

TOWN OF BRIGHTON
FRANKLIN COUNTY
NEW YORK

Local Law No. 3 for the Year 2009

“Prohibition of Clutter, Litter and Debris in the Town of Brighton, Franklin County, New York.”

Be it enacted by the town Board of the Town of Brighton as follows:

Section 1. Title

A local law entitled “Prohibition of Clutter, Litter and Debris in the Town of Brighton, Franklin County, New York.”

Section 2. Definitions

The words used in this local law shall be defined as follows:

Clutter, Litter and Debris: Ordinary household or store trash such as paper, barrels, cartons, boxes, crates, furniture, rugs, clothing, rags, mattresses, blankets, tires, lumber, brick, stone and other building materials no longer intended or in condition for ordinary use, and any and all tangible personal property no longer intended or in condition for ordinary and customary use, including junk vehicles, boats, appliances, and mobile homes.

Junk Appliance: Any stove, washing machine, dryer, freezer, refrigerator or other household device or equipment abandoned, junked, discarded, or wholly or partially dismantled.

Junk Mobile Home: Any enclosed dwelling built upon a chassis, motor vehicle, or trailer used or designed to be used for either permanent or temporary living and/or sleeping purposes including motor homes, truck campers, camping trailers, campers, travel trailers, pop-up trailers, tent trailers and over-night trailers, which is no longer suitable for human habitation.

Junk Motor Boat: Any boat, originally intended for motorized operation, which meets all of the following conditions: 1) it is unregistered; 2) it is either abandoned, wrecked, stored, discarded, dismantled, or partly dismantled; 3) it is not in condition for legal use upon public waterways.

Junk Vehicle: Any motor vehicle, whether automobile, bus, trailer, truck, tractor, motor home, motorcycle, mini-bicycle, all terrain vehicles or snowmobile, or any other device originally intended for travel on the public highways, which meets all of the following conditions: 1) it is unregistered; 2) it is either abandoned, wrecked, stored, discarded, dismantled, or partly dismantled; 3) it is not in any condition for legal use upon the public highway. With respect to any motor vehicle not required to

be licensed or motor vehicle not usually used on public highways, the fact that such motor vehicle has remained unused for more than one year and is not in condition to be removed under its own power shall be presumptive evidence that such motor vehicle is a junk vehicle.

Yard: Any open space located on the same lot with a building.

Yard, Front: The space within and extending the full width of the lot from the road line to all portions of a building which face such road line. If a lot adjoins two or more roads, it shall be deemed to have a front yard respectively on each.

Yard, Rear: The space within and extending the full width of the lot from the rear lot line to that part of the building or structure which is nearest to such rear lot line.

Yard, Side: The space within and extending the full distance from the front yard to the rear yard and from the side lot line to all portions of a building which face such side lot line.

Section 3. Clutter, Litter and Debris Prohibited

In order to preserve and promote reasonable quality of environment and aesthetics and to prohibit actions and conduct which offend the sensibilities and tend to debase the community and reduce real estate values, the deposit, accumulation, or maintenance of clutter, litter or debris regardless of quantity in any of the following areas is hereby prohibited: a) in the front or side yards of lots improved with a building, or b) anywhere within sight of persons lawfully traveling the public highways and streets. The provisions of this section shall be applicable to existing conditions.

Section 4. Variance

- A. If there is a practical difficulty in storing or maintaining such clutter, litter or debris in an area other than front or side yards, or out of sight of persons lawfully traveling the public highways or streets, the applicant may appeal to the town board for a variance from the provisions of this law.
- B. In making its determination, the town board shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination the board shall also consider:
 1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the variance.
 2. Whether the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue, other than a variance.
 3. Whether the requested variance is substantial.
 4. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood.

5. Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the town board, but shall not necessarily preclude the granting of the variance.
- C. The town board shall grant the minimum variance that it shall deem necessary and adequate and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

Section 5. Enforcement Procedure

The Code Enforcement Office of the Town of Brighton shall inspect the property and shall prepare a written notice and shall serve such notice upon the owner personally or by certified mail. The notice shall contain the following:

- A. The name of the owner to whom the notice shall be addressed
- B. The location of the premises involved in the violation
- C. A statement of the facts which it is alleged violate this law
- D. A demand that the clutter, litter and debris be removed or placed so as to be in compliance with this law, within thirty (30) days of the service or mailing of the notice.
- E. A statement that a failure to comply with the demand may result in civil penalties.
- F. A copy of this law

Section 6. Extension

Upon application of the owner showing reasonable cause, the Town Board may grant an extension of up to thirty (30) days for the owner to comply with the demands.

Section 7. Removal by Town

If, after the expiration of thirty (30) days from the date of mailing the notice provided in Section 5, above, or after the completion of any extension period allowed in Section 6, above, the owner shall fail to comply with the requirements of Section 3, above, the Town Board shall have the power to remove such clutter, litter and debris from its location and dispose of same, and the expense thereof shall be charged to the property so affected by including such expense in the next annual tax levy against the property.

Section 8. Civil Penalties

- A. Any violations of this local law is an offense punishable by a fine not exceeding one hundred dollars (\$100) for conviction of a first offense. For conviction of a second offense, both of which were committed within a period of five years, punishable by a fine not less than two hundred dollars (\$200) nor more than three hundred and fifty dollars (\$350) . Upon conviction for a third or subsequent offense, all of which were committed within a period of five years, punishable by a fine not less than five hundred dollars (\$500) nor more than seven hundred and fifty dollars (\$750).
- B. Violations of this local law are deemed a civil violation and may be recorded as a judgment
- C. Each week's continued violation shall be deemed a separate additional violation.

Section 9. Severability

If any clause, sentence, paragraph, section or article of this 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 article thereof directly involved in the controversy in which such judgment shall have been rendered.

Section 10. Prior Existing Local Law

The following local law is hereby amended: Local Law No. 3 for the Year 2001, "Prohibiting of Clutter, Litter and Debris in the Town of Brighton, Franklin County, New York"

Section 11. Effective Date

This local law shall take effect immediately upon filing in the office of the Secretary of State.

Filed: July 20, 2009