

(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.

Village of Copenhagen Local Law No. 4 of the year 2010

A local law known as the "Property Maintenance Law" of the Village of Copenhagen

Be it enacted by the Village Board of Trustees of the Village of Copenhagen as follows:

(Name of Legislative Body)

**FILED
STATE RECORDS**

SEP 14 2010

PROPERTY MAINTENANCE LAW

DEPARTMENT OF STATE

SECTION 1: TITLE.

This Law shall be known as the "Property Maintenance Law" of the Village of Copenhagen.

SECTION 2: LEGISLATIVE INTENT.

A sanitary and hazard free environment is declared to be of vital importance to the health, welfare, and safety of the inhabitants of the Village of Copenhagen as is the safeguarding of their material rights and the protection of the public health. In addition, such an environment is deemed essential to the maintenance and continued development of the economy of the Village of Copenhagen and the general welfare of its citizens. This Local Law is enacted in recognition of the foregoing and the need of the Village to have an effective and well regulated procedure for the disposal of garbage and rubbish and for the maintenance of residential and business premises with in the Village whether improved or vacant.

SECTION 3: GENERAL REQUIREMENTS.

All premises located within the Village of Copenhagen, whether improved or vacant, shall be maintained in conformity with the provisions of this Law.

SECTION 4: DEFINITIONS.

APPLIANCE - Includes any stove, washing machine, dryer, freezer, refrigerator, or other household device or equipment that is abandoned, junked, discarded, wholly or partially dismantled or no longer intended or in condition or ordinary use for the purpose for which it was designed originally.

BUSINESS UNIT -A building or combination of buildings and the lot or lots on which the same are located, used wholly or in part for commercial purposes, including but not limited to offices, places of public assembly, shopping centers, restaurants, supermarkets, retail stores, warehouses, manufacturing or fabrication plants, gasoline stations and other business uses.

COMMERCIAL HAULER - Any person, firm, corporation, partnership or other association engaged in the business of collecting, disposing or transporting garbage, refuse or waste material within or from any location in the Village of Copenhagen.

ENFORCEMENT OFFICER – As used in this law, the term enforcement officer shall mean the person or persons appointed by the Board of Trustees to enforce the provisions of this Law.

GARBAGE - Any refuse from animal and vegetable matter, waste food or parts thereof, refuse from kitchen, market, store or house, floor sweepings, table waste or animal or vegetable matter, meats, fish, bones, fat and all offal and organic waste substance or substances capable of decay, but not including waste from slaughterhouses, rendering plants or sanitary disposal systems.

INFESTATION - The presence of insects, rodents, vermin or other pests.

LITTER - Garbage, refuse and rubbish as herein defined and all other waste material which, if thrown or deposited as herein prohibited, tends to create a danger to public health, safety and welfare.

LOT - A plot, tract, premises or parcel of land with or without buildings or structures located thereon, as surveyed or apportioned for sale or other purpose.

MOTOR VEHICLE - Includes any and all vehicles propelled or drawn by power other than muscular power, intended for use on public highways; any unregistered, old or secondhand motor vehicle or trailer; any motor vehicle in such condition or state of repair that it cannot be licensed immediately without extensive repair; any abandoned, junked, discarded, wholly or partially dismantled motor vehicle no longer intended or in condition for legal use on the public highways or any vehicle incapable of passing a New York State inspection. This does not include inoperable farm or construction vehicles, implements, equipment or machinery retained for the purpose of salvaging usable parts in connection with the ongoing operation of an on-site farm or construction business, provided that such items are stored within a consolidated area out of the public view.

MOTORIZED EQUIPMENT - Includes, but are not limited to, power machines, lawn mowers, motors; or parts that were once motorized equipment.

NUISANCE – An activity that arises from unreasonable, unwarranted or unlawful use by a person of his or her own property, causing an invasion of another's interest in the private use and enjoyment of land by producing a material annoyance, inconvenience or discomfort.

INDOOR STORAGE - Includes the placing, maintaining or keeping of any motor vehicle, appliance, motorized equipment, rubbish and debris as the same are defined herein in a place other than a structure with a roof and fully enclosed on all sides.

OWNER - The person having legal title to property and also the person shown as the owner of the property on the current assessment rolls of the Village.

PERSON - One (1) or more persons of either sex, natural persons, corporations, limited liability companies, partnership, associations, joint stock companies, unincorporated associations, their agents or employees, society clubs and all other entities of any kind capable of being sued.

