

# Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County  City  Town  Village  
(Select one:)

of Port Leyden

FILED  
STATE RECORDS

DEC 30 2022

DEPARTMENT OF STATE

Local Law No. 5 of the year 20 22

A local law known as the Village of Port Leyden Property Maintenance Law  
(Insert Title)

Be it enacted by the Village Board of the  
(Name of Legislative Body)

County  City  Town  Village  
(Select one:)

of Port Leyden

as follows:

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

**1. (Final adoption by local legislative body only.)**

I hereby certify that the local law annexed hereto, designated as local law No. 5 of 2022 of the (County)(City)(Town)(Village) of Port Leyden was duly passed by the Village Board on December 26, 2022, in accordance with the applicable provisions of law.  
*(Name of Legislative Body)*

**2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer\*.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_, 20\_\_\_\_, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted *(Elective Chief Executive Officer\*)* on \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.

**3. (Final adoption by referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_, 20\_\_\_\_, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_, 20\_\_\_\_. *(Elective Chief Executive Officer\*)*

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.

**4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_, 20\_\_\_\_, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_, 20\_\_\_\_. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.

\* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

**5. ~~(City local law concerning Charter revision proposed by petition.)~~**

~~I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20 \_\_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on \_\_\_\_\_ 20 \_\_\_\_\_, became operative.~~

**6. ~~(County local law concerning adoption of Charter.)~~**

~~I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20 \_\_\_\_\_ of the County of \_\_\_\_\_ State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_ 20 \_\_\_\_\_, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.~~

**~~(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)~~**

~~I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph \_\_\_\_\_ above.~~

*Danielle St. Louis*  
Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: 12-27-2022

(Seal)

VILLAGE OF PORT LEYDEN

LOCAL LAW #2022-5

Section 1. – Title. This law shall be known as the "Village of Port Leyden Property Maintenance Law."

Section 2. – Conformance required. All residential and business premises located within the Village of Port Leyden, whether improved or vacant, shall be maintained in conformity with the provisions of this chapter.

Section 3. – Definitions. As used in this chapter, the following terms shall have the meanings indicated:

**APPLIANCES**

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

**AUTHORIZED (PRIVATE) RECEPTACLE**

All receptacles used for garbage storage shall be of a suitable rigid material, such as metal or hard plastic, with a lid designed for enclosing such receptacles, securely attached in such a way as to inhibit domestic or wild animals from accessing the garbage stored therein.

**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.

**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 or apportioned for sale or other purpose.

#### MOTORIZED EQUIPMENT

Includes, but is not limited to, power machines, lawn mower motors, or parts that were once motorized equipment.

#### 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; or any abandoned, junked, discarded, wholly or partially dismantled motor vehicle incapable of passing a New York State inspection. This does not include inoperable farm or construction vehicles, implements, equipment or machinery retained for the purpose of salvaging usable parts in connection with the ongoing operation of an on-site farm or construction business, provided that such items are stored within a consolidated area out of public view.

#### OUTDOOR STORAGE

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

#### OWNER

The person having legal title to property and also the person shown as owner of the property on the current assessment rolls of the Village.

#### PERSON

One or more persons of either sex, natural persons, corporations, partnerships, associations, joint-stock companies, unincorporated associations, their agents or employees, society 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 Village, but not including land used for agricultural purposes.

#### 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 or more persons.

#### REFUSE and RUBBISH

Plastics, combustible trash, including, but not limited to, paper, cartons, boxes, barrels, 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 Village, 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 Village of Port Leyden.

#### 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.

#### WASTE MATERIALS

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, brick, sand 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 4. – Applicability. The provisions of this chapter shall supplement all local laws, ordinances, codes or regulations existing in the Village of Port Leyden and the other statutes and regulations of municipal authorities having jurisdiction thereto. Where a provision of this chapter is found to be in conflict with any provision of any existing local law, ordinance or regulation, the provision or requirement which is more restrictive or which establishes the higher standard shall prevail. Specifically, this law is intended to supplement the New York State Property Maintenance Code, as the same may be amended from time to time.

#### Section 5. – Maintenance of open areas.

- 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. This section shall not apply to fences used strictly for agricultural purposes.
- 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 6. – Business units. 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 (every seven days or less) and removed from the premises.

Section 7. – Infestation and screening.

- A. Grounds, buildings and structures within the Village of Port Leyden shall be maintained free of insects, vermin and rodent harborage and infestation. Methods used for exterminating insects, vermin and rodents shall conform to 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 8. – Litter restrictions.

- A. Residential and business premises within the Village of Port Leyden, whether improved or vacant, shall be maintained free of litter; provided, however, that this section shall not prohibit the storage of litter for up to seven days in authorized private receptacles for collections.
- B. Adequate sanitary facilities and methods shall be used for the collection, storage, handling, disposal of garbage and refuse in accordance with the provision of applicable codes.
- C. It shall be unlawful for any person to throw, spill, place, deposit, leave, 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 Village of Port Leyden any garbage, refuse, rubbish and waste material or litter 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 9. – Outdoor deposit or storage of waste and abandoned appliances.

