

(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

of MARGARETVILLE

Local Law No. 3 of the year 2000

A local law REQUIRING THE MAINTENANCE OF PROPERTY WITHIN THE
(Insert Title)
VILLAGE OF MARGARETVILLE

Be it enacted by the BOARD OF TRUSTEES of the
(Name of Legislative Body)

County

City

Town

Village

of MARGARETVILLE as follows:

Section 1. Purpose.

The Board of Trustees of the Village of Margaretville finds that the appropriate maintenance of properties within the Village of Margaretville is necessary to protect the public health, safety, welfare and to preserve and protect the appearance of the Village. The Board of Trustees hereby declares that it is the public policy of the Village of Margaretville to prevent the maintenance of any property within the Village of Margaretville in an unsightly, unclean or harmful condition.

Section 2. Definitions.

Garden - any area for cultivated flowers or vegetables that is maintained for aesthetic or food growing purposes.

Naturally wooded area - any area that, as of the effective date of this local law, is covered by woody vegetation consisting mainly of trees and woody shrubs and may include other non-woody vegetation.

Person - any individual, group of individuals, partnership, corporation, firm, association, company, municipality or any other entity, and any agent, designee or employee acting on behalf of any of the foregoing.

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

Owner - any person who has title to or an interest in any property in the Village of Margaretville, which includes any tenant, trustee, executor, receiver or any other person who controls any Property.

Property - any parcel of land located wholly or partly within the Village of Margaretville.

Rubbish or trash - any paper, plastic, cardboard, metal, glass, cloth or other material that is broken, unusable for any practical purpose or any waste material from any household, farm, commercial or industrial operation.

Section 3. Grass, Weeds and other Noxious Growth.

No Owner of any Property within the Village of Margaretville shall permit grass, weeds or other non-woody vegetation to exceed six (6) inches in height at any point in a Property that is within two hundred (200) feet of a sidewalk, street or property line. The foregoing provision shall not apply to (i) any area under cultivation for agricultural purposes, (ii) gardens, (iii) naturally wooded areas, (iv) undeveloped areas that are at least two hundred (200) feet from any sidewalk, street or property line, or (v) stream beds or banks. It shall be the duty of the Owner to cut and remove or cause to be cut and removed any vegetation in violation of this provision.

It shall further be the duty of the Owner of any Property within the Village of Margaretville to keep his or her Property free from poison ivy, poison sumac, ragweed, goldenrod or other harmful or noxious vegetation.

Section 4. Rubbish and Trash.

No Owner shall permit the uncontainerized accumulation of rubbish or trash on his or her Property in the Village of Margaretville. No Owner shall permit any motor vehicle without a current registration and inspection sticker to be maintained on any Property within the Village of Margaretville. The placement of any rubbish or trash at the curb for collection and removal by a waste hauler within 24 hours of the expected time of pickup by such hauler shall not be deemed to be a violation of this provision.

Section 5. Outdoor Storage of Wood.

Wood intended to be used for fuel at any Property may be stored outside on any Property as long as the storage location does not extent in front of the face of any structure closest to any street or highway abutting said Property within the Village of Margaretville and that such location is at least one (1) foot from any property line.

Section 6. Enforcement.

In the event of any violation of any provision of this Local Law, the Code Enforcement Officer or other official designated by the Board of Trustees of the Village of Margaretville shall serve a

notice of violation on the Owner indicating the nature of the violation. Such notice of violation shall be served either by personal delivery to said Owner or by mailing such notice of violation to the last known address of the Owner by certified mail, return receipt requested. Such notice shall be effective on the date of delivery or the third day following the date of mailing. Said notice of violation shall state that the Owner has fourteen (14) days in which to remedy such violation. If the Owner fails to cure such violation within said fourteen (14) day period, the Village Board of Trustees may take any one or more of the following actions: (i) the Board of Trustees may take such action to cure the violation as it deems appropriate and the cost thereof shall be assessed to the Owner; (ii) the Board of Trustees may authorize the Code Enforcement Officer or other official designated by the Board of Trustees of the Village to initiate legal proceedings in a court of competent jurisdiction to compel the Owner to cure such violation; (iii) the Board of Trustees may authorize the Code Enforcement Officer or other official designated by the Board of Trustees of the Village to initiate legal proceedings to impose a fine or imprisonment in accordance with the following section. In the event that the Village takes action to remedy such violation, the Board of Trustees shall assess the cost of curing such violation plus an additional amount equal to fifty percent (50%) of the cost to cure as an administrative fee against the Owner of the Property. If the Owner does not pay such assessment, such amount shall constitute a lien against the Property as set forth in Section 5-516 of the Village Law of the State of New York and shall be collected as set forth in Section 5-518 of the Village Law.

Section 7. Penalties.

Failure to comply with the provisions of this Local Law shall constitute a violation. The penalty for any violation of this Local Law imposed by a court of competent jurisdiction shall be a fine of not more than two hundred fifty dollars(\$250.00) or imprisonment for not more than fifteen (15) days or both.

Section 8. Effective Date.

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

(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. 3 of 2000 of the (County)(City)(Town)(Village) of MARGARETVILLE was duly passed by the VILLAGE BOARD on AUGUST 21 20 00, 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 _____ 20____, 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____. 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.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

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.

Betty Desilva

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

Date: AUGUST 22, 2000

(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 DELAWARE

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 Hughes

Signature

VILLAGE ATTORNEY

Title

County _____
City of VILLAGE ATTORNEY
Town _____
Village _____

Date: AUGUST 22, 2000