

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
41 STATE STREET, ALBANY, NY 12231

(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.

STATE OF NEW YORK
DEPARTMENT OF STATE
FILED
JUL 22 1999
Stephan F. Riccardi
Secretary of State

~~County~~
~~City~~ of Moira
Town
~~Village~~

Local Law No. 1 of the year 1999

A local law TO PROHIBIT OUTDOOR STORAGE OF JUNKED OR DISMANTLED VEHICLES,
(Insert Title)
RUBBISH, TRASH, DEBRIS, INCLUDING GARBAGE

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

~~County~~
~~City~~ of Moira as follows:
Town
~~Village~~

TEXT OF LAW IS ATTACHED

(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 1999 of the ~~(County)~~(City)(Town)(Village) of Moira was duly passed by the the Moira Town Board on July 13, 1999, 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 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not approved)(repassed after disapproval) by the _____ and was deemed duly adopted on _____ 19____, in accordance with the applicable provisions of law.
(Elective Chief Executive Officer)*~~

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 19____. 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 _____ 19____, in accordance with the applicable provisions of law.
(Elective Chief Executive Officer)*

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 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 19____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 19____, in accordance with the applicable provisions of law.
(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 19_____ 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 _____ 19____, 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 19_____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 19____, 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.

Kathleen B. Lammay
Clerk of the County legislative body, City, Town or Village Clerk
or officer designated by local legislative body

(Seal)

Date: July 14, 1999

(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 FRANKLIN

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.

Paul M. Cantwell, Jr.
Signature Paul M. Cantwell, Jr., Esquire

Attorney for Town
Title

County
~~City~~ of Moira
Town
~~Village~~

Date: July 15th 1999

Section 1

PURPOSE - a clean, wholesome, attractive environment is declared to be of importance to the health and safety of the inhabitants and property owners of the Town of Moira and to the safe guarding of their material rights against unwarranted intrusion. It is hereby determined that the unrestrained accumulation of junked and inoperable motor vehicles and trash as hereinafter defined is a hazard to such health, safety and welfare of real property owners in the Town necessitating the regulation, restraint and elimination thereof.

Section 2

DEFINITION AND WORD USAGE

- (A) Except where specifically defined herein, all words used in this local law shall have their customary meaning. Words used in the present tense include the future, and the singular includes the plural, when used herein. The term "shall" is always mandatory.
- (B) Inoperable, unregistered, junked or dismantled vehicles. Any vehicles designed or intended to be propelled or drawn by power other than muscular power, including motor vehicles as defined in Section 125 of the Vehicle and Traffic Law of the State of New York, snowmobiles, all terrain vehicles (ATVs), and boats, which are permitted or condoned to be abandoned, stored outside a building or structure, left or located by its owner or any other person on public or private lands in the Town of Moira, which vehicles:
- (i) are not currently registered or in condition to be registered by the State of New York for operation on public highways or waterways and which have not been registered during the preceding 12 months, or
 - (ii) are no longer intended to be used on public highways or waterways; or to be operated solely on private lands of the owner. The physical condition of the vehicle or circumstances surrounding its storage or abandonment are admissible for the purpose of determining such intent, or
 - (iii) are being held or used for the purpose of recovering used parts therefrom or for the purpose of reclaiming for use some or all of the material thereof or for the purpose of disposing of the same, or
 - (iv) is not a motor vehicle that has been maintained in, restored to or will be maintained in or restored to a condition that it will within one year be

in a condition which legal use on the public highways and waterways can occur. Extension of this one year limitation may be granted by the Code Enforcement Officer upon request for good cause.

- (C) JUNKYARD - as defined in section 136 of the General Municipal Law of the State of New York or any amendments thereof.
- (D) LITTER - The disorderly, untidy storage of material regulated by this local law.
- (E) OPEN STORAGE - Storage of material other than in an enclosed structure such as a garage or barn. In the case of wheeled or tracked vehicles (in safe condition as determined by the Code Enforcement Officer after inspection) stored on the owner's property behind cover of trees or a substantial and compatible to surrounding properties fence, so long as they will not be visible at anytime of the year from the public highway or surrounding real property.
- (F) PERSON -It is an individual, firm, partnership, association, corporation, company or organization.
- (G) OWNER - The person having legal title to real property or having possessory rights to the use of real property under the authority of the person having legal title. Occupancy or use of the property is presumptive evidence of such possessory rights.
- (H) RUBBISH, TRASH AND DEBRIS - Any used or uncovered substance or waste material which has been discarded or abandoned regardless of the nature or kind of the material including but not limited to inoperable, abandoned, junked or discarded household appliances or equipment such as stoves, washing machines, dryers, refrigerators, freezers, air conditioning units, furnace, water heater or furniture, packing containers, lawn debris, animal hides, broken windows and doors, sinks, toilets and other discarded building materials and garbage.

Section 3

RESPONSIBILITY FOR MAINTAINING REAL PROPERTY LITTER FREE - The owner or the person in possession of real property shall at all times maintain the property free of litter such as junked or dismantled vehicles, rubbish, trash and debris including garbage.

Section 4

ENFORCEMENT - The provision of this local law shall be administered and enforced by the Town Code Enforcement Officer who shall investigate any complaints of violation of this local law. The Code Officer shall inspect real property where the alleged violation occurred and prepare a written report of any violations found, and serve on the owner or the occupier of legal age of said property personally or by first class mail addressed to the owner of the property as shown on the current Town Tax Roll, the written report and a notice, which shall contain the following information:

- (i) The name of the owner and/or tenant to whom the notice shall be addressed.
- (ii) Location of the premises involved in the violation.
- (iii) A statement of what the alleged violation of this local law is.
- (iv) A demand that the junked or inoperable motor vehicle, rubbish, trash or debris shall be removed from the premises within ten (10) days after personal service or thirteen (13) days after mailing of the notice.
- (v) A statement that the failure to comply with this notice shall result in prosecution in Town Justice Court.

Section 5

REGULATION OF AUTOMOBILE JUNK YARDS - The provision of this local law shall not apply to any person licensed to operate, establish or maintain a junkyard business, who has obtained a certificate of approval for the location of such junkyard, pursuant to the provisions of Section 136 of the General Municipal Law of the State of New York provided that the person complies with the provisions of said section in operating, establishing and maintaining said junkyard.

Section 6

VIOLATIONS AND PENALTIES - A violation of this local law shall be punishable by fine not to exceed \$250 for the first offense and a maximum fine of \$500 for each subsequent offense. Each week that the violation shall continue or be carried on shall constitute an additional separate offense. This local law may also be enforced by seeking a restraining order or injunction against the violator to prohibit continuing violations.

Section 7

EFFECTIVE DATE - This local law shall take effect immediately upon filing with the Secretary of State of the State of New York.