

# Local Law Filing

(Use this form to file a local law with the Secretary of State.)

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

County  City  Town  Village  
*(Select one.)*

of Adams

FILED  
STATE RECORDS

JUL 22 2022

Local Law No. 8

of the year 2022

DEPARTMENT OF STATE

A local law Amended for the Prohibition of Clutter, Litter, Debris and Hazards in the Village of Adams  
*(Insert Title)*

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

County  City  Town  Village  
*(Select one.)*

of Adams

as follows:

SEE ATTACHED

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

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

**1. (Final adoption by local legislative body only.)**

I hereby certify that the local law annexed hereto, designated as local law No. 8 of 2022 of the (County)(City)(Town)(Village) of Village of Adams was duly passed by the Board of Trustees on July 18 2022, 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) (repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted on \_\_\_\_\_ 2022, in accordance with the applicable provisions of law.  
*(Name of Legislative Body)*  
*(Elective Chief Executive Officer\*)*

**3. (Final adoption by referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_.  
*(Name of Legislative Body)*  
*(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) (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.  
*(Name of Legislative Body)*  
*(Elective Chief Executive Officer\*)*

\* 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 \_\_\_\_\_ above.

  
Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: 7/19/22

(Seal)

## Local Law Filing

---

Village of Adams  
Local Law No. 8 of the year 2022

**A Local Law for the Prohibition of Clutter, Litter, Debris and Hazards in the Village of Adams**

**Be it enacted by the Village Board of the Village of Adams that the following Local Law shall read as follows:**

**Article 1. - Statement of Authority.** The Board of Trustees of the Village of Adams, pursuant to the authority granted under Article 4 of the Village Law and Sections 10 and 20 of the Municipal Home Rule Law hereby enact as follows:

**Article 2 - Statement of Findings and Purpose.** The Board of Trustees of the Village of Adams hereby declares that a clean, wholesome, and attractive environment is of vital importance to the continued general health, safety and welfare of its citizens, and that regulation of the deposit, accumulation, or maintenance of junk regardless of quantity is hereby prohibited by means of the adoption of minimum standards. By adoption of this law, the municipality declares its intent to preserve and promote a reasonable quality of environment and aesthetics and to prohibit actions and conduct that tend to depreciate not only the property on which it is located but also the property of other persons in the neighborhood and the community generally.

**Article 3 — Enactment.** The Board of Trustees of the Village of Adams hereby enacts as follows:

### **Section 1. - Definitions**

A. **Enforcement Officer:** The person(s) appointed by the Board of Trustees to enforce the provisions of law.

B. **Clutter, Litter, and Debris:** Ordinary household or store trash such as paper, barrels, cartons, boxes, bags, discarded plastic storage materials, crates, furniture, rugs, clothing, rags, mattresses, blankets, tires, lumber, brick, stone and other building materials no longer intended or in condition for ordinary use; and any and all tangible personal property or implements no longer intended or in condition for ordinary and customary use, including vehicles and appliances, as defined below.

C. **Junk Appliance:** Any household appliance, including but not limited to, a stove, washing machine, dryer, dishwasher, freezer refrigerator, air conditioner, water heater, or television, which is stored outside of any residence or structure.

D. **Junk Furniture:** Abandoned, discarded, or irreparably damaged furniture including, but not limited to, sofas, lounge chairs, mattresses, bed frames; desks, tables, chairs, and chests of drawers.

E. **Junk Mobile Home:** Any enclosed dwelling built upon a chassis, motor vehicle, or trailer used or designed to be used for either permanent or temporary living or sleeping purposes, including motor homes, truck campers, camping trailers, campers, travel trailers, pop-up trailers, tent trailers and overnight trailers. To qualify as a junk mobile home, the dwelling must meet two out of three of the following conditions for six months or more:

1. The electrical service is disconnected or terminated.
2. It is abandoned as a dwelling unit.
3. It is no longer habitable for residential occupancy.

