

## 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 of Stratford, Fulton County  
☒ Town  
☐ Village

Local Law No. 1 of the year 20 07

A local law "Stratford Municipal Maintenance and Junk Law"  
(Insert Title)

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

- ☐ County  
☐ City of Stratford, Fulton County as follows:  
☐ Town  
☐ Village

(Delete this line of text and enter text of local law here)

(See, 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 20 07 of the ~~(County)~~(City)(Town)(Village) of Stratford was duly passed by the Stratford Town Board on July 13 20 07, in accordance with the applicable provisions of law.

**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.)

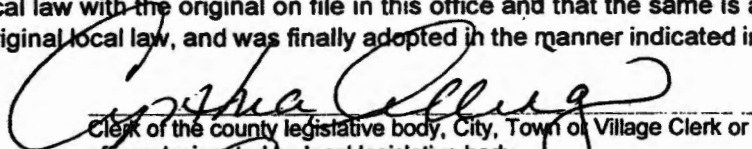
I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20 \_\_\_\_\_ of  
City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of  
Municipal Home Rule Law, and having received the affirmative vote of a majority of 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.

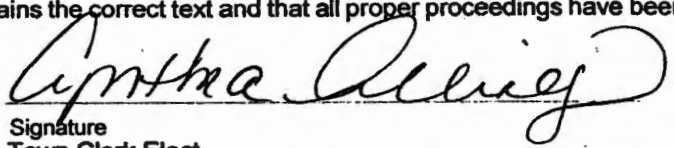
  
Clerk of the county legislative body, City, Town or Village Clerk or  
officer designated by local legislative body  
Date: August 11, 2007

(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 Fulton

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.

  
Signature  
Town Clerk Elect  
Title

County  
City of Fulton  
Town  
Village

Date: August 11, 2007

**STRATFORD MUNICIPAL  
MAINTENANCE AND JUNK LAW  
LAW #1, 2007**

### **Authority:**

This Local Law is hereby adopted pursuant to the authority granted and the Town of Stratford in Section 10 of the NYS Municipal Home Rule Law and in Sections 130 (15) and 130 (6) of the Town Law.

### **1. Purpose**

The purpose of this Law is to provide for an attractive sanitary and hazard free environment for the citizens of Stratford. The town of Stratford Town Board hereby declares that a clean safe wholesome and attractive environment is of vital importance to the continued welfare of its citizens. Regulation of blight is necessary to protect the community from potential hazards to property and persons, to protect water resources, and to preserve and protect the aesthetic qualities and property values of the town of Stratford.

### **2. Definitions**

As used in this Local Law, the following terms shall have the meaning indicated:

**Appliance** this includes any stove, washing machine, dryer, freezer, refrigerator or other household device of equipment

**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, gasoline stations and other business uses.

**Debris:** The remains of something broken down or destroyed. an accumulation of loose detached fragments, materials or carelessly discarded refuse, rubbish, or litter.

**Garbage:** Any refuse from animal and vegetable matter, waste food or part thereof, refuse from kitchen, market store or house, floor sweepings, table waste or animal or vegetable matter, meat, fish, bones, and all organic waste substance or substance capable of decay

**Infestation:** The presence of rodents, vermin, or other pests.

**Junk Mobile Home:** Any enclosed dwelling built upon a chassis, motor vehicle, or trailer used or designed to be for either permanent or temporary living and/or sleeping purposes which meets the following conditions

1. it is abandoned as a dwelling unit or
2. is no longer habitable for residential occupancy, as defined in the Residential Code of NYS

**Litter;** Garbage, refuse, rubbish, junk and junk motor vehicles as herein defined and all other waste material which if thrown or deposited in a manner prohibited

by this law, creates a danger to public health, safety and welfare, whether for sale or not.

**Lot:** A plot tract, premise or parcel of land with or without buildings or structure located thereon

**Motor Vehicle:** All vehicles propelled by power other than muscular power intended for use on public highways, waterways, or off road. For the purpose of this law motor vehicle shall include but not be limited to automobiles, bus, constructions equipment, truck, tractor, motor home, motorcycle, snowmobile, backhoe, bulldozer, boat, personal watercraft, aircraft and al terrain vehicles

**Junk Motor Vehicles:** All motor vehicles as defined above in such condition or state of repair that it can not be licensed immediately without extensive repairs: any abandoned, junked, discarded, wholly or partially dismantled motor vehicles no longer intended or in condition for legal use on public highways, waterways, or off road: an motor vehicle incapable of passing New York State inspection: any motor vehicle which normally not operated on public highways that is not in a condition to be moved under its own power and that will no longer function for the purpose for which it was designed. This does not include inoperable farm of construction equipment of machinery retained for the purpose of salvaging usable parts in connection with the ongoing operation of an on site farm, construction business or licensed auto repair business, provided that such items are stored within an aesthetically pleasing enclosed or screened consolidated area out of public view.