PRIVATE PROPERTY OR PRIVATE PREMISES - Any real estate or part thereof, yard or driveway, other than that used as a public place, road, street or highway, situated in the Village, but not including land used for agriculture purposes.

PUBLIC NUISANCE AFFECTING HEALTH - A nuisance which is a thing, act or occupation or use of property, premises, equipment or structure, either private or public, adversely affecting the health of one (1) or more persons.

REFUSE AND RUBBISH - Plastics, combustible trash, including but not limited to paper, cartons, boxes, barrels, wood, excelsior, tree limbs and branches, yard trimmings, wood furniture and bedding. Also, noncombustible trash, including but not limited to tires, metals, cans, plastics, metal furniture, small quantities of rock, brick and concrete, glass, metal fixtures, bottles and street rubbish, street sweepings, dirt, leaves, catch basin dirt and contents of litter receptacle, ashes, dead animals, junked vehicles, solid market and industrial wastes, cardboard, leaves, crockery and similar materials.

RESIDENT - Any person having a domicile within the limits of the Village of Copenhagen; including landlords and tenants. The term shall also include any person, firms, partnership, corporation or other association operating an established business within the limits of the Village of Copenhagen.

RESIDENTIAL PREMISES - A building or combination of buildings used solely for personal living purpose of the occupants thereof, whether as owners or tenants thereof and not used for any business purposes.

WASTE MATERIALS - Includes, but is not limited to, waste produced by industrial or manufacturing process, including food processing waste, boiling house cinders, lumber scraps and shavings, slag, industrial sludge or other chemical waste and by-products, tires and oils and large amounts of wood, concrete, rocks, brick, sand and other wastes from building operations.

YARD - An open space on the same lot which contains a building and is located between the building line and the lot line which the particular building line faces.

SECTION 5: APPLICABILITY.

The provisions of this law shall supplement all local laws, ordinances, codes or regulations existing in the Village of Copenhagen and the other statutes and regulations of Federal, State, County or other municipal authorities having jurisdiction applicable thereto. Where a provision of this Law is found to be in conflict with any provision of any existing Local Law, Ordinance or Regulation, the provision or requirement which is more restrictive or which establishes the higher standard shall prevail.

SECTION 6: OPEN AREAS AND PARKING SPACES.

A. Surface or subsurface water shall be appropriately drained to protect buildings and structures and to prevent the development of stagnant ponds. Gutters, culverts, catch basins, drain inlets, storm water sewers or other satisfactory drainage systems shall be utilized where necessary. No roof, surface or sanitary drainage shall create a structural, safety or health hazard by reason of construction, maintenance or manner of discharge.

B. Fences and other minor construction shall be maintained in a safe and substantial condition. This section shall not apply to fences used strictly for agricultural purposes.

C. Steps, walks, driveways, parking spaces and similar paved areas shall be maintained so as to afford safe passage under normal use and weather conditions. Notwithstanding the foregoing snow and/or ice removal from municipal sidewalks shall not be the responsibility of the adjoining property owner pursuant to this Local Law.. Any holes or other hazards that may exist shall be filled, and necessary repairs or replacement carried out.

D. Yards and vacant lots shall be kept clean and free of physical hazards, rodent harborage and infestation. They shall be maintained in a manner that will prevent dust or other particles from being blown about the neighborhood. Open wells, cesspools or cisterns shall be securely closed or barricaded from access to the public.

SECTION 7: BUSINESS UNITS.

A. No outside storage or accumulation of garbage, crates, rubbish, refuse or debris shall be permitted at any time, and all such garbage, crates, rubbish, refuse or debris shall be kept inside the building or buildings, on the premises or in an acceptable enclosure, and shall be regularly collected and removed from the premises.

SECTION 8: INFESTATION AND SCREENING.

A. Grounds, building and structures within the Village of Copenhagen shall be maintained free of insects, vermin and rodent harborage and infestation. Methods used for exterminating insects, vermin and rodents shall conform with generally accepted practice.

B. Where the potential for rodent or vermin infestation exists, windows and other openings in basements and cellars shall be appropriately screened with wire mesh or other suitable materials.

SECTION 9: LITTERING.

A. Residential and business premises within the Village of Copenhagen, whether improved or vacant, shall be maintained free of litter; provided, however, that this Section shall not prohibit the storage of litter for a reasonable period of time in authorized private receptacles for collections.

B. Adequate sanitary facilities and methods shall be used for the collection, storage, handling, disposal of garbage and refuse in accordance with the provision of applicable codes.

