LOCAL LAW NO. II OF 2026

A LOCAL LAW ESTABLISHING GARBAGE AND TRASH REGULATIONS

FOR THE VILLAGE OF CANASERAGA, NEW YORK

Be it enacted by the Village Board of Trustees of the Village of Canaseraga, New York, as follows:

Section 1: Short Title

This local law shall be known as the "Garbage and Trash Law" of the Village of Canaseraga.

Section 2: Purpose

A sanitary and hazard-free environment is declared to be of vital importance to the health, welfare, and safety of the inhabitants of the Village of Canaseraga. In addition, such an environment is deemed essential to the maintenance of and continued development of the economy of the Village of Canaseraga and the general welfare of its citizens. All properties in the Village of Canaseraga shall be maintained in a safe, clean condition and shall be maintained so as not to pose a risk to occupants, neighbors, and other Village residents.

Section 3: Applicability

All lots located within the Village of Canaseraga, whether improved or vacant, shall be maintained in conformity with the provisions of this local law.

Section 4: Conflict with Other Laws and Regulations

The provisions of this local law shall supplement all local laws, ordinances, codes, or regulations existing in the Village of Canaseraga and the other statutes and regulations of state and local agencies having jurisdiction applicable thereto, including the New York State Uniform Fire Prevention and Building Code (19 NYCRR) and the New York State Property Maintenance Code (19 NYCRR Part 1226). Where any provision of this law is found to conflict with any provision of any existing local law, ordinance, code, regulation, or other statute or regulation of a state or local agency, the provision or requirement which is more restrictive, or which establishes the higher standard, shall prevail, except that in the event of a conflict between this

local law and the New York State Uniform Fire Prevention and Building Code or any other state code or statute that expressly preempts local law, the state code or statute shall govern to the extent required by state law.

Section 5: Definitions

The words used in this local law shall have the following meanings:

Back Yard — The open space on a lot which extends across the full width and/or length of the lot between the back lot line and the nearest part of the main dwelling. A back yard shall not be between any road and the main dwelling.

Construction Debris — Materials resulting from the construction, renovation, remodeling, repair, or equipping of structures or property, including but not limited to lumber, drywall, plaster, roofing materials, insulation, plumbing fixtures, electrical components, carpeting, linoleum, plastics, metals, masonry materials, packaging materials, and similar items.

Cord Wood — Cut and split logs, firewood, or other untreated natural wood materials customarily used for residential heating, cooking, or recreational outdoor fires, including fireplaces, wood-burning stoves, furnaces, fire pits, campfires, or similar lawful uses. “Cord wood” shall not include painted, stained, chemically treated, pressure-treated, manufactured, processed, or contaminated wood products, nor construction and demolition debris.

Cord Wood Logs — Whole or sectioned untreated wood logs intended solely for processing into cord wood for residential heating, cooking, or recreational outdoor fires.

Debris — Any discarded, abandoned, accumulated, stored, or unused material, substance, object, or matter located outdoors, including but not limited to construction debris, demolition debris, vegetation debris, lawn and yard debris, storm debris, roadwork debris, miscellaneous Debris, utility maintenance debris, refuse, scrap materials, or any combination thereof.

“Debris” shall not include materials actively being used on the owner’s premises for a lawful improvement authorized by a valid building permit, provided such materials are maintained in an orderly and safe manner and adequately protected from weather exposure where appropriate. If construction or improvement activity ceases for an extended period and no substantial progress toward completion is occurring, such materials may be deemed debris subject to removal. Stone, dirt, cord wood, and landscaping materials shall not be considered “Debris”.

Demolition Debris — Materials resulting from the demolition, dismantling, destruction, or removal of structures or improvements, including but not limited to concrete, brick, asphalt, wood, masonry, metal, glass, wall coverings, roofing materials, and structural components.

