

# 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.

NEW YORK  
FILED  
MAY 01 2013  
MISCELLANEOUS  
& STATE RECORDS

~~County~~  
~~City~~ of Port Leyden  
~~Town~~  
Village

Local Law No. 1 of the year 2013

A local law prohibiting clutter, litter and debris  
*(Insert Title)*  
\_\_\_\_\_  
\_\_\_\_\_

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

~~County~~  
~~City~~ of Port Leyden as follows:  
~~Town~~  
Village

SEE ATTACHED SHEETS.

(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. 1 of 20 13 of the ~~(County)(City)(Town)~~(Village) of Port Leyden was duly passed by the Village Board on April 16 20 13, 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) (repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted on \_\_\_\_\_ 20 \_\_\_\_\_, in accordance with the applicable provisions of law.  
(Name of Legislative Body)  
(Elective Chief Executive Officer\*)~~

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) (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20 \_\_\_\_\_.  
(Name of Legislative Body)  
(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) (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.  
(Name of Legislative Body)  
(Elective Chief Executive Officer\*)~~

\* 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 1, above.

Jacey Hoage  
Clerk of the county legislative body, City, Town or Village Clerk or  
officer designated by local legislative body

Date: 26 April 2013

(Seal)

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK  
COUNTY OF Oneida

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.

William J. ...  
Signature

Village Attorney  
Title

~~County~~  
~~City~~ of Port Leyden  
~~Town~~  
Village

Date: 26 April 2013

**VILLAGE OF PORT LEYDEN  
LOCAL LAW \_\_\_ / \_\_\_ FOR 2013**

**Section 1. Title**

This local law shall be entitled "Prohibition of Clutter, Litter and Debris".

**Section 2. Definitions**

The words used in this law shall be defined as follows:

**Clutter, Litter and Debris:** Ordinary household, commercial or stored trash such as paper, barrels, cartons, boxes, crates, furniture, rugs, clothing, rags, mattresses, blankets, tires, lumber, brick, stone and other building materials no longer intended or in condition for ordinary use, not stored in an organized manner; and any and all tangible personal or commercial property no longer intended or in condition for ordinary and customary use, including mobile homes. This definition shall not include junk vehicles or junk appliances as defined in the County of Lewis Junkyard Law, otherwise known as Lewis County Local Law No. 3 of 1992, as amended.

**Junk Mobile Home:** Any enclosed dwelling built upon a chassis, or trailer used or designed to be used for either permanent or temporary living and/or sleeping purposes including truck campers, camping trailers, campers, travel trailers, pop-up trailers, tent trailers and over-night trailers; which is no longer suitable for human habitation as determined by the Codes Enforcement Officer.

**Section 3. Clutter, Litter and Debris Prohibited**

In order to preserve and promote reasonable quality of environment and aesthetics and to prohibit actions and conduct which offends the sensibilities and tends to debase the community and reduce real estate values, the deposit, accumulation, or maintenance of clutter, litter or debris regardless of quantity is hereby prohibited anywhere within sight of persons lawfully traveling the public highways or within sight of neighboring property. The provisions of this section shall be applicable to existing conditions.

**Section 4. Complaints**

Whenever a violation of this law occurs, any person may file a complaint with the Codes Enforcement Officer. All complaints shall be in writing. The Codes Enforcement Officer shall properly record and immediately investigate any such complaint.

### **Section 5. Enforcement Procedure**

The Codes Enforcement Officer shall inspect the property and file a written report of violations with the Village Clerk. The Codes Enforcement Officer shall prepare a written notice and shall serve such notice upon the owner or occupant personally or by certified mail. The notice shall contain the following:

1. The name of the owner or occupant to whom the notice shall be addressed.
2. The location of the premises involved in the violation.
3. A statement of the facts which it is alleged violate this law.
4. A demand that the clutter, litter and debris be removed or placed so as to be in compliance with this law within ten days of the service or mailing of the notice.
5. A statement that a failure to comply with the demand may result in prosecution.
6. A copy of this law.

### **Section 6. Extension**

Upon application of the owner or occupant showing reasonable cause, the Codes Enforcement Officer may grant an extension of up to 30 days for the owner or occupant to comply with the demands.

### **Section 7. Appeals**

1. Any person aggrieved by this law may appeal to the Village Board for an interpretation of a variance from provisions of this law.
2. Any application for an appeal must be filed within 10 days of the mailing of the notice in Section 5. Application for appeals shall be mailed to the Village Clerk.
3. Any hearing for an appeal must be conducted within 30 days of the filing of the application with the Village Clerk.
4. The Village Board must file a written decision of the hearing within 15 days of the hearing on appeal.
5. In making its determination on variances, the Village Board shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination the Village Board shall also consider: 1) whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created

by the granting of the variance; 2) whether the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue, other than a variance; 3) whether the requested variance is substantial; 4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood; and 5) whether the alleged difficulty was self-created which consideration shall be relevant to the decision of the Village Board, but shall not necessarily preclude the granting of the variance.

6. The Village Board shall grant the minimum variance that it shall deem necessary and adequate and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare the community.
7. All fees for appeals shall be established by a Village Board resolution.

### **Section 8. Enforcement**

If, after the expiration of ten days from the date of service of the notice provided in Section 5 above, or after the completion of any extension period allowed in Section 6 above, and the occupant shall fail to comply with the requirements of this law, the Codes Enforcement Officer or the Village Board may institute enforcement procedures as follows:

1. Pursuant to Criminal Procedure Law Section 150.20(3), the Codes Enforcement Officer is hereby authorized to issue an appearance ticket to any person causing a violation of this law, and shall cause such person to appear before the Village Justice, and shall file a complaint with the Village Justice.
2. The Village Board is hereby authorized to remove such clutter, litter and debris from its location and dispose of same, and the expense thereof shall be charged to the property so affected by including such expense in the next annual tax levy against the property. Such removal may be done only following public notice and a public hearing at which time all parties may be heard. Public notice of the hearing shall be made in a newspaper in general circulation in the Village at least five days prior to the hearing.

### **Section 9. Penalties**

Any person or Commercial Business who shall violate any of the provisions of this law shall be guilty of an offense and subject to a fine not more than \$250 or by a penalty of \$250 to be recovered by the Village Board in a civil action. Every such person shall be deemed guilty of a separate offense for each week such violation, disobedience, omission, neglect or refusal shall continue. 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 provision of this law.

**Section 10. Conflict with Lewis County Junkyard Law**

Nothing in this law shall be construed so as to preempt the enforcement of the County of Lewis Junkyard Law. Otherwise known as Lewis County Local Law No. 3 of 1992, as amended, by the County of Lewis in the Village of Port Leyden.

**Section 11. Effective Date**

This law shall take effect immediately upon filing in the office of the Secretary of State, New York State.