



**Town of Granby, New York  
Local Law No. 6 of the year 2021**

**A Local Law for the Levy and Collection of Town Expenses Due to Non-Compliance by a Resident of a Notice of Violation and/or a Court Order that Compels Compliance with State and Local Laws and Ordinances Related to Property Maintenance.**

**Section 1. Legislative Intent.** The purpose of this Local Law is to provide for a sanitary and hazard-free environment for the citizens of the Town of Granby. This type of environment is declared to be of vital importance to the health, welfare and safety of the citizens of the Town of Granby, as is the safeguarding of their material rights against unwarranted invasion and the protection of the public health. Such an enforcement is deemed essential to the maintenance and continued development of the economy of the Town of Granby and the general welfare of its citizens. Therefore, recognizing the above and the need of the community for an effective and well-regulated procedure for the disposal of garbage and rubbish, and for the maintenance of residential and commercial premises, whether improved or vacant, the Town Board does hereby enact this Local Law. Nothing in this Local Law is intended to supplant or replace provisions of: the current or future Town of Granby Zoning Ordinance(s); the New York State Property Maintenance Code; and/or, the New York State Fire Safety and Building Code.

**Section 2. Definitions.** As used in this Local Law, the following terms shall have the meaning indicated:

**APPLIANCE:** Includes any stove, washing machine, dryer, freezer, refrigerator or other household device or equipment abandoned, junked, discarded, wholly or partially dismantled or no longer intended or in condition for ordinary use for the purpose for which it was designed originally.

**BUSINESS UNIT:** A building or combination of buildings, and the lot on which the same is located, used wholly or in part for commercial purposes, including but not limited to offices, places of public assembly, shopping centers, restaurants, supermarkets, retail stores, warehouses, manufacturing or fabrication plants, gasoline stations and other business uses.

**COMMERCIAL HAULER:** Any person, firm, corporation, partnership or other association engaged in the business of collecting, disposing or transporting garbage, refuse or waste material in any part of the Town of Granby.

**GARBAGE:** Any refuse from animal and vegetable matter, waste food or parts thereof, refuse from a kitchen, market, store or house, floor sweepings, table waste or animal or vegetable matter, meats, fish, bones, fan and all offal and organic waste substance or substances capable of decay.

**INFESTATION:** The presence of insects, rodents, vermin or other pests.

**LITTER:** Garbage, refuse and rubbish, as herein defined, and all other waste material which, if thrown or deposited as herein prohibited, tends to create a danger to public health, safety and welfare.

**LOT:** A plot, tract, premises or parcel of land with or without buildings or structures located thereon, as surveyed or apportioned for sale or other purpose.

**MOTOR VEHICLE:** Includes any and all vehicles propelled or drawn by power other than muscular power, intended for use on public highways; any unregistered, old or secondhand motor vehicle or trailer; any motor vehicle in such condition or state of repair that it cannot be licensed immediately without extensive repairs; any abandoned, junked, discarded, wholly or partially dismantled motor vehicle no longer intended or in condition for legal use on the public highways or any vehicle incapable of passing a New York State inspection. This does not include inoperable farm or construction vehicles, equipment or machinery retained for the purpose of salvaging usable parts in connection with the ongoing operation of an on-site farm or construction business, provided that such items are stored within a consolidated area out of the public view.

**MOTORIZED EQUIPMENT:** Includes, but is not limited to power machines, lawn mowers, motors, or parts that were once motorized equipment.

**OUTDOOR STORAGE:** Includes the placing, maintaining or keeping of any motor vehicle, appliance, motorized equipment, rubbish and debris, as the same are defined herein, in a place other than a structure with a roof and fully enclosed on all sides.

**OWNER:** The person having legal title to the property and also the person shown as owner of the property on the current assessment rolls of the Town of Granby.

**PERSON:** One or more persons of either sex, natural persons, corporations, partnerships, associations, joint-stock companies, unincorporated associations, their agents or employees, society clubs and all other entities of any kind capable of being sued.

**PRIVATE PROPERTY or PRIVATE PREMISES:** Any real estate or part thereof, yard or driveway, other than that used as a public place, road, street or highway, situated in the Town of Granby, but not including land used for agriculture purposes.

**PUBLIC NUISANCE AFFECTING HEALTH:** A nuisance which is a thing, act or occupation or use of property, premises, equipment or structure, either private or public, affecting the health of one or more persons.

