

Local Law Filing

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County City Town Village
(Select one.)

of Ilion

FILED
STATE RECORDS

DEC 27 2011

Local Law No. 2-2011 of the year 2011

DEPARTMENT OF STATE

A local law Replace Chapters 67,85,135,197,225 and 235 with new Chapters 67,85,135,197, 225 and
(Insert Title)
235 and add Schedule C

Be it enacted by the Village Board of Trustees of the
(Name of Legislative Body)

County City Town Village
(Select one.)

of Ilion

as follows:

See attached Schedule -A-

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

Schedule A

Village of Ilion

Local Law 2-2011

Village of Ilion: to Replace Chapters 67, 85, 135, 197, 225 and 235 with new Chapters 67,85,135, 197, 225 and 235 and add Schedule C

BE IT HEREBY ENACTED that the following section of the Code of the Village of Ilion be as follows:

Chapter 67 Brush, Grass and Weeds

§ 67-1. Height limitation.

It shall be unlawful for any owner, lessee or occupant or any agent, servant, representative or employee of any owner, lessee or occupant having control of any occupied or unoccupied lots or land or any part thereof in the village to permit or maintain on any such lot or land or between the curblineline and lot line immediately adjoining the same any growth of weeds, grass, brush or other rank vegetation to a growth higher than six (6) inches on the average or any accumulation of dead weeds, grass or brush.

§ 67-2. Prohibited vegetation.

It shall also be unlawful for any such person or persons to cause, suffer or allow poison ivy, poison oak, poison sumac, ragweed, Canada thistle or other poisonous plant or plants detrimental to health to grow on any such lot or land or between the curblineline and lot line immediately adjoining the same.

§ 67-3. Duty to remove.

It shall be the duty of any owner, lessee or occupant of any lot or land to cut and remove or cause to be cut and removed all such weeds, grass, brush or other rank, poisonous or harmful vegetation as often as may be necessary to comply with the provisions of §§ 67-1 and 67-2, provided that cutting and removing such weeds, grass, brush and vegetation at least once every month from May to October, inclusive, shall be determined to be a compliance with this chapter.

§ 67-4. Applicability.

The provisions of §§ 67-1, 67-2 and 67-3 insofar as they relate to cutting weeds, grass, brush and rank vegetation from lots or lands shall not apply to any lots or lands which are under cultivation in a good or husbandry-like manner or from which crops are regularly harvested for actual use.

§ 67-5. Notice of failure to comply.

A. If any of the provisions of this chapter are not complied with, the Codes Enforcement Officer, an Ilion Police Officer or any other person or agency designated by the Village shall serve a written warning ("Warning"), in a form substantially similar to that in Schedule C, upon the person required to comply therewith. If the owner is not a resident of the village, such Warning shall be mailed to such owner at his last known address, which shall be deemed sufficient service thereof.

- B. If the address of the owner of said lands is not known and if no person can be found in the village who is or claims to be the owner of such lot or land or who either represents or claims to represent such owner, then such notice may be served by posting the same in a conspicuous place upon said lot or land.

§ 67-5.1. Enforcement

- A. The Codes Enforcement Officers and Village Police Officers hereby have full authority to investigate all violations of this chapter with and/or without receiving any complaints regarding any violations of the same. All investigations will be conducted under the general rules and conduct and in accordance with the Criminal Procedure Law and Penal Law of the State of New York.
- B. If the person upon whom the Warning is served fails, neglects or refuses to comply with said Warning within seven (7) days, the Village may serve a notice of fine (“Notice of Fine”), in a form substantially similar to that in Schedule C, upon the owner. The terms of payment for the fine are set forth in Schedule C. Every seven (7) days that a violation of this chapter continues shall be and does hereby constitute a separate and distinct offense, subject to the terms set forth in Schedule C.
- C. At any time after the service of a Notice of Fine the Village may, but is under no obligation to, issue an appearance ticket to the owner to appear in the proper court of jurisdiction that may subject the owner to additional penalties and demands set forth by the court.

§ 67-6. Village to do work; lien.

- A. If the person upon whom the Notice of Fine is served fails, neglects or refuses to comply with said notice within five (5) days after the service of such notice, the Superintendent of Public Works may cause such weeds, grass, brush or other vegetation on such lot or land to be cut and removed.
- B. The actual cost of such work plus fifty percent (50%) for supervision and other additional cost in connection therewith shall be certified by the Superintendent of Public Works to the Village Treasurer and shall thereupon become and be a lien upon the property on which such work was performed and shall be added to and become a part of the taxes next to be assessed and levied upon such lot or land and shall bear interest at the same rates as taxes and shall be collected and enforced by the same officer and in the same manner as taxes.

§ 67-7. Penalties for offenses.

Penalties for violating provisions of this chapter are provided in Schedule C.

Chapter 85 Animal Control

ARTICLE I, Control of Dogs

§ 85-1. Definitions.

When used in this article, unless otherwise expressly stated, the following terms shall have the meanings indicated:

DOG -- Any dog of either sex and of any age unless otherwise indicated herein.

OWNER -- Includes any person owning, harboring or keeping a dog within the limits of the Village and the parent, guardian or other adult person with whom a minor dog owner resides.

§ 85-2. Leash and control required.

The owner of any dog shall restrain such dog by a leash, not exceeding six feet in length, while off the owner's premises, whether or not said dog is tagged or licensed. The owner of a dog shall not suffer, permit or allow his dog off the owner's premises unless restrained by a leash as set forth above and unless accompanied by a person of suitable age and discretion who can physically control the acts of such dog.

§ 85-3. Nuisances and disturbing noise prohibited.

- A. No person owning, harboring, keeping or having custody and control of a dog shall suffer, permit or allow such dog to commit any nuisance, urinate or defecate on or otherwise damage property of the public or of another. The upsetting of a garbage can, chasing of vehicles or attacking, snapping at or biting of a person by a dog while off the owner's premises shall be deemed to be a nuisance.
- B. No person shall have to keep or permit to be kept on any premises owned or occupied, in whole or in part, by him within the corporate limits of the Village any dog or another animal which, by habitually barking, howling or whining, disturbs the neighborhood.
- C. No owner shall suffer, permit or keep a female dog unless such dog is confined and restrained during breeding periods so as to be unaccessible by other dogs, except for arranged breeding purposes.

§ 85-4. Procedure concerning dog bites.

- A. Notification of dog bites. Any person who shall be bitten by a dog in the Village, or the parent, guardian or person with whom a minor child who has been bitten resides, shall forthwith notify the Village Clerk, in writing, of such fact, together with all attendant circumstances, such as the time and place of the biting; the name, age and address of the person bitten; the name, breed and license number of the dog, if available, otherwise a thorough description of said dog; the name and address of the owner, if known; and the names and addresses of witnesses, if known.
- B. Quarantine test required. The Village Clerk shall forthwith notify the Dog Enforcement Officer or any police officer or any officer authorized by law to seize and impound such dog pursuant to the provisions of the Agriculture and Markets Law of such dog biting, and such officer shall have the authority to seize and impound such dog and to isolate and quarantine said dog in the designated humane facility for a period of 10 days. Said officer shall have the authority to subject such quarantined dog to all the proper tests by a licensed veterinarian for the purpose of determining the presence of rabies, if he determines that such tests should be given.
- C. Expense. The expense of such quarantine, report and veterinarian's fees for the examination and rabies tests, if any, shall be borne entirely by such owner, person possessing or person harboring such dog.

- D. Private agreements prohibited. No agreement, express or implied, between such owner, person possessing or person harboring such dog and any person bitten or his or her parents or guardian purporting to waive the necessity for strict compliance with the provisions of this article shall be a defense to prosecution hereunder, as hereinafter provided.

§ 85-5. Impounding and seizure of dogs.

- A. Any dog running at large contrary to the provisions of this article within the limits of the Village shall also be subject to seizure and impounding by any police officer or by any person or agency designated by the Village or authorized by law to seize and impound such dog pursuant to the provisions of Article 7 of the Agriculture and Markets Law.
- B. Every dog seized shall be properly fed and cared for at the expense of the municipality until disposition thereof shall be made as herein provided.
- C. Notice of impounding. The officer seizing any such dog shall ascertain wherever possible the owner of the dog and shall give reasonable notice by personally serving such owner or an adult member of his family with a notice, in writing, stating the dog has been seized and will be destroyed unless redeemed within the period herein provided.
- D. Redemption fees. Any dog seized in accordance with the provisions of this article may be redeemed by the owner or harbinger of the same upon payment to the designated humane facility as provided in Agriculture and Market Law § 118.
- E. Disposal of unredeemed dogs. If not so redeemed, the owner or harbinger of the dog shall forfeit all title to the dog, and the dog shall be sold or destroyed by the peace officer or other designated person.

§ 85-6. Pooper scooper.

- A. The owner of any dog or cat shall be responsible for cleaning up excrement of their animal when elsewhere other than owner's premises.
- B. No person who owns a dog or cat shall permit the premises, structure or enclosure in which such dog or cat is kept to be in an unclean or unsanitary condition Each day the owner fails to comply with this provision shall be deemed a separate offense.

§ 85-7. Training.

No training of any dogs or cats on a frequent or regularly scheduled basis by a firm or business established for such purpose will be allowed on any properties owned by the Village.

§ 85-8. Enforcement.

Any police officer of the Village, the Animal Enforcement Officer of the Village or any other person or agency designated by the Village or authorized by law to seize and impound a dog pursuant to the provisions of Article 7 of the Agriculture and Markets Law shall have the authority to enforce the provisions of this article, including the issuance of a warning (“Warning”) and a notice of fine (“Notice of Fine”) in forms substantially similar to those in Schedule C, and/or serve a summons or an appearance ticket or execute of any other appropriate court process and shall have the power to seize and impound any dog in violation of any provisions of this article. [See also §85-27.1 Enforcement]

§ 85-9. Penalties for offenses.