**Motorized Equipment:** Including but not limited to power machines, lawn mowers, or parts that once attached to motorized equipment

**Outdoor Storage:** Storage other than in a completely enclosed structure with a roof and fully enclosed on all sides, such as a garage or barn: or within a structure with three walls and a roof such as a pole barn

**Owner:** Persons having legal title to the property or properties

**Persons:** One or more persons of either sex , natural persons, corporation, 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 town of Stratford

**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, tires, wood, excelsior, tree limbs and branches, yard trimmings, wood furniture and bedding. Also included is noncombustible trash including but not limited to metals, can, metal furniture, small quantities of rocks, brick, and concrete, glass, metal fixtures, bottle, and street rubbish, street sweepings, dirt, leaves, ashes, dead animals. Junk motor vehicles, junk mobile homes inoperable bicycles or parts thereof industrial waste, cardboard, and similar

material. Also, included in this definition is any item in a condition of which it is no longer operational for the purpose for the purpose of which it was originally designed for.

**Resident:** Any person having residence within the town of Stratford. Including the landlords and tenants. The term shall include any person, firm, partnership, corporation or other association operating an established business within the limits of town of Stratford.

**Residential Premises:** A building or combination of buildings used solely for the purpose of the occupants thereof, whether as owners or tenants thereof and not used for any business purpose

**Screening:** Visual barrier (usually of the year-round vegetation) or fencing that is sufficiently dense and high enough to conceal from view that which is behind it. A hill or earthen pile that appears to be occurring naturally could be considered screening, a barn, dwelling fence or other building that shield from public view.

**Waste Material:** Includes but not limited to wastes produced by industrial or manufacturing process, including food processing waste lumber scraps and shavings, tires and oil, constructions material, concrete, rocks, bricks, sand, and any other waste 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 a particular building line faces

### **3. General Requirements**

All residential and commercial premises located within the town of Stratford, whether improved or vacant, shall be maintained in conformity with the provisions of this Law

### **4. Applicability**

The provisions of this law shall supplement all Local Laws, ordinances, codes or requirements existing in the town of Stratford. and other statutes and regulations of the municipal and state authorities having jurisdiction applicable thereof. In the event any term, provision, paragraph, or article of any statute, Law resolution and/or rules for the town of Stratford, the document with the stricter term, provision, paragraph, or article will apply and be legal, valid and binding

### **5. Open Areas**

5.A Yards and vacant lots shall be kept clean and free from physical hazards, vermin, or rodent infestation or other pests. They shall be maintained in a manner that will reasonably prevent dust or other particles from being blown about the neighborhood. Open wells cesspools, septic tanks, or cisterns shall be securely closed or barricaded from access to the public.

5.B. Fenced and other minor constructions shall be maintained in a safe and substantial condition and shall comply with the standards of the towns Zoning Ordinance

### **6. Business Units:**

All garbage, crates, rubbish, refuse, or debris, shall be kept inside the building or buildings on the premises or out of view of others and shall be regularly collected and removed from the premises

### **7 Infestation and Screen**

7a Grounds buildings and structures within the town of Stratford shall be maintained free or vermin or rodent infestation or other pests. Methods used for exterminating



vermin, rodents, or other pests shall conform with generally accepted methods that comply with all applicable State and Local Laws

7b where the potential for vermin or rodent infestation or other pests exists windows and other openings in the basement, and cellar shall be appropriately screened with wire mesh or other suitable material

### **8 Littering**

8a Residential and business premises within the town of Stratford whether improved or vacant, shall be maintained free of litter, provided however that this section shall not prohibit the storage of little awaiting regular weekly pickup in authorized private receptacles for collection

8b adequate sanitary facilities and methods shall be used for the collection storage, handling, disposal or garbage and refuse in accordance with the provisions of applicable codes rules and regulations

8c It shall be unlawful for any person to throw, spill, place, deposit leave or cause to be thrown, spilled, placed, deposited or left or allow or permit any agent servant or employee to throw, spill, place, deposit, or leave in or upon any street, highway, right of way, alley, sidewalk, park, or public building or in any public building or in any running water or body of water within the town of Stratford any garbage, refuse, rubbish, debris, waste material, litter, or filth, including but not limited to sewage, excrement, dead carcasses, compost ashes or any material subject to be carried by the wind, water, or other matter of any kind.

### **9 Outdoor deposit or storage of waste, appliance, junk, motor vehicles, junk mobile homes and other items**

9a It shall be unlawful for any person as owner, occupant, lessee, agent, or any capacity to store, deposit, place, maintain or cause to permit to be stored, deposited, placed or maintained outdoors within public view any abandoned junked discharged wholly or partially dismantled unregistered motor vehicles, vehicles trailers, mobile homes, motorized equipment, appliances, rubbish, or debris as defined in this article upon private, semi-private or public property within the limits of the town of Stratford. No more than one unregistered motor vehicle may be stored on the premises within public view.

