

**NOTICE OF PUBLIC HEARING
VILLAGE BOARD OF TRUSTEES OF THE
VILLAGE OF CANASTOTA**

NOTICE IS HEREBY GIVEN that a public hearing will be held by the Village Board of Trustees of the Village of Canastota on June 18, 2018 at 7:15 p.m., or as soon thereafter as may be heard, at the Municipal Building, 205 South Peterboro Street, Canastota, New York, to consider a proposed local law entitled, "A local law to amend and re-enact Chapter 155 of the Code of the Village of Canastota". This local law would amend Article I Care and Maintenance of Property and Article II Maintenance of Vegetative Growth.

The complete text of the proposed local law is available for review at the Village Clerk's office during the Clerk's regular office hours. All interested persons will be heard at this public hearing.

Dated: May 31, 2018
Catherine Williams, Village Clerk/Treasurer
Village of Canastota

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 Canastota
Town
Village

Local Law No. _____ **of the year 2018.**

A local law to amend and re-enact Chapter 155 of the Code of the Village of Canastota.
(Insert Title)

Be it enacted by the Board of Trustees **of the**

County
City of Canastota **as follows:**
Town
Village

I. Chapter 155 of the Code of the Village of Canastota is hereby amended and re-enacted in its entirety to read as follows:

CHAPTER 155
Property Maintenance

ARTICLE I
Care and Maintenance of Property

Section 155-1. Accumulations and Deposits of Waste and Other Materials Prohibited.

- A. The owner, lessee, tenant or any other person who has the management or control of, or who occupies any lot or plot of land in the Village, shall keep such land at all times free and clear of accumulations of discarded and/or unused personal items, ashes, rubbish, garbage refuse, grass cuttings, tree cuttings, leaves, and/or other offensive, unhealthy, harmful or unsightly substances on any lot or plot within the Village. The requirements of this subsection shall not be deemed to prohibit the accumulation or placement of materials for pickup by the Village in accordance with applicable provisions of this Code and policies and procedures established by the Board of Trustees.

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

- B. It shall be unlawful for any person to place or deposit any substance or material described in subsection A above on any public property other than in a receptacle intended for public use and placed within the boundaries of a street or park for the purpose of such public use.
- C. It shall be unlawful for any person to place or deposit any substance or material described in subsection A above on or within any private property, including any receptacle or enclosure, not owned by the person or business placing and/or depositing the garbage or rubbish, except upon the permission of the owner of such private property.

Section 155-2. Receptacles for Retaining Waste.

- A. It shall be the duty of every person having the management or control of or occupying any land or building to provide sufficient receptacles to hold all accumulations of waste and recyclable materials ordinarily accumulated on the premises. Garbage containers shall be made of metal or rigid plastic unless another material or substance is duly approved, in writing, by the Superintendent of Public Works, and shall have lids or covers that securely fasten to the containers. All such containers shall be stored either inside a building, or outdoors in a location to the rear of the front of the principal structure upon the premises.
- B. Each such receptacle provided for in Subsection A above shall not be larger than 33 gallons by volume nor 75 pounds by weight.
- C. The Village may, by resolution of the Board of Trustees adopted from time to time, establish a maximum amount of material, by weight or volume, which may be collected at any premises.

Section 155-3. Collection of Waste.

- A. The Village shall provide regular collections of all domestic waste and domestic recyclable materials from one-, two-, three- and four-family residential units by means of a contract approved by the Board of Trustees, as often and during such specified hours as shall be prescribed by the Board of Trustees. Collection shall be made from receptacles meeting the requirements of Section 155-2 above when placed on any such premises in readily accessible locations. No person shall put out, either to curbside or such other designated pickup location, earlier than 3:00 p.m. the day before the scheduled pick up. All such containers must be removed from the curbside or other designated pick up location and returned to a location meeting the requirements of subsection A of Section 155-2 above by 11:59 p.m. on the day of the pickup. The Village shall have the right to omit collections from any premises where any agents of the Village may be subject to any unnecessary danger or hazard.
- B. It shall be unlawful for any person to place, deposit or put out for curbside collection in the Village any garbage, rubbish, trash, recyclables, or waste or discarded material of any kind that was not generated and/or accumulated within the Village. No such materials may be transported into the Village for curbside pickup. Notwithstanding the foregoing, this provision shall not be interpreted as prohibiting any property owner within the Village from putting out for curbside collection litter collected from streets and parks as a public service as long as all other requirements and limitations for curbside collection are satisfied.
- C. The owner, lessee, tenant or other person who has management or control of or who occupies any parcel of land or structure within the Village of Canastota with five or more

residential units or any other nonresidential unit shall be responsible for the collection and proper disposal of all domestic waste and domestic recyclable material.

- D. The owner, lessee, tenant or other person who has management or control of, or who occupies any parcel of land or structure within the Village of Canastota shall be responsible for the collection and proper disposal of all construction and building material.
- E. The disposal of yard waste shall be in accordance with the established policy and procedures of the Village of Canastota.
- F. It shall be unlawful for any person or company to run or conduct any truck or other vehicle for the collection or transportation of garbage, rubbish or refuse in the Village unless the body of said vehicle is enclosed or otherwise covered so as to prevent said garbage, rubbish or refuse from spilling, falling or otherwise littering on the streets.

Section 155-4. Removal and Remedy at Owner's Expense.

