

LOCAL LAW # 1 OF 2004

PROPERTY MAINTENANCE LAW

SECTION 1: TITLE

This local law shall be known as the “Property Maintenance Law of the Village of Moravia”.

SECTION 2. LEGISLATIVE FINDINGS AND PURPOSE

The Village Board of the Village of Moravia hereby finds that the outdoor storage, accumulation, deposit or placement of: abandoned, junked, discarded, wholly or partially dismantled or unlicensed or unregistered motor vehicles, rubbish, debris, or solid waste upon private property threatens the health, safety and welfare of Village residents. Outdoor storage, accumulation, deposit or placement of such items creates a significant fire hazard, endangers the environment and ground water, leads to infestation by insects, vermin or rodents, depreciates property values, and has a deteriorating and blighting effect upon the neighborhood and community.

The Village Board hereby determines that the outdoor storage, accumulation, deposit or placement of: abandoned, junked, discarded, wholly or partially dismantled or unlicensed or unregistered motor vehicles, rubbish, debris, or solid waste upon private property constitutes a public nuisance.

SECTION 3: REPEAL OF FORMER LAWS:

This law is intended to replace, in its entirety, Local Law # 4 of 1986, entitled “A Law to Regulate Junk Yards” which law is repealed in its entirety by passage of this Local Law.

SECTION 4: DEFINITIONS

Motor Vehicle - As used in this Local Law, the term “motor vehicle” includes all vehicles as defined by NYS Vehicle and Traffic Law §125. The term “Motor vehicle” as used in this Local Law shall also include “all terrain vehicles” as defined by NYS Vehicle and Traffic Law §2281 and snowmobiles as defined by NYS Vehicle and Traffic Law §2221. An UNREGISTERED MOTOR VEHICLE shall not include:

- a) any motor vehicle which is registered for seasonal use (e.g., summer use only, or winter use only) and unregistered for the balance of the year, provided that:
 - (1) the vehicle, when unregistered, is stored under a tarpaulin or other opaque covering, if practicable;
 - (2) the vehicle is stored in the back or rear yard of the property if such yard exists; and
- (3) no more than one (1) such vehicle shall be stored outside on the premises at any given time.
- b) Any motor vehicle which is used as a “parts vehicle” for another vehicle actually owned by either the owner of the premises or the person in possession of the premises, provided that:
 - (1) the parts vehicle is stored under a tarpaulin or other opaque covering;

- (2) the vehicle is stored in the back or rear yard of the property if such yard exists; and
- (3) no more than one (1) such vehicle shall be stored outside on the premises at any given time.

c) Any motor vehicle that is temporarily stored on the premises of a licensed motor vehicle dealer for sale or which is temporarily stored on the premises of a licensed motor vehicle repair shop in connection with that dealer's or repair shop's business.

Rubbish - As used in this Local Law, the term "rubbish" includes all discarded or worthless non-putrescible solid wastes consisting of both combustible and non-combustible wastes, including but not limited to, paper and paper products, rags, wrappings, cigarettes, cardboard, tin cans, yard clippings, wood, glass, metals, plastics, tires, bedding, cloth, crockery, furniture, appliances, machinery, building materials and similar items.

Debris - As used in this Local Law, the term "debris" includes all materials resulting from the construction, excavation, renovation, equipping, remodeling, repair or demolition of structures, property or roads as well as materials consisting of vegetation resulting from land clearing and grubbing, utility line maintenance and seasonal and storm related clean up. Such materials include but are not limited to: bricks, concrete and other masonry material, soil, rock, wood, wall coverings, plaster, drywall, plumbing fixtures, non-asbestos insulation, roofing shingles, asphaltic pavement, glass, window frames, electrical wiring and components, plastics, carpeting, foam padding, linoleum, metals, or any combination thereof which are incidental to construction, excavation, renovation, equipping, remodeling, repair or demolition.