C. It shall be unlawful for any person to throw, spill, place, deposit, leave or cause to be thrown, spilled, placed, deposited or left, or permit any agent, servant or employee to throw, spill, place, deposit, or leave, in or upon any street, highway, alley, sidewalk, park or public building any running water or body of water within the Village of Copenhagen any garbage, refuse, rubbish and waste material or litter or filth, including but not limited to sewage, excrement, slops, dead carcasses, compost, ashes, soot or any material subject to be carried by the wind or unwholesome or putrescible matter of any kind.

SECTION 10: OUTDOOR DEPOSIT OR STORAGE OF WASTE AND ABANDONED APPLIANCES.

A. It shall be unlawful for any person, as owner, occupant, lessee, agent or in any capacity, to store, deposit, place, maintain or cause or permit to be stored, deposited, placed or maintained outdoors any abandoned, junked, discharged, wholly or partially dismantled or unlicensed motor vehicles or vehicle, motorized equipment, appliance, rubbish or debris as defined in this Article upon private property within the corporate limits of the Village of Copenhagen, unless a permit therefor (unlicensed motor vehicles only) has been obtained pursuant to Section 20 of this Law..

B. No appliance may be discarded, abandoned or stored in a place accessible to children without first completely removing any locking device and all doors.

SECTION 11: CUTTING AND REMOVAL.

It shall be unlawful for any owner, lessee or occupant, or any agent, servant, representative or employee of any such owner, lessee or occupant, having control of any occupied or unoccupied yard or any part thereof in the Village of Copenhagen to permit or maintain within such yard or any part thereof, any growth of weeds, grass or other rank vegetation to a greater height than twelve (12) inches on the average, or any accumulation of dead weed, grass or brush.

Where any such property abuts a street, road, highway or alley said owner, lessee, occupant or the agent, servant, representative or employee having control of such property shall also be responsible to maintain the area between such property line and the curb of the road or to the edge of the paved street if there be no curb such that any weeds, grass or other rank vegetation thereon not grow to a height in excess of twelve (12) inches, and the failure to so maintain shall constitute a violation under this Section.

SECTION 12: MAINTENANCE OF PROPERTY.

A. It shall be unlawful for any person, as owner, lessee, agent, tenant or otherwise, to throw, cast, spill or otherwise deposit or cause or permit to be thrown, cast, spilled or deposited any litter, rubbish and refuse, garbage, manure, offal, or other decomposable organic or putrescible matter in or about any land or lot, vacant or otherwise, within the Village limit.

B. Nothing in this section shall be construed to prohibit the temporary storage of garbage, refuse and waste material awaiting removal, provided that such storage is accomplished by way of tightly covered containers or cans; nor shall this section be construed as prohibiting the depositing of manure or fertilizers upon any private property for the purpose of cultivating or improving the same; nor shall this section be construed as prohibiting composting or compost piles, provided such is conducted in accordance with generally accepted practices.

SECTION 13: DUTIES OF OWNERS, OCCUPANTS OR TENANTS.

A. An occupant or tenant of the premises shall be responsible for compliance with this Law as if they were an owner.

B. Owners of premises shall be responsible for compliance with the provisions of this Law and shall remain responsible therefor regardless of the fact that this Law may also place certain responsibilities on tenants or occupants and regardless of any agreements between owners and tenants or occupants as to which party shall assume such responsibility.

C. Whenever any person or persons shall be in actual possession of or have charge, care or control of any property within the Village as executor, administrator, trustee, guardian, operator or agent, such person shall be deemed and taken to be the owner or owners of said property with the true intent and meaning of this Law and shall be bound to comply with all the provisions of this Law to the same extent as the record owner; and noticed to any such person of any order or decision of the Enforcement Officer shall be deemed and taken to be a good and

sufficient notice, as if such person or persons were actually the record owner or owners of such property. In instances where an occupant is responsible or shares responsibility with the owner for the existence of one (1) or more violations of this Law, said occupant shall be deemed and taken to be an owner within the true intent and meaning of this Law.

SECTION 14: INSPECTIONS.

A. The Enforcement Officer of the Village of Copenhagen as designated by the Village Board of Trustees, shall have authority, as specified herein, to inspect all premises within the Village to enforce the provisions of this Law.

B. Whenever it shall appear that the provisions of this Article are being violated, the Enforcement Officer, shall, except upon plain view where no entry is necessary, secure approval from an owner, lessee, agent, tenant, or other person with authority, to make an inspection of the property and shall prepare a written report of the condition found.

