

PUBLIC NUISANCE

Costs of cleanup added to taxes

DETERMINATION

1. It is hereby determined that scattered solid waste, including, but not limited to, scattered trash, rubbish, garbage, debris, appliances, construction material, not being held for use of the residence on which it is located, hazardous household waste, inoperable machinery and unlicensed motorvehicles, is a public nuisance.

2. It is further determined that the owner of the property on which the solid waste is located shall be financially responsible for the removal of such solid waste, which removal shall be deemed an abatement of the nuisance.

FIRST NOTICE:

1. The Town Codes Enforcement Officer shall provide a written notice to the owner of the premises on which such solid waste may be found. The owner shall include all parties listed as the grantee on the most recently recorded deed to the property as well as any party who has retained, or received, life use of, or the right to reside on, the said property.

Such notice shall provide:

A. A statement of the nature of the violation

B. The address of the property on which such solid waste has been found.

C. Such notice shall further provide that the owner has 20 days from the date on the notice to abate the nuisance by removing all the solid waste.

D. A copy of this ordinance shall be attached to the notice.

2. The notice shall be served by:

A. Personal service on the owner, or

B. Both regular and certified mail addressed to the owner at the address listed in the Town Tax Collector's records as the address of the owner and posting the same to the property if practical. Notice is deemed served when mailed.

3. An additional notice shall be served by ordinary mail on any third party designated to receive tax bills, including family members, guardians and mortgagees, and the occupant of the property if a one family home or the occupant if the sole occupant of a commercial property

4. The notice shall be served at least 15 days prior to the date on the notice if served personally and 20 days prior to the date on the notice if served in any other manner.

#### ABATEMENT

1. If the nuisance has been fully abated on or before 20 days from the date on the notice, then the matter shall be deemed resolved and no further action will be taken.

#### EXTENSION

1. The Town codes enforcement shall have the discretion to extend the time to abate the nuisance for up to 30 additional days for good cause shown. Any such extension shall be at the sole discretion of the Town Codes enforcement Officer.

#### FAILURE TO ABATE

1. If the owner has failed to abate the nuisance in the time allotted, including any extension granted, then the Town Codes enforcement shall follow the procedures under second notice

#### SECOND NOTICE

1. The Town Code Enforcement Officer shall provide a notice to the owner that the matter shall be presented to the Town Public Safety Committee (Committee) to determine whether the situation constitutes a public nuisance and whether the Town should arrange for the abatement of the nuisance at the expense of the owner.

2. Such notice shall provide the date, time and place when the matter will be presented to the committee. and shall be served in the same manner and on the same parties as required for the first notice, as set forth above.

3. The owner shall be permitted to appear and be heard.

4. The committee meeting at which the issue shall be presented shall be open to the public and public comments shall be permitted

5. a. If The Committee, after due consideration, determines that the conditions on the subject property constitute a nuisance, and the owner or owners are in violation of this ordinance, then the committee shall present its findings to the Town Supervisor who shall arrange for the abatement of the nuisance.

b. The committee, may extend the time during which the owner may abate the nuisance for good cause shown, or may determine that the conditions existing at the time of the presentation do not constitute a nuisance under this law.

6. If the Town has arranged for the abatement of the nuisance, then the bill for the cost of abatement shall be mailed to the owner, by ordinary mail, at the owner's address, and the owner shall have 15 days from the date of mailing to pay the same in full.

7. If not paid within the 15 days, then the cost of such abatement shall be added to the property taxes for the subject parcel on the next tax roll.

#### ADDITIONAL ASSESSMENTS

1. If the owner has abated the nuisance prior to the abatement undertaken by the Town but after the date in the second notice, including any extension, then the owner shall be subject to an additional assessment of no more than \$1,000 and no less than \$250.00.

2. If the owner has not abated the nuisance prior to the abatement undertaken by the Town but has paid the bill for the abatement in full prior being added to the property tax, then the owner shall be subject to an additional assessment of no more than \$1,500 and no less than \$500.00.

3. If the owner has not abated the nuisance prior to the abatement undertaken by the Town and has not paid the bill for the abatement and the cost is added to the property tax, then the owner shall be subject to an additional assessment of no more than \$2,000 and no less than \$1,000.00, in addition to the cost of abatement.

4. The owner shall be given twenty days notice of the additional assessment, and if not paid in that time, then the additional assessment shall be added to the property tax

5. The amount of any additional assessments shall be determined by the committee at the time of appearance. The additional assessment may be made contingent upon noncompliance by the owner.

#### COMMITTEE

1. The public safety committee shall consist of five members: The Deputy Town Supervisor, The Town Health Officer, The Fire Chief, The Highway Superintendent, and one member appointed from the Town Board by the Town Supervisor, member at-large.

2. The first appointment of the member at-large shall be on the effective date of this ordinance. Thereafter, appointments shall be made on January first of each year for one year. Successive appoints of the same member may be made.

3. If the at-large member seat becomes vacant, then the Town Supervisor shall appoint an at-large member to serve through the end of that calendar year.



4. The member at-large shall serve as chair. If the member at-large is not present at a meeting, then those present shall designate a temporary chair.

5. Three committee members constitute a quorum.

6. All decisions require a simple majority of those members present at the meeting.

7. The committee may schedule meetings in its discretion

#### NONOWNER RESIDENT

1. Every adult occupant of a one family residence, who is not an owner, may also be cited for a nuisance as provided in this ordinance and may be held financially responsible for the cost to abate the same and any assessments which may be levied by the committee

#### ILLEGAL DUMPING

1. Anyone who is determined to have caused solid waste to be deposited or dumped on the land of another, including adult occupants thereof, shall:

A. Be financially responsible for the costs of the removal thereof, and .

B. Be subject to assessments no more than \$1,000 and no less than \$250.00.

2. Such proceeding shall be brought before the Town Court as a violation of a Town Ordinance and shall be prosecuted by the Town Attorney.

3. In the event of the inability of the person so charged to pay, then the court may order community service or a civil judgment for the amount of the cost of abatement and any additional assessment.

4. This provision shall not be deemed to limit any liability under the New York State Penal Law.

5. a. This provision shall not be deemed to limit the responsibility for the owner to abate the nuisance or to be financially responsible for such abatement.

b. The Town may only collect the cost of abatement once however, an additional assessment may be levied against both the owner and nonowner resident of a one family residence

\*All references to the Town are to the Town of Schuyler