

Local Law Filing

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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
of Chester, Warren County

FILED
STATE SECRETARY
DEC 20 2023

DEPARTMENT OF STATE

Local Law No. 7 of the year 2023

A LOCAL LAW TO REPEAL AND REPLACE LOCAL LAW 1 OF 2019 ESTABLISHING PROPERTY MAINTENANCE REQUIREMENTS

Be it enacted by the Town Board of the

County City Town Village
of Chester, Warren County

SECTION 1. PURPOSE AND INTENT

The purpose and intent of this Law is to provide protections for the health, safety
and welfare for everyone living in and visiting the Town of Chester.

This Local Law is intended to preserve public health and safety, improve the
appearance of the Town, maintain residents' pride in the Town and protect property
values.

SECTION 2. DEFINITIONS

For the purposes of this Law, the following terms shall have the meanings indicated:

Enforcement Officer – the Town of Chester Zoning Administrator.

Garage, yard (or similar) sale events –The sale or offering for sale of new or used
items of personal property by private individuals at a residential premises.

Garbage – the animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.

Junk – Discarded and/or unused and/or broken items such as but not limited to: metal, paper, glass, plastic, ceramic, aluminum, concrete, rubber tires, appliances, tools, mattresses, metal and plastic containers, foam, furniture, construction debris, electrical components, and motors including automobiles.

Person or Entity - the owner, tenant, occupant, vendee in possession, lessee, sub-lessee, agent or any other person, firm, corporation or other legal entity directly or indirectly in control of any premises, structure, building or part thereof.

Premises – any lot, plot or parcel of land, easement or public way, private or commercial, including any structures thereon.

Rubbish – any combustible and noncombustible waste materials including but not limited to plant and tree trimmings and non-functioning products of any kind.

Structure – that which is built or constructed or a portion thereof.

Vacant parcel – a parcel of land with no buildings or structures located on same.

Vacant Structure – a building or structure, or a portion thereof, which has not been used or occupied for twelve (12) consecutive months.

SECTION 3. VACANT PROPERTY

All vacant structures or vacant parcels shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blight condition or adversely affect the public health or safety.

SECTION 4. STRUCTURE EXTERIOR MAINTENANCE

The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.

The Person or Entity shall keep every part of the Premises they own and/or occupy in a clean, sanitary and safe condition and free from items such as but not limited to litter, debris, paper, dirt, garbage and junk and in good repair.

No owner or occupant of a Premises shall store, place or allow to accumulate items such as but not limited to refuse, garbage, rubbish, litter, debris or other material of any kind or nature in or upon said Premises.

SECTION 5. RUBBISH, GARBAGE AND JUNK

All exterior Premises, and the interior of every structure, shall be free from any accumulation of rubbish, junk, garbage or yard waste.

SECTION 6. RESPONSIBILITY OF OWNER OR OCCUPANT

Owners and occupants shall be responsible for compliance with this Law. The Enforcement Officer may enforce the terms of this Law against any Person or Entity as defined herein that will accomplish the goals set forth herein.

SECTION 7. GARAGE SALES, YARD SALES OR SIMILAR SALES ACTIVITIES

Garage or yard sales (or similar sales) may be held on weekends including holiday weekends and shall not exceed four (4) days or the weekend length, whichever is shorter. No single parcel shall be the site of more than three (3) such events in a calendar year.

SECTION 8. ENFORCEMENT – GENERALLY

- A. The Enforcement Officer is hereby charged with the duty of administering and enforcing this Law.
- B. The Enforcement Officer shall inspect or cause an inspection to be made when he or she has a reasonable basis to believe a property or structure is a threat to the health, safety, welfare and the property values for those living in or visiting the Town or otherwise in violation of the standards set forth herein.
- C. The Enforcement Officer is authorized to enter onto all premises, public or private, with consent of the owner or occupant or consistent with constitutional safeguards and any requisite warrant in order to effectuate investigation and enforcement.
- D. When the Enforcement Officer determines that conditions exist in or on any premises which allegedly violate the provisions of this Law, he or she may issue a Notice of Violation and Order to Remedy, which shall recite

facts that establish each and every alleged violation of this Law, the specific violation alleged, the date upon which each violation is alleged to have occurred, whether it is alleged to be continuing and, if so, the time during which it is alleged to have continue(d). The Order to Remedy shall state with particularity what factual conditions must be eliminated or modified and, if applicable, in what way they must be modified to restore the premises to compliance with this Local Law. The Order to Remedy shall specify a reasonable date by which the alleged violation must be eliminated, which date shall be not less than ten (10) days from the date the Notice of Violation and Order to Remedy is served upon the Person or Entity as defined herein.

