

Local Law Filing

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Village of Minoa

Local Law No. Six (6) of the year 2007.

A local law amending Chapter 136 of the Village of Minoa Municipal Code.

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

Section 1. Chapter 136, Article III, entitled "Sidewalks," of the Code of the Village of Minoa shall be renamed "Sidewalk and General Property Maintenance."

Section 2. Chapter 136, Article IV, entitled "Weeds and Grass," shall be deleted in its entirety.

Section 3. Chapter 136, Article V, entitled "Penalties" shall be renamed as Article IV and Section §136-20 of Article V shall be renamed as §136-18 of Article IV.

Section 4. Article III, Section 136-14 of the Code of the Village of Minoa shall be deleted in its entirety and replaced with the following language:

§136-14. Standards of Maintenance of Sidewalks, and General Property Maintenance.

- A. No Owner or Occupant of any real property in the Village of Minoa shall permit or allow any of their real property to become encumbered with rubbish, trash, brush, poisonous shrubs or weeds of any kind, nor of grass nor similar lawn growth in excess of six inches. All such persons shall cut, trim, remove, destroy or spray with herbicides, as appropriate, such brush, grass or similar lawn growth, or trash, rubbish or weeds. The foregoing subsection also applies to sidewalks and street right of way areas in front of their real property and to other any area fronting their real property between the property line of an adjacent public highway or sidewalk and the pavement edge of the road. This subsection shall not apply to land under cultivation or naturally wooded or undeveloped areas which are not less than 200 feet distant from any occupied building or residence or public street or sidewalk.
- B. No Owner or Occupant of any real property in the Village of Minoa shall permit or allow to be permitted the accumulation of ice and snow on the sidewalks in front of their respective property during the wintertime. All such persons shall remove all such snow and/or ice from the sidewalks in front of his or her respective property during the wintertime and, when ice cannot be removed, to cover the same with salt, sand or similar material in such a manner as to enable one to walk thereon with safety.

- C. No Owner or Occupant of any real property in the Village of Minoa shall cause, suffer or allow poison ivy, ragweed or other poisonous plants or plants detrimental to health to grow on any such lot or land in such manner that any part of such ivy, ragweed or other poisonous weed shall extend upon, overhang or border any public place, street or sidewalk or allow seeds, pollen or other poisonous particles or emanations therefrom the air into any public place in the Village of Minoa.
- D. All Owners and Occupants of real property in the Village of Minoa shall maintain the exterior of every structure or accessory structure including fences, in good repair, and all surfaces thereof shall be kept painted and finished where necessary for purposes of preservation and appearance. The same shall be maintained free of any graffiti. It shall also be free of any conditions causing or tending to cause danger, damage or injury to persons or property. The standard to which same shall be maintained is that it shall reflect a reasonable level of repair and maintenance consistent with the character of the local area and neighborhood. The foregoing maintenance and repair standards and the provisions of this §136-14(D) notwithstanding, compliance with any objective standards established by applicable laws, rules or regulations of Onondaga County, New York State or the Village of Minoa shall be conclusively deemed as compliance with this §136-14(D).
- E. All Owners and Occupants of real property in the Village of Minoa shall ensure that ground surface hazards or unsanitary conditions such as holes, excavations, breaks, projections, objections and excretion of pets and other animals on paths, walks, driveways, parking lots and parking areas and other parts of the premises which are accessible to and used by persons on the premises shall be filled and repaired, and walks and steps replaced and other conditions removed where necessary to eliminate hazards or unsanitary conditions and any Illicit Discharge Local Law prior or hereafter adopted by the Village.
- F. All Owners and Occupants of real property in the Village of Minoa shall ensure that surface and subsurface waters of every kind, type and size (including, but not limited to, swimming pools, sump pump drains, or drainage and detention basins and ponds, man-made or otherwise) shall be maintained, controlled and when drained, in such a manner as to prevent damage to on-site and adjacent buildings and structures and to prevent the occurrence or continuance of stagnant waters causing offensive odors, growths, or appearances. Gutters, culverts, catch basins, drain inlets, stormwater sewers and sanitary sewers or other satisfactory drainage systems shall be provided and utilized where necessary, appropriate, and as permitted by the Village of Minoa, or other governmental entity having jurisdiction over same. In no case, except where expressly permitted by the Village of Minoa or as part of an established natural drainage flow, shall waters from any rain, storm or surface water drainage systems, or as a result of grading activities, be allowed to pool or settle on or flow over adjoining properties including any public sidewalks, streets, rights of way or other public property. The foregoing shall be in addition to and separate from any requirements under Chapter 135 of the Village Code relating to Stormwater Management and Erosion and Sediment Control.
- G. All Owners and Occupants of real property in the Village of Minoa shall ensure that all structures and premises subject to this chapter shall be kept free of all the following conditions: dead and dying trees, limbs or other natural growths which, by reason of rotting or deteriorating conditions or storm damage and weathering, constitute a hazard to persons in the vicinity thereof, including adjacent properties; trees shall be kept pruned and trimmed to prevent such conditions; loose and overhanging objects and

