

Local Law Filing

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

County
City
Town of
Village

CLARENDON, ORLEANS COUNTY, NEW YORK

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STATE RECORDS

APR 02 2015

Local Law No. 1 of the year 2015

DEPARTMENT OF STATE

A local law Amending Local Law No. 3 of the Year 2014,
Regulating the Outside Storage of Junk Materials in the Town of Clarendon

Be it enacted by the _____ Town Board _____ of the

County
City

Town of Clarendon, Orleans County, New York as follows:
Village

SECTION 1: PURPOSE

1. The accumulation, storage and placement of personal property and materials on and about public and private real property outside of buildings and structures, when such property and materials are not normally incidental to the use and enjoyment of the property on which it is stored, accumulated, or placed, for unreasonable periods of time similarly is aesthetically objectionable and can adversely affect the value of the neighborhood properties and can be detrimental to the use, enjoyment and occupation of such properties.
2. The further purpose of this local law is to prohibit the placement, accumulation, or storage of any property or items which remain out of doors on private or public real property and in customary usage, and not utilized in conjunction with the out of doors enjoyment of the property on which it is situate. The outdoor storage of such items for more than fourteen (14) days is deemed to be an unreasonable period of time. The prohibition applies to all material, as defined herein, whether or not such material is deemed to be junk, litter, waste, refuse or garbage.

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CLARENDON TOWN CLERK

3. Certain materials which are normally used in conjunction with out-of-doors activities, are exempted from the prohibition.

SECTION 2: DEFINITIONS - As used in this local law, the following terms shall have the meanings indicated:

1. **MATERIAL** - Any property (other than real property and buildings thereon), items and articles, organic or inorganic, composed of glass, wood, metal, plastic, paper, fabric, leather, rubber or any combination thereof, whether manufactured or not.
2. **PERSON** - One (1) or more individuals, a partnership, corporation, association or any other legal entity.
3. **STRUCTURE** - Anything constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground.

SECTION 3: DEPOSIT OF MATERIAL

1. Subject to the exceptions contained in Section 3(2) hereof, no person shall store, place, accumulate or abandon upon any real property, no cause, consent or permit to be deposited, stored, accumulated, placed or abandoned upon any real property owned or occupied as a tenant by such person, outside of an enclosed structure, building or container, any material for a period longer than ten (10) days after receipt by such person of the Notice described by Section 4(1).
2. **EXCEPTIONS** – The following shall not apply to the storage or placement on premises of the following materials:
 - A. Wood intended for consumption in a wood burning stove, furnace or fireplace located on the premises shall be cut to length for use and stacked behind the front line of the building;
 - B. Lawn or yard or garden ornaments and implements;
 - C. Lawn and patio furniture;
 - D. Operable farm, garden and yard machinery and apparatus used on the premises;
 - E. Standing fences;
 - F. Hoses and sprinklers used for watering lawns or gardens;
 - G. Storage, placement and accumulation of materials in connection with a commercial operation duly conducted on the premises where such storage, placement and re-accumulation is expressly permitted by the laws of the Town of Clarendon and the State of New York;
 - H. Construction materials and equipment used for the construction or renovation of a building on the premises.

SECTION 4: ENFORCEMENT

1. NOTICE - After the Zoning Enforcement Officer has determined that junk materials are stored, deposited, placed or abandoned on a parcel of property, (s)he shall send written notice thereof to the occupant or owner of the property, or to both such persons, as the case may be, directing the removal of such material within ten (10) days, after receipt of such Notice. The Notice shall be served on the owner or on one of the owner's executors, legal representatives, agents, lessees, any tenant or other person occupying the premises or other persons having a vested or contingent interest in the premises, either personally or by certified mail, return receipt requested, addressed to the last known address, if any, of the owner or one of the owner's executors, legal representatives, agents, lessees or other persons having a vested or contingent interest in the same, as shown by the last preceding completed record of the Receiver of Taxes or in the office of the County Clerk. Possession of the United States Postal receipt by the Zoning Enforcement Officer, indicating delivery of the notice of the addressee whether the receipt is signed by the addressee or by a third party, shall constitute conclusive proof of the receipt by addressee of said Notice. The ten (10) day period shall commence on the date of the delivery of the Notice as indicated on the postal receipt. The Notice may also be personally served on the addressee, in which event the respective ten (10) day period shall commence on the date of the personal service of the Notice.
2. PRESUMPTION - There shall be a presumption that a person who has received the Notice prescribed in Section 4 has consented to or permitted the deposit, storage, abandonment or placement of the junk material described in said Notice.
3. REMOVAL BY TOWN -
 - A. The Notice referred to in Section 4 (1) served upon the owner of the subject property, shall advise the owner that if the junk materials are not removed within the said ten (10) day period, the Town may issue an appearance ticket to appear in the Clarendon Justice Court. Removal and disposition of said junk materials shall be at the discretion of the Town Court. Liability for the cost of the removal and disposition of the junk materials shall also be determined by the Town Court.

