

**TOWN OF SPAFFORD  
LOCAL LAW NO. 1 OF 2025**

**A LOCAL LAW SETTING FORTH PROPERTY MAINTENANCE STANDARDS  
WITHIN THE TOWN OF SPAFFORD  
AND ALLOWING FOR ABATEMENT OF VIOLATIONS OF THE SAME**

Be it enacted by the Town Board of the Town of Spafford as follows:

**SECTION 1.           PURPOSE AND INTENT**

This Local Law provides basic and uniform standards governing the condition, occupancy and maintenance of property for the purposes of establishing reasonable safeguards for the safety, health and welfare of the occupants of such properties, adjoining properties, and the general public.

It is hereby declared to be the intent and policy of the Town Board of the Town of Spafford to provide for the proper use of land to prevent unhealthful, hazardous or dangerous conditions due to accumulations of brush, grass, weeds, garbage, rubbish or other like matter. By this article, the Town Board seeks to remove such dangers to health, life and property by requiring owners, lessees or occupants or any agent, servant, representative or employee of any owner, lessee or occupant having control over any land to keep real property free from garbage and rubbish, and, upon default, to cause the same to be done by the Town and the costs for the same assessed against the real property on which such garbage, rubbish or other like matter is found

**SECTION 2.           AUTHORITY**

This Local Law is enacted pursuant to the New York State Constitution and New York Municipal Home Rule Law § 10.

**SECTION 3.           INCORPORATION OF THE NEW YORK STATE UNIFORM CODE**

This section shall incorporate the standards found in the New York State Uniform Fire Prevention and Building Code (the “Uniform Code”), which includes, the Property Maintenance Code of New York State (“PMCNYS”) and allow for enforcement of the same by the Code Enforcement Office of the Town of Spafford.

**SECTION 4.           DEFINITIONS**

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

**GARBAGE** — Any animal or vegetable refuse or waste matter resulting from the handling, preparation, cooking and consumption of food.

**NUISANCE VEHICLE** — A motor vehicle that cannot be driven upon the public streets for reasons including but not limited to being unlicensed, unregistered, uninspected, wrecked, in a state of disrepair, inoperative or otherwise incapable of being moved under its own power. Also called “Junked Vehicle.”

NATURAL OPEN SPACE/PRESERVED AREA — That area of a parcel of land intended to remain in a preserved, natural and undeveloped state. However, natural open space and preservation areas shall not include the front, side and rear yards of a lot or land within 100 feet of a residential, commercial or farm related structure/building.

OWNER — Includes an individual or individuals, society, club, firm, partnership, corporation or any other association of persons or entity of any kind.

RUBBISH — Useless, worthless, unwanted or discarded matter or objects, including (but not limited to) the following examples:

- A. Junk, trash, debris, building materials, refuse or any other deleterious materials;
- B. Any abandoned, discarded or unused objects or equipment, such as, but not limited to, automobile parts, furniture, stoves, refrigerators, freezers, appliances, cans, containers or vehicle tires;
- C. Any compost pile which is of such a nature as to spread or harbor disease, emit unpleasant odors or gas, or attract rodents, vermin or other disease carrying pests, animals or insects;
- D. Any unsanitary matter or materials;
- E. Solid waste and garbage;
- F. Accumulations of tree trimmings, brush, or shrubbery trimmings, grass clippings, trees, brush or shrubbery or portions thereof severed from their roots or uprooted trees brush or shrubbery.

**SECTION 5. Exterior Building Structure and Property Maintenance; Violations**

- (A) The exterior surfaces of all buildings, structures and areas of property shall be maintained, by the owner, lessee or occupant or any agent, servant, representative or employee of any owner, lessee or occupant having control over such property, as follows:
- (1) All exterior surfaces shall be maintained in good condition and shall be covered by a surface material designated to be a finished surface;
  - (2) Surface and subsurface water shall be appropriately drained to protect buildings and structures and to prevent ponding and shall not be channeled off site without legal authority;
  - (3) Fences, walls and other structures shall be maintained in a safe, good and substantial condition;
  - (4) Steps, walks, driveways, parking surfaces and similarly improved surfaces shall be maintained such that they are free of any substantial depressions or humps and otherwise afford safe convenient passage;

- (5) Yards, courts and vacant lots shall be kept clean and free of hazards and shall not be used for the storage of materials, equipment, garbage, refuse, unless it is the allowed business of the property user to conduct such operations on the premises (or the property user is otherwise permitted by the Town of Spafford to use the premises in such a way).
- (6) Yards, courts and vacant lots shall not be used for the storage of nuisance vehicles unless it is the allowed business of the property user to conduct such operations on the premises (or the property user is otherwise permitted by the Town of Spafford to use the premises in such a way).
- (7) Ground cover shall be properly established to prevent soil erosion due to the elements and to further accomplish a groomed lawn appearance.