accumulations of ice and snow which, by reasons of location above ground level, constitute a danger of falling on persons in the vicinity thereof.

- H. All Owners and Occupants of real property in the Village of Minoa shall ensure that no motor vehicle or trailer, owned, possessed by or registered to them, that is inoperable, unregistered or uninspected, or such registration or inspection has expired, or is without valid and current license plates affixed to them shall be parked or placed on the premises or the public sidewalks, streets or ways contiguous to or fronting such real property nor shall otherwise (except as permitted by the Zoning Code of the Village of Minoa or as an established non-conforming use as determined by the Zoning Board of Appeals) be parked or placed in a front, rear or side yard of such real property, as such terms are defined in the Village of Minoa Zoning Code.
- I. All Owners and/or Occupants of real property in the Village of Minoa shall ensure that in addition to the foregoing specific standards, no other condition shall exist on such property which constitutes a nuisance. The term "nuisance" shall be held to embrace public nuisance, as known at common law or in equity jurisprudence; i.e., condition(s) dangerous to human life or detrimental to health; any building or erection, or part or cellar thereof, if overcrowded with occupants, or not provided with adequate ingress and egress to and from the same or the apartments thereof, or if not sufficiently supported, ventilated, sewerred, drained, cleaned or lighted in reference to its intended or actual use; and/or if rendering the air or human food or drink, thereon or on adjacent or nearby premises unsafe or unwholesome due to such condition(s).

Section 5. Section 136-15 of Article III of Chapter 136 of the Code of the Village of Minoa shall be renumbered as Section 136-16 and a new Section 136-15 is hereby enacted to provide as follows:

§136-15. NonCompliance

- A. If the provisions of this Article are not complied with, the Village Clerk, at the direction of the Mayor or any Trustee, Superintendent of Public Works or the Codes Enforcement Officer, only after consultation with the Codes Enforcement Officer or Village Attorney, shall serve notice upon the Owner or Occupant of any such real property to comply with the provisions of this article, and, if no such person can be found, by posting the notice on the premises and mailing via registered and certified mail, with or without return receipt request, a copy of the notice to the premises, or to the Owner or Occupant of the premises, as shown on the current tax roll for Village taxes. Such Notice shall specify the place, manner and time within which such work shall be commenced and completed. The time for commencement and shall not be less than five (5) days and the time for completion shall be reasonably based on the type of work required and length of time it shall take to complete if prosecuted in an expedited fashion. The time for removal with respect to ice and snow shall be not less than eight hours.
- B. Emergency or Exigent Situations: The foregoing notwithstanding, where the violation or conditions existing on the premises or lands are of such a nature as to constitute an immediate threat to human health or safety unless abated without delay the Village may order the Owner and/or Occupant to correct the violation or condition forthwith and upon failure to do so, the condition may be abated pursuant to and subject to the provisions of this Chapter. Such order may be by notice as provided herein or by other documented means reasonably intended to immediately communicate the urgency of the situation

such as via email, telephone, facsimile or verbal communications. In addition, any other remedies set forth in other provisions of the Village of Minoa Code or under New York State law shall be available.

