

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 underlining to indicate new matter.

County City Town Village
(Select one:)

of Morristown

Local Law No. 1 of the year 2013

A local law regarding regulation of the deposit, accumulation, or maintenance of junk regardless of quantity.
(Insert Title)

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

County City Town Village
(Select one:)

of Morristown as follows:

Article 1. - Statement of Authority. The Board of Trustees of the Village of Morristown, pursuant to the authority granted it under Article 6_ of the Village Law and Sections 10 and 20 of the Municipal Home Rule Law of the State of New York, hereby enacts as follows:

Article 2. - Statement of Purpose and Findings. The Board of Trustees of the Village Morristown declares that a clean, wholesome, and attractive environment is of vital importance to the continued general health, safety and welfare of its citizens, and that regulation of the deposit, accumulation, or maintenance of junk regardless of quantity is hereby prohibited by means of the adoption of minimum standards. By amendment of this law, the municipality declares its intent to preserve and promote a reasonable quality of environment and aesthetics and to prohibit actions and conduct that tend to depreciate not only the property on which it is located but also the property of other persons in the neighborhood and the community generally.

Article 3. - Enactment. The Board of Trustees of the Village of Morristown does hereby amend Local Law #2 of 1995 known as the Prohibition of Clutter, Litter and Debris in the Village of Morristown, New York as follows:

(If additional space is needed, attach pages the same size as this sheet, and number each.)

Section 1. Definitions.

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 uses and any and all tangible personal property no longer intended or in condition for ordinary and customary use including junk vehicles, appliances and mobile homes.

Junk Appliance: Any stove, washing machine, dryer, freezer, refrigerator, or other household device or equipment abandoned, junked, discarded, or wholly or partially dismantled.

Junk Mobile Home: Any enclosed dwelling built upon a chassis, motor vehicle, or trailer used or designed to be used for either permanent or temporary living and/or sleeping purposes including motor homes, truck campers, camping trailers, campers, travel trailers, pop-up trailers, tent trailers and over-night trailers which are no longer suitable for human habitation.

Junk Vehicles - shall include any motorized device for transporting a person on land, air or over the water including, but not limited to automobile, bus, trailer, truck, tractor, motor home, motorcycle, mini-bicycle, snowmobile, all terrain vehicle, boat or other watercraft, airplane or any other device intended to transport individuals over land, public highways, waterways or airways which meets the following conditions:

1. It is unregistered;
2. It is either abandoned, wrecked, stored, discarded, dismantled or partly dismantled;
3. It is not in any condition for safe use upon land, public highway, waterway or airway;

With respect to any junk vehicle meeting this definition which is not required to be licensed or other junk vehicle not usually used on public highways, the fact that such vehicle has remained unused for more than six (6) months and is not in condition to be removed under its own power, shall be presumptive evidence that such apparatus is a junk vehicle."

Yard: Any open space located on the same lot with a building.

Yard Front: The space within and extending the full width

of the lot from the road line to all portions of a building which face such road line. If a lot adjoins two or more roads, it shall be deemed to have a front yard respectively on each.

Yard Rear: The Space within and extending the full width of the lot from the rear lot line to that part of the building or structure which is nearest to such rear lot line.

Yard Side: The space within an extending the full distance from the front yard to the rear yard and from the side lot line to all portions of a building which face such side lot line.

Section 2. Prohibitions.

In order to preserve and promote reasonable quality of environment aesthetics and to prohibit actions and conduct which offends sensibilities tends to debase the community and reduce real estate values, the deposit:

- A. Accumulation or maintenance of clutter litter and debris regardless of the quantity in front or side yards of lots improved with a building or anywhere within sight of persons lawfully traveling the public highways and streets are prohibited.
- B. All junk appliances, junk mobile homes and junk vehicles in front or side yards of lots improved with a building or anywhere within sight of persons lawfully traveling the public highways and streets are prohibited.
- C. The provisions of this section shall be applicable to existing conditions.

Section 3. Exceptions.

- A. Storage yards for boats, trailers and motor vehicles which are enclosed by a fence or secured area.
- B. Properties use for the business of selling boats, trailers and motor vehicles.
- C. Watercraft which is being stored for the off season.
- D. Any Junk appliances and junk vehicles stored within an enclosed structure.

Section 4. Variance.

A. If there is a practical difficulty in storing or maintaining such clutter, litter or debris in an area other than front or side yards, or out of sight of persons lawfully traveling the public highways or streets, the applicant may appeal to the Zoning Board of Appeals for a variance from the provisions of this law.

B. In making its determination, the Zoning 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 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.

C. 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.

Section 5.

The Code Enforcement Officer of the Village of Morristown shall routinely inspect properties in the Village and file a written report of violations with the Village Clerk. Additionally, the Code Enforcement Officer shall investigate all complaints and file a written report of same. The Enforcement Officer shall prepare a written notice and shall serve such notice upon the owner and/or tenant personally or by certified mail. The notice shall contain the following:

1. The name of the owner and/or tenant 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 violates

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.

Upon application of the owner and/or tenant showing reasonable cause, the Village Board may grant an extension of up to thirty (30) days for the owner and/or tenant to comply with the demands.

Section 7.

If, after the expiration of ten (10) days from the date of mailing a notice, pursuant to Section 6 above or after the expiration of an extension period allowed as per Section 6, the owner and/or tenant shall fail to comply with the requirements of Section 2 above, the Village Board may, upon ten (10) days written notice to the owner/tenant, hold an evidentiary hearing before the Village Board to determine whether a violation of this law exists. The owner/tenant shall have the right to be present at such hearing with or without counsel to examine any testimony or evidence that is being offered against them as well as to present witnesses and evidence of their own, should they choose to do so. Following such evidentiary hearing, the Village Board shall make a finding whether a violation exists. In the event a violation does exist, the Village Board may then order the owner to remedy the situation within ten (10) days of the date of such decision or failing the same may make arrangements to enter the property and remedy the situation. Any expenses incurred by the Village in going through this process may be charged back to the property owner and may be levied as a special assessment against the property on the next tax roll.

Section 8. Penalties

Any violation of this law is an offense punishable by a fine not exceeding \$150.00 for conviction of a first offense, for a conviction of a second offense, both of which were committed within a period of five (5) years, punishable by a fine not less than \$150.00 nor more than \$700.00 or imprisonment for a period not to exceed six (6) months or both, and, upon conviction for a third or subsequent offense, all of which were committed within a period of five (5) years, punishable by a fine not less than \$700.00 nor more than \$1,000.00 or imprisonment for a period not to exceed six (6) months or both. However, 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 law relating to misdemeanors shall apply to such violations. Each week's continued violation shall constitute a separate violation.

Article 4. - Severability. If any part of this Chapter shall be found to be void, voidable, or unenforceable for any reason whatsoever, it shall not affect the validity or enforceability of any remaining section or provision of this Chapter.

Article 5. - Effective Date. This local law shall take effect immediately upon filing with the Secretary of State.