Front Yard — The open space on a lot extending across the full width of the lot between the front lot line and the nearest point of any permanent structure. On corner lots or lots abutting more than one road, each yard situated between the principal structure and a road-facing lot line shall be considered a front yard, irrespective of mailing address. All front yard regulations shall apply to each such yard accordingly. Where no principal structure exists on a lot, the entire lot shall be deemed the front yard and all front yard regulations shall apply to the lot in its entirety, with the exception of wooded lots.

Garbage — The animal or vegetable waste resulting from the handling, preparation, cooking, and consumption of food, whether from a business or residential premises.

Garbage Receptacle — A container designed and intended for the temporary storage of garbage, constructed of durable metal, heavy-duty plastic, or other rigid watertight material approved by the Village Board, and equipped with a secure lid or cover to prevent scattering of contents and access by animals.

Industrial Establishment — A business use or activity that involves manufacturing, fabrication, assembly, warehousing, and/or storage.

Junk — The open storage or deposit of any of the following shall constitute junk:

1. One or more inoperable junk vehicles.
2. One or more inoperable junk mobile homes, motor homes, or recreational vehicles.
3. One or more inoperable junk watercraft.
4. One or more inoperable junk ATV, side-by-side, or other off-road vehicles.
5. One or more inoperable pieces of construction equipment.
6. One or more inoperable pieces of farm equipment.
7. One or more discarded or inoperable household appliances, including but not limited to washers, dryers, dishwashers, stoves, refrigerators, freezers, and televisions.
8. One or more discarded or irreparably damaged pieces of furniture, including but not limited to sofas, lounge chairs, mattresses, bed frames, desks, tables, chairs, and chests of drawers.
9. Disassembled vehicle parts, other disassembled machinery, bicycles, or appliances; parts of machinery, parts of vehicles, or parts of appliances.
10. One or more inoperable pieces of lawn equipment.
11. One or more inoperable recreational vehicles.
12. Tires which do not meet New York State requirements for highway use.
13. Scrap metal, paper, rags, or lumber, except cord wood being used for household purposes shall not be construed to be "junk."

Junk Inoperable Mobile Home — Any mobile home which meets two of the three following conditions for six months or more:

1. The electrical service is disconnected or terminated.
2. It is abandoned as a dwelling unit.
3. It is no longer habitable for residential occupancy pursuant to the New York State Building Code.

Junk Inoperable Vehicle —

1. Any vehicle intended for travel on the public highways or waterways which is:
    a) Unlicensed for a period exceeding three (3) months; or
    b) Abandoned, wrecked, discarded, dismantled, or partly dismantled; or
    c) Unregistered for a period exceeding six (6) months; or
    d) Subject to an expired inspection for a period exceeding twelve (12) months.
2. Any vehicle not required to be licensed, or any vehicle not intended for use on public highways or on waterways, shall be deemed a junk vehicle if:
    a) Such vehicle has remained unused for more than twelve (12) months; or
    b) It is not in usable condition according to the standards set forth in the owner's manual.
3. Any used parts or waste materials which, taken together, equal in bulk one or more such vehicles.

Lawn and Yard Debris — Grass clippings, leaves, hedge trimmings, garden waste, weeds, small branches, and other routine yard maintenance materials.

Litter — Garbage and/or rubbish as herein defined, and all other waste material which, if thrown, deposited, or left on the side of the road as herein prohibited, tends to create a danger to public health, safety, and welfare.

Miscellaneous Debris — Discarded, abandoned, accumulated, deteriorated, dismantled, salvaged, scrap, or unusable materials not otherwise specifically defined herein, including mixed materials and combinations of materials resulting from property maintenance, cleanup, storage, or abandonment.

Open Storage — Storage other than in a completely enclosed structure.

Owner — Any person, firm, corporation, limited liability company, or other legal entity who, individually or jointly or severally with others, holds the legal or beneficial title to any building, facilities, equipment, or premises subject to the provisions of this chapter.

Public Nuisance Affecting Health — A nuisance that is an occupation of or use of property, equipment, or structures, either private or public, affecting the health or well-being of one (1) or more people.

