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Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underling to indicate new matter.

Town of Williamson

Local Law No. 1 of the year 2019

A Local Law amending Chapter 135 entitled Property Nuisance Abatement

Be it enacted by the Town Board of the

Town of Williamson as follows:

Section 1. Section 166-27 of the Town Code Amended.

That section 166-27 of chapter 166 of the Town of Williamson Town Code (Vehicle and Traffic) be, and the same hereby is amended as follows:

Chapter 135

PROPERTY NUISANCE ABATEMENT

§135-1. Title.

This chapter shall be known as the "Property Nuisance Abatement Law of the Town of Williamson."¹²
135:202

**ARTICLE I
DANGEROUS AND UNSAFE PROPERTY**

§ 135-2. Purposes.

Dangerous and unsafe buildings, structures and premises threaten life and property in the Town of Williamson and constitute nuisances. Premises, whether occupied or unoccupied by human beings, improved or not, may become nuisances, dangerous and unsafe, by reason of faulty design or construction, violation of state or local codes, laws, rules or regulations or any combination of these or other factors that create a hazard to the community. This chapter provides for the safety, health, protection and general welfare of the persons and property of and in the Town of Williamson by requiring that such unsafe premises be repaired, cured, cleared, cleaned, vacated or demolished.

§ 135-3. Declaration as public nuisances.

All unsafe premises within the terms of this chapter are hereby declared to be public nuisances and shall be repaired, cured, cleared, cleaned, vacated or demolished as hereinafter provided.

§ 135-4. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

BUILDING — Any building, structure or portion thereof used for any or no purpose whether vacant or occupied, including residential, business, agricultural or industrial purposes.

CODE ENFORCEMENT OFFICER — The Code Enforcement Officer of the Town of Williamson or such other person appointed by the Town Board to enforce the provisions of this chapter.

TOWN — The Town of Williamson.

TOWN BOARD — The Town Board of the Town of Williamson.

UNSAFE PREMISES — Real property and/or any improvements, buildings, structures, equipment thereon or installations therein, including electrical, gas, water, sewer or septic service, whether above or below ground surface, that have become or are so dilapidated, decayed, unsafe, unsanitary, a fire hazard or are likely to cause injury, sickness or disease and, therefore, are a danger to the health, safety or general welfare of those residing in or upon the property or adjacent to same or to the citizens of the Town of Williamson at large. Unsafe premises are further defined as properties that, because of their condition, are otherwise unsafe, unsanitary or dangerous to the people of the Town of Williamson. Unsafe properties shall also be those properties that are in violation of the New York State Uniform Fire Prevention and Building Code, the New York State Public Health Law and the New York State Sanitary Code and such violations of Chapter 178, Zoning, of the Town Code and other local laws and ordinances declared to be public nuisances by the Town Board by resolution. Unsafe premises may include the whole or any portion of any real property described in a deed recorded in the office of the Wayne County Clerk or on the tax rolls and Tax Map of the Town of Williamson, Wayne County. Unsafe premises may be improved or unimproved real property, containing buildings and/or consisting of vacant land.

1. Editor's Note: Local Law No. 1-1997 also provided that to the extent such local law is inconsistent with § 130 of the Town Law, the Town of Williamson hereby exercises its supersession authority under the applicable provision of the Municipal Home Rule Law in enacting this chapter.

§ 135-5. Duties of Code Enforcement Officer.

Upon initiation of or receipt of a written complaint that any property is or may become unsafe premises within the meaning of this chapter, the **Code Enforcement Officer** shall cause or make an inspection thereof and report, in writing, to the Town Board his findings and recommendations in regard to its being vacated, repaired, secured for safety purposes or demolished and removed.

§ 135-6. Town Board order.

The Town Board shall thereafter consider such report and, by resolution, determine, if, in its opinion and judgment, the report so warrants, that such building or premises is unsafe or dangerous and order its repair (if the same can be safely repaired), its securing for safety purposes and/or its demolition and removal and further order that a notice be served upon the persons designated in § 135-8 of this chapter and in the manner provided therein. The Town Board may appoint an advisory committee to report and make recommendations to the Town Board regarding administration of this chapter in general or in particular applications.