F. **Junk Storage Area:** The areas of any real property used or intended to be used for the placement, storage or deposit of one or more of the following: junk appliances, junk furniture, junk mobile homes, and junk motor vehicles.

G. **Junk Motor Vehicle:** Any motor vehicle, or used parts or waste materials from motor vehicles which, taken together, equal in bulk one or more such vehicle, which is:

1. Unlicensed or unregistered; or
2. Abandoned, wrecked, stored, discarded, dismantled, or partly dismantled; or
3. Not in condition for legal use upon the public highways.

The fact that a motor vehicle does not display a current motor vehicle registration or license plate shall be presumptive evidence that such motor vehicle is not in condition for legal use upon the highways.

With respect to any motor vehicle not required to be licensed or a motor vehicle not usually used on public highways, the fact that such motor vehicle is not in condition to be removed under its own power shall be presumptive evidence that such motor vehicle is a junk motor vehicle unless refuted by verifiable and credible proof.

H. **Junk Farm Machinery & Implements:** Farm machinery or fanning implements which are either abandoned, wrecked, discarded, or dismantled. [Agricultural equipment requiring extensive repair and of no value for parts for working equipment on that farm.]

I. **Outdoor Storage:** Storage other than in a completely enclosed structure, such as a garage or barn.

J. **Owner of Motor Vehicle:** A person, other than a lien holder, having possession or title to a motor vehicle. The term includes a person entitled to the use and possession of a motor vehicle subject to a security interest in another person and also includes any lessee or bailee of a motor vehicle having the exclusive use thereof, under a lease or otherwise, for a period of greater than thirty (30) days.

K. **Person:** An individual, partnership, association, corporation, limited liability company or entity of any other kind.

## Section 2. - Unlawful Nuisances

The following conditions are declared to be and deemed to be Unlawful Nuisances and the maintenance of such nuisances is hereby prohibited in the Village of Adams. It shall be unlawful for any owner of real property within the Village whether individual, firm or corporation lawfully occupying any real property within the Village to permit:

1. Junk Furniture as defined in Section 1 D above.
2. Junk Appliances to accumulate thereon as defined in Section 1 C above.
3. Junk Mobile Homes, Junk Motor Vehicles, or Junk Farm Machinery and Implements to accumulate thereon as defined in Section 1 E, G, and H above.

## Section 3. - Prohibited Acts

A. The deposit, accumulation, or storage of junk, regardless of quantity, is hereby prohibited within sight of persons traveling the public highways or within sight of neighboring property. The provisions of this law shall also be applicable to conditions existing at the time of enactment.

B. It shall be unlawful for any person to use a bus, uninhabited mobile home, truck, truck trailer, horse trailer, semi-trailer, tank truck, or similar vehicles or units for the storage of junk on any premises. Exceptions shall be made for the temporary use of such vehicles or units for construction purposes for periods of less than ninety (90) days, or when actively used in connection with active farming or agricultural operations.

C. **Removal of Snow and Ice:** It is the duty of the property owner, tenant, occupant or other person in charge of any property fronting on any public street or alley to remove all snow and ice from sidewalks and driveway crossings by 9:00a.m. and 5:00p.m. each day whether or not snow is still falling. The responsibility for removal applies to all private and/or public lands which may include property owned by the Village.

It shall be unlawful for any person to deposit, pile or place, or cause to be deposited, piled, or placed on any corner

lot, plowed or shoveled snow piles such that the piles interfere with the visibility of vehicular traffic at such corners.

It shall be unlawful for any person to deposit, pile, or place, or cause to be deposited, piled or placed, plowed or shoveled snow, or to blow snow as to cover or obstruct the accessibility of fire hydrants.

D. Water on Sidewalks. No person shall permit any water from ditches, drains, spouts, sprinklers, hoses or other irrigating devices to fall upon or run over sidewalks causing hazardous conditions for pedestrians.

E. No owner or occupant of a lot or building shall allow any building or part of a building to have improperly or unsecured objects or materials about it, which objects or materials could fall or be blown from the building into any public areas.

