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## Village of Port Henry Local Law No. 1 of the year 1981

A local law TO PROHIBIT THE ACCUMULATION OF RUBBISH, REFUSE, LITTER, INOPERABLE OR ABANDONED VEHICLES, AUTOMOBILES, TRAILERS AND BOATS, MACHINERY AND EQUIPMENT, OR OTHER DEBRIS ON LANDS IN THE VILLAGE OF PORT HENRY, TOWN OF MORIAH, ESSEX COUNTY, STATE OF NEW YORK, AND TO PROVIDE FOR THE REMOVAL OF SAME AND PENALTIES FOR OFFENSES.

### SECTION 1 – Legislative Intent

This local law is enacted in recognition of the fact that the accumulation of rubbish, refuse, litter, inoperable or abandoned vehicles, automobiles, boats, trailers, machinery and equipment, or other debris abandoned or stored on private property can constitute both a public and a private nuisance. Such accumulations are a source of potential harm to children and others who may find them an unattractive nuisance. They constitute a blight on the Village's landscape, destroying the aesthetic qualities of the Village of Port Henry, and are generally unsightly and are obvious sources of potential danger. The existence of such accumulations tends to depreciate not only the property on which they are located but also the property of other persons in the neighborhood and in the Village of Port Henry generally. They constitute the Village of Port Henry a less safe and less pleasant place in which to live and do business.

The intent of the Local law is to establish a legal procedure for the removal of rubbish, refuse, litter, inoperable or abandoned vehicles, automobiles, trailers, boats, machinery and equipment, or other debris on lands in the Village of Port Henry, Town of Moriah, Essex County, State of New York, where they are found outside of duly licensed establishments or stored on private property.

### SEVCTION [ sic. should be "SECTION" ] 2 – Definitions

For the purpose of this Local Law the following terms, phrases, words and their derivations shall have the meaning given herein:

(a) "Village" means the Village of Port Henry located in the Town of Moriah, Essex County, State of New York.

(b) "Rubbish" is the non-putrescible solid wastes consisting of both combustible and non-combustible wastes, such as paper, wrappings, cigarettes, cardboard, tin cans, yard clippings, leaves, bushes, trees, branches, wood, glass crockery scrap metal and similar materials.

(c) “Refuse” is all putrescible and non-putrescible solid wastes (excepting body wastes), including but not limited to garbage, rubbish, ashes, street cleanings, dead animals, abandoned and/or inoperable vehicles, automobiles, boats and trailers, discarded refrigerators, mattresses, stoves, hot water tanks, washing machines, clothes dryers, furniture, motors, machinery and equipments and solid market and industrial wastes.

(d) “Litter” is “Garbage”, “Refuse” and “Rubbish” as defined herein and all other waste materials which, if thrown or deposited as herein prohibited, tends to create a danger to public health, safety and welfare.

(e) “Vehicles” are every device in, upon or by which any person or property is or may be transported or drawn upon a highway or waterway, including devices used exclusively upon stationary rails or tracks. An automobile shall be deemed “inoperable” if it is not in present condition to be licensed by the New York State Department of Motor Vehicles. An automobile shall be deemed “abandoned” if it has not been licensed by the New York State Department of Motor Vehicles for the preceding twelve months. A boat shall be deemed “inoperable” if it is not in such a condition as to presently be safely used as a boat on a body of water. A boat shall be deemed “abandoned” if the same has not been used upon a body of water for the preceding twenty-four months.

(f) “Person” is any person, firm, partnership, association, corporation, company, or organization of any kind.

(g) “Private Premises” is any dwelling, house, building or other structure designed or used either wholly or in part for private residential or other purposes, whether inhabited or temporarily or continuously uninhabited or vacant, and shall include any yard, ground, walk, driveway, porch, steps, vestibule or mailbox belonging or appurtenant to such dwelling, house, building or other structure.

(h) “Public Place” is any and all streets, sidewalks, boulevards, alleys or other public ways and any and all public parks, squares, spaces, grounds and buildings.

### SECTION 3 – Rubbish, Refuse and Litter in Public Places

No person shall throw or deposit Rubbish, Refuse or Litter as defined herein in or upon any street, sidewalk or other public place within the Village of Port Henry except in public receptacles or in authorized private receptacles for collection thereof.

### SECTION 4 – Sweeping Rubbish, Refuse and Litter into Public Places Prohibited

No person shall sweep into or deposit in any gutter, street or other public place with the Village of Port Henry, the accumulation of Rubbish, Refuse and Litter from any building or lot or from any

public or private sidewalk or driveway *[sic.]* Persons owning or occupying property shall keep the sidewalk or walkways in front of their premises free of Rubbish, Refuse and Litter.