- E. If there exists a conflict between this Law and the Town Zoning Law this Local Law shall control.

SECTION 9. NOTICE OF VIOLATION AND ORDER TO REMEDY

- A. Upon discovering a condition or persistent occurrence that is in violation of the standards established by this Law, the Enforcement Officer may issue a Notice of Violation and Order to Remedy as described in Section 8(D). The Enforcement Officer shall forthwith file a copy of the Notice and Order with the Town Clerk and Zoning Administrator.
- B. The Notice of Violation and Order to Remedy shall contain a notice, in typeface no smaller than twelve (12) point, that the Town Board, at a publicly noticed meeting, may resolve to correct the violation if not eliminated by the owner or occupant by the date in the Notice of Violation and Order to Remedy and charge the property owner therefor, and absent payment to the Town by the property owner, the Town may add such charge as a lien payable with the Town real property taxes assessed against the parcel and collected and enforced in like manner.
- C. The Notice of Violation and Order to Remedy shall be served upon the Person or Entity directed to comply and, if such Person or Entity is not the owner of the property, a copy shall also be served upon said owner. Such Notice of Violation and Order to Remedy shall be deemed properly served when a copy is either delivered to the Person or Entity directed to comply personally or, in the absence of personal service, sent by certified mail to the property at which compliance is being sought and to the owner at their address of record if different than the Property from which compliance is being sought.

- D. Any party aggrieved by a Notice of Violation and Order to Remedy may appeal the issuance, findings and directed compliance actions to the Town Board. Any appeal shall be filed with the Town Clerk on or before thirty (30) days after the date service of the Notice of Violation and Order to Remedy upon the appealing party was complete.
- E. The Town Board shall consider the Notice of Violation and Order to Remedy at its next scheduled meeting or at a public meeting convened pursuant to its rules at an earlier time and date, but no meeting shall be convened upon less than three (3) days from the request to consider an appeal. The Town Board may affirm, vacate or affirm in part or in whole with modifications.
- F. Upon filing of a timely appeal to the Town Board, enforcement measures will be stayed until final action on the appeal is taken by the Town Board.

SECTION 10. ACTION UPON NONCOMPLIANCE

- A. Upon the failure, neglect or refusal of any Person or Entity so notified to properly comply with this law by the date contained in the Notice of Violation and Order to Remedy as provided herein, the Enforcement Officer is hereby authorized and empowered to arrange and pay for the correction of such violations subject to the approval of the Town Board. Prior to engaging in the correction of any violation the Enforcement Officer shall provide written Notice to the owner or occupant advising them of the Enforcement Officers intent to engage in correcting the violation. The Person or Entity shall have a period of ten (10) days from the date of service of the Notice to either arrange to perform the required work or actions to bring the Premises into compliance, or, the Person or Entity can appeal by filing a letter with the Town Clerk. The Town Board shall schedule a hearing on such appeal within thirty (30) days of receipt of the letter by the Town Clerk. After such hearing the Town Board may affirm, vacate or modify the decision of the Enforcement Officer.
- B. When the Town, due to failure, neglect or refusal of the property owner or occupant to properly comply with this Law, has contracted for elimination of the dangerous or blight condition, such contracted maintenance will continue until the property owner or occupant notifies the Town Board, in writing, that the property owner or occupant has made arrangements to comply with this Law.

- C. In addition to any other remedies or penalties that may be imposed, a violation of this Law shall entitle the Town Board to remedy or repair the conditions constituting the violation, at the owner's expense, in order to bring the premises into conformity and compliance with this Law. The disbursements and expenses, which include but are not limited to attorneys' fees and professional service fees, shall become a charge and a lien upon the premises and the same shall be added to the premises' next annual Town tax bill, to be collected with interest, as may be provided by law. This provision shall be in addition to any other provisions, penalties or powers available to the Town for enforcement of this Law.

SECTION 11. JUDICIAL ENFORCEMENT

The Enforcement Officer is authorized to seek criminal enforcement through the Town Justice Court or any other court with jurisdiction. The Enforcement Officer may issue an Appearance Ticket to the defendant directing the Person or Entity to appear in Town Justice Court no sooner than five (5) days from service of the Appearance Ticket upon such Person or Entity. The Appearance Ticket may be served upon the Person or Entity personally or in compliance with Section 150.40(2) of the Criminal Procedure Law.

