

TOWN OF NORTH CASTLE

Local Law No. 4 for the Year 2014 Adopted October 22, 2014

A Local Law to Amend the Code of the Town of North Castle by adding Chapter 161 entitled Property Maintenance.

Be It Enacted by the Town Board of the Town of North Castle as follows:

Chapter 161. PROPERTY MAINTENANCE

§161-1. Legislative intent.

The Town Board of the Town of North Castle hereby determines that it is necessary for the health, safety, appearance and general welfare of the residents of the Town of North Castle to provide a method whereby vacant lots, improved properties and public lands within the Town are clean, properly maintained and free from vermin, nuisances, hazards, debris and litter. The Town Board acknowledges the existence of the Property Maintenance Code of New York State (2010) as amended and that its administration and enforcement is the responsibility of the Building Inspector or his representative. The provisions of said Code are incorporated herein and made a part hereof.

§161-2. Enforcement and compliance; notice of violation.

A. Any owner, tenant, or occupant of any property responsible for the creation of an offense in violation of this chapter located within the Town of North Castle shall remove such offense when ordered to do so by the Building Inspector or his representative within thirty (30) days of the service of written notice of violation as provided in Subsection C below.

B. Any person responsible for the creation of an offense in violation of this chapter affecting a public street or other public property within the Town of North Castle shall remove such offense when ordered to do so by the Building Inspector or his representative within thirty (30) days of the service of written notice of violation as provided in Subsection C below.

C. All written notices of violation under this section shall be served on the owner, tenant, or occupant, responsible for the creation of such offense on any property located within the Town of North Castle by posting a copy of such violation notice upon the front portion of the property or upon the main structure and by mailing a copy of such notice by first-class mail to the owner of the property as shown on the latest assessment rolls of the Town. In the case of any person responsible for the creation of an offense existing upon a public street or public property, notice may be personally served on such person or mailed by ordinary mail to such person at such person's last known address.

D. The Building Inspector, or his representative, shall be responsible to direct the proper securing of dumpsters, containers or enclosures upon all properties, and such officer shall provide written notice of violation to the owner, tenant, occupant or other party as provided in Subsection C, which shall require the removal within thirty (30) days of any vermin, nuisance, hazard, debris or litter thirty (30) days of any vermin, nuisance, hazard, debris or litter not properly secured within a dumpster, container or enclosure.

E. In the event that a Notice of Violation issued to an owner, tenant, or occupant on any property located within the Town of North Castle is not remedied to the satisfaction of the Building Inspector or his representative within the time provided for in the Notice of Violation, a Summons shall issue returnable in Justice Court of the Town of North Castle.

§161-3. Penalties for offenses.

A. Any person found guilty of a violation of any provision of this chapter shall be punished by a fine of up to \$500. Any person found guilty of a second offense of any provision of this chapter within 18 months of the date of the first conviction shall be punished by a fine of not less than \$500 and not more than \$1,000. Any person found guilty of a third offense of any provision of this chapter within 18 months of the date of the second conviction shall be punished by a fine of not less than \$2,500. and not more than \$5,000. Any person found guilty of a fourth or subsequent offense of any provision of this chapter within 18 months of the date of the third conviction shall be punished by a fine of not less than \$5,000. and not more than \$7,500.

B. The continuation of an offense against the provisions of this chapter shall constitute, for each week the offense is continued after issuance of the Notice of Violation, a separate and distinct offense hereunder.

§161-4. Removal by Town; charges.

A. Upon the failure of an owner, tenant or occupant, responsible for the creation of such offense to comply with a notice to correct a condition as cited within the days allotted, the Town Board may hold a public hearing. The public hearing shall be held upon notice posted conspicuously on the affected property and forwarded to the last known address of the property owner, as it appears on the current tax records of the Town, by certified mail, return receipt requested. Posting and service of such notice shall not be less than 10 days prior to the date of such hearing.

B. The Town Board, after a public hearing as provided in Subsection A, may cause any vermin, nuisance, hazard, debris or litter as defined in this chapter to be removed from any property within the Town of North Castle upon the failure of such owner, tenant or occupant to comply with any order of the Town Board. Said removal shall be performed by a private contractor hired by the Town. The Town Board shall ascertain the cost of the proceeding and the costs of removal, and such costs shall be charged and assessed against the owner of the property. The expense so assessed shall constitute a lien and charge on the 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 Town charges.

C. The removal of any vermin, nuisance, hazard, debris or litter by the Town of North Castle or its agents shall not operate to excuse such owner, tenant or occupant from properly maintaining any premises as required by this chapter, and such owner, tenant or occupant shall, notwithstanding such action, be subject to any other penalties for herein.

§161-5. Vacant or abandoned properties.

A. Upon failure to respond and comply with the requirements of the notices described in §161-2C within 30 days from posting and mailing, the Building Inspector, or assistant will perform an inspection of the premises and submit a detailed report to the Town Board describing the level of vermin, nuisance, hazard, debris or litter as defined in herein. The Official will further investigate and detail the circumstances of the abandonment of the premises, as well as perform due diligence regarding the current status of the property. The report will also contain the scope of the work required to remove any vermin, nuisance, hazard, debris or litter affecting the health, safety and welfare of the neighboring properties, residents and the public at large.

B. Upon receipt and review of the report, the Town Board may, by resolution, authorize the necessary work to be done and pay the cost thereof out of general Town funds appropriated by the Town Board for such purpose.

C. The Town shall seek reimbursement for the cost of the work performed or the services rendered through any means permitted by law and/or by assessment against the owner of the property. The expense so assessed shall constitute lien and charge on the real property on which it is levied until paid or otherwise satisfied or discharged and shall be collected in the same manner as other Town charges in the manner provided for the assessment of the cost of public improvements pursuant to Article 4, §64, 5-a of the Town Law of the State of New York (general powers of town boards, removal of fire and health hazards and weeds), as amended.

§161-6. Severability and partial invalidity.

If any section of this chapter shall be held unconstitutional, invalid or ineffective, in whole or in part, such determination shall not be deemed to affect, impair, or invalidate the remainder of this chapter.

§161-7. Effective date. This Local Law shall be effective immediately upon filing of same with the Secretary of State of the State of New York.