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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.

**VILLAGE OF TIVOLI**

**LOCAL LAW NO. B (Proposed) of 2019**

**A local law providing for the amendment of Chapter 171, Property Maintenance, the amendment of Chapter 191, Streets and Sidewalks, and the repeal of Chapter 92, Brush, Grass and Weeds**

Be it enacted by the Village Board of the Village of Tivoli as follows:

*Section 1.* Findings; legislative authority. This local law is enacted pursuant to the authority of § 10 of the New York State Municipal Home Rule Law and Article IX of the New York Constitution in order to preserve, protect and promote the public health, safety, and welfare. This local law will consolidate and clarify the provisions of the Village Code regarding property maintenance and associated fees and penalties. This is intended to further the Village’s goals of maintaining property values, preserving quality of life, and protecting the public health. Ensuring the proper disposal of waste and maintenance of property and sidewalks within the Village is important to achieve these goals. The Board of Trustees finds that adding new definitions and maintenance standards to its Code and removing redundant provisions within the Code will clarify what activities are regulated and achieve the aforementioned goals, and is in the public interest.

*Section 2.* Chapter 171 of the Village of Tivoli Code, entitled “Property Maintenance”, is hereby amended to read as follows:

**§ 171-1 Word Usage**

The present tense shall include the future; the singular number shall include the plural, and the plural the singular. The word “shall” is always mandatory.

**§ 171-2 Definitions**

Certain words and terms used in this chapter are defined for the purpose thereof, as follows:

#### DEBRIS

All materials resulting from the construction, excavation, landscaping, renovation, equipping, remodeling, repair or demolition of structures, property or roads, or resulting from the preparation therefor (including unenclosed storage on a residential property of construction materials for which no building permit has been issued), as well as materials consisting of vegetation resulting from land clearing and grubbing, utility line maintenance and seasonal and storm related cleanup, except when such materials are organized in piles or structures for purposes of composting. Such materials include, but are not limited to, bricks, concrete, and other masonry material, soil, rock, wood, wall coverings, plaster, drywall, plumbing fixtures, non-asbestos insulation, roofing shingles, asphaltic pavement, glass, window frames, electrical wiring and components, plastics, carpeting, foam padding, linoleum, metals, or any combination thereof which are incidental to construction, excavation, landscaping, renovation, equipping, remodeling, repair, or demolition.

#### GARBAGE

All putrescible animal and vegetable wastes resulting from growing, processing, marketing, and preparation of food items, including the containers in which they are packaged, except when such wastes are organized in piles or structures for purposes of composting.

#### JUNKED VEHICLE

Any motor vehicle which is either inoperative (in whole or in part), in a wrecked condition, or in such condition or state of disrepair that such vehicle cannot be registered immediately without extensive repair or for which the cost or repair exceeds the book value of the motor vehicle.

#### PROPERTY OWNER

Any person, individual, business, partnership, firm, corporation whose name is listed as grantee on the last deed of record for the property recorded with the Dutchess County Clerk.

#### RUBBISH

All discarded or worthless non-putrescible solid wastes consisting of both combustible and noncombustible wastes, including but not limited to paper and paper products, rags, wrappings, cardboard, tin cans, wood, glass, metals, plastics, tires, bedding, cloth, crockery, furniture, appliances, and similar items.

#### TENANT

An individual who leases, uses or occupies a rental property.

#### **§ 171-3 Maintenance standards**

No property owner, tenant, or agent thereof, shall cause, permit, or allow any of the following standards to be violated:

- A. Every property owner or tenant of any lot of ground in the Village of Tivoli shall be required to keep said lot clear of tall grass (in excess of 10 inches in height) and noxious weeds, and all landscaping shall be maintained so that lawns, hedges, bushes or trees are not overgrown, constituting an unsafe condition or blight.
- B. All properties shall be maintained free and clear of all garbage, rubbish, and debris. Such refuse shall be kept inside the building or buildings on the property, inside a structure screening the refuse from neighbors and the public, or in a container complying with Chapters 184, Solid Waste, and 231, Zoning, of this Code, and shall be regularly collected and removed from the property.
- C. A junked vehicle shall not be parked or stored in the open, but shall only be parked or stored inside a building or inside a structure screening the vehicle from neighbors and the public. Except as otherwise permitted by statute, local law, ordinance or other regulations, no more than one unregistered or unlicensed vehicle may be parked, kept or stored outdoors on any property. Lack of a license plate or the incorrect license plate affixed to a motor vehicle shall be presumptive evidence that the vehicle is unregistered.

#### **§ 171-4 Unsanitary or combustible substances on vacant lots**

It shall be unlawful for any person, either as owner, lessee, agent, tenant or otherwise, to throw, cast or deposit or to cause or permit to run, drop or remain or to be thrown, cast or deposited any decomposable matter which might create a nuisance or act as a breeding place for flies or as food for rats, discarded things capable of holding water which might serve as breeding places for mosquitoes or combustible matter which might serve to increase the fire hazard of neighboring property in or upon any lot or land, body of water or place within the Village of Tivoli, except at such place or places designated or provided by the Board of Health, provided that garbage, manure, offal and other putrescible matter may be temporarily kept in suitable cans, vessels, tanks or containers which are watertight and provided with tightly fitting covers. Nothing in this section shall be construed as to prohibit the depositing of manure upon private property for the purpose of cultivating the same.