Public View — Visible from any public street, sidewalk, public right-of-way, or park at ground level without the aid of special equipment.

Residential Premises — A building or combination of buildings used solely for the personal living purposes of the occupants thereof, whether as owners or tenants. Residential premises shall be either a single-family dwelling, a two-family dwelling, or a multiple-family dwelling.

Roadwork Debris — Materials resulting from the construction, maintenance, repair, or removal of roads, driveways, sidewalks, or related infrastructure, including but not limited to asphalt pavement, concrete, gravel, stone, and road base materials.

Rubbish — Combustible and noncombustible waste materials, except garbage. The term shall include the residue from the burning of wood, coal, coke, and other combustible materials; paper, rags, cartons, boxes, barrels, excelsior, rubber, leather, tree branches, yard trimmings, leaves, cans, bottles, metals, mineral matter, plastics, glass, crockery, wood furniture and bedding; dead animals; and any and all tangible personal property no longer intended or in condition for ordinary and customary use; and other similar materials.

Trash — Any or any combination of the following: litter, rubbish, garbage, junk, waste materials, and debris.

Utility Maintenance Debris — Materials resulting from the installation, maintenance, repair, or removal of utility lines or utility infrastructure, including but not limited to poles, wires, conduit, piping, vegetation clearing remnants, and related materials.

Vegetation Debris — Organic material resulting from land clearing, grubbing, tree removal, utility line maintenance, storm cleanup, or seasonal maintenance activities, including but not limited to trees, stumps, branches, logs, brush, leaves, and similar vegetative matter.

Vehicle — Any means of transport or conveyance originally intended for travel on public highways, private property, or public or private waterways, which was originally designed and manufactured (1) to be moved or propelled by other than muscular power; or (2) to be drawn or towed.

Waste Material — Waste produced by industrial or manufacturing processes, including but not limited to food processing waste, boiling house cinders, lumber scraps and shavings, slag, industrial sludge or other chemical wastes and by-products, tires and oils, and large amounts of wood, concrete, rocks, brick, sand, and other wastes from building operations. Excluding Cord Wood and Cord Wood Logs.

Section 6: Responsible Party

The owner is the responsible party for all provisions of this local law unless explicitly stated otherwise in a particular provision. For the full duties and responsibilities of owners, occupants, tenants, and other persons in control of premises, see Section 9 of this local law.

Section 7: Prohibited Accumulations and Open Storage

The following accumulations and forms of open storage are prohibited on all properties within the Village of Canaseraga, whether residential, commercial, industrial, vacant, or improved, except as otherwise permitted by this local law:

1. The open storage of garbage, litter, rubbish, and/or waste materials, regardless of quantity.
2. The outdoor storage of junk or debris, except where such junk or debris is screened from public view by a fence or permanent structure and the total volume does not exceed three (3) cubic yards.
3. Junk Vehicles. Two (2) junk vehicles, as defined herein, may be stored outdoors on a property, provided it is screened from public view completely by a fence or permanent structure.
4. Any decomposable organic matter which might create a nuisance or act as a breeding place for flies, insects, or vermin, or serve as food for rats or vermin. Except compost that is contained and secure from rats or vermin.
5. Any discarded material or object that can hold water, which might serve as a breeding place for mosquitoes or harbor vermin.
6. Any junk mobile home, junk recreational vehicle, junk ATV, junk side-by-side, junk lawnmower, or other junk off-road vehicle, except where such materials are screened from public view by a fence or permanent structure.
7. Vehicle parts, scrap metal, lumber, construction materials, or inoperable appliances shall not be stored in the open, except where such materials are screened from public view by a fence or permanent structure and the total volume does not exceed three (3) cubic yards.
8. Leaves and branches may be temporarily stored on the property only if actively gathered for disposal, and such temporary storage shall not exceed thirty (30) days. All other

materials listed in this subsection must be properly stored or disposed of in accordance with applicable local, county, and state codes.

9. Any materials stored outdoors that would attract or serve as harborage for rodents, pigeons, wild animals, or other pests.