Penalties for violations of this Chapter are provided in Schedule C.

ARTICLE II, Cats

§ 85-10. Purpose.

The purpose of this article is to control and set forth licensing rules and regulations regarding cats in the Village.

§ 85-11. Definitions.

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

OWNER -- Any person who is the owner of a cat or any person who keeps, feeds or harbors a cat. The owner need not be a resident of the Village, but, for violation to occur, the cat must be in the Village.

§ 85-12. Prohibited acts.

It shall be unlawful for any owner of or any person harboring any cat to permit or allow such cat while in the Village to:

- A. Be vicious or to stray or to defecate in such a way as to cause annoyance to any person other than the owner or person harboring such cat.
- B. Cause damage or destruction to property or commit a nuisance upon the premises of a person other than the owner or person harboring such cat.
- C. The owner of any cat shall be responsible for cleaning up excrement of their animal when elsewhere other than owner's premises.
- D. No person who owns a cat shall permit the premises, structure or enclosure in which such cat is kept to be in an unclean or unsanitary condition. Each day an owner fails to comply with this provision shall be deemed a separate offense.

§ 85-13. Enforcement.

Any police officer of the Village, or any other person or agency designated by the Village or authorized by law to seize or impound a cat and shall have the authority to enforce the provisions of this article, including the issuance of a warning ("Warning") and a notice of fine ("Notice of Fine") in forms substantially similar to those in Schedule C, and/or serve a summons or an appearance ticket or execute of any other appropriate court process. [See also §85-27.1 Enforcement]

§ 85-14. License required.

On or before January 2001, all cat owners are required to secure a Village cat license from the Village Clerk upon completion of the Village application form. The license fee chargeable to the owner will be \$2.50 for neutered or spayed cats and \$7.50 for cats not spayed or neutered. The cat license must be attached to a collar at the neck of the cat being licensed and remain there.

§ 85-15. License fee; term of license.

The license fee will be a one-time charge to the owner for that cat, and the license will remain valid so long as the cat ownership shall remain the same.

§ 85-16. Nontransfer of license.

In the event ownership of the cat is transferred, then the current license will be deemed to have expired, and the new owner shall have to secure a new license for the cat. No license is transferable from one cat to another.

§ 85-17. Disposition of unlicensed.

Effective January 1, 2001, the Village Animal Control Officer will apprehend unlicensed cats within the Village and deliver such cats to the designated humane facility or such other organization as may be designated by the Board of Trustees of said Village.

§ 85-18. Penalties for offenses.

Penalties for violations shall be as follows:

- A. First offense: a mandatory civil penalty of \$100;
- B. Second offense within a five-year period: a mandatory civil penalty of \$150;
- C. Third offense within a five-year period: a mandatory civil penalty of \$250.

§ 85-19. Seizure of cats running at large.

- A. Any cat running at large within the limits of the Village shall be subject to seizure and impounding by any peace officer or by any person or agency designated by the Village.
- B. Every cat seized shall be humanely fed and cared for at the designated humane facility until disposition thereof shall be made as herein provided.
- C. Notice of impounding. The peace officer or authorized person seizing any such cat shall exercise reasonable diligence to ascertain the owner of the cat and shall give or cause to be given reasonable notice to such owner or an adult member of his or her family that the cat has been seized and will be destroyed unless redeemed within the period herein provided. Such notice shall be in writing and shall be personally served whenever possible (reasonable diligence to this end being made in accordance with Article 7, § 118, of Agriculture and Markets Law).
- D. Disposal of unredeemed cats. If not redeemed, within the period set forth in § 118 of the Agriculture and Markets Law, the owner of the cat shall forfeit all title to the cat, and the cat shall be humanely destroyed by the designated humane facility (Article 25B, §§ 331 and 332, of the Agriculture and Markets Law).
- E. Enforcement provisions. Any police officer of the Village, the Animal Control Officer or any other person or agency designated by the Village or authorized by law to seize and impound a cat pursuant to the provisions of this article shall have the power to seize and impound any cat in violation of any section of this article and issue appearance tickets.
- F. Redemption fees. Any cat seized in accordance with the provisions of this article may be redeemed by the owner of the same upon payment to the designated humane facility in

accordance with Article 7, § 118 of the Agriculture and Markets Law and proof of current license and vaccination.

ARTICLE III, General Provisions

§ 85-20. Number of animals restricted.

- A. Not more than five dogs or cats combined, six months of age and older, shall be kept, harbored or maintained on any premises, regardless of the number of owners. The total number of animals shall not exceed five.
- B. Under control:
 - (1) When in a public area or in a public park, anyplace other than on the owner's premises, all dogs shall be on a leash no longer than eight feet.
 - (2) The fact that a dog is at large elsewhere than on the premises of the owner shall be presumptive evidence that the dog has been permitted to be at large with the knowledge of the owner or person having custody and control of the dog. The owner is then held liable for any biting or mauling that may arise from the dog being at large.

§ 85-21. Animals in vehicles.

- A. An animal may not be placed or confined, or allowed to remain in an unattended vehicle without sufficient ventilation or under conditions or for such a period of time as may be expected to endanger the health or well-being of such animal due to heat, lack of water, or such other circumstances as may be expected to cause suffering, debility or death.
- B. An officer or Animal Control Officer who finds an animal in a vehicle in violation of this section may enter the vehicle by using the amount of force reasonably necessary to remove the animal.
- C. No person shall transport or carry on any public highway, roadway, or thoroughfare any dog or cat or other animal in a vehicle unless the animal is safely enclosed within the vehicle or, if traveling in the bed of any open vehicle (including but not limited to convertibles, pickup and flatbed trucks without a topper), is confined by a secured, well-ventilated container of proper size or properly tethered to prevent the animal from falling or jumping from the vehicle.
- D. Nothing in this section shall be deemed to prohibit the transportation of horses, cattle, sheep, poultry or other agricultural livestock in trailers or other vehicles designed and constructed for such purposes.

§ 85-22. Restricted animals; exceptions; reporting bites or scratches.

- A. The following genus/species of animals are hereby declared to be restricted:
 - (1) Ferrets.
 - (2) Iguana, lizards of the order of Chamaeleontidae, and lizards of the genus *Aranus* but excluding the species *komodoensis*, *salvadoril*, *salvator*, *niloticus*, *albigularis*, and *indicus*.

- (3) Vietnamese potbellied pigs.
 - (4) Ostriches, emus, rheas and peafowls.
 - (5) Artiodactyla and Camelidae, including camels, aipacas, llamas and vicuna.
 - (6) Sugar gliders.
 - (7) Other small livestock-type animals.
- B. Exceptions. Other animals which are neither exotic animals or such animals as specified in this section, such as mice (domestic), rats (domestic), king snakes, guinea pigs, turtles, tropical fish, canaries, or birds of the psittacine family, and other similar animals commonly kept as household pets, may be kept upon any lot in any district where the principal use upon such lot is a residential use, so long as such animals do not constitute a nuisance and are afforded food, care and sanitary facilities.
- C. Reporting any bites or scratches.
- (1) Any person having charge, control, custody or possession of any nondomesticated animal, bird, or reptile which bites, scratches or injures any person or domestic animal shall immediately, after becoming aware of such fact, notify the Police Department.
 - (2) Notification shall include the date, time and place of the incident, a description of the animal, bird or reptile and any domesticated animal involved, and the name and address of any person who was a victim of the incident.
- D. Other domestic pets. Not more than four adult rabbits shall be kept on any premises in the village limits.

§ 85-23. Prohibited animals.

The following genus/species of animals are hereby declared to be prohibited:

- A. Canidae within the order Carnivore (e.g., wolves, wolf-dog hybrids which are at least 60% wolf, coyotes, coyote-dog hybrids which are at least 60% coyote, foxes, jackals), but excluding *Canis familiaris*, the domestic dog.
- B. Felidae within the order Carnivore (e.g., lions, tigers, jaguars, leopards, lynx, ocelots, bobcats, jungle cats, serval cat), but excluding *Felis domestica*, the domestic cat.
- C. Procyonidae within the order Carnivore (e.g., coatis, pandas, raccoons, procynonids).
- D. Ursidae of the order Carnivore (e.g., black bears, brown bears, grizzly bears, polar bears).
- E. Chiroptera (e.g., bats).
- F. Cetacea (e.g., whales, dolphins, porpoises).
- G. Pinnipedia (e.g., seals, sea lions, walrus).
- H. Sirenia (e.g., sea cows, manatees).

- I. Primates, including all families [e.g., Cebidae, Cercopithecidae, Callithricidae, Lemnidae, Lorisidae, Tarsidae, Colobinae, Hylobetidae, Pongidae (e.g., monkeys, baboons, marmosets, tamarins, capuchin, chimpanzees, orangutans, gorillas, apes)].
- J. Formicidae within the order Hymenoptera (e.g., fire ants).
- K. Apidae; specifically Africanized strains of the Apis Mellifera honeybee.
- L. Proboscidea, Hyracoidea, Tubulidentata (e.g., elephants, hyraxes, armadillos).
- M. Edentata, Pholidota (e.g., anteaters, sloths, armadillos).
- N. Marsupialis (e.g., kangaroos, wallabies, koala), except sugar gliders.
- O. Crocodylidae of the order Squamata (e.g., crocodiles, alligators, caimans, gavials).
- P. Helodermatidae of the order Squamata (e.g., gila monsters, beaded lizards).
- Q. Lizards of the species kornodoenis, salvadon, salvator, niloticus, albigularis and indicus.
- R. Crotalidae, Viperidae, Elapidae, Ophioglyphose Colubridae, and all other orders which include poisonous or venomous reptiles (e.g., rattlesnakes, vipers, corals, copperheads, cottonmouths, moccasins, sea snakes, puff adders, Malagasy hognoses).
- S. Eunectes of the order Squamata (e.g., green anaconda).
- T. Python sebae, Python reticulatus, Python molurus, Morelia amethystina of the order Squamata.
- U. Venomous spiders of the families Theridiidae and Loxoscelidae respectively, and scorpions of the order Scorpiones, excluding Pandinus imperator (emperor scorpion).
- V. All wild animals indigenous to the State of New York.

