

TOWN OF LOUISVILLE

LOCAL LAW NO. 1 FOR YEAR 1998

A LOCAL LAW PROVIDING FOR THE MAINTENANCE OF  
PRIVATE PROPERTY IN THE TOWN OF LOUISVILLE:

BE IT ENACTED, by the Town Board of the Town of Louisville as follows:

SECTION 1. TITLE

This local law shall be known as the "Property Maintenance Code of the Town of Louisville."

SECTION 2. PURPOSE

In order to prevent blight and the spread thereof, it is hereby declared that all improved property in the Town of Louisville (the "Town"), including, but not limited to, lots and land on which there are erected residences, apartment buildings, office buildings, retail stores and other businesses, farms, motels, gasoline service stations and/or motor vehicle repair shops, manufacturing plants, restaurants, drive-in theaters, mobile home parks, miniature golf or other recreation businesses, storage buildings, and all other property on which structures have been erected, whether occupied or vacant, shall be maintained in conformity with the standards set out in this Code so as to assure that these properties will not adversely affect the neighborhood and the community at large. It is found and declared that by reason of lack of maintenance, certain properties have the further effect of creating blighting conditions, and that if the same are not corrected, the aforesaid conditions will grow and necessitate, in time, the expenditure of large amounts of public funds to correct and eliminate the same. By reason of timely regulations and restrictions as herein contained, the growth of blight may be prevented and the neighborhood and property values thereby maintained, the desirability and amenities of residential and nonresidential uses and neighborhoods enhanced and the public health, safety and welfare protected and fostered.

SECTION 3. KEEPING IMPROVED PROPERTY FREE FROM GRASS, BRUSH, WEEDS, AND RUBBISH

A. On all improved property within the Town, the following regulations regarding grass, brush, weeds and rubbish shall be applicable.

B. Prohibited Conduct: It shall be unlawful for any owner, lessee or occupant, or any agent, servant, representative or employee thereof, having control of any occupied or unoccupied improved lot or land, or any part thereof, in the Town:

1. To permit or maintain on any such lot or land, any growth of weeds, grass or other rank vegetation to a greater height than six (6) inches on the average.

2. To permit any accumulation of dead weeds, grass or brush.

3. To permit any accumulation of flammable and unsightly waste materials and rubbish.

4. It shall be the duty of any and every owner, lessee or occupant of any lot or land to cut and remove or to kill by spraying, or to cause to be cut and removed or killed by spraying, all such weeds, grass or other rank, poisonous or harmful vegetation, and to remove, carry away and dispose of all junk, rubbish, debris and waste materials of every kind and nature, as often as may be necessary to comply with the provisions of this chapter.

SECTION 4. VIOLATION

A. Written Complaint Required.

1. Any resident of the Town of Louisville who believes that there has been a violation of any provision of this chapter may file a complaint with the Code Enforcement Officer of the Town. A complaint made to the Code Enforcement Officer by a resident of the Town shall be in writing, shall state specifically the alleged violation and the location of the property in question, and must be signed with the full name of the complainant.

2. In the event the Code Enforcement Officer of the Town, in the discharge of his/her duties, observes a condition which he/she believes to be a violation of a provision of this chapter, but has not received a written complaint from a resident of the Town, the Code Enforcement Officer shall prepare and file the written complaint.

B. Notice Requirements.

1. Written Notice Required. Whenever the Code Enforcement Officer of the Town receives a written complaint from a resident of the Town that a provision of this chapter has been violated or, in the discharge of his/her duties, determines that there are reasonable grounds to believe that there has been a violation of any provision of this chapter, the Code Enforcement Officer shall give written notice of such violation or alleged violation to the owner, lessee or occupant or any person having the care or control of any such lot or land.