Materials removed by the town may be placed in storage or disposed of (scrapped). Any monies received pursuant to the disposal of materials will be applied to the cost of removal. If items are placed in storage, the property owner will be responsible for all associated costs. Any costs unpaid will be added to the property owner's tax bill. Liability for the cost of the removal and disposition of the junk materials shall also be determined by the Town Court.
 - B. In addition thereto or in lieu thereof, such costs may be assessed against the subject property of the owner and collected in the same manner and at the same time as Town real property taxes as determined by the Town Court.

4. THIS LOCAL LAW MAY BE ENFORCED BY THE ZONING ENFORCEMENT OFFICER OF THE TOWN OF CLARENDON, OR BY ANY POLICE OFFICER.

SECTION 5: PENALTIES

1. A violator of this local law shall be guilty of a violation and shall be punishable for a fine not exceeding three-hundred fifty dollars (\$350.00) or by imprisonment for not more than six (6) months or both. Each week that the violation shall continue constitutes a separate offense.
2. In addition to the enforcement in a criminal proceeding by fine or imprisonment, this local law may be enforced by instituting a special proceeding as authorized by Article 4 of the Civil Practice Law and Rules to compel compliance with the provisions of this local law or to restrain by injunction any violation thereof, or to obtain any other appropriate relief.
3. A civil penalty of twenty-five dollars (\$25.00) per day is hereby imposed for each day's violation of this local law which penalty may be collected in any judgment rendered in a proceeding under Subsection B or in a separate civil action.

SECTION 6: EFFECTIVE DATE

This local law shall take effect upon filing with the state.

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

10140. (Final adoption by local legislative body only).

I hereby certify that the local law annexed hereto, designated as Local Law No. 1 of 2015 of the ~~(County)~~ ~~(City)~~ (Town) ~~(Village)~~ of Clarendon was duly passed by the Clarendon Town Board On 03/17/2015, in accordance with the applicable provisions of law.

10141. (Passage by local legislative body with approval, no disapproval or re-passage after disapproval by the Elective Chief Executive Officer *).

I hereby certify that the local law annexed hereto, designated as Local Law No. _____ Of the (County) (City) (Town) (Village) of _____ Was duly passed by the _____ On _____ And was (approved) (Not approved) (repassed after disapproval) by the _____ And was
(Elective Chief Executive Officer *)
deemed duly adopted on _____ In accordance with the applicable provisions of law.

10142. (Final adoption by referendum).

I hereby certify that the local law annexed hereto, designated as Local Law No. _____ Of the (County) (City) (Town) (Village) of _____ Was duly passed by the _____ On _____ And was (approved) (Not approved) (repassed after disapproval) by the _____ Such local
(Elective Chief Executive Officer*)
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 the (general) (special) (annual) election held on _____ 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 the (County) (City) (Town) (Village) of _____ Was duly passed by the _____ On _____ And was (approved) (Not approved) (repassed after disapproval) by the _____ Such local
(Elective Chief Executive Officer*)
law was subject to permissive referendum, and no valid petition requesting such referendum was filed as of _____ 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 chairman 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).

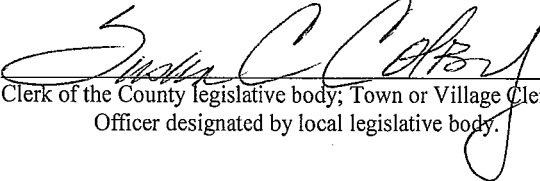
I hereby certify that the local law annexed hereto, designated as Local Law No. ____ Of of then City of _____ having been submitted to referendum pursuant to the provisions of Section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special) (general) election held on _____ Became operative.

6. (County local law concerning adoption for Charter).

I hereby certify that the local law annexed hereto, designated as Local Law No. ____ Of of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____, 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 of 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 there from and of the whole of such original local, and was finally adopted in the manner indicated in paragraph 1, above.


Clerk of the County legislative body; Town or Village Clerk or
Officer designated by local legislative body.

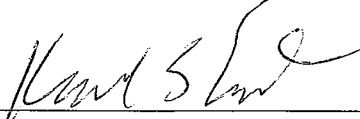
(SEAL)

Dated: 3-17-2015

(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 ORLEANS: ss

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.



Karl S. Essler

Attorney for the Town of Clarendon
Title