§ 135-7. Contents of notice.

This notice shall contain the following:

- A. A description of the premises.
- B. A statement of the particulars in which the building or property is unsafe or dangerous.
- C. A statement outlining the manner in which the building or property is to be made safe and secure or demolished and removed.
- D. An order that the repair, vacating, securing or removal of such building or condition (nuisance) shall commence within 30 days of the service of the notice and shall be completed within 60 days thereafter, unless for good cause shown such time shall be extended.
- E. A date, time and place for a hearing before the Town Board in relation to such dangerous or unsafe premises, which hearing shall be scheduled not less than five business days from the date of service of the notice.
- F. A statement that, in the event of neglect or refusal to comply with the order to secure or demolish and remove or correct such condition (nuisance), the Town Board is authorized to provide for its repair, securing or its demolition and removal as the case may be, to assess all expenses thereof against the land on which it is located and/or to institute a special proceeding to collect the cost of demolition or repair, including legal and engineering expenses.

§ 135-8. Service of notice.

The notice required under this chapter shall be served upon the owner, his executors, legal representatives, agent, lessee or any other person having a vested or contingent interest in such unsafe premises or building, as shown by the records of the Town Assessor or of the Wayne County Clerk. Service shall be made either personally or by registered or certified mail, addressed to the last known address, if any, of the owner, his executors, legal representative, agent, lessee or other person having a vested or contingent interest in such unsafe premises or

buildings as aforesaid identified. If service is made by registered or certified mail, a copy of the notice shall be posted on the premises.

§ 135-9. Filing of copy of notice.

A copy of the notice served as provided herein shall be filed in the office of the Clerk of the County of Wayne and with the Town Clerk of the Town of Williamson.

§ 135-10. Failure to comply.

In the event of the refusal or neglect of the person so notified to comply with said order of the Town Board and after the hearing, the Town Board shall provide for the repair, vacating, securing or demolition and removal, as the case may be, of such building or property, either by town employees or by contract. Except in emergency cases as provided for herein, any contract for repair, securing or demolition and removal, as the case may be, shall be awarded in accordance with the provisions of the General Municipal Law of the State of New York.

§ 135-11. Assessment of expenses.

All expenses incurred by the town in connection with the proceedings to repair and secure or demolish and remove the unsafe building or property, including the cost of actually removing such building or correcting such condition or nuisance or repairing the same, shall be assessed against the land on which such building or condition or nuisance is located and shall be levied and collected in the same manner as provided for in the Town Law for the levy and collection of town taxes or special ad valorem levies.

§ 135-12. Emergency cases.

Where it reasonably appears that there is present a clear and imminent danger to the life, safety or health of any person or property, unless an unsafe building or condition or nuisance is immediately repaired and secured or demolished, the Town Board may, by resolution, authorize the **Code Enforcement Officer** to cause immediately the repair, vacating, securing or demolition of such unsafe building or correction of such condition (nuisance). The expenses of such repair, vacating, securing or demolition or correction of such condition (nuisance) shall be a charge against the land on which it is located and shall be assessed, levied and collected as provided for under § 135-11 of this chapter.

§ 135-13. Administrative liability; defense by Town Attorney.

No officer, agent or employee of the town shall render himself personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties under this chapter. Any suit brought against any officer, agent or employee of the town as a result of any act required or permitted in the discharge of his duties under this chapter shall be defended by the Town Attorney until the final determination of the proceedings thereon.¹³

ARTICLE II
PROPERTY MAINTENANCE

§ 135-14. Purpose.

It is the purpose of this Article to promote the public health, safety and general welfare and to maintain property within the Town of Williamson in a safe, healthy and aesthetically pleasing manner.

§ 135-15. Definitions.

The following words, phrases and terms shall have the following meanings:

CODE ENFORCEMENT OFFICER — The official who is charged with the administration and enforcement of this Code, or any duly authorized representative.

FIRE AND HEALTH HAZARDS — any brush, grass, weeds, shrubs or rubbish and/or garbage that has grown or accumulated in such a manner that it is detrimental to the public health or has become a fire hazard.