(B) Violations. It shall be a violation of this article for the owner, lessee or occupant or any agent, servant, representative or employee of any owner, lessee or occupant having control over any real property in the Town of Spafford to fail to maintain such lands in accordance with subsection (A) of this section.

## **SECTION 6. NOTICE TO REMEDY VIOLATIONS**

Whenever the Code Enforcement Officer of the Town of Spafford shall find a violation of this article, said Code Enforcement Officer shall give notice to remedy such alleged violation(s) to the owner, lessee or occupant or any agent, servant, representative or employee of any owner, lessee or occupant or any other person(s) responsible therefor, as hereinafter provided. Such notice shall be in writing, shall include a statement of the reasons why it is being issued and shall be served upon the owner, lessee or occupant or any agent, servant, representative or employee of any owner, lessee or occupant. Notice shall be deemed to be properly served if a copy thereof is served upon the owner, lessee or occupant or any agent, servant, representative or employee of any owner, lessee or occupant personally or is sent by certified mail, return receipt requested, to the last known address of the owner, as listed and maintained in the tax records of the Town, or is posted in a conspicuous place on or about the premises affected by the notice. Such notice shall specify that within ten (10) days from receipt of notice, the owner, lessee or occupant or any agent, servant, representative or employee of any owner, lessee or occupant must have either undertaken such necessary corrective action so as to abate the violation(s) or have submitted a written request to the Code Enforcement Officer for a hearing before the Town Board, which shall have the power to cause the work to be done and pay the cost thereof. At the expiration of the ten (10) day period, the notice shall be deemed an order to cease and desist from and to abate the described violation(s). Such notice shall contain an outline of the remedial action, which, if taken, will effect compliance with the provisions of this article.

## **SECTION 7. ABATEMENT OF VIOLATIONS**

(A) Duty to abate violations. Any person, being the owner, lessee or occupant or any agent, servant, representative or employee of any owner, lessee or occupant of real property in the Town, shall be required to remedy violations of this article upon their lands when

directed to do so by notification of the Code Enforcement Officer.

(B) Abatement of violations by Town. Whenever a notice referred to in Section 6 of this Local Law has been served upon the owner, lessee or occupant or any agent, servant, representative or employee of any owner, lessee or occupant of a lot or parcel of land to abate a violation of this article and such owner, lessee or occupant or any agent, servant, representative or employee of any owner, lessee or occupant shall neglect or fail to comply with the requirements of such notice, by either failing to abate the violations or failing to request a hearing as set forth in Section 6, within the time provided therein, the Code Enforcement Officer shall submit the matter to the Town Board which shall cause the work to be done and pay the cost thereof.

### **SECTION 8. REIMBURSEMENT OF COSTS**

The Town shall be reimbursed for the cost of work performed or services rendered by direction of the Town Board as provided in Section 7 of this Local Law, by assessment and levy upon the lots or parcels of land whereon such work was performed or services rendered of the actual and complete cost of such work, whether such work shall have been done by employees of the Town or others, and the actual cost of such work shall become a lien on the property and shall be added to become part of the taxes next to be assessed and levied upon such lot or land, shall bear interest at the same rate as taxes and shall be collected and enforced in the same manner as taxes.

### **SECTION 9. EMERGENCY PROVISIONS**

Whenever the Code Enforcement Officer shall determine that an emergency exists which requires immediate attention to protect the public health or safety, the Code Enforcement Officer may, without notice or hearing, issue an order to the owner, lessee or occupant or any agent, servant, representative or employee of any owner, lessee or occupant, or the agent of either, reciting the existence of such an emergency and requiring that such action be taken as the Code Enforcement Office deems necessary to abate the emergency. Any person to whom an order is directed must comply therewith immediately but, upon written petition, may be afforded a hearing by the Town Board. After the hearing, the Code Enforcement Officer must continue the order or modify or withdraw it.

### **SECTION 10. PENALTIES FOR OFFENSES**

(A) Any person who shall violate any provisions of this Local Law shall be guilty of a violation. Such violation shall be deemed an offense and each day the condition persists shall constitute a separate offense. Any person(s) in violation of this Local Law shall be guilty of an offense punishable by a fine not less than \$50.00 nor more than \$250.00; and upon conviction of a second offense within three (3) years, shall be punishable by a fine not less than \$250.00 nor more than \$1,000.00 or imprisonment for a period not to exceed thirty (30) days, or both; and upon conviction of a third or subsequent offense within three (3) years, shall be punishable by a fine not less than \$1,000.00 or imprisonment for a period not to exceed six (6) months, or both.

(B) The election to pursue any particular remedy provided by law does not prevent the Town from pursuing any other remedy, civil or criminal, as to the same or similar offense, against the same person who is in violation of this Local Law, which the Town is allowed to pursue according to law.”

**SECTION 11. SEVERABILITY**

If any clause, sentence, paragraph, section, article or part of this local 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 operations to the clause, sentence, paragraph, section, article, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

**SECTION 12. EFFECTIVE DATE**

This Local Law shall take effect upon filing with the Secretary of State.