10. No person shall throw or place any papers, trash, garbage, rubbish, or junk in any street or street right-of-way, park, creek or creek bank, or any other public lands, except at the time and in the manner provided for the collection of garbage.

11. No person shall throw, cast, deposit, or allow to accumulate any junk, as defined herein.

12. No person shall allow or permit the continuance of a public nuisance affecting health, as defined herein.

13. **Exceptions.** Nothing in this section shall be construed to prohibit the temporary storage of garbage or rubbish awaiting removal, provided that such storage is in receptacles that meet the requirements of this local law; nor shall this section be construed to prohibit the depositing of manure or fertilizers upon private property for the purpose of cultivating or improving the same.

14. Storage Structures — Placement and Setbacks.

    a) Front Yard Prohibition**:** Storage structures shall not be located in a front yard or within thirty (30) feet of the center-line of any public road; provided, however, that on vacant land (as defined herein), a storage structure may be permitted if located not less than thirty (30) feet from the center-line of any public road.
    b) Side and Rear Yard Placement: Storage structures may be located in the side or rear yard but must be set back at least four (4) feet from any property line.
    c) The placement of such items shall be located so that they do not create a hazard, obstruct drainage, obstruct traffic visibility, interfere with First Responder access, or obstruct access to public utilities.
    d) Maintained in good repair.

15. Any property determined to be a blighted property by the Code Enforcement Officer shall be given written notice to correct the violation within sixty (60) days. If the property is not brought into compliance within the specified period, the Village may seek weekly fines through the Village Justice Court. For complex corrective work requiring permits or contractors, the Code Enforcement Officer may, at their discretion, grant a reasonable extension of up to ninety (90) days if the property owner submits a work plan and timeline.

16. No tires shall be left outdoors and visible. They shall be disposed of according to all applicable laws by the owner.

17. Any obstructions to fire hydrants, including but not limited to vegetation, junk, or snow.

Section 8: Garbage, Litter, Trash, and Rubbish

1. General Standards.

    a) Garbage and rubbish shall be regularly collected and removed from the premises and will be contained in a garbage receptacle.
    b) The burning of garbage, refuse, toxic substances, or materials producing offensive or noxious odors is prohibited.
    c) No person shall place, or cause to be placed, garbage or rubbish out for pickup prior to twenty-four (24) hours before the scheduled pickup time. No garbage or rubbish shall be visible to the public 24 hours after the garbage pickup time.
    d) Garbage pickups will occur on such day or days as designated by resolution of the Village Board of Trustees. The Village Board reserves the right to change the pickup day, extend collection schedules, or provide exceptions due to holidays or other circumstances, but shall provide village residents with a minimum of 30 day notice.
    e) All garbage receptacles shall be removed from the roadside within twenty-four (24) hours after garbage collection and shall not be stored in a front yard and stored adjacent to a permanent structure at all times except during scheduled pickup periods. Village residents who are away from home on garbage pick up days should identify someone to manage their garbage pickup days.

    f) All garbage receptacles shall be secure from all rodents, pigeons, wild animals, or other pests at all times. The lid shall remain closed and not be lifted by the garbage inside.
    g) Adequate sanitary facilities and approved methods shall be used for the collection, storage, handling, and disposal of garbage and rubbish, in accordance with all applicable local, county, and state codes, regulations, and ordinances.
    h) Any trash, debris, or leftover materials placed at the curb for garbage collection that remain after pickup by the waste collection service must be removed from public view and properly disposed of within 24 hours after the collection has occurred, or no later than 12:00pm. on the day following the scheduled collection day, whichever occurs first.
    i) Items intended for free giveaway may be placed at the side of the road beginning at 12:00pm. on Wednesday and must be removed by 12:00pm. on the Saturday of the same week. Such items shall be clearly marked "FREE" or the items will be considered trash.

j) Residential premises, commercial premises, and industrial premises shall be maintained free of litter.

k) Garbage, rubbish, trash, or other materials shall not be allowed to accumulate on exterior structures such as porches, decks, patios, or similar areas in a manner that:
    i. Creates a fire or safety hazard; or
    ii. Promotes infestation of insects or rodents; or
    iii. Covers more than 50% of the usable surface area of the structure.