SECTION 15: NOTICE OF VIOLATION.

A. If the condition existing on property violates the provisions of this article, the Enforcement Officer shall serve or cause to be served a written notice of the violation and order to cure by certified mail or personal service, upon the owner, lessee, agent, tenant or other person with authority over said premises.

B. Said notice shall contain substantially the following: The name of the owner, lessee, agent, tenant or other person with authority over the premises; the identification of the premises as the same appears on the current assessment roll of the Village; a statement of the condition of the premises as found on the inspection; a demand to maintain property and/or that the motor vehicle, motorized equipment, litter, appliance, rubbish, refuse or debris be removed from the premises on or before five (5) days after the mailing or service of such notice; a statement that a failure or refusal to comply with the provisions of this Chapter and the notice given pursuant thereto within the time specified may result in a duly authorized officer, agent, or employee of the Village entering upon the property and removing such motor vehicle, boat, boat trailer, uninhabitable mobile home, inoperable machinery, solid waste, rubbish or debris and causing the same to be disposed of or otherwise destroyed, and that the cost and expense of such removal and disposal or destruction shall be assessed against the described property and shall constitute a lien thereon to be collected as provided by law and may be added to the next Village tax bill for such property and collected in the manner such taxes are collected.

C. The notice provided for in subsection B may also contain the date, time and location at which the Village Board of Trustees will conduct a public hearing to determine whether the conditions upon the subject property constitute a public nuisance. Said notice shall state that the property owner, his or her agent, lessee, or occupant is entitled to be heard at such hearing and present evidence or testimony. The date of such public hearing must be at least five (5) days after serving or mailing of the notice of violation. Notice of the public hearing shall be published in the paper of general circulation in the Village at least five (5) days prior to the date

of the public hearing. Nothing contained herein shall require notice as a prerequisite to the issuance of a summons or appearance ticket for a violation of any of the provisions of this Chapter as provided in subsection D below.

D. Upon the failure of the owner, lessee, agent, tenant or other person with authority over the premises to correct the violation within five (5) days following receipt of the notice, the Enforcement Officer shall file an appropriate documentation with the Town of Denmark Justice Court to commence prosecution for violation of this law. In addition to the above penalties provided herein the Village Board of Trustees may also maintain an action or proceeding in the name of the Village in a Court of competent jurisdiction to compel compliance with or restrain by injunction the violation of any section of the Local Law. In addition to any fines or penalties that may be imposed for violations of this Law, the Village shall also be entitled to recover from the owner, lessee, agent, tenant or other person with authority over the premises the Village's attorneys fees and expenses incurred in enforcing this Law whether through Justice Court or in a civil proceeding in any other court of competent jurisdiction.

SECTION 16: REPORT

On or before the date of the public hearing as provided in Section 15 (C) and prior to the commencement of the public hearing, the Enforcement Officer or duly authorized officer or employee shall conduct a second inspection of the property and file a written report of the conditions deemed in violation of this Chapter with the Village Board of Trustees. Such inspection shall be conducted as close to the date of the public hearing as practicable.

SECTION 17: DECLARATION OF PUBLIC NUISANCE AND REMEDIATION

At the close of the public hearing, the Village Board of Trustees may determine that the conditions upon the subject property which violate this law constitute a public nuisance. Upon a determination by the Village Board of Trustees that conditions upon the property constitute a public nuisance, the Board is empowered to authorized officers, agents or employees of the Village to enter onto the property to remove any vehicle, boat, boat trailer, uninhabitable mobile home, inoperable machinery, solid waste, rubbish or debris stored, deposited, placed or maintained in violation of this Chapter and disposed of or otherwise destroy the same. Any cost and expenses incurred by the Village when acting pursuant to this Chapter to abate a public nuisance shall be assessed against the property involved and shall constitute a lien thereon to be collected as provided by law, and may be added to the next Village real property tax assessment against said property and collected in the manner taxes are collected.

SECTION 18: EMERGENCY ACTIONS

Nothing in this law shall prohibit a municipality from entering onto private property to remove any solid waste, motor vehicle, boat, boat trailer, uninhabitable mobile home, inoperable machinery, appliance, rubbish or debris whenever there exists an imminent threat to the life or safety of persons. Municipal authority pursuant to this Section may only exercised where there is a dire necessity to protect life and safety. Any municipal action taken pursuant to this Section

must be reasonably calculated to alleviate or prevent the crisis condition and must be limited to those actions necessary to eliminate the emergency situation. A property owner shall be given notice and an opportunity to be heard prior to any cost and expenses incurred pursuant to this Section being placed on the property's tax bill.