- C. **Repeat Offenses:** Where the premises were subject to a previous proceeding under §136-15(A) relative to the same or similar, related or resultant violation or condition within 120 days prior to the occurrence or recurrence of the violation or condition subject of the instant proceeding, then the Village may cause the violation to be abated or order the Owner to correct the violation or condition within a period of time not to exceed three (3) days and upon failure to do so, the condition may be abated pursuant and subject to the provisions of this Chapter. In addition, any other remedies set for in other provisions of the Village of Minoa Code or under New York State law shall be available.
- D. **Failure to Comply:** Whenever a notice or notices referred to in the previous §§136-15(A), (B) and (C) hereof has or have been served in the manner required under §136-15(A), requiring such Owner or Occupants of the respective lots or parcel of land to correct the failure of general property maintenance compliance, as required at §§136-14 (A) – (H), and if such owner or owners shall neglect or fail to comply with the requirements of such notice or notices within the time provided herein, the Mayor, Superintendent of Public Works or Code Enforcement Officer may authorize the work to be done.
- E. **Reimbursement of Costs; Assessment Upon Real Property:** Upon review by and a finding of the Village Board that the provisions of this Chapter 136, including in particular §§136-15(A) and (D) hereof, have not been complied with or satisfied, and in the case of §136-15(B) that a bona-fide emergency or exigent condition existed, the Village Board may adopt a resolution authorizing that the costs incurred by the Village in performance of the work be paid for out of general Village funds appropriated by the Village Board for such purpose. The Village shall be reimbursed for the cost of the work performed by direction of the Village Board, plus a service charge of 30% thereof to cover the cost of supervision and administration, and for any penalties assessed under Article IV, Section 136-18 hereof by assessment and levy upon the lots or parcels of land wherein such work was performed and supervised/administered, and the expenses 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 Village charges. In particular, in the event of a violation of §147-7, 8, or 9 of the Village Code, the cost of any towing, flat-bed or similar removal, plus 30% administrative costs shall be assessed in the foregoing manner upon the real property of any Owner or Occupant deemed to be the owner, registered person or person otherwise using such vehicle.
- F. **Filing of Notice of Intent to Levy:** Whenever the Village has ordered the reimbursement for the costs of the work performed or services rendered as hereinabove provided in §136-15(E) by assessment and levy upon the lot or parcels of lands whereon such work was performed or such services rendered, the Village Clerk may cause a notice of intent to levy such costs and expenses against said lots or parcels of land in a form approved by the Resolution of the Village Board from time to time hereinafter, to be recorded in the records of the Onondaga County Clerk's Office in order that such notice shall be indexed against the said premises or parcels of land as notice to subsequent transferees or other acquiring any interest in said lots or parcels of land of the intention by the Village to assess and levy the amount of such expenses upon said lots or parcels of land. Any recorded fees of the Onondaga County Clerk shall be included in the costs and expenses assessed and levied upon such lots or parcels. The failure of the Village Clerk to record such notice of intent to levy shall not, however, affect or impair the validity of any lien or

assessment of such costs and expenses later imposed against such lots or parcels of land, the owner(s) hereof or any subsequent transferees or others acquiring any interest in such lots or parcels of land.

- G. Additional Rights/Remedies: In addition to and separate from any of the foregoing standards, enforcement procedures and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this local law and which are/is determined to be a threat to public health, safety, and welfare is hereby deemed a nuisance, and as such may be summarily abated or restored at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken as provided for under applicable law. This remedy shall be in addition to and separate from the remedies otherwise provided for hereunder.

Section 6. A new Section 136-17 is added to Article III of Chapter 136 of the Code of the Village of Minoa and is hereby enacted to provide as follows:

§136-17. Interference with Mayor, Superintendent, Code Enforcement Officer, Agents or Employees.

It shall be unlawful for any person to resist, obstruct or interfere with the Code Enforcement Officer, Superintendent of Public Works or any other officer, contractor or agent or employee of the Village during the performance of such work as set forth in §136-15(D) hereof.

Section 7. A new Chapter 136, Article V, entitled "Definitions" shall be added the Code of the Village of Minoa.

Section 8. A new Section 136-19 is added to such new Article V of Chapter 136 of the Code of the Village of Minoa and is hereby enacted to provide as follows:

§136-19. Definitions.

For purposes of this Chapter 136, the term:

"Occupant" shall mean any tenant, licensee, border, squatter, occupant, or other person in partial or entire possession and control of the real property and/or improvements regardless of whether or not by contract, express permission, consent, knowledge or otherwise.

"Owner" shall include:

- A. The Owner of real property as defined under §1-14 of the Village Code.
- B. The owner of real property immediately fronting on a portion of any sidewalk, highway, street or road right of way or other public premises owned by the Village, County or Town and maintained or controlled by the Owner of the Village of Minoa adjacent or contiguous to the Owner's real property and located between such sidewalk, highway, street or road right of way or other public premises owned by the Village, County or Town and maintained or controlled by the Owner, upon which portion any order pursuant to this Chapter is subject to.