**REFUSE AND RUBBISH:** Plastics, combustible trash, including but not limited to paper, cartons, boxes, barrels, wood, excelsior, tree limbs and branches, yard trimmings, wood furniture and bedding. Also included is noncombustible trash, including but not limited to tires, metals, cans, plastics, metal furniture, small quantities of rock, brick and concrete, glass, metal fixtures, bottles and street rubbish, street sweepings, dirt, leaves, catch-basin dirt and contents of litter receptacles, ashes, dead animals, junked vehicles, solid market and industrial wastes, cardboard, leaves, crockery and similar materials.

**RESIDENT:** Any person having a domicile within the general limits of the Town of Granby, including landlords and tenants. The term shall also include any person, firm, partnership, corporation or other association operating an established business within the limits of the Town of Granby.

**RESIDENTIAL PREMISES:** A building or combination of buildings used solely for personal living purposes of the occupants thereof, whether as owners or tenants thereof, and not used for any business purposes.

**WASTE MATERIAL:** Includes, but is not limited to, waste produced by industrial or manufacturing processes, including food processing waste, boiling house cinders, lumber scraps and shavings, tires and oils and large amounts of wood, concrete, rocks, brick, sand and other wastes from building operations.

**YARD:** An open space on the same lot which contains a building and is located between the building line and the lot line which the particular building line faces.

### Section 3. **Compliance required; agricultural exception.**

- A. All residential and commercial premises located within the Town of Granby, whether improved or vacant, shall be maintained in conformity with the provision of this Local Law.
- B. This Local Law does not apply to agricultural operations within the Town, except to dwellings on agricultural land.

Section 4. **Applicability; conflict with other laws.** The provisions of this Local Law shall supplement all local laws, ordinances, codes or requirements existing in the Town of Granby and the other statutes and regulations of municipal authorities having jurisdiction applicable thereto, except for the New York State Fire Safety and Building Code. Where a provision of this Local Law is found to be in conflict with any provision of any existing local law, ordinance or regulation, the provisions or requirement which is more restrictive or which establishes the higher standard shall prevail.

Section 5. **Business units.** In business units, no outside storage or accumulation of garbage, crates, rubbish, refuse or debris shall be permitted at any time, and all such garbage, crates, rubbish, refuse or debris shall be kept inside the building or buildings on the premises or in an acceptable enclosure and shall be regularly collected and removed from the premises.

### Section 6. **Littering.**

- A. Residential and business premises within the Town of Granby, whether improved or vacant, shall be maintained free of litter; provided, however, that this section shall not prohibit the storage of litter for a reasonable period of time in authorized private receptacles for collections.

- B. Adequate sanitary facilities and methods shall be used for the collection, storage, handling, disposal of garbage and refuse in accordance with the provisions of applicable codes.
- C. It shall be unlawful for any person to throw, spill, place, deposit, leave or cause to be thrown, spilled, placed, deposited or left, or permit any agent, servant or employee to throw, spill, place, deposit or leave, in or upon any street, highway, alley, sidewalk, park or public building or in any running water or body of water within the Town of Granby, any garbage, refuse, rubbish, waste material or litter or filth, including but not limited to sewage, excrement, slops, dead carcasses, compost, ashes, soot or any material subject to be carried by the wind or unwholesome or putrescible matter of any kind.

**Section 7. Outdoor deposit or storage of waste and abandoned appliances.**

- A. It shall be unlawful for any person, as owner, occupant, lessee, agent or in any capacity, to store, deposit, place, maintain or cause or permit to be stored, deposited, placed or maintained outdoors any abandoned, junked, discarded, wholly or partially dismantled or unlicensed motor vehicles or vehicle, motorized equipment, appliance, rubbish or debris, as defined in this Local Law upon private property within the corporate limits of the Town of Granby.
- B. No appliance may be discarded, abandoned or stored in a place accessible to children without first completely removing any locking device and all doors.

**Section 8. Cutting and removal of vegetation.** It shall be unlawful for any owner, lessee or occupant, or any agent, servant, representative or employee of any such owner, lessee or occupant, having control of any occupied or unoccupied yard or any part thereof, in the Town of Granby to permit or maintain on any such street, road, highway or alley adjacent to same between the property line and the curb or middle of the alley, or for 10 feet outside the property line if there be no curb, any growth of weeds, grass or other rank vegetation to a greater height than 12 inches on the average or any accumulation of dead weeds, grass or brush.