SECTION 19: PENALTIES.

Every person convicted of violating this Local Law shall for a first conviction thereof be punished by a fine of not more than fifty and no/100 (\$50.00) dollars; for a second conviction within eighteen months thereafter such person shall be punished by a fine of no more than two hundred fifty and no/100 (\$250.00) dollars; and upon third and subsequent conviction within eighteen (18) months after the first conviction, such person shall be punished by a fine of not more than one thousand and no/100 (\$1,000.00) dollars.

SECTION 20: PERMITS:

A. Any person wishing to store or locate an unlicensed vehicle on a parcel of property must first obtain a permit from the Village Enforcement Officer allowing such storage.'

B. That permit may be granted after an application has been made showing

- (1) The make, model and year of the vehicle.
- (2) The name and address of the last registered owner and last registration plate number as issued by the appropriate Department of Motor Vehicles.
- (3) The vehicle identification number.
- (4) The nature of applicant's ownership or title to such vehicle.
- (5) The purpose(s) for which the vehicle(s) are being kept or stored, which must be as described in one of the subsections of C. below.

C. Purposes for which junk vehicles can be stored or located are as follows:

- (1) Antique or classic car restoration for vehicles 25 or more years old. A permit will be issued on an annual basis, renewable for one year at a time.
- (2) Restoration. A permit will be issued for a one-year period, renewable for an additional one-year period at the discretion of the Building Inspector. The renewal shall be granted only if the junk vehicle has been substantially improved since the issuance of the original permit. "Substantially improved" shall mean that the vehicle meets 50% of the standards for highway use, i.e. a license or an inspection sticker.
- (3) Removal of parts or components. A permit will be issued for a

sixty-day period, renewable for one sixty-day period only.

SECTION 21: SEPARABILITY.

Each separate provision of this Local Law shall be deemed independent of all other provisions therein, and if any provisions shall be deemed or declared invalid, all other provisions hereof shall remain valid and enforceable.

SECTION 22: EFFECTIVE DATE.

This Local Law shall take effect upon its being duly filed in the office of the Secretary of State of the State of New York as provided in the Municipal Home Rule Law.

(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. 4 of 2010 of the Village of Copenhagen was duly passed by the Board of Trustees on 08/18, 2010, in accordance with the applicable provisions of law.

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) (Name of Legislative Body) (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 _____ (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

of the (County)(City)(Town)(Village) of _____ was duly passed by _____ on _____ 20____, and was (approved)(not approved) (Name of Legislative Body)

(repassed after disapproval) by the _____ on _____ 20____. Such local (Elective Chief Executive Officer*)

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.)

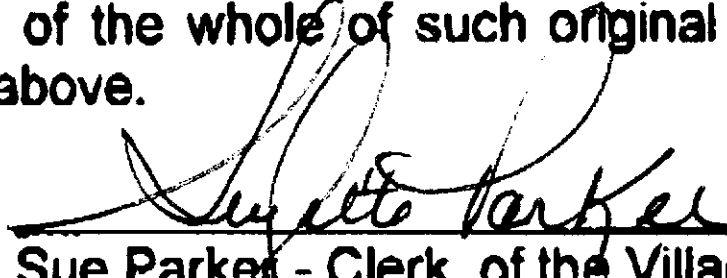
I hereby certify that the local law annexed hereto, designated as local law No. ___ of 20___ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified 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 town 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.



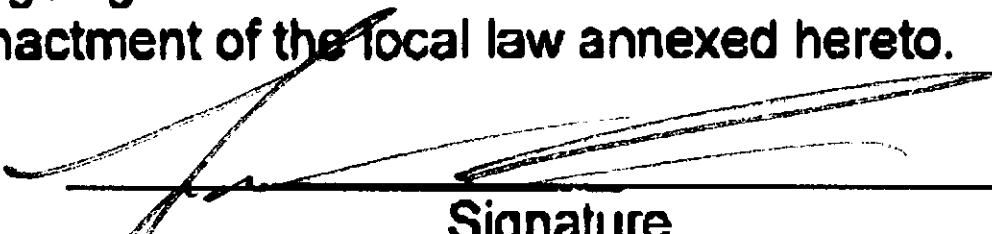
Sue Parker - Clerk, of the Village of Copenhagen

(seal)

Date: 8/25/10

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

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.



Signature
Village Attorney
Village of Copenhagen
Date: 8/27/10