2. Service of Notice. Such written notice shall be mailed to such owner, lessee, occupant or person at his/her last known address, or, if such owner, lessee, occupant or person or his/her last address is unknown, such notice may be affixed to or posted upon said lot or land. Such notice shall be deemed to be properly served upon such owner, agent, operator or occupant if a copy is served upon him/her personally or if a copy thereof is sent by certified mail, return receipt requested, to the last known address of such person or if a copy is posted in a conspicuous place in or about the property affected by the notice and if a copy is mailed on the same day it is posted to the owner, agent, operator or occupant or by such other method authorized by the Laws of the State of New York.

3. Contents of Notice. Such notice shall specify the alleged violation and shall require compliance with the provisions of this chapter within seven (7) days after the date of the mailing or posting of such notice as aforesaid. Such notice shall inform the person to whom it is directed of his/her right to apply for a hearing before the Code Enforcement Officer. Such notice may contain an outline of remedial action which, if taken, will effect compliance with the provisions of this chapter.

C. Correction of Condition by Town. If the person upon whom the notice provided for is served falls, neglects or refuses to cut and remove or to kill by spraying such weeds, grass or other vegetation or fails to remove the waste and rubbish identified in the notice within seven (7) days after the date of the mailing or posting of said notice, then the Town, through the official designated by it for said purpose, shall cause such weeds, grass and other vegetation on such lot or land to be cut and removed or killed by spraying, and/or shall cause such waste and rubbish to be removed.

D. Costs of Removal. The actual cost to the Town of cutting or killing by spraying and/or removing plus a sum equal to fifty percent (50%) of such actual cost

for inspection and other additional costs in connection therewith, shall be certified by the Town official in charge of such cutting, removing or killing by spraying, and the amount thereof shall be chargeable to the person to whom the notice was first provided. A written bill containing a listing of said charges shall be mailed by the Town to the person upon whom the notice was first provided at his/her last known address. Said person shall have thirty (30) days from the date of the bill to make payment to the Town of the full amount of the bill. After thirty (30) days have expired, said charges or any portion of same which remain unpaid shall thereupon become and be a lien upon the property on which such weeds, grass, other vegetation, waste or rubbish were located, and the total amount thereof shall be added to and become a part of the next annual assessment roll at the time and in the manner prescribed by the Town Laws of the State of New York and subject to all the provisions thereof.

E. Penalties for Offense.

1. Notwithstanding any other provision of this chapter, a proceeding charging a violation of this chapter may be commenced by the issuance of a service of an appearance ticket by a public servant pursuant to the Criminal Procedure Law of the State of New York.

2. Any person, firm or corporation, whether as owner, lessee agent or employee, who violates any of the provisions of this chapter, or who fails to comply with any order or regulation made thereunder, shall be guilty of a violation as defined in the Penal Law and shall be fined not more than Two Hundred Fifty Dollars (\$250.00) for each violation.

3. Each day that such violation is permitted to exist shall constitute a separate violation.

SECTION 5. ENFORCEMENT

1. The Code Enforcement Officer is hereby appointed as the local official to administer and enforce the provisions of this chapter.

2. Enforcement of this chapter may be accomplished by the Town in any manner authorized by law, and, in addition, any person who by reason of another's violation of any provision of this chapter suffers special damage to himself/herself different from that suffered by other property owners throughout the Town generally may bring an action to enjoin or otherwise abate an existing violation.

3. The failure or refusal of the Town, its agents, servants and employees to initiate or maintain any action or proceeding or do any other act pursuant to this chapter shall not operate to prevent or prohibit any person from bringing such action as referred to in (2) above.

4. The failure or refusal of the Town, its agents, servants and employees to initiate or maintain any action or proceeding or do any other act pursuant to this chapter shall not subject the Town to liability therefor to any person.

5. Unconstitutionality or Illegality. If any clause, sentence, paragraph, word, section or part of this local law shall be adjudged by any court of competent jurisdiction to be unconstitutional, illegal or invalid, such judgment shall be confined in its operation to the clause, sentence, paragraph, word, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

#### SECTION 6. WHEN EFFECTIVE

This chapter shall take effect immediately upon its filing in the office of the Secretary of State, and in compliance with all applicable provisions of law.