

**LOCAL LAW FILING**

New York State Department of State  
Division of Corporations, State Records and Uniform Commercial Code  
One Commerce Plaza, 99 Washington Avenue  
Albany, NY 12231-0001

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(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.

County  
City  
**Town of Richmond**  
Village

Local Law No. \_\_\_\_\_ of the year **2018**

**A Local Law Enacting a Property Maintenance Law**  
(Insert Title)

Be it enacted by the **Town Board** (Name of Legislative Body)

County  
City  
**Town of Richmond** as follows:  
Village

Section 1. The Zoning Law of the Town of Richmond is hereby amended with the repeal of section 200-26 (Storage of vehicles; wrecks).

Section 2. The Code of the Town of Richmond is hereby amended with the insertion of a new Chapter 164 to read as follows:

**§ 164-1. Title.**

This chapter shall be known as the "Property Maintenance Law of the Town of Richmond."

**§ 164-2. Purpose.**

The purpose of this chapter is to promote the general health, safety and welfare of the residents of the Town of Richmond and to protect the value of real property in the Town of Richmond and to promote and perpetuate the attractive appearance of the community, by requiring proper maintenance of real property within the Town.

**§ 164-3. Legislative authority.**

The Town Board of the Town of Richmond enacts this chapter under the authority granted by:

- A. Article IX of the New York State Constitution, § 2(c)(6) and (10).
- B. New York State Municipal Home Rule Law, § 10 Subdivision 1(i) and (ii) and Subdivision 1(a)(6), (11) (12), and (14).
- C. New York State Town Law § 64 Subdivision 5-a, Removal of fire and health hazards and weeds.
- D. New York State Town Law § 130 Subdivision 15, Promotion of public welfare.

#### **§ 164-4 Definitions**

As used in this chapter, the following terms shall have the meanings indicated:

**Abandoned Motor Vehicle** – Any motor vehicle defined as an "abandoned vehicle" pursuant to § 1224 of the Vehicle and Traffic Law of the State of New York, as amended, and/or an unregistered, uninspected or inoperable automobile, boat, snowmobile, lawn mower, go-cart, motorcycle or other motor vehicle which is openly stored or situated on property within the Town of Richmond.

**Junk Vehicle** — Any automobile, boat, snowmobile, lawn mower, go-cart, motorcycle or other motor vehicle, including component parts thereof, which is stored in open, outdoor storage and which, for any reason, is incapable of moving by its own power in the manner in which it was designed to move, and which is not intended for or in condition for safe and legal use on public highways.

**Nuisance, Hazard and Litter** – Include, but shall not be limited to, abandoned motor vehicles or junk vehicles or any part thereof unless such party has a license to store the same, any waste metal or materials, garbage, refuse, rubbish, old refrigerators, stoves or like products, used bottles or cans, glass, wood, lumber or vegetable matter of any kind or any other matter which is flammable or capable of fermentation, evaporation or decay, abandoned building or construction materials or supplies, discarded paper or material of junk substance, tree stumps or matter attractive to vermin or likely to breed disease, cause fire or be a health hazard.

#### **§ 164-5 Prohibited Actions.**

- A. No person, business or other entity shall place, deposit, store or allow to remain upon any property within the Town of Richmond two (2) or more abandoned motor vehicles or two or more junk vehicles for a period of more than four (4) weeks, except in a garage or other similar enclosure.
- B. The provisions of Subsection A. of this section shall not apply to new or used car sales dealers at their place of business or to motor vehicle repair garages.
- C. No person, business or other entity shall abandon, leave, dump, store or keep any nuisance, hazard or litter upon any public street, public place or privately owned property

within the Town of Richmond and all properties within the Town of Richmond shall be kept free and clear of nuisances, hazards and litter.

**§ 164-6 Maintenance.**

A. The owner of every improved lot within the Town of Richmond and the owner of every vacant lot that is within a subdivision approved by the Town of Richmond Planning Board, shall maintain such lot by cutting or mowing such property at least twice a year, but as frequently as is necessary to ensure that no growth of weeds or grass shall exceed ten inches in length or height and shall ensure that there is no accumulation of dead weeds, grass or brush.

B. The owner of every lot or parcel of land in the Town of Richmond shall maintain hedges, shrubs and trees so as to keep the same from encroaching onto public sidewalks and into lines of sight of public roadways.

C. The owner, tenant or occupant of property located in the Town of Richmond is hereby required to remove all nuisances, hazards and litter or matter attractive to vermin, as hereinabove defined, when ordered to do so by the Town of Richmond Code Enforcement Officer within five (5) days of written notice therefore.