- A. 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, discharged, wholly or partially dismantled or unlicensed motor vehicles or vehicles, motorized equipment, appliances, rubbish or debris as defined in this chapter upon private property within the corporate limits of the Village of Port Leyden.
- B. No appliance may be discarded, abandoned or stored in a place accessible to children without first completely removing any locking device and all doors.

Section 10. – Use of dumpsters. No person shall use a dumpster or deposit any trash, garbage, debris, junk or any substance of any kind in a dumpster without permission of the owner or lessee of the dumpster.

Section 11. – Cutting and removal. It shall be unlawful for any owner, lessee or occupant, or any agent, servant, representative or employee of any such owner, lessee or occupant, having control of any occupied or unoccupied yard, or any part thereof, in the Village of Port Leyden to permit or maintain on any such street, road, highway or alley adjacent to the same between the property line and the curb or middle of the alley, or for 10 feet outside the property line if there is no curb, any growth of weeds, grass or other rank vegetation to a greater height than 10 inches on the average or any accumulations of dead weed, grass or brush.

Section 12. – Littering prohibited; temporary storage of waste; fertilizers and compost.

- 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 litter, rubbish and refuse, garbage, manure, offal or other decomposable organic or putrescible matter in or about any land or lot, vacant or otherwise, within the Village limits.
- B. Nothing in this section shall be construed to prohibit the temporary storage of garbage, refuse and waste material awaiting removal for up to seven days, 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; nor shall this section be construed as prohibiting composting or compost piles, provided such is properly conducted.
- C. Likewise, nothing in this or any other section shall be construed to prohibit the temporary placement of leaves along the curb of village streets during the months of September and October.

Section 13. – Duties of owners, occupants or tenants.

- A. An occupant or tenant of the premises shall be responsible for compliance with this chapter as if they were an owner.
- B. Owners of premises shall be responsible for compliance with the provisions of this chapter and shall remain responsible therefor, regardless of the fact that this chapter may also place certain responsibilities on tenants or occupants and regardless of any agreements between owners and tenants or occupants as to which part shall assume such responsibility.



- C. Whenever any person or persons shall be in actual possession of or have charge, care or control of any property within the Village 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 chapter and shall be bound to comply with all of the provisions of this chapter to the same extent as the record owner, and notice to any such person of any order or decision of the Code Enforcement Official shall be deemed and taken to be a good and sufficient notice, as if such person or an occupant is responsible or shares responsibility with the owner for the existence of one or more violations of this chapter. Said occupant shall be deemed and taken to be an owner with the true intent and meaning of this chapter.

Section 14. – Inspections.

- A. The Code Enforcement Official of the Village of Port Leyden, as designated by the Village Board, shall have authority, as specified herein, to inspect all premises within the Village to enforce the provisions of this chapter and the New York State Property Maintenance Code.
- B. Whenever it shall appear that the provisions of this chapter are being violated, the Code Enforcement Official shall, except upon plain view where no entry is necessary, 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 condition found.

Section 15. – Notice of violation; remedies; hearing; Village costs and expenses.

- A. If the condition existing on the property violates the provisions of this chapter, the Code Enforcement Official shall serve or cause to be served a written notice, by certified mail or personal service, 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 appears on the current assessment roll of the Village; a statement of the condition of the premises as found on the inspection; a demand to maintain the property and/or that the motor vehicle, motorized equipment, litter, appliance, rubbish, refuse or debris be removed from the premises on or before five days after the mailing or service of such notice.
- C. Upon the failure of the owner, lessee, agent, tenant or other person with authority over the premises to correct the violation after receipt of the five-day notice, the Code Enforcement Official shall file a complaint with the Town of Leyden Court or Town of Lyonsdale Court, depending on which has jurisdiction. In addition to the above-provided penalties, the Village Board may also maintain an action or proceeding in the name of the Village in a Court of competent jurisdiction to compel compliance with or restrain by injunction the violation of any section of this chapter.
- D. In addition to any other remedies available to the Village under this chapter, the Village Board of Trustees may send a notice by certified mail, return receipt requested, to the alleged violator, requiring him or her to appear before the Village Board at a fact-finding hearing, which fact-finding hearing shall be scheduled no earlier than 10 days after the date of such mailing. Following such fact-finding hearing, the Board of Trustees shall determine whether a violation of

the Village of Port Leyden Property Maintenance Law does exist on the property. If so established, the Board of Trustees at that time may issue an order to enter the property at issue and perform necessary remediation work and to charge all costs and expenses so incurred back to the property owner as a special assessment against such property, adding such sum on to the next Village tax bill if unpaid by the owner.

Section 16. – Penalties for offenses. Every person convicted of violating this chapter shall, upon conviction thereof, be punished by a fine of not more than \$250 or imprisonment not to exceed 15 days, or both.