§ 85-24. Conflict with other laws.

In any case where a provision of this article is found to be in conflict with or inconsistent with a provision of any other ordinance or local law which establishes a lower standard of the promotion and protection of the safety, health and welfare of its inhabitants, the provision of this article shall prevail, and such other law or parts thereof are hereby declared to be repealed to the extent that they may be so found to be in conflict with this article.

ARTICLE IV, Wild Animals and Venomous Reptiles

§ 85-25. Definitions.

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

WILD ANIMALS OR VENOMOUS REPTILES -- Wild game or exotic animals customarily existing in a wild state, but shall not include a dog or cat.

§ 85-26. Restrictions.

No person shall possess, keep, harbor or maintain any wild animal or venomous reptile within the corporate limits of the Village of Ilion.

§ 85-27. Exceptions.

- A. Upon application to the Village Board, the Village Board may permit, in its sole discretion, and under such terms and conditions as it may prescribe, the possession, maintenance and harboring of wild animals or venomous reptiles, for zoological, educational and scientific purposes or for the propagation of such wildlife in captivity for preservation purposes, provided the same are suitably confined to prevent escape. Such permits shall be further subject to any appropriate provisions of the Agriculture and Markets Law, Conservation Law, and federal laws or regulations.
- B. There is further specifically excepted from provisions or prohibitions of § 85-25 above, the common household pets such as goldfish, tropical fish, turtles, parrots, canaries, lovebirds and other similar birds, rabbits, hamsters, mice or gerbils and nonvenomous lizards and reptiles.
- C. For the safety and humane treatment of the animal, and for the maintenance of order in the Village, no reptile may be out of doors at any time or for any reason, unless such animal is safely secured in an adequately sized, constructed and ventilated cage or animal carrier with the intent to transport the animal to or from a pet store or veterinarian. All other public displays of such animals are otherwise prohibited except by permission granted under Subsection A above.
- D. Proof of intent to transport shall be a signed, dated and timed affidavit or a verifiable appointment logged with a veterinarian or pet store or a dated, timed and employee-signed sales receipt.
- E. All endangered, threatened and special-concern fish and wildlife species as listed in the Code of Federal Regulations, 50 CFR 17.11 and 17.12, or in the list maintained by the State of New York Division of Fish and Wildlife (or any revision of said federal or state lists) shall be prohibited except by permission granted under Subsection A, above.

§ 85-27.1. Enforcement

- A. The Codes Enforcement Officers and Village Police Officers hereby have full authority to investigate all violations of this chapter with and/or without receiving any complaints regarding any violations of the same. All investigations will be conducted under the general rules and conduct and in accordance with the Criminal Procedure Law and Penal Law of the State of New York.
- B. If the person upon whom the Warning is served fails, neglects or refuses to comply with said Warning within twenty four (24) hours, the Village may serve a Notice of Fine upon the owner. The terms of payment for the fine are set forth in Schedule C. Every twenty four (24) hours that a violation of this chapter continues shall be and does hereby constitute a separate and distinct offense, subject to the terms set forth in Schedule C.
- C. At any time after the service of a Notice of Fine the Village may, but is under no obligation to, issue an appearance ticket to the owner to appear in the proper court of jurisdiction that may subject the owner to additional penalties and demands set forth by the court.

§ 85-28. Penalties for offenses.

- A. Penalties for violating provisions of this chapter are provided in Schedule C.
- B. In addition, the wild animal shall be seized and impounded and shall be either offered to a recognized institution for scientific or educational purposes or surrendered to the Department of Environmental Conservation or destroyed.

Chapter 135 Garbage, Rubbish and Refuse

ARTICLE I, General Regulations

§ 135-1. Definitions.

Whenever used in this chapter, unless otherwise expressly stated or unless the context or subject matter requires a different meaning, the following words shall have the respective meanings hereinafter set forth:

ASHES -- All substances or material which remains after combustion.

CONTAINER -- A plastic bag, metal or plastic pail or can or any other type of metal, plastic or wood container that is suitable for the holding of garbage, trash, refuse or waste which will not deteriorate or break apart when wet and holds no more than fifty (50) pounds in weight nor forty (40) gallons in capacity, when used for garbage, trash, refuse or waste disposal.

GARBAGE -- All organic waste material, both animal and vegetable.

HAZARDOUS WASTE:

- A. A waste or combination of wastes which, because of its quantity, concentration or physical, chemical or infectious characteristic, may:
 - (1) Cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness; or
 - (2) Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of or otherwise managed.
- B. All those chemicals, waste, oils and/or all those articles or materials listed under § 27-0903 of the Environmental Conservation Law as drawn up by the Commissioner.

LANDFILL -- A disposal facility or part of a facility where solid waste is placed in or on land and which is not a land treatment facility, a surface impoundment or an injection well.

PAPER -- Waste paper, cardboard, cardboard boxes and containers.

PERSON -- An individual, trust, firm, joint-stock company, corporation, partnership, association or any interstate body.

REFUSE -- All other waste material not otherwise specifically defined.

STORAGE -- The containment of waste, garbage or refuse for a period of over fourteen (14) days in such a manner as not to constitute disposal of such waste.

TRASH -- All discarded material not suitable for further use.

VEHICLE -- A motor vehicle designed or adapted for use in the removal of garbage and trash.

WASTE -- Any garbage, refuse, trash, sludge and all other waste material not otherwise specifically defined.

WHITE GOODS -- Washing machines, clothes dryers, refrigerators, freezers and all other similar types of materials that are of recyclable value.

§ 135-2. General regulations and restrictions.

The following regulations and restrictions are hereby established:

- A. All garbage, trash and refuse shall be placed in containers and shall not exceed fifty (50) pounds in weight nor forty (40) gallons' capacity.
- B. Garbage, trash and refuse shall not be placed in the same container with ashes.
- C. Ashes shall be placed in fireproof containers provided with handles which shall not be filled higher than within four (4) inches from the top and shall not exceed thirty (30) gallons' capacity.
- D. No container shall be used which is in a filthy, leaky or defective condition, and containers shall be maintained in a clean, watertight and good condition.
- E. All containers shall be located in the rear of the premises except on the designated collection day. Containers shall not be placed at the curb prior to 3:00 p.m. the day before the designated collection day and must be removed from the curb no later than 8:00 p.m. on the day of collection.
- F. All containers kept or placed out-of-doors shall be provided with covers to prevent rain or snow from accumulating therein.
- G. Walks, paths, driveways and alleys shall be kept reasonably free from snow and ice to permit removal of containers.

§ 135-3. Collection schedule.

- A. Collection of garbage, refuse, trash, paper and ashes shall be made from private dwellings at least once a week and once a week from hotels, restaurants and other places of business within the business district.
- B. Garbage collection dates will be determined by the Superintendent of Public Works for all sections of the village. Any variation of dates due to holidays shall be published in the official designated newspaper.

§ 135-4. Removal to be by authorized persons.

Except as otherwise provided herein, all garbage, refuse, paper, trash and ashes of this village shall be collected and removed by village employees or by a responsible person under contract with the village and shall be disposed of after such collection without the limits of the village or otherwise disposed of as may be provided for by the Board of Trustees. No garbage, refuse, paper, trash or ashes shall be collected or conveyed over the streets, alleys, lanes and thoroughfares of this village by any other persons; provided, however, that this chapter shall not

prevent a business, school or apartment building owner or manager from contracting with a private garbage collector for the removal of garbage, refuse, paper, trash and ashes, but such removal must be made with the same care as that required by the village employees.

§ 135-5. Prohibited disposal.

- A. Public property. No person shall place, throw or deposit or cause to be placed, thrown or deposited any garbage, refuse, papers, trash, hazardous waste and/or material or ashes upon any sidewalk, street, alley, lane, gutter or any public ground in the village or into any stream or upon the banks of any stream running through or adjacent to said village.
- B. Private property. No person shall place, throw or deposit or cause to be placed, thrown or deposited any garbage, refuse, papers, trash, hazardous waste and/or material or ashes upon the private property of another person, except that ashes may be deposited thereon with the owner's permission for the purpose of filling land.
- C. Burning or burying. No person shall bury or burn or cause to be buried or burned any garbage, refuse, papers, trash, hazardous waste and/or materials within the village limits, unless authorized to do so, in writing, by the Board of Trustees.

§ 135-6. Vehicles used in transporting.

The collection, removal and carrying of garbage, refuse, trash, paper, hazardous waste, ashes and/or materials on and over any highway, street, alley or lane of the Village of Ilion must be done in a covered watertight vehicle which shall be in accordance with the rules and regulations of the Board of Health, §§ 377, 378 and 3810^{EN} of the Vehicle and Traffic Law of New York State, and in compliance with the provisions of §§ 140 and 14-f of the Transportation Law and safety rules and regulations promulgated thereunder. No garbage, papers, trash, refuse, hazardous waste, ashes and/or materials shall be spilled or scattered along the streets, alleys, lanes, places or highways and public places, and the vehicles used for collection and transportation of such materials shall not be allowed to stand or tarry along said public places and streets for a longer time than shall be reasonably necessary for the loading of the same.

§ 135-7. Disposal of garbage originating outside village; disposal on private property; storage; exceptions.