**Section 9. Maintenance of property.**

- A. It shall be unlawful for any person, as owner, lessee, agent, tenant or otherwise, to throw, cast, spill or otherwise deposit or cause or permit to be thrown, cast, spilled or deposited any litter, rubbish and refuse, garbage, manure, offal or other decomposable organic or putrescible matter in or about any land or lot, vacant or otherwise, within the Town of Granby.
- B. Nothing in this section shall be construed to prohibit the temporary storage of garbage, refuse and waste material awaiting removal, provided that such storage is accomplished by way of tightly covered containers or cans wherever practicable, nor shall this section be construed as prohibiting the depositing of manure or fertilizers upon any private property for the purpose of cultivating or improving the same.

#### **Section 10. Duties of owners, occupants or tenants.**

- A. An occupant or tenant of the premises shall be responsible for compliance with this Local Law as if he/she were an owner.
- B. Owners of premises shall be responsible for compliance with the provisions of this Local Law and shall remain responsible therefor, regardless of the fact that this Local Law may also place certain responsibilities on tenants or occupants and regardless of any agreements between owners and tenants or occupants as to which party shall assume such responsibility.
- C. Whenever any person or persons shall be in actual possession of, or have charge, care or control of any property within the Town of Granby as executor, administrator, trustee, guardian, operator or agent, such person shall be deemed and taken to be the owner or owners of said property within the true intent and meaning of this Local Law and shall be bound to comply with the provisions of this Local Law to the same extent as the record owner, and notice to any such person of any order or decision of the Code Enforcement Officer shall be deemed and taken to be a good and sufficient notice, as if such person or persons were actually the record owner or owners of such property. In instances where an occupant is responsible or shares responsibility with the owner for the existence of one or more violations of this Local Law, said occupant shall be deemed and taken to be an owner within the true intent and meaning of this Local Law.

#### **Section 11. Inspections.**

- A. The Code Enforcement Officer of the Town of Granby, as designated by the Town Board of such Town, shall have authority, as specified herein, to inspect all premises within the Town of Granby to enforce the provisions of this Local Law.
- B. Whenever it shall appear that the provisions of this Local Law are being violated, the inspector shall, except upon plain view where no entry is necessary, secure approval from an owner, lessee, agent, tenant or other person with authority to make an inspection of the property and shall prepare a written report of the condition found.

#### **Section 12. Notice of violation.**

- A. If the condition existing on property violates the provisions of this Local Law, the Code Enforcement Officer shall serve or cause to be served a written notice, by certified mail or personal service as the same is defined in New York's Civil Practice Law and Rules, §§ 307 through 318, upon the owner, lessee, agent, tenant or other person with authority over said premises, and simultaneously provide a copy of the same to the Town Board.
- B. Said notice shall contain substantially the following: the name of the owner, lessee, agent, tenant or other person with authority over the premises; the identification of the premises as the same appears on the current assessment roll of the Town; a statement of the manner in which the premises is in violation of this law, and a demand that the same be brought

into compliance in a reasonable period of time to be stated in the notice, such period not to exceed ninety days or be less than seven days from the date of service of the notice.

- C. Upon the failure of the owner, lessee, agent, tenant or other person with authority over the premises to correct the violation after receipt of the notice, the enforcement officer may file a complaint with the Town of Granby Justice Court. In addition to the above-provided penalties, the Town Board and/or code enforcement officer may also maintain an action or proceeding in the name of the Town in a court of competent jurisdiction to compel compliance with or restrain by injunction the violation of any section of this Local Law.

**Section 13. Penalties for offenses.** Every person convicted of violating this Local Law shall be subject to the punishments and fines as set forth in the Town of Granby Zoning Ordinance in effect at the time of the violation in addition to any and all punishments, fines, penalties, costs, reimbursements, etc. ordered awarded to the Town Board and/or code enforcement officer by the Town of Granby Justice Court and/or a court of competent jurisdiction.

**Section 14. Failure to comply with Notice of Violation and/or Court Order; work done by Town.** In the event of the failure, refusal or neglect of the person so notified to comply with said notice and demand of the Code Enforcement Officer and/or the order(s) of a court of competent jurisdiction, the Town Board may provide for the amelioration of the condition or conditions in violation of this Local Law either by Town employees or by contract, and shall charge the cost of such amelioration to the owner of the premises, said cost to be paid within ninety (90) days of service of a bill by the methods set forth in Section 12, above. Collection of such costs may be made pursuant to any legal methods, including those as set forth in this Local Law.

**Section 15. Levy and Collection of Town Expenses.** If the cost billed pursuant to Section 14, above, has not been paid within ninety (90) days of the date of service, the charge shall be assessed against the premises brought into compliance, and shall be levied and collected in the same manner as provided in Article 15 of the Town Law for the levy and collection of a special ad valorem levy.