#### **§ 171-5 Mosquito breeding places**

It shall be unlawful to permit or allow in or upon vacant lot or other premises any water to collect and lie stagnant in which mosquito larvae breed or are likely to breed. Whenever the Village Clerk or Code Enforcement Official shall determine that and accumulation of water, wherein mosquito larvae breed, constitutes a nuisance or danger or injury to life or health, they may suppress such nuisance or remove such danger or injury. In addition, the Village Board may act pursuant to the Public Health Law of the State of New York.

**§ 171-6 Notice of removal; removal**

If the provisions of § 171-3 and § 171-4 are not complied with, the Village Clerk or Code Enforcement Official may serve written notice upon the property owner, tenant, lessee or occupant, or any person having the care or control of any such lot or land, body of water or place, to comply with the provisions of this article. If the person upon whom the notice is served fails, neglects or refuses to comply with the provisions of the notice within five days after receipt thereof, the Village Clerk or Code Enforcement Official may cause such conditions, substances or matter described in § 171-3 and § 171-4 to be removed or such nuisances to be suppressed. A report of the work done shall be filed in the Office of the Village Clerk.

**§ 171-7 Penalties for offenses**

Any person, firm or corporation who shall violate any of the provisions of this article shall, upon conviction, be punishable by a fine of not more than \$250 or imprisonment for not more than 15 days, or both. Each day of continuance of an offense shall be considered a separate offense.

**§ 171-8 Fees, Costs and Liens**

- A. Fees and administrative inspection fees for clearing, repair, lawn mowing and any other work that is determined to be necessary by the Board shall be as set forth, from time to time, by resolution of the Board of Trustees.
- B. The actual cost of the work done on behalf of the Village or the charge established by resolution of the Village Board, plus an administrative inspection fee of 5% or such other amount as may be determined from time to time by resolution of the Village Board, together with any other costs incurred by the Village in connection with the performance of such work, shall be billed to the property owner.
- C. If the above fees and costs are not paid to the Village within 30 days, they shall thereafter be certified to the Assessor and placed as a lien upon the property on which such conditions, substances, nuisances or fire hazards existed and shall be added to and become and form a part of the taxes next to be assessed and levied upon such lot or land, and shall bear interest at the same rate as taxes and shall be collected and enforced by the same officer and in the same manner as taxes.
- D. In addition, the Board of Trustees may maintain an action or proceeding in the name of the Village in a court of competent jurisdiction to compel compliance with or to restrain by injunction the violation of this chapter.

*Section 3.* Chapter 191 the Village of Tivoli Code, entitled "Streets and Sidewalks", is hereby amended by the addition of Sections 191-8 and 191-9, to read as follows:

### **§ 191-8 Penalties for offenses**

If the provisions of § 191-1 are not complied with, the Village Clerk or Code Enforcement Official may serve written notice upon the property owner, tenant, lessee or occupant, or any person having the care or control of any such lot, land or place, to comply with the provisions of this article. If the person upon whom the notice is served fails, neglects or refuses to comply with the provisions of the notice within five days after receipt thereof, the Village Clerk or Code Enforcement Official may cause such conditions described in § 191-7 to be removed or such nuisances to be suppressed. A report of the work done shall be filed in the Office of the Village Clerk.

### **§ 191-9 Fees, Costs and Liens**

- A. Fees and administrative inspection fees for snow and/or ice removal, sidewalk clearing and any other work that is determined to be necessary by the Board shall be as set forth, from time to time, by resolution of the Board of Trustees.
- B. The actual cost of the work done on behalf of the Village or the charge established by resolution of the Village Board, plus an administrative inspection fee of 5% or such other amount as may be determined from time to time by resolution of the Village Board, together with any other costs incurred by the Village in connection with the performance of such work, shall be billed to the property owner.
- C. If the above fees and costs are not paid to the Village within 30 days, they shall thereafter be certified to the Assessor and placed as a lien upon the subject property and shall be added to and become and form a part of the taxes next to be assessed and levied upon such lot or land, and shall bear interest at the same rate as taxes and shall be collected and enforced by the same officer and in the same manner as taxes.
- D. In addition, the Board of Trustees may maintain an action or proceeding in the name of the Village in a court of competent jurisdiction to compel compliance with or to restrain by injunction the violation of this chapter.

*Section 4.* Chapter 92 the Village of Tivoli Code, entitled "Brush, Grass and Weeds", is hereby repealed in its entirety.

*Section 5.* Severability. If any provision of this local law or the application thereof to any person or circumstances is adjudged invalid by a court of competent jurisdiction, such judgment shall not affect or impair the validity of the other provisions of this local law or the application thereof to other persons and circumstances.

*Section 6.* Effective Date. This local law shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.