- A. Garbage or trash originating outside the village. No person shall bring in, place or deposit or cause to be brought into, placed or deposited in the village any garbage, refuse, trash, paper, hazardous waste and/or material or ashes originating outside the village for the purpose of disposing of the same in the village or for the purpose of having the same collected by the village or its agents or contractors.
- B. Permitting disposal of garbage or trash from outside the village. No person who is a resident of the village or owner, lessee or person in control of real property within the village shall permit any person to bring in, place or deposit garbage, refuse, trash, paper, hazardous waste and/or material or ashes originating outside the village on any real property owned or leased by him or her or under his or her control.

¹Editor's Note: Section 380 of the Vehicle and Traffic Law was repealed by L. 1987, c. 186, § 5.

C. Permitting the disposal of garbage, trash, hazardous waste, waste, white goods on private property within the Village of Ilion. No occupant, owner, lessee, manager, corporation or person shall dispose of any garbage, trash, hazardous waste, waste, waste products or white goods, refuse, paper and/or material on any property within the Village of Ilion that is owned or leased by him or her or is under his or her care by leaving on or burying any said products.

D. Storage of garbage, trash, paper or refuse.

(1) No person shall store garbage on private property of himself or others for a period of more than seven (7) days in or upon premises of a building, garage, shed or other structure. All such garbage shall be placed in the proper disposal bags and be placed at the curb weekly for garbage collection purposes.

(2) No person shall store any trash, garbage, paper or refuse on any premises or building structure in a manner that may be unsightly, obnoxious, unattractive, offensive or repulsive to the neighborhood, residents of the premises, other premises in the area and/or others. The owner, renter, lessee, agent, association and/or any other person having possession, control or ownership of the premises shall be responsible for any violations of this section and may be cited on any and all violations.

E. Exceptions.

(1) Ashes may be deposited by permission of the owner of the premises on lands within the Village of Ilion for the sole purpose of filling land when they are immediately covered with dirt to prevent blowing or scattering.

(2) Dirt fill may be deposited on private or public property with the permission of the owner as long as it is free from hazardous waste, trash, garbage, refuse and paper products.

ARTICLE II, Collection

§ 135-8. Findings.

The Board of Trustees finds that the collection and disposal of garbage and trash is of serious concern to the inhabitants of the Village of Ilion and that the methods of collection and disposal thereof in a manner consistent with state requirements have resulted in ever-increasing costs.

§ 135-9. Purpose.

The purpose of this Article is to provide the most economical and just method for the disposal of garbage and trash within the Village of Ilion and to safeguard the public health, safety and general welfare.

§ 135-10. Definitions.

As used in this Article, the following words shall have the following meanings:

AUTHORIZED AGENT -- A person who has agreed, in writing, to issue distinctively labeled garbage bags on behalf of the village and to pay the necessary fees therefor.

DISTINCTIVELY LABELED GARBAGE BAG -- A plastic bag of such size and design as shall be determined by the Board of Trustees containing a distinctive label, to be used for the collection and disposal of garbage and trash in the Village of Ilion.

PERSON IN CHARGE -- A natural person, association, partnership, firm or corporation that occupies, manages, uses or controls premises.

§ 135-11. Authorized agents.

Any person operating a place of business within the Village of Ilion may become an authorized agent to issue distinctively labeled garbage bags on behalf of the village. Such authorized agent shall pay to the village the designated collection fee established by the village for each distinctively labeled garbage bag upon receipt of the same, may add thereto a service charge not to exceed five cents (\$0.05) per bag and shall also be responsible for the collection and payment of the state and local tax applicable thereto.

§ 135-12. Use of distinctively labeled garbage bags.

- A. Garbage. All garbage to be collected by the village shall be placed and sealed in a separate distinctively labeled garbage bag.
- B. Trash. All trash to be collected by the village, unless otherwise provided herein, shall be placed and sealed in a separate distinctively labeled garbage bag.

§ 135-13. Unauthorized garbage bags; special handling fee; enforcement.

- A. Use prohibited. No person shall, except as herein provided:
 - (1) Use any garbage bag or trash bag other than a distinctively labeled garbage bag issued by the village for disposal of garbage or trash.
 - (2) Duplicate or imitate any distinctively labeled garbage bag issued by the village.
 - (3) Give, sell or issue in any manner a duplicated or imitated distinctively labeled garbage bag.
- B. Violations.
 - (1) If any person shall place out or permit or allow the placing out of garbage or trash in an unauthorized garbage bag, said person, corporation, agent, owner, tenant, lessee, occupant or one in control of said premises affected may be subject to the enforcement procedures set forth in Article III of this Chapter and the penalties in Schedule C..
- C. Presumption.
 - (1) In case of single-family or two-family residences, it shall be presumed that the occupant or person in charge is responsible for the placement of such unauthorized garbage bags.
 - (2) In the case of multiple-family residences and commercial or industrial properties, it shall be presumed that the owner or person in charge is responsible for the placement of such unauthorized garbage bags.
- D. Collection of special handling fee. The Village Clerk's office shall bill by ordinary mail the person responsible for payment of the special handling fee as soon as practicable. If such fee is not paid within thirty (30) days after billing, the Village Clerk's office shall notify the Board of Trustees, which shall have the power to add the unpaid bill to the annual village tax,

and the same shall constitute a lien and shall be collected in the same manner and at the same time as regular village taxes, or civil action may be commenced in the local court for all costs incurred.

§ 135-14. Collection fees.

The Board of Trustees shall establish by resolution the collection fees for the collection and disposal of garbage, trash and other discarded material. The purpose of such fees shall be to pay for all labor costs, garbage packer bonding fees, landfill tipping fees, materials, equipment, maintenance costs and all other expenses incurred by the village in handling the collection and disposal of such items.

§ 135-15. Recyclable materials.

- A. The Village of Ilion shall continue to collect recyclable material for which the village has located markets at no expense to the inhabitants of the village who wish to participate therein.
- B. Any recyclable materials do not have to be placed in a distinctively labeled garbage bag, provided that they are prepared and cleaned according to the following specifications:
 - (1) Newspapers and glossy or shiny paper must be bundled with twine or placed in paper bags or boxes. The use of tape, pantyhose, yarn or any other form of securing bundles is not acceptable. Magazines are not recyclable and therefore not acceptable.
 - (2) Glass bottles and jars must be washed clean. Clear bottles and jars shall be placed in separate boxes or containers. Colored bottles and jars shall be placed in separate boxes or containers. Labels do not have to be removed. Lids should be removed.
 - (3) Tin cans and aluminum cans must be washed clean. Aluminum cans shall be placed in separate containers. Tin cans shall be placed in separate containers.
 - (4) Corrugated cardboard must be flattened and tied with twine. The use of tape, pantyhose, yarn or any other form of securing bundles is not acceptable. Shiny or waxed corrugated cardboard, cereal boxes, noncorrugated cardboard of all types and similar materials are not recyclable and are not acceptable.
- C. Prohibited removal of recyclable materials. From the time the recyclable materials are placed at the curb by a resident for collection, such recyclable materials shall become the property of the Village of Ilion or its authorized collection agent. It shall be a violation of this chapter for any person, without authority from the Village of Ilion, to collect, pick up, remove or cause to be collected, picked up or removed any recyclable materials. Each such collection, picking up or removal from one (1) or more premises shall constitute a separate and distinct offense in violation of this Article, and any person violating this Article shall be subject to the penalties prescribed in Article III hereof.

§ 135-16. Large items.

- A. Large items. Large trash items that are too large to be placed in the distinctively labeled garbage bags may be disposed of by calling the Sanitation Department for special handling. The Sanitation Department may provide a dumpster for loading by the resident. The resident

shall pay the established fee to the village based upon the current compacted cubic yard rate plus the necessary pick-up costs of the village.

- B. Large items not requiring a dumpster. Large items that do not require the use of a dumpster, such as large appliances, furniture, etc., may be removed in one (1) of the following manners:
- (1) By calling the Department of Public Works to request a time and date for removal. A disposal and handling fee will be charged based on the current fees as established by the Superintendent of the Department of Public Works for the particular item.
 - (2) By contracting with a private contractor for the disposal and/or removal of such item.
 - (3) By transporting the item directly to the Department of Public Works Village Barn located on East Street on the last Saturday of each month between the hours of 8:00 a.m. and 1 p.m. and paying the current disposal fee as set by the Superintendent of the Department of Public Works.

§ 135-17. Leaves, branches, grass and garden clippings.

Leaves, branches, grass and garden clippings are deemed to be recyclable items. They are not to be placed in the distinctively labeled garbage bags. Branches shall be cut into four (4) foot lengths and tied in bundles. All other items enumerated in this section shall be placed in a container. The village shall continue to pick up all items enumerated in this section at no charge to the residents.

§ 135-18. Hazardous materials.

No hazardous waste and/or materials, including but not limited to paint, tar, sealer cans and chemicals of any kind, shall be collected by the village. It is the responsibility of the producer or user of such items to provide for their safe disposal.

§ 135-19. Tires.

- A. Automobile and truck tires and the like shall not be collected with the garbage and trash pickup.
- B. Any resident wishing to dispose of such tires may deliver such tires to the Village Barn on the days and times designated by the Superintendent of Public Works and shall pay the current tire disposal fee to the Clerk of the Department of Public Works at the time the tires are delivered.
- C. Large handlers of such tires may make special arrangements with the village for pickup by the designated tire recycler of the village. Such large handlers shall pay the established rate for disposal at the time of pickup.

§ 135-20. Dumpsters.

- A. The Village Sanitation Department shall not pick up from dumpsters other than those owned by the village. Any person wishing to use a dumpster must provide for removal therefrom at the owner's expense either by himself or herself or by private contractor, in compliance with the provisions of this chapter.

- B. Upon request, the Village Sanitation Department will pick up dumpsters owned by businesses, schools and apartment building owners that are the property of the Village of Ilion. Collection and disposal fees shall be established as set forth in .§ 135-14 of this chapter.

