necessary repairs or replacement carried out.

D. Yards and vacant lots shall be kept clean and free of physical hazards, rodent harborage and infestation. They shall be maintained in a manner that will prevent dust or other particles from being blown about the neighborhood. Open wells, cesspools or cisterns shall be securely closed or barricaded from access to the public.

Section 7. Business Units.

A. Business premises, as defined herein, shall at times be maintained in compliance with the provisions of this law regulating open spaces, buildings or structures and littering.

B. No outside storage or accumulation of garbage, crates, rubbish, refuse or debris shall be permitted at any time, and all such garbage, crates, rubbish, refuse or debris shall be kept inside the building or buildings on the premises or in an acceptable enclosure, and shall be regularly collected and removed from the premises.

Section 8. Building and Structures.

A. All exterior exposed surfaces or buildings or structures within Town of St. Johnsville, not inherently resistant to deterioration, shall be repaired, coated, treated or sealed to protect them from deterioration or weathering.

B. Exterior walls, roofs and porches or appurtenances thereto shall be maintained in a manner so as to prevent the collapse of the same or injury to the occupants of the building or to the public.

C. The foundation walls of every building shall be maintained in good repair and shall be structurally sound.

D. Exterior walls, roofs and all openings around doors, windows, chimneys and other parts of a building shall be so maintained as to keep water from entering the building and to prevent undue heat loss from occupied areas. Materials which have been damaged or show evidence of dry rot or other deterioration shall be repaired or replaced and refinished in a workmanlike manner. Exterior walls, roofs and other parts of the building shall be free from loose and unsecured objects material and improperly secured objects and material. Such objects or materials shall be removed, repaired or replaced.

E. The owner of a vacated building shall take such steps and perform such acts as may be required of him/her from time to time to ensure that the building and its adjoining yards remain safe and secure and do not present a hazard to adjoining property or to the public. All openings shall be provided with painted, exterior-grade plywood closures, securely fastened.

F. Buildings and structures shall be maintained in such a condition that they shall not become unoccupied hazards as defined in this law. All graffiti or defacing shall be removed by the owner or occupant from any building or structure and the surface finish restored within five days after written notice to do so.

G. All signs and lighting systems shall be maintained in a completely operable, clean and safe condition.

Section 9. Infestation and screening.

A. Grounds, buildings and structures within the Town of St. Johnsville shall be maintained free of insects, vermin and rodent harborage and infestation. Methods used for exterminating insects, vermin and rodents shall conform with generally accepted practice.

B. Where the potential for rodent or vermin infestation exists, windows and other openings in basements and cellars shall be appropriately screened with wire mesh or other suitable materials.

Section 10. Littering: Abandoned refrigerators.

A. Residential and business premises within the Town of St. Johnsville, whether improved or vacant, shall be maintained free of litter, provided however, that this section shall not prohibit the storage of litter for a reasonable period of time in authorized private receptacles for collection.

B. Adequate sanitary facilities and methods shall be used for the collection, storage, handling and disposal of garbage and refuse in accordance with the provisions of applicable codes.

C. No refrigerator may be discarded, abandoned or stored in a place accessible to children without first completely removing any locking device and all doors.

Section 11. Responsibilities of Occupants or Tenants.

An occupant or tenant of the premises shall be responsible for compliance with this law in regard to the following:

A. Keeping exits from his/her building clear and unencumbered.

B. Disposal of garbage and refuse into provided facilities in a clean and sanitary manner in accordance with the provisions of Town of St. Johnsville laws, ordinances or regulations.

C. Extermination of insects, rodents or other pests within his/her premises.

D. Keeping his/her domestic animals and pets in an appropriate manner and under control.

E. Elimination of all prohibited uses for that part of the premises which he/she occupies controls or has accessibility thereto.

Section 12. Outdoor deposit or storage of waste.

It shall be unlawful for any person, as owner, occupant, lessee, agent or in any capacity, to store, deposit, place, maintain or cause or permit to be stored, deposited, placed or maintained outdoors, any abandoned, junked, discarded, wholly or partially dismantled or unlicensed motor-vehicle or vehicle, appliance, rubbish or debris as defined in this article upon private property within the defined limits of the town.

Section 13. Littering in Public Places.

It shall be unlawful for any person to throw, spill, place, deposit, leave or cause to be thrown, spilled, placed, deposited or left, or permit any agent, servant or employee to throw, spill, place, deposit or leave, in or upon any street, highway, alley, sidewalk, park or public building or in any running water or body of water within the Town of St. Johnsville, any garbage, refuse, waste material or any other dirt or filth, including but not limited to sewage, excrement, slops, dead carcasses, compost, ashes, soot or any material subject to be carried by the wind or unwholesome or putrescible matter of any kind.

Section 14. Discarding material from vehicles.

It shall be unlawful for any person as a passenger, driver, owner, manager or conductor of any automobile, truck, tractor motorcycle, bicycle, bus, conveyance or other vehicle to throw, spill, scatter, place, discard, deposit or leave any garbage, refuse, waste material or dirt or filth of any sort, be it bundled, bagged or otherwise, from any vehicle or conveyance in or upon any street, sidewalk, lot, vacant premises, park, public highway or any public place within the Town of St. Johnsville limits.

Section 15. Unlawful Dumping.

It shall be unlawful to dispose of any garbage, refuse or waste material anywhere in the Town of St. Johnsville except:

A. In a lawfully established landfill operated by the Town of St. Johnsville; or:

B: At any other refuse site approved by the Montgomery County Health Department and the New York State Department of Environmental conservation.

Section 16. Maintenance of Property.

