

**LOCAL LAW NO. 2 OF 2015
LOCAL LAW TO ABATE PUBLIC NUISANCES**

BE IT ENACTED by the St. Armand Town Board as follows:

ARTICLE 1. Consistent with the provisions of Section 1306 of the New York State Public Health Law, the Town Board of the Town of St. Armand hereby adopts the following Local Law entitled "Nuisance Abatement Law" as follow:

NUISANCE ABATEMENT LAW

§ 1 Short Title.

This Law shall be known as the "Nuisance Abatement Law".

§2 Health Officer.

Consistent with New York State Public Health Law Section 302, the Town Board is the Local Board of Health and may appoint, on an annual basis or otherwise, a Health Officer who shall make any lawful investigation of nuisances and report to the Town Board. The Town shall, upon such appointment, establish the appropriate compensation for the Health Officer by Resolution in a manner consistent with the provisions of the Public Health Law.

§3 Findings.

Public Nuisances, by their nature, impact the quality of life of the general public and necessarily jeopardize the health, safety and welfare of the community. The Town Board, as the Local Board of Health has the authority to abate public nuisances and to assign the costs for doing so to the individual or individuals who created the nuisance and thereby put the public at risk. It is in the public's best interest to abate public nuisances.

§4 Prohibition.

No person may create or allow a public nuisance to exist or continue in or upon lands or structures owned or under the control of such person or persons.

§5 Definition.

"Address": In reference to notice provided to owners or agents, address means the tax billing address on record in the Office of the Town Assessor. In reference to notice to occupants, address refers to the property address.

"Person": Person means any individual or corporate entity.

"Public Nuisance" or "Nuisance": Any conduct or omissions which endangers or injures the property, health, safety or welfare of the community is a public nuisance.

§6 Board of Health Review.

- A. The Town Board and Health Officer, consistent with his/her powers, shall, in the sole discretion of the Town Board, examine all complaints made concerning the existence of a Nuisance or any condition which may cause danger or injury to life and public health.
 - 1. The Town Board shall have the authority to do any or all of the following to investigate complaints:
 - a. Review any relevant materials concerning the complaint; and
 - b. Upon reasonable notice to the owners, agents and/or occupants, if any, enter upon and inspect any place believed to be the site of a Nuisance or condition dangerous to life and health; and
 - c. Hold a Public Hearing and take testimony.
 - 2. The Health Officer may, upon the request of the Town Board, inspect the property at issue to determine whether the conditions which exist constitute a Nuisance or a danger to the health and safety of the public. The Health Officer shall consider whether the conditions are such that create noxious odors, attract vermin or pests, whether any dangerous substances are present, whether the conditions are likely to result in the contamination of surface or subsurface water and whether the conditions constitute a risk to the health, safety and welfare of the community, including to those individuals at or proximate to the property at issue. Within five business days following inspection, the Health Officer shall issue a written report of his or her findings to the Town Board with copy provided to the property owner or owners, agents and occupants, if any, by mail to the appropriate Address.
- B. In the event of an inspection by the Town Board and/or the Health Officer, unless the circumstances constitute an emergency, the owners, agents and occupants, if any, must be provided with reasonable notice of such inspection. Notice shall be provided by regular mail to the appropriate Address not less than seven (7) days prior to inspection. The Town should use reasonable means to ascertain the identity of appropriate recipients, however, failure to provide notice to any one recipient does not invalidate or render unlawful the inspection.
- C. In the event the Town Board conducts an inspection, the Town Board shall, within five business days from its adoption of any written statement of findings (if any such statement is adopted), provide owners, agents and occupants, if any, with such written statement in the same manner notice of inspection is to be provided.
- D. Upon a finding that the condition of the property constitutes a Nuisance or may cause danger or injury to life and public health, the Town Board may order the suppression and removal of any and all such Nuisances and/or conditions. Unless conditions constitute an emergency situation, before the Town Board may order the suppression or removal of such Nuisance or condition, the Town Board must hold a public hearing and will provide notice of such public hearing to the owners, agents and occupants, if any, of the property or premises at issue. Such notice will be provided by regular mail in the same manner required for notice of inspections.
- E. Public Hearings.
 - 1. At the Public Hearing, all persons wishing to be heard shall be given the opportunity.

2. Following the closing of the Public Hearing, the Town Board shall determine whether property conditions violate the provisions of this chapter and, if so, how and within what time, the conditions must be abated.
3. Such method of abatement and timeframe shall take into account the egregiousness of the violation and how imminent of a risk the condition imposes upon the health, safety and welfare of the community. All costs associated with abatement are that of the property owner or owners.
4. The determination reached by the Town Board will be reduced to writing and a copy of that determination will be served by regular mail upon all owners, agents and occupants, if any, of the property or premises.
5. In the event an inspection reveals that the Nuisance or condition was not abated in the manner and within the timeframe prescribed, the Town Board may authorize the expenditure of funds to abate such Nuisance or condition and the costs may be assessed against the property and collected in the same manner as Town tax.

§7 Enforcement and Penalties – Non-Exclusive.

1. The Town Board may commence an Action in a Court of competent jurisdiction to enforce the provisions of this Law and/or restrain the violation of any such provision. The Town is entitled to all costs related to abatement of the Nuisance or dangerous condition at issue.
2. The Town Code Enforcement Officer may enforce the provisions of this Law by commencement of a Town Court enforcement action. If found guilty, for the first violation of the Law or any provision of this Law, a civil penalty not exceeding \$100.00 shall be imposed. For the second and succeeding violations, a civil penalty not exceeding \$500.00 shall be imposed for each single violation.
3. No means of abatement or enforcement of the provisions of this Law is exclusive and the Town may abate the condition and/or enforce the provisions of this Law in any manner authorized by law.

ARTICLE 2. The invalidity of any clause, sentence, paragraph or provision of this Local Law shall not invalidate any other clause, sentence, paragraph or part thereof.

ARTICLE 3. All Local Laws or Ordinances or parts of Local Laws or Ordinances in conflict with any part of this Local Law are hereby repealed.

ARTICLE 4. This Local Law shall take effect upon filing in the office of the New York State Secretary of State.

March 17, 2015

Town Clerk
PO Box 338
Main Street
Bloomingdale NY 12913

RE: Town of St. Armand, Local Law 2 2015, filed on March 17, 2015

Dear Sir/Madam:

The above referenced material was filed by this office as indicated. Additional local law filing forms can be obtained from our website, www.dos.ny.gov.

Sincerely,
State Records and Law Bureau
(518) 473-2492



Department
of State