ARTICLE III, Enforcement and Penalties

§ 135-20.1. Enforcement of offenses.

A. Enforcement.

- (1) Whenever a violation of this chapter shall appear to exist, any person may file a complaint with the Village Clerk, the Village Police Department or the Codes Enforcement Department and the Codes Officers thereof, in writing, and the Codes Enforcement Officers and/or the Ilion police officers shall promptly investigate the same and take the appropriate action to correct any violations.
- (2) The Codes Enforcement Officers and the Village Police Officers hereby have full authority to investigate all violations of this chapter with and/or without receiving any complaints regarding any violations of the same. All investigations will be conducted under the general rules and conduct and in accordance with the Criminal Procedure Law and Penal Law of the State of New York.
- (3) If any of the provisions of this chapter are not complied with, the Codes Enforcement Officer, an Ilion Police Officer or any other person or agency designated by the Village shall serve a written warning (“Warning”), in a form substantially similar to that in Schedule C, upon the person required to comply therewith. If the owner is not a resident of the village, such Warning shall be mailed to such the owner at his last known address, which shall be deemed sufficient service thereof.
- (4) If the person upon whom the Warning is served fails, neglects or refuses to comply with said Warning within twenty four (24) hours, the Village may serve a notice of fine (“Notice of Fine”) in a form substantially similar to that in Schedule C, upon the owner. The terms of payment for the fine are set forth in Schedule C. Every twenty four (24) hours that a violation of this chapter continues shall be and does hereby constitute a separate and distinct offense.
- (5) At any time after the service of a Notice of Fine the Village may, but is under no obligation to, issue an appearance ticket to the owner to appear in the proper court of jurisdiction that may subject the owner to additional penalties and demands set forth by the court.

§ 135-20.2. Village to do work; lien.

- A. If the owner, occupant, corporation, agent, tenant, lessee and/or person in control and responsible fails to comply within twenty-four (24) hours of receipt thereof of the Notice of Fine, the village, for sanitary and aesthetic reasons, may pick up and dispose of the unauthorized garbage bag and/or garbage or trash. There shall be charged to the owner, agent, tenant, lessee, occupant or responsible person a fee of ten dollars (\$10.) for each garbage bag so picked up. There also shall be a fee for the time spent picking up and disposing of any and all unbagged garbage and trash that may be necessarily removed for

sanitary, health, safety or other reasons. In addition, any person violating this Article shall be subject to the penalties prescribed in Schedule C.

- B. The \$10 charge for use of an unauthorized container and the fee for picking up and disposing of all unbagged garbage and trash plus fifty percent (50%) for supervision and other additional cost in connection therewith shall be certified by the Superintendent of Public Works to the Village Treasurer and shall thereupon become and be a lien upon the property on which such work was performed and shall be added to and become a part of the taxes next to be assessed and levied upon such lot or land and shall bear interest at the same rates as taxes and shall be collected and enforced by the same officer and in the same manner as taxes.

§ 135-21. Penalties for offenses.

A. Penalties

- (1) Penalties for violating provisions of this chapter are provided in Schedule C.

Chapter 197 Sidewalk Maintenance

ARTICLE I, General Regulations

§ 197-1. Obstruction of drains and sewers prohibited.

No person shall cast or throw or cause to be cast or thrown into any of the ditches, drains or sewers within the village any straw, shavings, wood, stone, shells, rubbish, ashes or any other substance which may cause any obstruction, nuisance or injury in or to the same, by diverting or stopping the course thereof or otherwise.

§ 197-2. Removal of street material prohibited.

No person shall remove or carry away or cause to be removed or carried away any stone, earth, sand, gravel, paving material or curbing which may form a part of any public street, highway, lane or public place without the written permission of the Superintendent of Public Works or other official designated by the Board of Trustees.

§ 197-3. Maintenance and care of sidewalks.

The purpose of a sidewalk is to provide for safe passage out of the public street. Likewise, maintenance of sidewalks is crucial to the purpose of safe passage.

- A. Duty. In addition to the requirements of snow removal set forth in § 197-3.2 herein, every owner or occupant of any house or other building and every person owning or having charge of a vacant lot shall, at all times throughout the year, keep the sidewalks in front of such house, building or lot free from dirt, fifth, obstructions and other encumbrances which might impair safe passage.

- (1) Said maintenance includes repair and/or replacement of cracked or broken sidewalks which create uneven surfaces impairing safe passage. Repair and/or replacement shall be made with building materials similar to the adjoining properties.

(2) Existing sidewalks shall not be removed or replaced by lawn or garden areas.

- B. Liability. All persons violating this section and failing to perform the duty herein imposed shall be solely liable for such injuries/damages caused to persons or property resulting from the violation of said duty.
- C. Indemnity. All persons violating this section shall indemnify and hold the village harmless for any and all claims and/or causes of action for any injuries/damages occurring as a result of said violation of the duty imposed.

§ 197-3.1. Maintenance of steps, walkways, driveways and parking spaces.

- A. Duty. Maintenance of steps, walkways, driveways and parking spaces and similar paved areas shall be maintained so as to afford safe passage under normal use and weather conditions.
- B. Liability. All persons violating this section and failing to perform the duty herein imposed shall be solely liable for such injuries/damages caused to persons or property resulting from the violation of said duty.
- C. Indemnity. All persons violating this section shall indemnify and hold the village harmless for any and all claims and/or causes of action for any injuries/damages occurring as a result of said violation of the duty imposed.

§ 197-3.2. Removal of snow and ice.

- A. Putting snow on streets and sidewalks. It shall be unlawful for any person to plow or push snow or ice from private premises onto the public streets, sidewalks or highways of the village.
- B. Snow removal from sidewalks in corporation tax district.
 - (1) Duty. It shall be the duty of every property owner and every person in possession of property in the corporation tax district of the Village of Ilion to remove the snow from all sidewalks bordering any portion of said property within twenty-four (24) hours after any snowfall in excess of two (2) inches and to remove all ice which has formed on said sidewalk or to make said sidewalk safe by applying sand or another suitable substance within eight (8) hours after said ice forms or prior to 8:00 a.m. the following day, whichever is later.
 - (2) Assistance by the village. No plowing of sidewalks by the Department of Public Works shall relieve said person in possession of said property from their herein imposed duty and primary responsibility of keeping said sidewalks free from snow and ice.
 - (3) Liability. All persons violating this section and failing to perform the duty herein imposed shall be solely liable for such injuries/damages caused to persons or property resulting from the violation of said duty.
 - (4) Indemnity. All persons violating this section shall indemnify and hold the village harmless for any and all claims and/or causes of action for any injuries/damages occurring as a result of said violation of the duty imposed.

§ 197-3.3. Enforcement

A. Enforcement.

- (1) Whenever a violation of this chapter shall appear to exist, any person may file a complaint with the Village Clerk, the Village Police Department or the Codes Enforcement Department and the Codes Officers thereof, in writing, and the Codes Enforcement Officers and/or the Village Police Officers shall promptly investigate the same and take the appropriate action to correct any violations.
- (2) The Codes Enforcement Officers and the Village Police Officers of the Village of Iliion hereby have full authority to investigate all violations of this chapter with and/or without receiving any complaints regarding any violations of the same. All investigations will be conducted under the general rules and conduct and in accordance with the Criminal Procedure Law and Penal Law of the State of New York.
- (3) Any person found in violation of a provision of this chapter may be issued a warning (“Warning”).
- (4) If the person upon whom the Warning is served fails, neglects or refuses to comply with said Warning within twenty four (24) hours, the Village may serve a notice of fine (“Notice of Fine”) upon the owner. The terms of payment for the fine are set forth in Schedule C. Every twenty four (24) hours that a violation of this chapter continues shall be and does hereby constitute a separate and distinct offense.
- (5) If the owner, occupant, corporation, agent, tenant, lessee and/or person in control and responsible fails to comply within twenty-four (24) hours of receipt thereof of said Warning, the village, may remedy the violation on its own. In addition, any person violating this Article shall be subject to the penalties prescribed in Schedule C.
- (6) At any time after the service of a Notice of Fine the Village may, but is under no obligation to, issue an appearance ticket to the owner to appear in the proper court of jurisdiction that may subject the owner to additional penalties and demands set forth by the court.

§ 197-4. Penalties for offenses.

- A. Penalties for violating provisions of this chapter are provided in Schedule C.
- B. Property owner. For any person who is a property owner in the village, whether a person, firm or corporation, who or which violates the provisions of this chapter, the village may cause the violation to be corrected. Any and all work required to be performed and the cost thereof, plus fifty percent (50%) for administration and supervision added thereto, shall become a lien upon the property owner's property on/near where said work was performed or violation occurred and shall be added to become a part of the taxes next to be assessed and levied upon said property and shall be collected and enforced in the same manner as taxes.
- B. Not property owner. Any person who is not a property owner, whether a person, a firm or a corporation, who or which violates any provision of this chapter shall be liable for a civil penalty of not more than two hundred dollars (\$200.) per day for each day or part thereof during which such violation continues.

ARTICLE II, Street Acceptances and Improvements

§ 197-5. Sanitary sewers required.

Before a new street is accepted, the village will require that a sanitary sewer line be installed at an invert elevation, of a pitch and of a size acceptable to the Village Superintendent of Public Works and according to standards established by him. All pipe is required to meet the standards of the American Society of Testing Materials. Manholes and lampholes shall be constructed as required by the Superintendent of Public Works. Prior to the commencement of construction of the sewer line, the proposed cost of the same shall be submitted to the Village Board. If the Board deems the estimate reasonable, tentative approval of such extension shall be granted. As the work progresses and the same has been inspected and approved by the Superintendent of Public Works, the village shall pay one-third (1/3) of the cost of such sanitary sewer line to the developer upon presentation and approval of the customary voucher therefor.

§ 197-6. Water mains.