JUNK — Worn out or discarded material of little or no value, including but not limited to household appliances or parts thereof, tools, discarded building materials, discarded furniture, discarded or broken toys, used tires or any other unsightly debris, the accumulation of which has an adverse effect upon neighborhood or Town property values, health, safety or general welfare. “junk” shall also include refuse, trash and rubbish.

LAWN — Land covered with grass kept closely mowed, especially around a house.

NOTICE OF VIOLATION — A statement in writing above the signature of the **Code Enforcement Officer** or designee, setting forth the name and address of the person/owner, mortgagee, mortgagor, occupant, or tenant to be served, the date, time and location of the violation, a description of the violation, the date by which the violation must be cured, notice of a right to a hearing, the penalties which may accrue and the right of the Code Enforcement Office or designee to correct the violation if not corrected in a timely manner.

NOXIOUS WEEDS AND GROWTH — Grass, brush, rubbish or weeds of a nature which are a fire or health hazard, including lawns in excess of ten inches in height, and shall also include any plants or vegetation in excess of six inches in height between the sidewalk and curb of any property.

PERSONS — Any person, firm, partnership, association, corporation, company or organization of any kind. “Persons” shall also include the occupant of the parcel of land.

RUBBISH AND / OR GARBAGE — Combustible refuse, but not limited to paper, cartons, boxes, barrels, wood, excelsior, tree branches, yard trimmings, wood furniture and bedding. Noncombustible refuse, including but not limited to metals, tin cans, metal furniture, discarded or partially or wholly dismantled used motor vehicles, abandoned or inoperable appliance, glass, crockery and other discarded household items and similar material that is inoperable, ruined or discarded.

§ 135-16. Noxious weeds or growth and junk prohibited.

- A. No person shall maintain, plant or permit to remain on any private property any noxious weeds or growth or permit, rubbish or junk to accumulate thereon.
- B. All premises and immediate exterior property shall be maintained free from noxious weeds or growth. No owner, occupant or person having control of any lot or land in the Town shall maintain, plant or permit any noxious weeds.
- C. The area between the property line and the curb, or for 10 feet outside the property line if there is no curb, shall be maintained to ensure that no growth of weeds, grass or flowers shall exceed six inches on average or to allow any accumulation of dead weeds, grass or brush.
- D. If an area is established as a flower garden, garden, or natural area of wildflowers, the area must be clearly defined by the utilization of fencing, mulching or other form of delineation and shall be located not closer than 10 feet of any public roadway, street, or right-of-way.
- E. It is prohibited to allow hedges, shrubs or trees to encroach onto public sidewalks and lines of sight of public roadways.
- F. No person shall cause the accumulation of any noxious weeds or growth, including raked leaves and lawn clippings, to be deposited in whole or in part on any public roadway.
- G. Garbage, refuse, and recycling. Every occupant of a dwelling unit shall see to the proper and sanitary disposal of garbage and refuse into covered receptacles. Rubbish totes and recycling containers are to be set out for pick up no earlier than the evening before the day designated for occupants' rubbish removal and they are to be removed from the curb within 24 hours.
- H. All items left on the exterior of the property after an eviction shall be the responsibility of the owner of the property to legally dispose of within 72 hours of the legal eviction. In the event, due to extenuating circumstances, the seventy-two-hour time frame cannot be complied with, the owner of the property shall contact the **Code Enforcement Officer** immediately to seek approval for an extension of the seventy-two-hour- time limit.

§ 135-17. Complaints.

Complaints concerning any violation of this chapter shall be made to the **Code Enforcement Officer** or any duly authorized representative for the Town of Williamson, who shall immediately cause an investigation to be made with respect thereto and the written report of such investigation filed with the Code Enforcement Office.

§ 135-18. Notice of violations.

