

TOWN OF TICONDEROGA, COUNTY OF ESSEX, STATE OF NEW YORK
Local Law No. 5 of the Year 2003

A LOCAL LAW REGULATING LITTER

Be it Enacted by the Town Board of the Town of Ticonderoga, as follows:

Section 1. Legislative Intent.

A clean, wholesome, attractive environment is declared to be of importance to the health and safety of the inhabitants of the Town of Ticonderoga. It is further declared that the unrestrained accumulation of litter is a hazard to the health, safety and welfare of the citizens of the Town, necessitating the regulation thereof.

Section 2. Littering in public place.

No person shall throw or deposit, or cause to be thrown or deposited, any filth, waste, tin cans, containers, bottles, garbage, rubbish, refuse or any discarded substances in or upon any public place whatsoever within the Town of Ticonderoga except in such areas designated by the Town for such purposes.

Section 3. Storage of garbage.

No person shall throw, deposit, accumulate, store, or cause to be thrown, deposited, accumulated, or stored, any filth, waste, tin cans, bottles, garbage, rubbish, refuse or any discarded substances in or upon any private property within the Town of Ticonderoga except in a receptacle such as a garbage can or garbage bin used for the collection and removal of the above.

Section 4. Administration and Enforcement.

The Town of Ticonderoga Building Inspector shall be responsible for the administration and enforcement of this Law and shall act upon any written complaint, or his observation, of an alleged or possible violation of this Local Law. The Building Inspector, and police officers, may issue appearance tickets as specified in section 5 hereof. The Building Inspector may also request the Town Board to take action under section 6 and/or section 7 hereof, and the Town Board may take action on its own initiative under section 6 and/or section 7 hereof.

Section 5. Penalties.

The Building Inspector, or any person defined as a "police officer" pursuant to the New York State Criminal Procedure Law, is authorized to issue an appearance ticket, in compliance with the provisions of the Criminal Procedure Law to any person who is violating any provision of this Law, requiring such person to appear before a Town Justice. Such a violation shall constitute a violation punishable by a fine not exceeding Two Hundred Fifty Dollars (\$250). Subsequent violations of this Law by the same person(s) shall constitute a misdemeanor punishable by a fine not exceeding One Thousand Dollars (\$1,000), or by imprisonment in the Essex County Jail for not more than one year, or by both such fine and imprisonment. Each day's continued violation of this Law shall constitute a separate additional misdemeanor.

Section 6. Injunctive and Other Relief.

The Town Board may authorize an action or proceeding to be brought in the name of the Town seeking injunctive and other relief with regard to an alleged violation of any provision of this Local Law.

Section 7. Town Board Hearing and Order.

A. Upon finding that a violation of this Law may exist that is, or may become, dangerous or unsafe to the public, the Town Board may direct that notice be given to the owner of the property upon which the alleged violation exists. The notice shall set forth that a public hearing will be held, and that if

it is determined by the Town Board at such hearing that such a violation does exist, the owner will be required to remedy the violation, failing which the Town may act to remedy the violation and charge the owner for the costs of same.

B. Such notice shall be personally delivered to the property owner, or sent to the property owner by registered mail addressed to the owner's last known address as shown on the Town's latest real property tax assessment roll or on the last recorded deed for the property, in such number of days in advance of the hearing date as is reasonable under the circumstances.

C. Upon the conclusion of the public hearing, if the Town Board finds that there exists a violation of this Law upon the subject property that is, or may become, dangerous or unsafe to the public, the Town Board shall issue an order directing the property owner to remedy the violation within a specified number of days that is reasonable under the circumstances, and stating that if the property owner fails to remedy the violation within the specified number of days, the Town may act to remedy the violation and charge the owner for the costs of same.

D. If the property owner fails to remedy the violation within the specified number of days, and the Town acts to remedy the violation, the Town may personally deliver, or mail in the manner specified above, a bill to the property owner for the costs of remedying the violation.

E. If the property owner does not pay the Town the full amount set forth in such bill within thirty (30) days after the delivery or mailing of same, the Town Board may cause to be recorded in the Town Clerk's Office a sworn statement by the Building Inspector showing the costs for the remedial work, the date(s) on which the work was performed and the location of the property on which the remedial work was conducted. The recording of such sworn statement shall constitute a lien on the property which shall remain in full force and effect until full payment has been made. Said amount shall be collected in the manner fixed by law for the collection of taxes. In the event that said amount is not paid in full on or before the date the tax bill upon which it appears is last due without penalty, said amount shall be subject to the same delinquent penalty as the delinquent penalty for Town real property taxes. Sworn statements recorded in accordance with the provisions hereof shall be full notice to every person concerned that said amount of the statement constitutes a charge against the property designated thereon and that the same is due and collectible as provided by law.

Section 8. Effect

This Local Law shall not be construed to affect or supersede the Town's Zoning Ordinance. This Local Law shall not be construed to affect or supersede the applicability or requirements of any other State law for which an applicant may need approvals, including without limitation, any applicable Adirondack Park Agency requirements, any applicable Department of Environmental Conservation requirements, including the State Environmental Quality Review Act (SEQRA), or any other State agency requirements.

Section 9. Severability.

If any provisions of this Local Law are held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, the remaining provisions of this Local Law shall remain in effect.

Section 10. Effective Date.

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