In the event of an emergency, the Board of Trustees, upon determining that an emergency exists, may take immediate corrective action without further notice to the owners or occupants.

#### Section 4. - Exclusions

A. Section 3 shall not apply to the storage or placement on the premises of the following material:

1. Wood intended for consumption in a wood burning stove, furnace or fireplace located in a building on the premises.
2. Lawn or yard or garden ornaments and implements.
3. Lawn and patio furniture.
4. Operable farm, garden and yard machinery and apparatus used on the premises.
5. Standing fences.
6. Hoses and sprinklers used for watering lawns or gardens.
7. Storage or placement and accumulation of materials in connection with a commercial operation duly conducted on the premises where such storage, placement and accumulation are expressly permitted by the laws of the municipality.
8. Construction materials and equipment used for the construction or renovation of a building on the premises for which a building permit has been issued.

B. The following conditions are hereby excluded:

1. Unlicensed vehicles in operating condition stored by or for the owner while the owner is:
  - (a) A full time student of the immediate family attending a school, college, or university; and
  - (b) A member of the United States Armed Forces.

C. Seasonal vehicles including but not limited to snowplows and race cars or machinery during their off-season if kept in a location not visible from any road, street or highway, when practicable.

D. An antique or classic motor vehicle or farm implement which is in the process of being restored may be kept so long as inside a building, covered, or stored outside of public view, defined as follows:

1. Antique Motor Vehicle or farm implement — a motor vehicle or farm implement, but not a reproduction thereof, manufactured more than twenty-five years prior to the current year, which has been maintained in or restored to, or will be maintained in or restored to, a condition which is substantially in conformance with the manufacturer's specification.
2. Classic Motor Vehicle or farm implement — a motor vehicle or farm implement, but not a reproduction thereof, manufactured more than ten years prior to the current year and which because of discontinued production and limited availability, is considered to be a model or make of significant value to collectors or exhibitors.

E. Farm machinery where such machinery is actively used, including tractors and unlicensed vehicles which are not driven on public roads. In the off season farm machinery shall be stored in a reasonable compact area away from any road, street or highway and concealed when practicable.

F. Farm machinery kept for parts shall be kept in a location not visible from any road, street or highway, when practicable.

## Section 5. - Enforcement

A. **Enforcement Officer** - This law may be enforced by the building inspector, zoning enforcement officer, or by any police officer of the municipality. Said persons shall have the authority to enforce the provisions of this chapter and to inspect premises within the municipality as necessary for said enforcement.

B. **Complaints** - Any person may file a complaint with the Zoning Enforcement Officer that a violation of this law may have taken place. The enforcement officer shall properly record and investigate any such complaint. The enforcement officer may also investigate any alleged violation that he or she has reason to believe has occurred or is occurring.

C. **Notice to Comply** - Upon an alleged violation of Section (Unlawful Nuisance) requirements, the Village of Adams Code Enforcement Officer shall issue a Notice to Comply directing the owners(s) to remedy the situation. The Notice to Comply shall afford a minimum of ten (10) days to rectify the situation or to submit an acceptable plan to rectify the situation.

The written notice to comply shall contain the following information:

1. The name of the owner or occupant to whom the notice shall be addressed.
2. The location of the premises involved in the violation.
3. A statement of the facts which it is alleged violates this law.
4. A demand that the junk be removed or placed so as to be in compliance with the law within a specified number of days after the service or mailing of the notice.
5. A statement that a failure to comply with the demand may result in prosecution.
6. A copy of the law.

