

TOWN OF MAYFIELD LOCAL LAW NO. 4 OF THE YEAR 1997

A local law FOR THE REGULATION OF WASTE AND TRASH IN THE TOWN OF MAYFIELD, ENTITLED, "THE WASTE AND TRASH LAW OF THE TOWN OF MAYFIELD".

Be it enacted by the Town Board of the Town of Mayfield as follows:

Section 1. LEGISLATIVE INTENT

The Town Board of the Town of Mayfield (hereinafter "Town Board") recognizes that a clean, wholesome, attractive environment is of importance to the health, safety and general welfare of the residents of the Town of Mayfield, and that the unrestrained accumulation of waste, trash, and other discarded items is a hazard to such health, safety and general welfare which necessitates the regulation, restraint and elimination thereof.

It is the intent of the Town Board to restrict and regulate, in a manner consistent with the interests of the residents of the Town of Mayfield, the accumulation of waste, trash and other discarded items in order to promote the health, safety and general welfare of persons and property within the Town of Mayfield.

Therefore, pursuant to the authority contained in the Municipal Home Rule Law, and pursuant to its police power as contained in the Town Law, the Town Board does hereby enact the following local law.

Section 2. TITLE

This local law shall be known and cited as "The Waste and Trash Law of the Town of Mayfield".

Section 3. DEFINITIONS

- 3.1 Code Enforcement Officer: The person designated by the Town Board to enforce the provisions of this local law.
- 3.2 Discarded items: Any waste or trash that is not being used or that is not reasonably intended to be used in the near future or that accumulates on or around any real property.
- 3.3 Waste and trash: All waste material of any nature, including but not limited to, cardboard, paper, plastic, newspapers, cans, bottles, glass, rags, old appliances, discarded furniture and furnishings, old lumber, small pieces of wood, rubber, leather, crockery, tins, shells, machinery, tires, scrap metal, fabrics, old clothes, carpets, pallets, garbage, old barrels, discarded auto parts, dirt, filth, ashes and similar waste materials, trash or refuse that appear to be of no reasonable use.

Section 4. PROHIBITIONS AND RESTRICTIONS

It is the duty of all persons owning, occupying or in control of any real property in the Town of Mayfield to maintain the property in such manner as to be free of unsightly or hazardous accumulations of waste, trash or discarded items.

No person or persons owning, occupying or in control of any real property in the Town of Mayfield shall allow the accumulation of waste, trash, or discarded items, as defined in Section 3, above.

Section 5. ENFORCEMENT AND PENALTIES

- A.** The Code Enforcement Officer shall have the power to enforce the provisions of this local law, and for that purpose, shall have the right and is hereby empowered to enter upon any premises upon which any waste, trash or discarded item is stored, or upon which the Code Enforcement Officer has reasonable cause to believe that a violation of the provisions of this local law exists to inspect same at any reasonable time.
- B.** The Code Enforcement Officer is hereby authorized to issue an order requiring the owner, occupant or other person in control of the property upon which such items are stored or have been discarded to remedy any violation of this local law. In the event said order to remedy shall not be complied with within the time set forth therein, the Code Enforcement Officer shall have the authority to issue a summons to the owner, occupant or other person in control of the property requiring them to appear in a court of competent jurisdiction.
- C.** Conviction under this local law shall be a violation as defined by Section 55.10(3) of the Penal Law of the State of New York and shall be punishable by the following:
 - 1.** Fine of not less than one hundred (\$100.00) dollars and not greater than two hundred fifty (\$250.00) dollars, and/or
 - 2.** A term of imprisonment not to exceed fifteen (15) days.
- D.** Each day during which a violation continues may be deemed to be a separate violation.
- E.** In addition to the above provided penalties and punishment, the Town Board may also maintain an action or proceeding in the name of the Town in a court of competent jurisdiction to compel compliance with this local law by injunction, abate or otherwise compel cessation of each violation, or obtain restitution to the Town for costs incurred by the Town in identifying and remedying each violation, including but not limited to reasonable attorney's fees and environmental testing.

Section 6. SERVICE OF ORDERS AND SUMMONS

All orders to remedy and summons for violations shall be served upon the owner, occupant or person in control of the property:

1. personally; or
2. by certified mail, return receipt requested, addressed to such person or his designated agent at the actual address of the property for service upon the occupant or person in control of the property; or
3. at the address listed in the property tax rolls as the address of the property owner for service upon the owner.

Section 7. AMENDMENTS

Any reference herein to any state, county and/or local law, rule or regulation shall include any future amendments thereto which become effective after the adoption of this local law.

Section 8. SEVERABILITY

If any parts of this local law are for any reason held to be invalid, such determination shall not affect the validity of the remaining portions of this local law.

Section 9. CONFLICTING LAWS

Whenever any local law, ordinance or regulation of the Town, County of Fulton, State of New York, or the United States of America is inconsistent with this local law whichever local law, ordinance or regulation is more stringent shall supersede the less stringent local law, ordinance or regulation.

Section 10. EFFECTIVE DATE

This local law shall become effective upon the filing thereof in the Office of the Secretary of State of the State of New York, as provided for in the Municipal Home Rule Law.