

Chapter 194

YARD AND PROPERTY MAINTENANCE

GENERAL REFERENCES

Streets and sidewalks — See Ch. 163.

Trees — See Ch. 178.

§ 194-1. Title.

This chapter shall be known and may be cited as the "Yard Maintenance Law of the Village of Palmyra."

§ 194-2. Purpose.

It is the purpose of this chapter to promote the public health, safety and general welfare, and to maintain property within the Village of Palmyra in a safe, healthy and aesthetically pleasing manner.

§ 194-3. Definitions.

As used in this chapter, the following words, phrases and terms shall have the following meanings:

DISASSEMBLED, INOPERABLE, JUNKED OR WRECKED MOTOR VEHICLES, TRUCK BODIES, TRACTORS, TRAILERS, WATERCRAFT — Motor vehicles, truck bodies, tractors or trailers and watercraft in such state of physical or mechanical ruin as to be incapable of propulsion or of being operated upon the public streets or highways.

JUNK — Worn out or discarded material of little or no value, including but not limited to household appliances or parts thereof, tools, discarded building materials, garbage, discarded furniture or any other unsightly debris, the accumulation of which has an adverse effect upon neighborhood or Village property values, health, safety or general welfare.

LAWN — Land covered with grass kept closely mowed, especially around a house.

MOTOR VEHICLE — As defined in § 125 of the New York State Vehicle and Traffic Law; unlicensed motor vehicles, truck bodies, tractors or trailers; motor vehicles, truck bodies, tractors or trailers which do not bear lawful current license plates.

NOXIOUS WEEDS AND GROWTH — Grass, brush, rubbish or weeds of a nature which is a fire or health hazard, including lawns in excess of 10 inches in height.

PERSONS — Any person, firm, partnership, association, corporation, company or organization of any kind. "Persons" shall also include the occupant of the parcel of land.

WATERCRAFT — A boat or vessel designed to navigate on water, including jet skis and personal watercraft.

§ 194-4. Storage or accumulation of inoperable vehicles.

- A. Restricted. No person shall accumulate, store or allow any disassembled, junked or wrecked watercraft, motor vehicles, truck bodies, tractors or trailers in the open upon any public or private property within the Village.
- B. Exceptions. Any business engaged in automotive sales or repair located in a properly zoned district may retain no more than three disassembled or wrecked vehicles in the open for a period of not to exceed 30 days, after which such vehicles shall be removed. Also excepted shall be properly zoned, permitted and licensed junkyards established pursuant to § 136 of the General Municipal Law.

§ 194-5. Storage of unlicensed vehicles.

- A. Restricted. No person shall accumulate, store or allow any unlicensed motor vehicle, truck body, tractor or trailer in the open upon any public or private property within the Village.
- B. Exception: any business engaged in the sale, repair or storage of such unlicensed vehicles.

§ 194-6. Noxious weeds or growth prohibited.

No person shall maintain, plant or permit to remain on any private property any noxious weeds or growth.

§ 194-7. Complaints.

Complaints concerning any violation of this chapter shall be made in writing, sworn to by the complainant, and filed with the Building Inspector for the Village of Palmyra, who shall immediately cause an investigation to be made with respect thereto and the written report of such investigation filed with the Clerk of the Village.

§ 194-8. Notice.

- A. If, after such investigation, it appears that there is a reasonable basis to believe that any of the provisions of this chapter have been violated, the Building Inspector shall immediately cause a notice in writing to be served upon the owner or occupant of the property. Such notice shall set forth the nature of the complaint and shall direct the owner or occupant to remove said noxious weeds and growth, junk or motor vehicles. Subsequent violations of a similar nature at the same location during the same year shall be corrected by the Village or its agent without notice to the owner, occupant or person having control of said property. After initial notification, such owner, occupant or person having control of said property will be presumed to have been given sufficient notice of infraction for the entire season.
- B. The notice required under this chapter shall be served upon the owner, his or her executors, legal representatives, agent, lessee or any other person having a vested or contingent interest in such premises as shown by the records of the Town Assessor or of the Wayne County Clerk. Service shall be made either personally or by registered or certified mail, addressed to the last known address, if any, of the owner, his or her executors, legal representative, agent, lessee or other person

having vested or contingent interest in such premises as aforesaid identified. If service is made by registered or certified mail, a copy of the notice shall be posted on the premises. The notice shall be in substantially the following form:

To the owner, occupant or person having charge of land known on the Assessment Roll of the Village of Palmyra as vacant lot(s) located on the _____ side of _____ Street or Avenue; or house and lot number _____ located on the _____ side of _____ Street or Avenue.

Notice is hereby given that you have failed to cut the grass or weeds or to remove junk or refuse, or unlicensed or inoperable motor vehicle(s) pursuant to Chapter 194 of the Code of the Village of Palmyra. Said grass or weeds must be cut and any junk or refuse or unlicensed or inoperable motor vehicle(s) removed within four days from the date of this notice.

In case you fail or refuse to comply with this notice on or before the expiration of said four days from the date of this notice, the Village of Palmyra, acting through its duly authorized agents, servants, officers and employees, will enter upon your land and cut said grass or weeds or remove said junk or refuse or unlicensed or inoperable motor vehicle(s). The expense incurred by the Village, including a \$75 administration fee, will be assessed against the above-described land, and shall constitute a lien therein, and shall be added to the real property tax levied against the property and collected as provided by law.

You will be notified in writing only once in any given year for a particular violation. Subsequent violations of a similar nature at the same location during the same year shall be corrected by the Village or its agent without notice to the owner, occupant or person having control of said property. After initial notification, such owner, occupant or person having control of said property will be presumed to have been given sufficient notice of infraction for the entire season.

Dated:

Code Enforcement Officer

§ 194-9. Inquiry by Village Board; hearing.

Any person feeling aggrieved by any such action or notice may, within three days after the receipt of such notice, demand the matter be inquired into by the Village Board. Such demand must be in writing, signed by the person seeking such inquiry, and filed with the Village Clerk. Within a reasonable time, the Village Board shall schedule a date, time and place for a hearing before the Village Board in which the aggrieved person may address the Village Board. Such hearing shall be scheduled not less than five business days from the date of service of the notice.

§ 194-10. Failure to comply.

In the event of the refusal or neglect of the person so notified to comply with said order and after hearing, if requested, the Village Board shall provide for the removal of the junk, motor vehicle or noxious weeds or growth, as the case may be, either by Village employees or by contract, and the total cost thereof, including an administration fee of \$75 or such administrative fee as may be amended from time to time by Village Board resolution, shall be assessed upon the real property upon which the motor vehicle, junk or noxious weeds and growth are found, and shall constitute a lien and charge upon the real property on which it is levied until paid or otherwise satisfied or discharged,

and shall be collected by the Village Treasurer in the manner provided by law for the collection of real property taxes.