Any accumulations of waste materials resulting from the failure of any person to comply with any provision of this chapter or from the failure of such person to take advantage of the regular collection service maintained or otherwise provided for by the Village and any waste building materials or other waste materials in excess of ordinary household waste of such materials shall be removed by such person at his or her expense.

ARTICLE II

Maintenance of Vegetative Growth

Section 155-5. Vegetative Nuisances.

- A. The following conditions are declared a public nuisance and shall be prohibited on all properties within the Village except as set forth herein:
 - 1. Growths of ragweed, poison ivy, poison sumac, poison oak and similar plants.
 - 2. Any growth of grass, weed or undergrowth higher than six (6) inches.
 - 3. Growths of bushes obstructing a public walkway, driveway or street.
 - 4. Stagnant or unsanitary water.
 - 5. Dead trees, or portions thereof deemed hazardous to the public or to adjacent property.
- B. All property, occupied or vacant, improved or unimproved, shall be maintained free of the nuisance conditions prohibited subsection A above, except that grass, weeds and undergrowth higher than six (6) inches are permitted in the following locations:
 - 1. On portions of undeveloped property behind a wooded tree line.
 - 2. On portions of unsubdivided lands more than 100 feet from a public sidewalk or a street open to the public.
 - 3. On portions of undeveloped lots in a subdivision less than 60% developed lying more than 100 feet from a public sidewalk or public street.
- C. Maintenance of alleys and parkways. A property owner shall also be responsible for maintaining the following public access areas immediately abutting the owned property as set forth in this Article:
 - 1. The sidewalk and parkway to the curb or street pavement, except for dead trees.
 - 2. A public or utility easement to the center line.
 - 3. An alley or alleyway to the center line, except for stagnant water.

Section 155-6. Notice to Abate.

- A. Upon observing a violation of the provisions of this chapter upon any property not under the control or ownership of the Village of Canastota or the State of New York, the Code Enforcement Officer shall issue a notice to abate to the owner shown as the taxpayer on the Assessor's records. The notice shall be mailed to the address shown on the Assessor's records. Failure to receive such notice shall not be a defense to any action by the Village of Canastota to collect abatement costs, administrative costs or impose penalties authorized by this article. The notice to abate shall inform the owner:
1. Of the nature of the violation.
 2. Of the time within which the violation must be abated, being not less than three days nor more than 15 days from the date of the notice.
 3. That the Village of Canastota shall act to abate the violation if it is not abated by the owner.
 4. That the cost of such action by the Village of Canastota, plus administrative fee, shall be a personal debt of the owner which will be assessed as a lien against the property if not timely paid.
- B. Authorization for village abatement. Upon finding a property is under the control or ownership of the Village of Canastota or the State of New York or upon failure of a property owner to abate a violation as ordered in a notice to abate, the Village of Canastota shall order a vendor or other authorized provider to abate the cited conditions and shall pay for such service when completed properly. The Code Enforcement Officer shall prosecute any owner who refuses access to the cited property for the purposes of abatement.

Section 155-7. Assessment of Costs.

Should the owner default in complying with the provisions of this chapter, the property owner, as identified in the latest Village tax assessment roll, shall be responsible for the total expenses for the abatement of a cited violation, including authorized administrative fees and administrative charges as established by resolution(s) of the Village of Canastota Board of Trustees, and the cost of insurance indemnifying the Village of Canastota against any loss arising from injuries to persons or property as a result of such default on the part of the owner. Such charges shall be invoiced by regular mail to the property owner at the address indicated on the assessment roll, and if said invoice is not paid within thirty (30) days of its mailing, the invoiced charges shall be assessed on and against the real property on which the violations existed and were remedied by the Village, and the expense and charges so assessed shall constitute a lien and charge on the real property on which it is levied until paid or otherwise satisfied or discharged, and shall be collected in the same manner and at the same time of other village charges.

Section 155-8. Penalties for Offenses.

In addition to the responsibility for the costs of abatement as set forth in section 155-7 above, any person or persons violating any of the provisions of this Chapter shall be guilty of an offense and shall be punished, upon conviction, by a fine of not more than \$250. Each day's continued violation shall constitute a separate and additional offense hereunder.

Section 155-9. Severability.

This chapter is in addition to all applicable laws of the State of New York and the United States of America, and in no way is intended to conflict with said laws, and this chapter shall be construed accordingly. Any section of this chapter or part thereof which conflicts with, or is found to be in violation of any applicable state or federal law shall not invalidate any other section of this chapter or part thereof.

II. This Local Law shall be effective immediately upon filing in the office of the Secretary of State.

**(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. _____ of 2018 of the (County)(City)(Town)(Village) of Canastota was duly passed by the Board of Trustees on _____, 2018, 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 20_____ of the (County)(City)(Village)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved (repassed after disapproval) by the _____ and was deemed duly adopted on _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

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)(Village)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved) (not approved (repassed after disapproval) by the _____ on _____ 20____.
(Name of Legislative Body)
(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 elector 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)(Village)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved) (not approved (repassed after disapproval) by the _____ on _____ 20____.
(Name of Legislative Body)
(Elective Chief Executive Officer*)
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 vilage, or the supervisor of a Village 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 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 _____ 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 electors of 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 such cities of said county as a unit and a majority of the qualified electors of the Villages 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 1 , above.

Clerk of the county legislative body, City, Village or Village Clerk or officer designated by local legislative body

(Seal)

Date: _____

(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 MADISON

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

Attorney for the Village
Title

County
City
of _____ Canastota
Town
Village

Date: _____