- A. Water mains shall be installed on the same basis as sanitary sewers, with the provision that if the actual laying of the pipe is done by the Water Board, the Water Board must be reimbursed for two-thirds (2/3) of the cost by the developer.
- B. Inasmuch as the legality of the installation of water mains by the Municipal Board on streets not as yet accepted is dubious, it may be proper to require a deposit with the Water Board of the anticipated cost of the developer's share, prior to the commencement of the installation of the main by the Village or Water Board or provision of security by appropriate bond for reimbursement of the total expense in the event that the street shall not be accepted.

§ 197-7. Sewer lines outside village.

So far as sewer lines outside the corporate limits are concerned, the lines have been in the past and will continue to be laid wholly at the expense of the nonresident owner or the developer, and an annual sewer rental shall be paid to the Village Board based on the owner's proportionate share of the cost of operation of the sewage disposal plant.

§ 197-8. Sewer lines on accepted streets.

On accepted streets, sanitary sewer lines will be laid as a street improvement with one-third (1/3) of the cost to be assessed to the adjoining owner on each side of the street and one-third (1/3) of the total cost to be borne by the village. In addition, the developer shall construct concrete curbing on each side of the macadam surface of the street in accordance with specifications to be supplied by the Superintendent of Public Works.

§ 197-9. Stormwater sewer lines.

- A. Before a new street is accepted, the village will also require, unless the Board of Trustees deems it not practicable to install storm water sewer lines that a stormwater sewer line be installed at a pitch and of a size acceptable to the Village Superintendent of Public Works and according to standards established by him. All pipe is required to meet the standards of the American Society of Testing Materials. Catch basins shall be constructed as required by the Superintendent of Public Works.

- B. Prior to the commencement of construction of the stormwater sewer lines and catch basins, the proposed cost of the same shall be submitted to the Village Board. If the Board deems the estimate reasonable, tentative approval of such installation of the stormwater sewer lines shall be granted.
- C. As the work progresses, and provided that the same has been inspected and approved by the Superintendent of Public Works, the village shall pay one-third (1/3) of the cost of such stormwater sewer lines and catch basins to the developer upon presentation and approval of the customary voucher therefor.
- D. With relation to corner lots, the width and depth are added together and divided by two (2) to compute the frontage to be paid for by the developer.

§ 197-10. Improvements to streets prior to acceptance.

- A. The developer shall bring the street to a grade established by the Superintendent of Public Works, with eight (8) inches of compacted gravel equal to the specifications for the same provided by the Superintendent of Public Works, for a width of thirty (30) feet. In addition, the developer shall apply a macadam surface, a minimum of twenty-four (24) feet wide, as specified by the Superintendent of Public Works. A plant mix, of specifications to be provided by the Superintendent of Public Works, for a minimum width of twenty-four (24) feet will be applied.
- B. Upon acceptance of such street, the village shall reimburse the developer for one-third (1/3) of the cost of such payment, the village contribution to be limited to one-third (1/3) of the cost of the paving surface and not to the grading and graveling, plus one-third (1/3) of the fair and reasonable cost of the curbing.
- C. In the event that subsequent construction remains to be done in the bed of the street, i.e., installation of gas mains and other utilities and paving, a performance bond or other surety satisfactory to the Village Attorney and the Board of Trustees in an amount equal to the developer's share of the cost of making the remaining improvements, as determined by the Superintendent of Public Works, shall be tendered by the developer, together with an agreement, in writing, to complete the entirety of such improvements on or before a date to be fixed by the Village Board, which shall not be earlier than fifteen (15) months after the conditional commitment for acceptance of such street for public maintenance. Upon the completion of such improvements, the village shall reimburse on the basis set forth above.

§ 197-11. Improvements to streets after acceptance.

- A. The village will not be responsible as a developer for the installation, grading and/or paving of streets previously accepted by the village but not previously laid out.
- B. Prior to the commencement of installation, grading and/or paving of a new previously accepted street, the developer and/or adjoining landowners, shall submit all necessary plans, including all information and/or testing necessary to complete an environmental impact study as required by Article 8 of the Environmental Conservation Law [State Environmental Quality Review Act (SEQR)] and the proposed cost of installation to the Ilion Planning Board for review. Based upon the plans submitted and the proposed cost of installation, grading and/or paving, the Planning Board shall make a recommendation to the Village

Board within thirty (30) days of the submission of all necessary plans and cost estimate. If the Village Board deems the estimate reasonable, tentative approval of such installation, grading and/or paving of the street may be granted, and one-third (1/3) of the total cost of the installation, grading and/or paving shall be borne by the village.

- C. The developer and/or adjoining landowners shall bring the street to a grade established by the Superintendent of Public Works, with eight (8) inches of compacted gravel equal to the specifications for the same provided by the Superintendent of Public Works, for a width of thirty (30) feet. In addition, the developer shall apply a macadam surface, a minimum of twenty-four (24) feet wide, as specified by the Superintendent of Public Works. A plant mix, of specifications to be provided by the Superintendent of Public Works for a width of at least twenty-four (24) feet will be applied.
- D. Upon completion of the installation, grading and/or paving, the village shall reimburse the developer and/or adjoining landowner's for one-third (1/3) of the cost upon presentation and approval of the customary voucher therefor.
- E. In the event that subsequent construction remains to be done in the bed of the street, i.e., installation of gas mains and other utilities and paving, a performance bond, or other surety satisfactory to the Village Attorney and the Board of Trustees in an amount equal to the developer's and/or adjoining landowner's share of the cost of making the remaining improvements, as determined by the Superintendent of Public Works, shall be tendered by the developer and/or adjoining landowner's, together with an agreement, in writing, to complete the entirety of such improvements on or before a date to be fixed by the Village Board, which shall not be earlier than fifteen (15) months after completion of the grading of the street. Upon the completion of such improvements, the village shall reimburse on the basis set forth above.

§ 197-12. Time limit on submission of requests for improvement.

All requests for street improvements, which involve the expenditure of village funds therefor, must be submitted to and approved by the Board of Trustees by April 1 of each year, unless this provision is expressly waived by the Board of Trustees.

§ 197-13. Subdivision approval required; deed.

Any proposed subdivision which shall include or contemplate the submission for acceptance of a street shall be submitted to the Planning Commission for approval prior to the submission of such proposed public street to the Board of Trustees for acceptance. A final allotment map and three (3) copies also shall be filed with any application for acceptance of a street dedication. The deed for the new street shall be prepared by the attorney for the developer, but approved by the Village Attorney.

§ 197-14. Conditional acceptance required for issuance of building permit.

Building permits shall not be issued for construction on a proposed street prior to conditional commitment for acceptance of such street for public maintenance, and conditional commitment will not be made until all services running in the street right-of-way are carried from the mains to a point three (3) feet beyond the curblin of the street towards the proposed home.

§ 197-15. Maintenance bond.

- A. Prior to formal acceptance of the proposed street by the village, the developer shall submit a one-year maintenance bond, dating from the time of the formal acceptance of the street, warranting to the village that all defects occurring within one (1) year from said acceptance to the street, water, sanitary or stormwater sewer lines or curbing not caused by Acts of God or by the village itself shall be remedied within ten (10) days of written notice of such defect by the Board of Trustees.
- B. Said maintenance bond shall be in a form and amount approved by the Village Board and Village Attorney.

ARTICLE III, Excavations

§ 197-16. Permission required; conditions to be established.

- A. No person shall injure or tear up, excavate in, hydraulic jack, bore under or interfere in any manner with any highway, street, curbing, sidewalk, crosswalk, drain or sewer or any part thereof, nor shall he dig any hole, ditch or drain or erect any pole in any highway, street, curbing, sidewalk, crosswalk or any public place or park in the village, without first having obtained permission, in writing, from the Superintendent of Public Works or other official designated by the Board of Trustees.
- B. The Superintendent of Public Works or other official so designated shall state the period during which the work may be performed and establish such other conditions and provisions so as to save the village harmless and protect the public, including but not limited to, the furnishing of bonds, insurance, safeguards and warning. The basic conditions and provisions are hereinafter set forth.

§ 197-17. Overnight openings; emergency openings.

- A. No person shall dig or cause to be dug any hole or trench in any street, lane or alley of the village and not properly refill the same before dark of the day during which the same was dug, unless he shall request permission from the Superintendent of Public Works to leave such hole or trench open during the following night, protected by suitable guards and signals, giving the exact location thereof, before 2:30 p.m. of the day during which said hole or trench was dug, and unless he shall further protect such hole or trench by suitable guards and signals.
- B. In case of any emergency arising at night, Sundays or legal holidays and on other occasions when village offices are closed when an immediate excavation may be necessary for the protection of public or private property, the same shall be reported to the Police Department, which may grant permission to make the necessary excavation upon the express condition that an application be made in the manner herein provided on or before 12:00 noon of the next following business day.

§ 197-18. Application for permit; permit fee.

- A. Any person desiring to procure a permit as herein provided, shall file with the Village Clerk's office at least twenty-four (24) hours before the time proposed to begin such work a written application upon a form prepared and provided by the village. Such application shall state the applicant's name; the name of the street, alley, curbing, sidewalk or public place in or under which it is desired to make the excavation or opening; the purpose, size and location the

proposed excavation or opening; the names and business or residential address of the person for whose benefit the work is to be done; and the time during which it is desired for such opening to be permitted.

- B. When required by the Superintendent of Public Works, the application shall be accompanied by a plat, pencil tracing or sketch showing the location, character and dimensions of the proposed excavation or opening for the installation of new work or the location and character of the alterations involving the location of pipes, conduits, wires or other conductors.
- C. A permit fee of fifteen dollars (\$15.) per pavement, road or curb cut is required at time of application.

§ 197-19. Surety; bond; insurance.

