

Local Law Filing

New York State Department of State
41 State Street, Albany, NY, 12231

Town of Clifton

Local Law No. 3 of the year 20 05

A local Law Controlling Litter

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

ARTICLE I: Purpose: The purpose of this law is to protect the safety, health, welfare, and general well-being of the residents of the Town of Clifton by requiring property owners to maintain their premises in a litter free condition.

ARTICLE II: Definitions:

(1) PREMISE - Unimproved property, dwelling house, building or other structure designed or used either wholly or in part for private purposes congruent with all zoning classifications, whether inhabited or vacant and shall include any yard, grounds, walk, driveway, porch, steps, vestibule or mailbox belonging or appurtenant to such dwelling, house, building or other structure.

(2) LITTER - Garbage, refuse, and rubbish, as defined herein, and all other waste material which, if thrown or deposited as herein published, tends to endanger the public health, safety and the aesthetic value of the premises in relation to the Town or causes untidiness or disorder within the Town.

(3) REFUSE - All putrescible and non-putrescible solid wastes, except body wastes, including but not limited to garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles, abandoned recreational vehicles, tires, metal goods including but not limited to refrigerators, stoves and like appliances, furniture and furnishing and construction materials

including but not limited to lumber, sheet rock, chip board, concrete, tree limbs and branches.

(4) RUBBISH - Non-putrescible solid wastes consisting of both combustible and non-combustible wastes, such as paper, wrappings, cigarettes, cardboard, tin cans, yard clippings, wood, glass, bedding, crockery, and similar materials.

(5) GARBAGE - Putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.

(6) CODE ENFORCEMENT OFFICER - The Code Enforcement Officer of the Town of Clifton or such other person appointed by the Town Board to enforce the provisions of law or code of the Town of Clifton, including provisions of this law.

ARTICLE III: Maintenance of Premises. It shall be unlawful for any owner, tenant or occupant of any premises or portion of any premises, and the owner, tenant or occupant of the land upon which the same is situated, to allow for the accumulation of litter, garbage, refuse or rubbish as hereinbefore defined.

ARTICLE IV: Investigation and Report. When, in the opinion of the Code Enforcement Officer, any premises located in the Town of Clifton shall be determined to be in violation of Article III of this law, the Code Enforcement Officer shall make a formal inspection thereof and report in writing to the Town Board his findings and recommendations with regards to the premises clean up. A copy of such report shall be mailed to the owner and/or occupant of said premises.

ARTICLE V: Order to Clean Up, Hearing to be Scheduled. The Town Board shall thereupon consider said report, and if it finds that said premises is in violation of this law, it shall, by resolution, order its clean up and further shall order that a hearing be held before the Town Board at a time and place therein specified and on a least ten (10) days notice to the owner of the premises and the owner, tenant or occupant of the premises or persons having an interest therein to determine whether said order to clean up shall be affirmed or modified or vacated, and in the event of modification or affirmance, to assess all costs and expenses incurred by the Town in the clean up of said premises against the land on which the building is located.

ARTICLE VI: Contents of Notice.

(1) The name of the owner or person in possession of the premises as appears from the tax and deed records.

(2) A brief description of the premises and its location.

(3) A description of the clean up necessary to bring the premises in compliance with this law.

(4) An order requiring the premises to be cleaned up.

(5) The clean up shall commence within a specific number of days of service of the notice and shall be completed within a specific number of days thereafter.

(6) The time and place of the hearing to be held before the Town Board, at which hearing the owner or occupant shall have the right to contest the order and the findings of the Town Board.

(7) In the event that such owner, occupant or other persons having an interest in said premises shall fail to contest such order and fail to comply with the same, the Town Board shall order the clean up of the premises and the Town will assess costs and expenses incurred in said clean up against the premises.

ARTICLE VII: Service and Filing of Notice.

(1) A copy of said notice shall be served by certified mail, upon the owner or one of the owners, executors, legal representatives, agents, lessees, or other persons having a vested interest in the premises as shown on the Town tax records or in the records of the St. Lawrence County Clerk's Office.

(2) If the certified mailing is returned by the United States Postal Service as undeliverable, a copy of said Notice shall be securely affixed to said building.

ARTICLE VIII: Hearing. The Town Board shall conduct the public hearing at the time and place specified in the notice to clean up the premises. It may adjourn the hearing from time to time until all interested parties are heard and until the hearing is completed. At the conclusion of the hearing, the Town Board shall determine by resolution to revoke the order to clean up the premises, modify said order, or continue and affirm said order.

ARTICLE IX: Failure to Comply.

(1) In the event of the refusal, failure or neglect of the owner or the person so notified to comply with said order of the Town Board within the time specified in said order, and after the public hearing, the Town Board shall order that said premises be cleaned up by town employees or by independent contractors.

(2) The Town reserves the right to proceed to competitive bidding for an award of a contract for clean up after its determination of the potential cost and taking into consideration whether this is an emergency case.

(3) In the event of the refusal, failure, or neglect of the owner or the person so notified to comply with the said order of the Town Board within the time specified in said order, and after the public hearing, the Town may assess a penalty of One Hundred and 00/100 Dollars (\$100.00) per day. Said penalty may be assessed as of the day specified in said Order wherein the cleanup was to have been completed.

(4) In the event of willful refusal of the owner or the person so notified to comply with the said order of the Town Board within the time specified in said order, and after the public hearing, a sentence of Community Service may be imposed.

ARTICLE X: Assessment of Expenses. All costs and expenses incurred by the Town in connection with proceedings set forth in this law, including the cost of clean up and also including any attorney fees attributable to the enforcement of this law, shall be assessed against the premises and shall be included in the tax levy and collected against said premises or may be collected by use of General Municipal Law Section 78-b.

ARTICLE XI: Emergency Situations. Where it reasonably appears that there is present a clear and imminent danger to the life, safety or health of any person or property unless the premises is immediately cleaned up, the Town Board may, by Resolution, authorize the Code Enforcement Officer to immediately cause the clean up of said premises. The expense of such clean up shall be charged against the land on which it is located, and shall be assessed, levied and collected as against said land or may be collected by use of General Municipal Law Section 78-b.

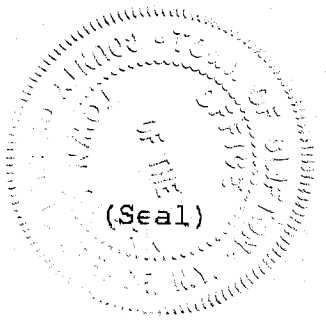
ARTICLE XII: Severability. If any clause, sentence, paragraph, section or part of this law shall be adjudged by any Court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this law, but shall be confined in this operation to the clause, sentence, paragraph, section or part thereof directly involved in a litigation in which said judgment shall have been rendered.

ARTICLE XIII. Effective Date. This Local Law shall take effect upon its being duly filed in the office of the Secretary of State of New York as provided in Section 27 of the Municipal Home Rule Law.

ARTICLE XIV: Upon this Local Law taking effect, Local Law #1, for the year 2002, shall be deemed repealed.

(Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 3 of 2005, of the Town of Clifton was duly passed by the Town Board on Oct. 12, 2005, in accordance with the applicable provisions of law.



Bethany Rathman
Bethany A. Rathman, Town
Clerk, Town of Clifton

Date: Nov. 9, 05

STATE OF NEW YORK)
) ss.:
COUNTY OF ST. LAWRENCE)

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

Marcia L. LeMay,
Town Attorney
Town of Clifton

Date: _____