9b No appliance may be discarded, abandoned, or stored on the premises within public view. Any appliance that is being stored or awaiting disposal in a place accessible to children must have all doors removed

### **10 Maintenance of Property**

Nothing in this law shall prohibit the temporary storage of garbage, refuse, and waste materials awaiting regular weekly removal via municipal services, private contract, or by other means provided that such storage is accomplished by way of tightly covered containers or cans whenever practicable, nor shall this law prohibit the depositing of manure or fertilizer upon private property for the purpose of cultivating or improving the same

### **11 Duties of owner occupants and/or Tenants**

11a An occupant or tenant of the premises shall be responsible for the compliance with this law as if they were an owner

11b Owner of premises shall be responsible for compliance with this law may also place certain reasonability,



#### 14. PENALTIES

A violation of any section of this law , or a failure to comply with any notice of violation of any section of this law is declared to be an offense, punishable by a fine of not less than(\$100.00) one hundred dollars and no more than three hundred and fifty dollars (350.00) or a substantial written reason why the citizen can not comply presented to the Town Board as a whole. A conviction of a second offense of the same section or any other section of the Law, committed within a five year period shall be considered a second offense punishable by a fine of no less than \$350.00, three hundred and fifty dollars no more than \$700.00, seven hundred dollars or imprisonment of no more than six months or both. Upon a conviction of a third offense of the same section or any other section of the said maintenance Law within a (5) year period shall be a fine not less than seven hundred dollars (700.00) no more than \$1000.00 or imprisonment not to exceed six months in jail or both. For the purpose of conferring jurisdiction upon courts and judicial officers generally, violations of this Law shall be deemed misdemeanors and for such purpose only all provisions of the Law relating to misdemeanors shall apply to such violations. Each week's continued violation shall constitute a separate additional violation. In addition thereto, Town shall have such other remedies as are provided by the law to restrain, correct, or abate any violation of this Law.

#### 15. FAILURE TO COMPLY; WORK DONE BY THE TOWN

In the event of the failure, refusal or neglect of the person or owner to comply With a notice of violation or any order of the Town Board ( or agent working on the behalf of such) or Town Court, and after the hearing , the Town Board may provide for the removal of any such materials either by the Town or contract for the Town.

#### 16. LEVY AND COLLECTION OF TOWNS EXPENSES

All expenses incurred by the Town in connection with the proceedings to collect and dispose of any materials shall assessed against the land on which such materials are located and shall be leveled and collected in the manner as provided in Article 15 of the Town Law for the levy and collection of as special ad valorem levy.

#### 17. SEVERABILITY

In the event that any clause, sentence, paragraph, section or article of this Local Law shall be adjudged by any court of competent jurisdiction to be invalid or illegal, such judgment shall not affect, impair or invalidate any other term, provision, paragraph or the remainder thereof directly involved in the controversy in which such judgment shall have been rendered.

11c Whenever any person or persons shall be in actual possession of or have charge care or control of any property within the town of Stratford as executor, administrator, trustee, guardian, operator, or agent, such person or person shall be deemed and taken to be the owner or owners of said property within the intent and meaning of this law and shall be bound to comply with the provisions of this law to the same extent as the record owner and notice to any such person of any order or decision of the Code of Enforcement officer shall be deemed and taken to be good and sufficient notice if such person or persons were actually the record owner or owners of such property

## **12 Inspections**

12a The Code Enforcement Officer of the Town of Stratford or his designee as designated by the town board of such town shall have authority as specified herein to inspect all premises within the town of Stratford to enforce the provisions of this law

12b Whenever it shall appear that the provisions of this law are being violated the inspector shall except upon plain view where no entry is necessary, secure approval from an owner, lessee, agent, tenant, or other persons with authority, to make inspection of the property and shall prepare a written report to include an inventory of violations with accompanying photos and of the condition found

## **13 Notice of Violation**

13a If the condition existing on the property violates the provisions of this law, the Enforcement Officer shall serve or cause to be served a written notice by mail or personal service upon owner, lessee, agent, tenant or any other persons who have authority over the said premises

13b 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 role of the town of Stratford, a statement containing a copy of the written report of the condition of the premises as found upon inspection a demand to maintain property in compliance with the said law and/or that the motor vehicle, motorized equipment litter appliances rubbish refuse or debris be removed from the premises on or before thirty (30) days after the service notice

13c That upon the failure of the owner, lessee, agent, tenant, or other person with authority over the premises, to correct the violation after the receipt of the 30 day notice the enforcement officer shall file a complaint with the town of Stratford Justice Court The enforcement officer shall also request that a copy of said inspection be publicly posted until such time all violations have been resolved. The town board may also maintain an action with or restrain by injunction the violation of any section of the law

#### **18. EFFECTIVE DATE**

**This Local Law shall become effective immediately upon filing with the Secretary of the State of New York in accordance with Section 27 of The Municipal Home Rule Law.**