- A. Surety. A certified check made payable to the village in the sum of two hundred dollars (\$200.) per each street cut area of fifty (50) square feet or less and fifteen dollars (\$15.) for each curb cut, shall be filed with the application by the contractor as a guaranty that all public street pavement and curb cuts will be properly repaired. The surety shall be retained by the village until the Superintendent of Public Works deems it necessary to return the check upon satisfactory completion of the work. In the case of a street opening, the surety will be held for one (1) year after permanent pavement has been replaced. During the one-year period, the restored street opening will be the responsibility of the applicant and deterioration of an opening may result in appropriate legal action being taken against the surety and/or applicant. The surety may be held for future work if the permittee so requests, in writing, to the Village Clerk-Treasurer.
- B. Deduction from surety. Replacement or restoration of any pavement of surface which is delayed by more than thirty (30) days or repavement, which is not done in accordance with the village's applicable general construction policy may be repaired by the Department of Public Works or a private contractor engaged by the village, and the cost of the same, plus any other incidental expenses, shall be deducted from surety on file.
- C. Bond. Applicants operating in or using any of the streets under a franchise may file a bond in the penal sum of one thousand dollars (\$1,000.), or more if required, in lieu of the surety of two hundred dollars (\$200.). A public utility may, in lieu of the one-thousand-dollar bond required, file an agreement that it will perform the work required by the village and guarantee the same for the life of the adjoining pavement or until such time as the street is resurfaced.
- D. Liability insurance. All street opening applicants shall have and maintain adequate liability insurance [minimum one hundred thousand dollars (\$100,000.)] and file a certificate of insurance with the Village Clerk-Treasurer's office, with a ten-day, prior notice of cancellation clause.

§ 197-20. Excavations on private lands adjoining streets.

Any person who shall make or cause to be made any cellar, pit, hole or excavation upon his or her lot or upon a lot occupied by any such person, adjoining to and within four (4) feet of the fence line of any public street or alley of this village shall cause the same to be protected by the erection of good and sufficient guards and barriers between such cellar, pit, hole or excavation

and the fence line of the street, the same to extend the length of such cellar, pit, hole or excavation.

§ 197-21. (Reserved)

Chapter 225 Trees and Shrubs

ARTICLE I, Willow and Poplar Trees

§ 225-1. Planting near street prohibited.

No person shall set out or plant or cause to be set out or planted any poplar or willow tree within twenty (20) feet of the curbline of any street, avenue, lane or other public property.

§ 225-2. Removal required.

All poplar and willow trees standing within the aforesaid limits shall be removed by the owner of the land upon which said trees shall stand; or if such a tree shall stand upon a street, avenue, lane or other public thoroughfare belonging to the village, then it shall also be removed by the owner of the adjoining land.

ARTICLE II, General Regulations

§ 225-3. Definitions.

When used in this Article, the following terms shall have the respective meanings hereinafter set forth:

LAND -- Private land and also that portion of land located within the lines of the streets and public ways of the village and which is subject to a public easement for streets, public ways and sidewalks.

OWNER -- The person or persons vested with the legal title of an estate for life or fee simple in the land upon which any tree, shrub or plant is located in the village, and also shall include any person or persons having an interest or easement, qualified or otherwise, in any tree, shrub or bush in the village.

TREES, SHRUBS and OTHER PLANTS -- Those located on any land as hereinabove defined.

§ 225-4. Traffic hazards prohibited.

No tree, shrub or other plant located on any land adjacent to, at or near any corner, curve or intersection of any street within the limits of the village shall be permitted by the owner thereof so as to obstruct or interfere with the view of drivers of vehicles operated on the public streets of the village as to create a traffic hazard at such corner, curve or intersection.

§ 225-5. Obstructions prohibited.

No tree, shrub or other plant on any land in the village shall be permitted by the owner thereof to interfere with or obstruct the lawful use of sidewalks and streets by persons and vehicles.

§ 225-6. Unsafe conditions prohibited.

No tree, limb or branch thereof on any land in the village shall be permitted by the owner thereof to remain in an unsafe condition so as to endanger or cause bodily injury to any person or damage to any vehicle or property lawfully using or upon the sidewalks, streets, public ways and public grounds of the village.

§ 225-7. Duty of owner.

It shall be the duty of every owner of land in the village to trim or remove any tree, shrub or other plant or any limb, branch or other portion thereof which exists in a condition prohibited by § 225-4, 225-5 or 225-6 hereof.

ARTICLE III, Enforcement and Penalties

§ 225-8. Notification of failure to comply.

- A. The Codes Enforcement Officers and the Village Police Officers hereby have full authority to investigate all violations of this chapter with and/or without receiving any complaints regarding any violations of the same. All investigations will be conducted under the general rules and conduct and in accordance with the Criminal Procedure Law and Penal Law of the State of New York.
- B. If any person is found in violation of the provisions of this chapter, the Codes Enforcement Officer, a Village Police Officer or any other person or agency designated by the Village shall serve written warning (“Warning”) upon the person to comply therewith. If the person upon whom the Warning is served fails, neglects or refuses to comply with said Warning within seven (7) days, the Village may serve a notice of fine (“Notice of Fine”) upon the owner. The terms of payment for the fine are set forth in Schedule C. Every seven (7) days that a violation of this chapter continues shall be and does hereby constitute a separate and distinct offense, subject to the terms set forth in Schedule C.
- C. At any time after the service of a Notice of Fine the Village may, but is under no obligation to, issue an appearance ticket to the owner to appear in the proper court of jurisdiction that may subject the owner to additional penalties and demands set forth by the court.

§ 225-9. Village to do work; lien.

If the person upon whom the Notice of Fine is served fails, neglects or refuses to comply with said notice within ten (10) days after the service of such notice or if such notice was served by posting upon the premises, then within fifteen (15) days after such posting, the Superintendent of Public Works shall cause such weeds, grass, brush or other vegetation on such lot or land to be cut and removed, and the actual cost of such work plus fifty percent (50%) for supervision and other additional cost in connection therewith shall be certified by the Superintendent of Public Works to the Village Treasurer and shall thereupon become and be a lien upon the property on which such work was performed and shall be added to and become a part of the taxes next to be assessed and levied upon such lot or land and shall bear interest at the same rates as taxes and shall be collected and enforced by the same officer and in the same manner as taxes.

§ 225-10. Penalties for offenses.

Penalties for violating provisions of this chapter are provided in Schedule C.

Chapter 235 Vehicles Abandoned

§ 235-1. Findings.

It is hereby determined by the Village Board of Trustees of the Village of Ilion that uninspected, unregistered, stored, abandoned, junked, discarded, dismantled (in whole or in part) or inoperative motor vehicles not in condition for legal use on the highways, placed or situated on private property, constitute a hazard to the health, safety and general welfare of the citizens of the Village of Ilion New York.

§ 235-2. Definitions.

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

ABANDONED -- A vehicle whenever it is not properly inspected for highway use, without proper registration plates for a period of over six (6) months or is dismantled in whole or in part so as to make it not operational for highway use.

JUNK VEHICLE -- Any vehicle designed for operation by any power other than by muscular power, but which shall include a boat and trailer, lacking a current registration plate, valid inspection sticker (if required) and which has been abandoned, junked, stored, discarded, dismantled (in whole or in part) or is in a rusted or wrecked condition and is not in condition for legal use upon the highways of the State of New York.

STORE -- To leave, park or abandon a junk vehicle, uninspected vehicle, unregistered vehicle, wrecked vehicle, dismantled vehicle, parts of dismantled vehicles or a vehicle not in condition for highway use on property or premises of yourself or others within the Village of Ilion.

STORED -- A vehicle whenever it is parked, abandoned, left or kept on any premises outside of a structured building without the proper inspection and registration and registration plates attached.

§ 235-3. Storage and parking limited.

- A. It shall be unlawful to park, store or leave in the open or to abandon a junk, inoperative vehicle upon private property for a period of more than ninety-six (96) hours except as permitted by license issued pursuant to the provisions of § 136 of the General Municipal Law, unless the same is necessary for the operation of a business enterprise lawfully upon said premises.
- B. It shall be unlawful to store any unregistered and/or uninspected vehicle on private property that is not operational for highway use for a period of more than ninety-six (96) hours.
- C. It shall be unlawful to store more than one (1) unregistered vehicle that is in a condition for operation on the public highways on any one (1) private premises within the Village of Ilion for a period of over six (6) months.
- D. It shall be unlawful to abandon, store or discard any vehicle or vehicle parts on private property whenever said vehicles or parts are not in an operational condition for operation on the public highways.

- E. It shall be unlawful to abandon on private property any vehicle in violation of § 1224 of the Vehicle and Traffic Law.
- F. It shall be unlawful for the owner of any premises within the Village of Ilion to permit or allow any vehicle to be abandoned, junked, parked or stored on any premises in violation of this chapter.

§ 235-4. Complaints; notices of violation.