If, after such investigation, it appears that there is a reasonable basis to believe that any of the provisions of this chapter have been violated, the **Code Enforcement Officer** shall immediately cause a notice, in writing, to be served upon the owner or occupant of the property. The owner, occupant or any person having control over any lot, land or property found in violation of said code shall be notified in writing only once in any given year for a particular violation. Subsequent violations of a similar nature at the same location during the same year shall be corrected by the Town or its agent without notice to the owner, occupant or person having control of said property. After initial notification, such owner, occupant or person having control of said property will be presumed to have been given sufficient notice of infraction for the entire season. Such notice shall set forth the nature of the complaint and shall direct the owner or occupant to remove said noxious weeds and growth, junk, or refuse. Said notice will also state that the owner, occupant or other person having control of the property will be notified in writing only once in any given year for a particular violation. Subsequent violations of a similar nature at the same location during the same year shall be corrected by the Town or its agent without notice to the

owner, occupant or person having control of said property. After initial notification, such owner, occupant or person having control of said property will be presumed to have been given sufficient notice of infraction for the entire season.

The notice required under this chapter shall be served upon the owner or his or her executor, legal representative, agent, lessee or any other person having a vested or contingent interest in such premises as shown by the records of the Town Assessor or of the Wayne County Clerk. Service shall be made either personally or, if not by personal service, sent by mail addressed to the owner at the address of record. If the letter is returned, a copy shall be posted in a conspicuous place in or about the structure affected by such notice. Service of such notice in the foregoing manner upon the owner's agent or upon the person responsible for the property shall constitute service of notice upon the owner. Issuance of a summons by a Code Enforcement Officer or a member of the Code Enforcement Offices having jurisdiction will also constitute service of notice. The notice shall also set forth the consequences and effect of failure to comply with the said notice, which may include monetary fines or liens placed on personal property.

§ 135-19. Failure to comply; penalties for offenses.

A. In the event of the refusal or neglect of the person so notified to comply with said notice or order of the Town Board in the event the aggrieved party requests a hearing pursuant to § 135-20, the Town Board shall provide for the removal of the junk, refuse, or noxious weeds and growth, as the case may be, either by Town employees or by contract, and the total cost thereof, including an administrative fee of \$100.00 shall be billed to the owner and, if not paid within 45 days, will be assessed upon the real property upon which the junk, refuse, or noxious weeds and growth are found, and shall constitute a lien and charge upon the real property on which it is levied until paid or otherwise satisfied or discharged, and shall be collected by the Town Clerk in the manner provided by law for the collection of real property taxes.

B. A second violation for the same or subsequent offense within a calendar year will result in a civil penalty of \$100 being billed to the property owned and levied upon the property owner's Town tax and collected as provided by law if not timely paid.

§ 135.20. Appeals.

Any person feeling aggrieved by any such action or notice may, within 72 hours after the receipt of such notice, demand the matter be inquired into by the Town Board. Such demand must be in writing, signed by the person seeking such inquiry, and filed with the Town Clerk. Within a reasonable time, the Town Board shall schedule a date, time and place for a hearing before the Town Board in which the aggrieved person may address the Town Board.

Section 2. All other local laws and ordinances thereof of the Town of Williamson inconsistent with the provisions of this local law are hereby repealed; provided, however, that such repeal shall be only to the extent of such inconsistency and in all other respects this local law shall be in addition to other local laws or ordinances regulating and governing the subject matter covered by this local law.

Section 3. If any of the provisions in the foregoing local law be decided by a court having jurisdiction to be unconstitutional or invalid, the same shall not affect the validity of the foregoing local law as a whole, or any part thereof, other than the part so decided to be unconstitutional or be invalid.

Section 4. This local law shall take effect immediately.

(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. _____ of 20 ____ of the Town of _____ was duly passed by the _____ on _____ 20____, 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)(repassed after
(Name of Legislative Body)

disapproval) by the _____ and was deemed duly adopted on _____ 20____
(Elective Chief Executive Officer*)
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)(repassed after
(Name of Legislative Body)

disapproval) by the _____ on _____ 20____. Such local law was submitted
(Elective Chief Executive Officer*)
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
(Name of Legislative Body)

approved)(repassed after disapproval) by the _____ on _____ 20____.
(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 countrywide 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 that 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 the 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 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

Town Clerk

(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 _____

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

Title

County, City, Town, Village of

Date