A. It shall be unlawful for any person, as owner, lessee, agent, tenant or otherwise, to throw, cast, spill or otherwise deposit or cause or permit to be thrown, cast, spilled or deposited any rubbish, garbage, manure, offal or other decomposable organic or putrescible matter which will or could create a public nuisance or act as a breeding ground for or attraction to insects or vermin in or about any land or lot, vacant or otherwise within the Town of St. Johnsville limits.

B. It shall be unlawful for any person to deposit, place or store in or about any premises or vacant lands any combustible rubbish, pallets, refuse or waste material or permit deposit, placement or storage of such combustible rubbish, refuse or waste materials, which might serve to increase the fire hazard in the surrounding area.

C. Nothing in this section shall be construed to prohibit the temporary storage of garbage, refuse and waste material awaiting removal, provided that such storage is accomplished by way of tightly covered containers or cans wherever practicable, nor shall this section be construed as prohibiting the depositing of manure or fertilizers upon any private property for the purpose of cultivating or improving the same.

Section 17. Duties of Owners, Occupants or Tenants.

A. Owners of premises shall be responsible for compliance with the provisions of this law and shall remain responsible therefor, 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.

B. Owners and tenants or occupants of buildings shall be responsible for the property installation, maintenance, condition and operation of service facilities and for furnishing adequate heat and hot water supply where they have contracted to do so.

C. Whenever any person or persons shall be in actual possession of or have charge, care or control of any property within the Town of St. Johnsville, 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 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 Codes 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 or owners of such property. In instances where an occupant is responsible or shares responsibility with the owner for the existence of one (1) 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.

Section 18. Inspections.

The Codes Enforcement Officer of The Town of St. Johnsville, as designated by Town of St. Johnsville Board and or an Applicable Law Enforcement Agency, shall have authority, as specified herein to inspect all premises within the Town of St. Johnsville to enforce the provisions of this law.

Whenever it shall appear that the provisions of this Article are being violated, the Codes Enforcement Officer of The Town of St. Johnsville or any member of an Applicable Law Enforcement Agency, shall, except upon plain view where no entry is necessary or as otherwise described in Section 19. sub. C, secure approval from an owner, lessee, agent, tenant, or other person with authority, to make an inspection of the property and shall prepare a written report of the conditions found which report shall be filed with the Town of St. Johnsville, Town Board.

Section 19. Notice of Violation.

A. If conditions existing on property violate the provisions of this article, the Codes Enforcement Officer of The Town of St. Johnsville or Applicable Law Enforcement shall, in the first instance upon a first violation of this Article serve or cause to be served a written notice, either personally or by certified mail, upon the owner, lessee, agent, tenant, or other person with authority over said premises.

B. Said notice shall contain substantially the following: The name of the owner, lessee, agent, tenant, or other person with authority over the premises; the identification of the premises as the same that appears on the current assessment roll of the Town of St. Johnsville; a statement of the condition of the premises as found on the inspection; a demand that the motor-vehicle, appliance, rubbish or debris be removed from the premises on or before five (5) days after the service or mailing of such notice; a statement that a failure or refusal to comply with the provisions of this article and the notice given pursuant thereto within the time specified will result in a duly authorized officer, agent or employee of the Town of St. Johnsville, entering upon the property and removing such motor-vehicle, appliance, rubbish and debris and causing the same to be disposed of or otherwise destroyed; and that the cost and expense of such removal shall be certified to the Assessor of the Town of St. Johnsville and shall be assessed against the described property and shall constitute a lien thereon to be collected as provided by law.

C. Nothing contained herein shall prohibit immediate use of the Criminal Procedure Law of New York State by an Applicable Law Enforcement Agency, for second offenders of this article or in any instance where there is reasonable cause to believe that there exists an imminent risk of injury to person or damage to property.

Section 20. Reinspection and Correction Following Notice.

A. Five (5) days after the service or mailing of the notice required by Section 19. sub. B, the Codes Enforcement Officer of The Town of St. Johnsville and/or Applicable Law Enforcement shall, except upon continued plain view where no entry is necessary, secure approval from the owner, lessee, agent, tenant, or other person with authority to reinspect the premises. If there is no compliance with the notice, the Codes Enforcement Officer of The Town of St. Johnsville or Applicable Law Enforcement shall remove or cause to be removed the motor-vehicle, rubbish or debris and shall certify the cost of said removal to the Town Assessors, and the cost shall be assessed against the described property and shall constitute a lien thereon to be collected as provided by law.

B. Nothing contained herein shall prohibit use of the Criminal Procedure Law of New York State by an Applicable Law Enforcement Agency, to enforce the provisions of this article if a reinspection is not granted voluntarily.

Section 21. Penalties for Offenses; Equitable Relief.

Any person, as that term is defined in Section 2, who is convicted of committing or permitting any acts or acts in violation of any of the provisions of this chapter shall be guilty of a violation as defined in the Penal Law, and shall, upon conviction thereof, be liable to a penalty or fine of not more than two hundred fifty dollars (\$250.00) or imprisonment for not more than fifteen (15) days, or both such fine and imprisonment, for each and every offense. Each day the condition constituting such violation shall continue or be permitted to exist shall constitute a separate violation or offense.

In addition to the above mentioned penalties and punishment, the Town of St. Johnsville Town Board may also maintain an action or proceeding in the name of the Town of St. Johnsville or of anyone aggrieved by the violation in a court of competent jurisdiction to compel compliance with or to restrain by injunction the violation of such chapter and cause the removal of same at the expense of said person.

Section 22. Repeal of Existing Law.

Local Law No. 2 of 1988 shall be deemed repealed and of no effect upon the effective date of this law.

Section 23. Effective Date.

This law shall take effect upon filing thereof pursuant to Section 27 of the Municipal Home Rule Law.