- C. Any other person or entity who, alone or jointly or severally with others, shall have legal or equitable title to any premises, with or without accompanying actual possession thereof, or shall have possession, charge, care or control of any dwelling unit as owner or as executor, executrix, administrator, administratrix, trustee, receiver or guardian of the estate or as a mortgagee in possession, regardless of how such possession was obtained. Any person who is a lessee, sublessee or assignee of any part or all of any lease, property, dwelling or dwelling unit shall be deemed to be a co-owner with the lessor and shall have joint responsibility over the premises or portion of the premises, leased sublet or assigned by said lessee, sublessee or assignee.
- D. Contract not to alter responsibilities – The respective obligations and responsibilities of the Owner on one hand and any Occupant or other person described at §136-19(C) on the other shall not be altered or affected by any agreement or contract by and between any of the aforesaid or between them and other parties which allocates or reduces such liability or expenses. In particular, it is the intent of this local law that Occupants, be as responsible and liable as an Owner for the maintenance, repair and condition of the real property.

“Person” shall mean any individual, society, club, firm, partnership, corporation, limited liability company, trust, other entity or an association of persons and the singular number shall include the plural number.

“Rubbish”

A. ,Shall include the following:

1. Lumber, junk, trash, debris, building materials, mounds or dirt or any other deleterious materials.
2. Any abandoned, discarded or unused objects or equipment, such as automobile parts, furniture, stoves, refrigerators, freezers, cans, containers or vehicle tires.
3. Any compost pile which is of such a nature as to spread or harbor disease, emit unpleasant odors or gas or attract rodents, vermin or other disease-carrying pests, animals or insects.
- ~~4. Any unsanitary matter or materials.~~
5. Trash, rubbish, garbage and weeds, as said terms are defined in Chapter 132, Solid Waste, of the Code of the Village of Minoa.
6. Tree trimmings, brush or shrubbery trimmings, trees, brush or shrubbery or portions thereof severed from their roots or uprooted trees, brush or shrubbery.

B. However, for purposes of this article, the term "Rubbish" shall not include any of the foregoing if stored in containers or plastic container bags conforming to the requirements of Chapter 132, Solid Waste, of the Code of the Village of Minoa or tied in bundles conforming to the requirements of said Chapter 132, or any landscaping materials temporarily assembled or stored for pickup or use subject to any applicable Village Code or other legal requirements.

“Structure” shall mean an assembly of materials forming a construction framed of component structural parts, which exists for any occupancy or use.

Section 6. ILLEGALITY/SEVERABILITY.

If any part of this local law or the application thereof to any person or circumstances is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation or the part or provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this local law or the application thereof to other persons or circumstances. Further, in adjudging such invalid provision, the court shall attempt to modify same to a provision which is not invalid and which best achieves the intent of the invalid provision.

Section 7. EFFECTIVE DATE.

This Local Law shall take effect immediately upon its filing in the office of the Secretary of State.

(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. 6 of 2007 of the ~~(County)~~(City)(Town)(Village) of Minoa was duly passed by the Village Board of Trustees of the Village of Minoa on September 10, 2007 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 19__ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____, 19__, and was (approved)(not approved)(repassed

~~_____ (Name of legislative body) disapproval) by the _____ and was deemed duly adopted on _____, 199_~~
~~(Elective Chief Executive Officer*)~~

~~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 199_ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____, 19__, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 19__. Such local law was _____

(Elective Chief Executive Officer*)

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 _____ 19__, 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 19__

of the (County)(City)(Town)(Village) of _____ was duly passed by the
_____ on _____ 19__ , and was (approved)(not approved)(repassed after
(Name of Legislative Body)

disapproval) by the _____ on _____ 19__ Such local law was subject to
(Elective Chief Executive Officer*)

permissive referendum and no valid petition requesting such referendum was filed as of _____ 19__ , in accordance with
the applicable provisions of law.

5. (City local law concerning Charter revision proposed by petition.)

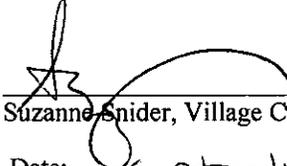
I hereby certify that the local law annexed hereto, designated as local law No _____ of the City of
_____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the
Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon
at the (special)(general) election held on _____ 19__ , 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 19__ of the County of
_____ State of New York, having been submitted to the electors at the General Election of
November _____ 19__ , 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 one (1)
above.



Suzanne Snider, Village Clerk

Date: September 17, 2007

(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 ONONDAGA

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
Steven J. Primo

Attorney for the Village
Title
County
City of Minoa
Town Village

Date: 9/14/07, 2007

Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a countywide 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.