- A. Whenever a violation of this chapter shall appear to exist, any person may file a complaint with the Village Clerk, Ilion Police Department or Codes Enforcement Officer, in writing, and the Village Clerk, Codes Enforcement Officer or police officer shall promptly investigate any such complaint.
- B. The Codes Enforcement Officer(s) and the police officers of the Village of Ilion hereby have authority to investigate all violations of this chapter prohibiting the abandonment of vehicles and restricting the disposition or keeping of wrecked, nonoperational, discarded or stored vehicles on private property within the Village of Ilion without receiving any written complaint thereon.
- C. If, after investigation as aforesaid, the police officer or Codes Enforcement Officer shall determine that a violation exists, he may issue and serve an appearance ticket for any and all flagrant violations of this chapter whenever the premises owner is a resident of the premises or whenever the owner of the vehicle is determined by investigation.
- D. Whenever it is determined that the owner of any abandoned vehicle, junked vehicle, discarded vehicle, dismantled vehicle or vehicle in a nonoperational condition cannot be located, it is the responsibility of the landowner to remove the violation or correct the situation and they will be so cited after a ninety-six-hour warning ("Warning") is affixed to the vehicle with a notation that it is in violation of the village law. A written certified letter must also be sent to the listed owner of said premises as is listed with the Village Clerk's office of the Village of Ilion at the time the ninety-six-hour tag is placed on said vehicle, with a return receipt requested. Ninety-six hours after the Warning has been affixed to the vehicle and the written certified letter has been sent to the landowner, the Village may issue a notice of fine ("Notice of Fine") to the landowner and/or owner of the vehicle. In all cases the landowner shall receive a written certified letter if he is located within the Village of Ilion before a Notice of Fine or an appearance ticket is issued. A single notification shall be sufficient for any number of violations.
- E. Every four (4) days that a violation of this chapter continues shall be and hereby does constitute a separate and distinct offense. The terms of payment for each fine are set forth in Schedule C.
- F. It shall be a complete defense to any prosecution under the provisions of this chapter that the alleged violation was terminated in all those cases where a ninety-six-hour Warning was placed on the vehicle or vehicles and the violation ceased within said ninety-six (96) hours of said notice as provided herein.

G. It shall be a complete defense to any prosecution under the provisions of this chapter where the alleged violation was corrected or terminated in those situations where a certified letter was sent to an absent landowner.

§ 235-5. Penalties for offenses.

A. Penalties for violating provisions of this chapter are provided in Schedule C.

Schedule C

Code Violations With Designated Fine Amounts

Chapter 67 Brush, Grass and Weeds:

The penalty for each separate violation of this chapter is \$25 if paid in person within 7 days or paid by mail postmarked within 7 days of the date of issuance of the Notice of Fine. If the fine is not paid within 7 days, the penalty increases to \$50. If the fine is not paid within 14 days, the penalty increases to \$100. Every 7 days that the violation continues shall constitute a new and separate violation subject to a fine with the same payment conditions listed above.

Chapter 85 Animal Control

The penalty for a violation of this chapter is \$100 if paid in person within 7 days or paid by mail postmarked within 7 days of the date of issuance of the Notice of Fine. If the fine is not paid within 7 days, the penalty increases to \$150. If the fine is not paid within 14 days, the penalty increases to \$250. Every 24 hours that a violation continues shall constitute a new and separate violation subject to a fine with the same payment conditions listed above.

Chapter 135 Garbage, Rubbish And Refuse:

The penalty for each separate violation of this chapter is \$25 if paid in person within 7 days or paid by mail postmarked within 7 days of the date of issuance of the Notice of Fine. If the fine is not paid within 7 days, the penalty increases to \$50. If the fine is not paid within 14 days, the penalty increases to \$100. Every 24 hours that the violation continues shall constitute a new and separate violation subject to a fine with the same payment conditions listed above.

Chapter 197 Sidewalk Maintenance:

The penalty for each separate violation of this chapter is \$25 if paid in person within 7 days or paid by mail postmarked within 7 days of the date of issuance of the Notice of Fine. If the fine is not paid within 7 days, the penalty increases to \$50. If the fine is not paid within 14 days, the penalty increases to \$100. Every 24 hours that the violation continues shall constitute a new and separate violation subject to a fine with the same payment conditions listed above.

Chapter 225 Trees and Shrubs:

The penalty for each separate violation of this chapter is \$25 if paid in person within 7 days or paid by mail postmarked within 7 days of the date of issuance of the Notice of Fine. If the fine is

not paid within 7 days, the penalty increases to \$50. If the fine is not paid within 14 days, the penalty increases to \$100. Every 7 days that the violation continues shall constitute a new and separate violation subject to a fine with the same payment conditions listed above.

Chapter 235 Vehicles Abandoned:

The penalty for each separate violation of this chapter is \$25 if paid in person within 7 days or paid by mail postmarked within 7 days of the date of issuance of the Notice of Fine. If the fine is not paid within 7 days, the penalty increases to \$50. If the fine is not paid within 14 days, the penalty increases to \$100. Every 4 days that the violation continues shall constitute a new and separate violation subject to a fine with the same payment conditions listed above.

**CODE AND ORDINANCE VIOLATION
WARNING**

No.

TO THE OWNER, LESSEE, TENANT, OCCUPANT OR PERSON IN CHARGE OF THE
PROPERTY/VEHICLE DESCRIBED BELOW:

NAME _____

PREMISE ADDRESS _____

VEHICLE MAKE _____ MODEL _____ LICENSE _____ STATE _____

PLEASE TAKE NOTICE THAT ON (DATE) _____ TIME _____
YOU WERE FOUND IN VIOLATION OF

- ___ HIGH GRASS, WEEDS OR BUSHES; *CHAPTER 67*
- ___ ANIMAL CONTROL; *CHAPTER 85*
- ___ GARBAGE, RUBBISH AND REFUSE; *CHAPTER 135*
- ___ FAILURE TO MAINTAIN PROPERLY THE SIDEWALK; *CHAPTER 197*
- ___ TREES AND SHRUBS; *CHAPTER 225*
- ___ ABANDONED VEHICLE(S); *CHAPTER 235*

OTHER _____

ADDITIONAL DESCRIPTION OF VIOLATION _____

**THE ABOVE LISTED VIOLATION(S) MUST BE CORRECTED WITHIN ___ HOURS
OR ___ DAYS TO AVOID THE ISSUANCE OF A FINE AND FURTHER ACTION. IF
YOU HAVE ANY QUESTIONS REGARDING THIS MATTER, YOU MAY CONTACT
THE FIRE CHIEF/CODE ENFORCEMENT OFFICER.**

Ilion Code Enforcement Office
1 Central Avenue
Ilion, NY 13357-1821
(315) 894-6048

CODES ENFORCER _____ BADGE _____ DATE _____

**CODE AND ORDINANCE VIOLATION
NOTICE OF FINE**

No. _____

TO THE OWNER, LESSEE, TENANT, OCCUPANT OR PERSON IN CHARGE OF THE
PROPERTY AND/OR VEHICLE DESCRIBED BELOW:

NAME _____

PREMISE
ADDRESS _____

VEHICLE MAKE _____ MODEL _____ LICENSE _____
STATE _____

PLEASE TAKE NOTICE THAT ON (DATE) _____ AT (TIME) _____

YOU WERE FOUND IN VIOLATION OF:

- ___ HIGH GRASS, WEEDS OR BUSHES; *CHAPTER 67*
- ___ ANIMAL CONTROL; *CHAPTER 85*
- ___ GARBAGE, RUBBISH AND REFUSE; *CHAPTER 135*
- ___ FAILURE TO MAINTAIN PROPERLY THE SIDEWALK; *CHAPTER 197*
- ___ TREES AND SHRUBS; *CHAPTER 225*
- ___ ABANDONED VEHICLE(S); *CHAPTER 235*

OTHER

ADDITIONAL DESCRIPTION OF VIOLATION

**AS STATED THE VILLAGE CODE, EXCEPT FOR A VIOLATION OF CHAPTER 85,
ANIMAL CONTROL, THE PENALTY FOR EACH SEPARATE VIOLATION
MARKED ABOVE IS \$25 IF PAID IN PERSON WITHIN 7 DAYS OR PAID BY MAIL
POSTMARKED WITHIN 7 DAYS OF THE DATE OF ISSUANCE OF THIS NOTICE.**

IF THE FINE IS NOT PAID WITHIN 7 DAYS, THE PENALTY INCREASES TO \$50. IF THE FINE IS NOT PAID WITHIN 14 DAYS, THE PENALTY INCREASES TO \$100. THE PENALTY FOR A VIOLATION OF CHAPTER 85 IS \$100 IF PAID IN PERSON WITHIN 7 DAYS OR PAID BY MAIL POSTMARKED WITHIN 7 DAYS OF THE DATE OF ISSUANCE OF THIS NOTICE. IF THE FINE IS NOT PAID WITHIN 7 DAYS, THE PENALTY INCREASES TO \$150. IF THE FINE IS NOT PAID WITHIN 14 DAYS, THE PENALTY INCREASES TO \$250. CHECKS SHALL BE MADE PAYABLE TO "THE VILLAGE OF ILION". PAYMENTS SHALL BE DELIVERED TO THE VILLAGE OF ILION MUNICIPAL BUILDING, 49 MORGAN STREET, ILION, NY 13357.

EVERY ___ HOURS OR ___ DAYS THAT THE VIOLATION CONTINUES SHALL CONSTITUTE A NEW AND SEPARATE VIOLATION SUBJECT TO A FINE WITH THE SAME PAYMENT CONDITIONS LISTED ABOVE.

IF YOU HAVE ANY QUESTIONS REGARDING THIS MATTER, YOU MAY CONTACT THE FIRE CHIEF/CODE ENFORCEMENT OFFICER AT 1 CENTRAL AVENUE, ILION, NY 13357-1821 OR CALL (315) 894-6048.

CODES ENFORCER _____ BADGE _____ DATE _____

This law shall take effect immediately upon its filling with 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. 1-2011 of 2011 of the (County)(City)(Town)(Village) of Illion was duly passed by the Village Board of Trustee on December 14 2011, 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)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (Name of Legislative Body) (repassed after disapproval) by the _____ and was deemed duly adopted (Elective Chief Executive Officer*) on 2011, 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) (Name of Legislative Body) (repassed after disapproval) by the _____ on _____ 20____. (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 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 approved) (Name of Legislative Body) (repassed after disapproval) by the _____ on _____ 20____. 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 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 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 the electors at 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 1 above.

Yvonne S. Coffey Village Clerk
Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: December 30, 2011

(Seal)

(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 Albany

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.

Robert J. ...
Signature
Village Attorney
Title

County
City of Albany
Town
Village

Date: December 16, 2011