Within two (2) business days after service of an Appearance Ticket upon a Person or Entity, but in no case later than the day before which an Appearance Ticket mandates an initial appearance, the Enforcement Officer shall file with the Court an Information that complies with the provisions of Sections 100.15 and 100.40 of the Criminal Procedure Law and shall immediately serve the same upon the defendant in the same manner as set forth in Section 9(C).

If the Enforcement Officer elects, he or she may dispense with the Appearance Ticket procedure and file a sufficient accusatory instrument with the Court and request a Criminal Summons from the Court.

SECTION 12. PENALTIES FOR OFFENSES

- A. A violation of this Law, as determined by the Court, is hereby declared to be an offense punishable by a fine of not more than \$250 for each and every day the violation exists after the date specified for compliance in a Notice of Violation and Order to Remedy duly served upon defendant or imprisonment for a period not to exceed six (6) months, or both, for conviction of a first offense.
- B. Conviction of a second offense, both of which were committed within a period of five (5) years, is punishable by a fine of not more than \$500 for

each and every day the violation exists, or imprisonment for a period not to exceed six (6) months or both.

- C. Conviction for a third or subsequent offense, all of which were committed within a period of five (5) years, is punishable by a fine of not more than \$750 for each and every day the violation exists, or imprisonment for a period not to exceed six (6) months or both.
- D. Notwithstanding the foregoing the Town may also seek civil penalties from a Court of competent jurisdiction. A civil monetary penalty in an amount up to \$1,000 per violation for each day which such violation or violations continue may be sought by the Town.
- E. Each day that a violation of this Local Law continues after Notice has been served shall be deemed a separate offense and the alleged circumstances shall be considered a continuing violation until the violation is corrected and such violator shall be subject to any of the above remedies or any combination therefor for each day that violation remains.
- F. Nothing in this Local Law shall prevent the Town from seeking judicial equitable relief from a court of competent jurisdiction to abate violations of this Local Law. No remedy or penalty specified in this ordinance shall be considered an exclusive remedy and the Town shall have available all methods or remedies available in law or equity to address any violation described in this Local Law.

SECTION 13. EMERGENCIES

Whenever the Enforcement Officer finds that an emergency or a potential emergency exists which requires immediate attention to protect the public health or safety, he or she may issue a Notice of Violation and Order to Remedy reciting the existence of such emergency or potential emergency. Notwithstanding any other provisions of this Local Law, such Order shall take effect immediately. Any person to whom such Order is directed shall comply therewith immediately. If such person does not comply immediately the Enforcement Officer, subject to the approval of the Town Board shall have the power to proceed at once to take such action as is needed to guard the safety of persons and property. In such cases the Enforcement Officer shall have the full power and authority to provide all necessary means therefore, and all expenses therefor shall be paid and collected as provided in Section 10(c). Upon appeal by the owner to the Town Board the owner shall be afforded a hearing as soon as possible. After such hearing, the Town Board shall continue such Order in effect or shall modify or dismiss it.

ARTICLE 2. SEVERABILITY

The invalidity of any clause, sentence, paragraph or provision of this Local Law shall not invalidate any other clause, sentence, paragraph or part thereof.

ARTICLE 3. SUPERSESION

All Local Laws or Ordinances or parts of Local Laws or Ordinances in conflict with any part of this Local Law specifically Local Law No. 1 of 2019 are hereby repealed.

ARTICLE 4. EFFECTIVE DATE

This Local Law shall take effect upon filing in the office of the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

(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. 7 of 2023 of the (County)(City)(Town)(Village) of Chester was duly passed by the Town Board

(Name of Legislative Body) provisions of law.

On December 12, 2023, in accordance with the applicable

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

(Name of Legislative Body) on _____ 20____, and was (approved)(not approved)

(repassed after disapproval) by the _____ and was deemed duly adopted (Elective Chief Executive Officer*)

on _____ 20____, 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

(Name of Legislative Body) 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.

* 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.

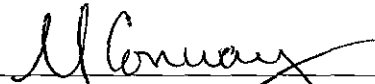
6. (County local law concerning adoption of Charter.)

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.

(Seal)



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

Date: 12/14/2023