SECTION 5 – Rubbish, Refuse and Litter Thrown by Persons in Vehicles

No person while a driver or passenger in a vehicle, shall throw or deposit litter upon any street or other public place within the Village of Port Henry, or upon private property.

SECTION 6 – Dropping Rubbish, Refuse and Litter from Aircraft

No person in any aircraft shall throw out, drop or deposit within the Village of Port Henry any Rubbish, Refuse, Litter or handbills, or any other object.

SECTION 7 – Rubbish, Refuse and Litter on Private Property

No person shall throw or deposit Rubbish, Refuse and Litter on any occupied private property within the Village of Port Henry whether owned by such person or not, except that the owner or person in control of private property may maintain authorized private receptacles for collection in such a manner that Rubbish, Refuse, and Litter will be prevented from being carried or deposited by the elements upon any street, sidewalk or other public place or upon any private property.

SECTION 8 – Owner to Maintain Premises Free of Rubbish, Refuse, Litter, Inoperable or Abandoned Vehicles, Automobiles, Boats and Machinery and Equipment

The owner or person in control of any private property shall at all times maintain the premises free of Rubbish, Refuse, Litter, Inoperable or Abandoned Vehicles, Inoperable or Abandoned Automobiles, and Inoperable or Abandoned Boats, Inoperable or Abandoned Machinery and Equipment. This Section shall not apply to a new or used car dealer except that the new or used car dealer may not accumulate and leave stored upon his premises junked, wrecked or inoperable and/or abandoned vehicles or boats, in violation of this Local Law.

Section 9 – Rubbish, Refuse and Litter on Vacant Lots

No person shall throw or deposit Rubbish, Refuse and Litter on any open or vacant private property within the Village of Port Henry whether owned by such person or not.

## SECTION 10 – Enforcement

The Village Board of the Village of Port Henry is hereby authorized and empowered to notify the owner, tenant, lessee or occupant of any private property located within the Village of Port Henry or the agent of such owner, tenant, lessee or occupant, to properly dispose of Rubbish, Refuse, Litter, inoperable or abandoned boats, machinery and equipment or other debris located on such owner's, tenant's lessee's or occupant's property. Such notice shall be in writing and shall be directed to the owner of the property or directed to the owner and tenant, lessee or occupant of the property, if the same be occupied, and remitted to them at their last known post office address.

Upon the failure, neglect or refusal of any owner, tenant, lessee or occupant, or agent thereof, so notified, to dispose of such Rubbish, Refuse, Litter inoperable or abandoned vehicles, inoperable or abandoned automobiles, inoperable or abandoned boats, machinery or equipment, or other debris within ten days from the date of this notice provided for above, the Village Board of the Village of Port Henry shall authorize and direct the Working Foreman of the Village of Port Henry, or other appropriate Village Officer to proceed to dispose of such Rubbish, Refuse, Litter, inoperable or abandoned boats, machinery and equipment, or other debris. The Working Foreman or other Officer or designee performing such work shall keep an accurate and itemized account of the expenses incurred for all labor, equipment and materials furnished, and any other costs incurred in connection with the removal of such Rubbish, Refuse, Litter, inoperable or abandoned boats, machinery and equipment, or other debris. All bills shall reflect a minimum charge of five hours labor and equipment time, plus a charge of twenty per cent (20%) to cover the cost and disbursements, and administrative handling.

## SECTION 11 – Penalty Clause

Any person committing an offense against any provision of this Local Law shall be guilty of a violation punishable as follows: by imprisonment for a term not exceeding fifteen (15) days or by a fine not exceeding Two Hundred Fifty (\$250.00) Dollars or by both such fine and imprisonment. The continuation of an offense against the provisions of this Local Law shall constitute, for each day the offense is continued, a separate and distinct offense hereunder.

## SECTION 12 – Severability

If any article, Section, subsection, paragraph, sentence, clause or provision of this Local Law shall be adjudged by any Court of competent jurisdiction to be invalid, such adjudication shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the article, Section, subsection, paragraph, sentence, clause or provision thereof directly involved in the

controversy in which such judgment shall have been rendered.

SECTION 13 – Repeal of Inconsistent Laws

All Local Laws or parts of Local Laws and/or Ordinances or parts of Ordinances, inconsistent with the provisions of this Local Law are hereby repealed.

SECTION 14 – Effective Date

This Local Law shall take effect immediately upon its due filing in accordance with the provisions of Law.