Solid Waste - As used in this Local Law, the term "solid waste" includes all putrescible and non-putrescible materials and substances discarded or rejected as having served their original intended use or as being spent, useless, worthless or in excess to the owner at the time of such discard or rejection including but not limited to household and commercial garbage, industrial waste, rubbish, debris, litter, and ashes.

Garbage - As used in this Local Law, the term "garbage" includes all putrescible animal and vegetable waste resulting from growing, processing, marketing and preparation of food items, including container in which packaged.

Owner of Private Property - Any person, firm, partnership or corporation, whether business or membership or religious, charitable or otherwise, or any purchaser, tenant, lessee, occupant, undertenant, receiver or assignee of private premises or private property or any other unit or entity owning or having possession of real property in the Village of Moravia.

All other terms as used in this Local Law shall have their common and ordinary meaning.

SECTION 5: OUTDOOR DEPOSIT OR STORAGE OF WASTE

No owner of private property shall store, deposit, place, maintain or cause or permit to be stored, deposited, placed, or maintained outdoors any abandoned, junked, discarded, wholly or partially dismantled, unlicensed or unregistered motor vehicle or any solid waste, rubbish, garbage, or debris upon any private property within the Village. This section shall not apply to any solid waste, rubbish or debris temporarily (no more than 45 days) stored or placed in a container for collection or disposal.

SECTION 6: REMOVAL PROCEDURE

A junk yard found by the Village Code Enforcement Officer to be in violation of the storage restriction within the Village may be removed from the premises on which it is located in the following manner:

A) The Village Code Enforcement Officer shall serve written notice on the owner, and upon the person in possession, of the private property on which the motor vehicle or the accumulation of waste is located, ordering such person to remove the same or cause the same to be removed therefrom within 15 days. The Village Code Enforcement Officer may determine the ownership of any parcel of land in the Village from the current assessment roll. If the property to be removed is a motor vehicle, the Village Code Enforcement Officer shall also serve written notice upon the owner of that motor vehicle, if known.

B) In the event such property in question is not removed from the premises within the time required in the notice, the Village shall have the right to enter upon the premises and remove and dispose of such property. The expense of such removal and disposal shall be a lawful charge against the owner of the private property and may be collected, if necessary, in civil action instituted in the name of the Village., or by adding the expense to the Village Real Property tax bill of the subject property.

SECTION 7: ADDITIONAL ENFORCEMENT

In addition to, or instead of, the removal procedure set forth in paragraph 6 above, the Code Enforcement Officer may enforce the provisions of this Local Law by filing with the Village of Moravia Justice Court an Information alleging a violation of the law, and by causing a Summons and Notice of that violation to be served upon the person responsible for the violation, requiring that individual to answer the allegations in Court.

SECTION 8: PENALTIES FOR OFFENSES

A) In addition to any expenses which may be collected pursuant to Section 6B above, any person committing an offense against this chapter shall, upon conviction thereof, be guilty of a violation pursuant to the Penal Law of the State of New York, punishable by a fine not exceeding two hundred fifty dollars (\$ 250.00) or by imprisonment for a term not exceeding fifteen (15) days, or by both such fine and imprisonment. The continuation of an offense against the provisions of this chapter shall constitute, for each day the offense is continued, a separate and distinct offense hereunder.

B) In addition or as an alternative to the above provided penalties, the Board of Trustees may also maintain an action or proceeding in the name of the Village in a court of competent jurisdiction to compel compliance with or to restrain by injunction the violation of this chapter.

SECTION 9: CONFLICT OF LAW

Any Local Law, ordinance or resolution of the Village of Moravia in conflict herewith is hereby repealed, except that this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any local law, ordinance or regulation hereby repealed prior to the taking effect of this Local Law.

SECTION 10: DOCTRINE OF SEVERABILITY

If any clause, sentence, paragraph, section, article or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section, Article or part thereof directly involved in the controversy in which such judgment shall have been rendered.