

**TOWN OF LEYDEN
LOCAL LAW 1 FOR 2006**

PROHIBITION OF CLUTTER, LITTER AND DEBRIS

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 or store 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; and any and all tangible personal 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.

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 Town 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 board of appeals for an interpretation of a variance from the provisions of this law.
2. Any application for an appeal must be filed within 10 days of the mailing of the notice in Section 6. Application for appeals shall be mailed to the Town Clerk.
3. Any hearing for an appeal must be conducted within 30 days of the filing of the application with the Town Clerk.
4. The board of appeals must file a written decision of the hearing within 15 days of the hearing on appeal.
5. In making its determination on variances, the board of appeals 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 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 board of appeals, but shall not necessarily preclude the granting of the variance.

6. The board of appeals 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 of the community.
7. All fees for appeals shall be established by town board resolution.

Section 9. Enforcement

If, after the expiration of ten days from the date of service of the notice provided in Section 6 above, or after the completion of any extension period allowed in Section 7 above, and the occupant shall fail to comply with the requirements of this law, the enforcement officer or the town board may institute enforcement procedures as follows:

1. Pursuant to Criminal Procedure Law Section 150.20(3), the 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 town justice.
2. The town 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 town at least five days prior to the hearing.

Section 10. Penalties

Any person 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 town 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 board may also maintain an action or proceeding in the name of the town in a court of competent jurisdiction to compel compliance with or restrain by injunction the violation of any provision of this law.

Section 11. 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 Town of Leyden.

Section 12. Effective Date

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