**§ 164-7. Notice of violation.**

A. Upon receiving a complaint or upon any inspection of a property, the Code Enforcement Officer shall determine whether or not there appears to be a violation of this chapter. Upon determining that this chapter has been violated, the Code Enforcement Officer shall give the owner of the real property or other person charged with the maintenance of the property, if known, written notice setting forth the nature and existence of the violation, and the provisions of this chapter violated, and directing that the violation be terminated or corrected within 10 days of the date of such notice. Such notice shall be given personally to the owner, lessee, occupant or other person, or by posting a copy of the notice in a conspicuous place on the real property, or by mailing the same to the address of the real property or that listed by the owner for the receipt of tax bills. If the owner of said property is a non-resident of the Town of Richmond or if the Code Enforcement Officer was unable to personally serve the owner, a notice to cure the violation shall also be mailed to such owner by registered mail, addressed to his or her last known address that is on file with the Town Assessor.

B. The notice shall contain the following:

(1) A description of the condition of the property needing remediation with citations to the section(s) of this Chapter.

(2) An order outlining the manner in which the property is to be made compliant with this chapter within 10 days of the notice date.

(3) A statement that in the event of neglect or refusal to comply with the order within the time set forth therein, the Town of Richmond is authorized to cause

compliance as required in the order, and the total expense of remediation, plus a service charge of 50% thereof to cover the cost of supervision and administration, shall be certified by the Town of Richmond Code Enforcement Officer to the Town Supervisor and such certified amount shall thereupon be charged and assessed against the owner, tenant or occupant of the property that was the subject of the violation. 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 taxes and charges.

**§ 164-8. Remediation by Town.**

A. If the person upon whom a notice to cut and/or remove grass, weeds and/or other vegetation is served fails, neglects or refuses to cure the violation within the timeframe specified in the notice, the Town of Richmond Code Enforcement Officer shall cause such weeds, grass and other vegetation on such lot or land to be cut and removed, and the actual cost of such cutting and removal plus a service charge of 50% thereof to cover the cost of supervision and administration shall be certified by the Town of Richmond Code Enforcement Officer to the Town Supervisor and such certified amount shall thereupon be charged and assessed against the owner, tenant or occupant of the property that was the subject of the violation. 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 taxes and charges.

B. The owner of any lot, land or property found in violation of subsections A., B. or C. of §164-6 of this chapter shall be notified in writing only once in any given year for a particular violation. Subsequent violations of a similar nature at the same location during the same season shall be corrected by the Town or its agent without notice to the owner of said property. After initial notification, such owner, occupant or person having control of said property will be presumed to have been given sufficient notice of infraction for the entire season. The costs incurred by the Town in curing any subsequent violations shall be collected in the same manner as set forth in Subsection A. of this section.

C. The Town Board of the Town of Richmond, by resolution, may cause any nuisance, hazard or litter to be removed from any property within the Town of Richmond upon the failure of such owner, tenant or occupant to comply with the written notice aforementioned within the time limit specified on the notice. Said removal may be performed by the Town itself or the Town may contract with a private entity or contractor. The Town Board shall ascertain the cost of such removal, and such cost plus a service charge of 50% thereof to cover the cost of supervision and administration 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.

D. The removal of any nuisance, hazard or litter by the Town of Richmond or its designee or agent shall not operate to excuse such owner from properly maintaining his

or her property as required by this chapter, and such owner, tenant or occupant shall, notwithstanding, be subject to the penalties set forth in this chapter.

**§ 164-9. Penalties for offenses.**

Any person who violates this chapter shall be guilty of a violation, and upon conviction thereof, shall be subject to a fine of not less than \$100, and not more than \$250, or imprisonment for a term not to exceed 15 days, or both. Each week's continued violation shall constitute a separate, additional violation.

**§ 164-10. Effect of state law.**

The provisions of this chapter shall be subject to and subordinate to the provisions of the New York State Agriculture and Markets Law.

**§ 164-11. Administration and enforcement.**

The Town of Richmond Code Enforcement Officer is hereby charged with the responsibility and duty to administer and enforce this chapter.

Section 3. If any clause, sentence, paragraph, section or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been ordered.

Section 4. This local law shall take effect immediately upon filing with 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. \_\_\_\_ of 2018 of the **Town of Richmond** was duly passed by the Richmond Town Board on \_\_\_\_\_, 2018, 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<sup>1</sup>.)**

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)(repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted 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)(repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_, 20\_\_. 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 (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_, 20\_\_, and was (approved)(not approved)(repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_, 20\_\_. Such local 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.

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<sup>1</sup> 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 \_\_\_\_\_ 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 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 1, above.

\_\_\_\_\_  
Town Clerk

(Seal)

Date: \_\_\_\_\_