

Chapter 114

PROPERTY MAINTENANCE

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[HISTORY: Adopted by the Board of Trustees of the Village of Camden as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Brush, grass and weeds — See Ch. 62.

Solid waste — See Ch. 127, Art. I.

ARTICLE I Clutter, Litter and Debris [Adopted 6-15-1999 by L.L. No. 1-1999]

§ 114-1. Title.

This article shall be entitled "Prohibition of Clutter, Litter and Debris in the Village of Camden, New York."

§ 114-2. Definitions.

The words used in this chapter 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 and customary use, including junk vehicles; junk appliances and junk recreational vehicles.

JUNK APPLIANCE — Any stove, washing machine, dryer, freezer, refrigerator or other household device or equipment abandoned, junked, discarded, or wholly or partially dismantled.

JUNK RECREATIONAL VEHICLE — A boat of any kind or 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 VEHICLES:

- A. Any motor vehicle, whether automobile, bus, trailer, truck, tractor, motor home, motorcycle, mini-bicycle 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 and/or uninspected; [Amended 9-4-2001 by L.L. No. 1-2001]
 - (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.
- B. With respect to any motor vehicle not required to be licensed or motor vehicle not usually used on public highways, the fact that such vehicle has remained unused for more than six months and is not in condition to be removed under its own power shall be presumptive evidence that such vehicle is a junk vehicle unless refuted by a verifiable and credible proof. [Amended 9-4-2001 by L.L. No. 1-2001]

§ 114-3. Clutter, litter and debris prohibited. [Amended 9-4-2001 by L.L. No. 1-2001]

In order to preserve and promote reasonable quality of environment and aesthetics and to prohibit actions or conduct which offends a person of ordinary and reasonable sensibilities and tends to debase the community and reduce real estate values, the deposit, accumulation or maintenance of clutter, litter or debris, regardless of quantity, is hereby prohibited anywhere within sight of persons lawfully traveling the public highways or within sight of neighboring property. The provisions of this section shall be applicable to existing conditions. The existence of one junk vehicle, without evidence of any other clutter, litter and debris, shall create a rebuttable presumption that said vehicle is clutter, litter and debris as defined herein. Said presumption shall be deemed rebutted in the event that the violator presents verifiable and credible evidence that he/she is actively taking significant steps which would prevent the vehicle from being defined as a junk vehicle.

§ 114-4. Appeals; variances; fees.

- A. Any person aggrieved by this chapter may appeal to the Zoning Board of Appeals for an interpretation or a variance from the provisions of this article.
- B. In making its determination on variances, the Zoning Board of Appeals 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 board of appeals but shall not necessarily preclude the granting of the variance.
- C. The Board of Appeals 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.
- D. All fees for appeals shall be established by Village Board resolution.

§ 114-5. Complaints.

Whenever a violation of this article occurs, any person may file a complaint with the Enforcement Officer. All complaints shall be in writing. The enforcement officer shall properly record and immediately investigate any such complaint.

§ 114-6. Enforcement procedure.

- A. The Enforcement Officer shall inspect the property and file a written report of violations with the Village Clerk.
- B. The Enforcement Officer shall prepare a written notice and shall serve such notice upon the owner or occupant personally or by certified mail. The notice shall contain the following:
 - (1) The name of the owner or occupant to whom the notice shall be addressed.
 - (2) The location of the premises involved in the violation.
 - (3) A statement of the facts which it is alleged violate this article.
 - (4) A demand that the clutter, litter and debris be removed or placed so as to be in compliance with this article within five days of the service or mailing of the notice, in the case of a first offense within a two-year time period. In the event of a second offense within a two-year time period, the time provided shall be three days. In the event of a third or subsequent offense within a two-year time period, enforcement may dispense with notice and proceed immediately with action pursuant to § 114-8. The Code Enforcement Officer may provide for additional time at his/her discretion in extraordinary circumstances. [Amended 9-4-2001 by L.L. No. 1-2001]
 - (5) A statement that a failure to comply with the demand may result in prosecution.
 - (6) A copy of this article.

§ 114-7. Extension of time limit for compliance.

Upon application of the owner or occupant showing reasonable cause, the Village Board may grant an extension of up to 30 days for the owner or occupant to comply with the demands.

§ 114-8. Enforcement.

If, after the expiration of 10 days from the date of mailing the notice provided in § 114-6 above, or after the completion of any extension period allowed in § 114-7 above, the owner or occupant shall fail to comply with the requirements of this article, the Enforcement Officer or Village Board may institute enforcement procedures as follows:

- A. Pursuant to Criminal Procedure Law § 150.20, Subdivision (3), the Enforcement Officer is hereby authorized to issue an appearance ticket to any person causing a violation of this article and shall cause such person to appear before the Village Justice.
- B. The Village Board is hereby authorized 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. Such removal may be done only following public notice and a public hearing at which time all parties may be heard. Public notice of the hearing shall be made in a newspaper in general circulation in the Village at least five days prior to the hearing. In the event that the Village is required to take legal action to enforce this article, the violator will be responsible for any and all necessary costs relative thereto, including attorneys' fees, and such expense shall be charged to the property so affected by including such expense in the next annual tax levy against the property.

§ 114-9. Penalties for offenses. [Amended 9-4-2001 by L.L. No. 1-2001]

Any person convicted of a violation of any provision of this article shall, for a first conviction thereof, be punished by a fine of not less than \$25 and no more than \$100 or by imprisonment for not more than 15 days, or by both such fine and imprisonment; for a second such conviction within 24 months thereafter, such person shall be punished by a fine of not less than \$100 and no more than \$200 or by imprisonment for not more than 45 days, or by both such fine and imprisonment; upon the third or subsequent conviction within 24 months after the first conviction, such person shall be punished by a fine of not less than \$200 and no more than \$300 or by imprisonment for not more than 90 days, or by both such fine and imprisonment.