D. **Enforcement and Summary Abatement** - In the event of non-compliance, the Code Enforcement Officer shall undertake the following Tiered procedure of enforcement:

1. The Code Enforcement Officer shall, in the first instance of alleged violation, issue an appearance ticket to the Village of Adams Justice Court pursuant to Criminal Procedure Law Section 150.20 (3) to any person causing a violation of this law, and shall cause such person to appear before the Village Justice for determination of the offense.
2. On a subsequent offense and/or upon the failure of an owner, tenant or occupant with notice to correct a violation of the Village of Adams, the Code Enforcement Officer will refer the matter to the Board of Trustees of the Village of Adams for administrative action. The governing board shall hold a public hearing to determine whether the violation constitutes a public nuisance requiring abatement by the municipality. The public hearing shall be held upon notice posted conspicuously on the subject property. The notice shall also be sent to the last known address of the property owner, as it appears on the current assessment records of the municipality, by certified mail, return receipt requested or served on the owner by personal service. Posting and service of such notice shall not be less than 15 calendar days, exclusive of the date of service, prior to the date of the public hearing. The notice shall:
  - (a) identify the premises as the same appears on the current assessment role;
  - (b) contain a statement of the conditions on the property deemed upon inspection to constitute a public nuisance;
  - (c) contain a demand that the condition or conditions constituting the public nuisance be immediately abated or removed before the date of the hearing specified in the notice;
  - (d) contain a statement that a failure or refusal to comply within the period specified may result in a duly authorized officer, agent or employee of the municipality entering upon the property and abating or removing the public nuisance; and
  - (e) contain a statement that the cost and expense of such abatement or removal shall be the responsibility of the owner, tenant or occupant, and, without limitation on the

municipality's potential remedies to recoup its expenses, such cost and expense shall be assessed against the described property and shall constitute a lien thereon to be collected as provided by law.

3. The property owner shall be notified of such hearing a minimum of ten (10) days in advance by personal delivery or by certified mail, return receipt requested, to the last known address of the property owner shown on the last completed tax roll. The property owner shall have the right to be present at such hearing to cross-examine witnesses, to present witnesses or evidence on their own behalf and to be represented by counsel.
4. Where the governing board finds, based on substantial evidence in the public hearing record, that the violation or violations amount to a public nuisance requiring abatement by the municipality, the governing board may cause the abatement or removal of the public nuisance.
5. The abatement or removal may be performed by the municipality or by its designee, or agent, including a private contractor lawfully engaged and authorized by the municipality. The governing board shall ascertain the cost of removal, and assess such expense against the record owner of the property. The expense so assessed shall constitute a lien in charge on real property on which it is levied until paid or otherwise satisfied or discharged and shall be collected in the same manner and at the same time as other Village/village/city charges. The foregoing shall not be construed as a limitation on the municipality's potential remedies to recover its costs. The removal of any nuisance by the municipality's agents shall not operate to excuse such owner, tenant or occupant from properly maintaining the premises as required by this law. Such owner, tenant or occupant shall, in addition to the remedies provided herein, be subject any other penalties provided for by this law.

**E. Penalties for Offenses; Enforcement.**

1. Any person committing an offense against any provision of this chapter shall, upon conviction hereof, be judged a disorderly person and shall be punished by a fine of no less than \$100 and not to exceed \$250 or by a penalty of \$250 to be recovered by the Village in a civil action.
2. The imposition of any penalty for any offense committed against the provisions of this law shall not affect the power of the Board of Trustees to require the abatement of the nuisances enumerated herein within such a time as the Board of Trustees shall fix, nor shall it prevent, in the event of neglect or refusal by any person to comply with any or all of the provisions of such an order to correct a violation of this law, entry by the Board of Trustees or its designees upon the premises affected by such nuisances, the removal of such nuisances by the Village or its agents and the assessment of all costs of such removal, including reasonable attorney's fees, against the real property affected.

**F. Abandoned Vehicles** - On notification by a property owner that a motor vehicle has been abandoned on his/her property by other than the owner, the owner's spouse, parents, children or entity in which the owner has an ownership interest, the enforcement officer may follow the procedures established in Vehicle and Traffic Law §1224 to achieve the removal of the abandoned vehicles.

**Section 6. Miscellaneous Provisions**

**Article 4 - Severability.** If any clause, sentence, paragraph, section or article of this law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or article thereof directly involved in the controversy in which such judgment shall have been rendered.

**Article 5 — Effective Date.** This local law shall become effective upon the date it is filed in the Office of the New York Secretary of State.