2. Commercial and Industrial Establishments and Multiple-Family Dwellings.

    a) No open storage of garbage or rubbish shall be permitted, except in approved garbage receptacles. If a dumpster is used, the lid shall be kept closed except when garbage or rubbish is placed inside it, and closed immediately thereafter.
    b) The area used for the placement of dumpsters or other approved garbage receptacles shall be fenced or otherwise screened from view from public streets.

3. Single-Family and Two-Family Residential Premises.

    a) No garbage or rubbish may be stored in the front yard.

Section 9: Duties of Owners and Occupants

1. The owner, tenant, occupant, operator, or any other person in control of premises subject to the provisions of this local law shall be jointly and severally responsible for compliance with all provisions of this local law. The obligations imposed by this local law shall not be affected by any lease, contract, or other private agreement allocating responsibility for compliance among the parties. Nothing herein shall be construed to prevent the Village from enforcing the provisions of this local law against any or all responsible parties, nor shall any private agreement between parties limit the authority of the Village to enforce this local law.

    a) Any unpaid fines related to this law, shall be placed as a tax levy against the property.

2. For the purposes of enforcement of this local law, any person who is in actual possession of, or who has charge, care, or control of any property within the Village, including but not limited to an executor, administrator, trustee, guardian, operator, manager, or agent, shall be deemed responsible for compliance with the provisions of this local law to the same extent as the owner of record. Service of any notice, order, or determination issued by the Code Enforcement Officer upon any such person shall be

deemed sufficient notice for the purposes of enforcement under this local law. Nothing in this section shall be construed to relieve the owner of record from responsibility for compliance with this local law.

3. An owner may submit a written request to the Village Board for a temporary stay of enforcement upon providing evidence that eviction proceedings have been commenced against a tenant, occupant, or other person in control of the premises.

Section 10: Administration and Enforcement

1. Enforcement Official. The Code Enforcement Officer is hereby designated as the Village enforcement official, charged with the administration and enforcement of this local law.
2. Courtesy Notice. For violations involving garbage, rubbish, trash, or debris located in a front yard, public right-of-way, or at the curb, the Mayor, Village Clerk, Deputy Clerk, Department of Public Works worker, or another employee designated by resolution of the Village Board may issue a Courtesy Notice requiring correction within twenty-four (24) hours.
    a) The Village Board reserves the right to issue Notices of Violation when two (2) or more Village Board members observe the violation from public view, twenty-four hours have elapsed from the Courtesy Notice, and when the Code Enforcement Officer is not immediately available to address the issue.
        i. No Courtesy Notice or twenty-hour (24) grace period will be given when more than two notices of any kind have been sent to the owner in a 12-month period.
3. Complaints.
    a) Any person may file a complaint with the enforcement official alleging that a violation of this law has taken place or is taking place. Complaints may be submitted in writing, by telephone, or by any other means made available by the Village. Where a complaint is received by telephone or other non-written means, the enforcement official shall reduce the complaint to writing, recording the nature of the complaint, the property location, the date and time of the complaint, and, if provided, the name and contact information of the complainant.
    b) The enforcement official shall record, investigate, and document any such complaint.
    c) The enforcement official may also investigate any alleged violation that the official has reason to believe has occurred or is occurring.
4. Inspection.

a) Whenever a complaint has been filed, or whenever it shall appear that the provisions of this local law are being violated, the enforcement official, except in cases where the alleged violation is visible where no entry onto private property is necessary, shall obtain consent from an owner, lessee, agent, tenant, or other person with authority before entering the property, or shall obtain a warrant.
b) Following the inspection of the property, the enforcement official shall file a written report detailing the findings of the inspection with the Village Clerk and the Village Board of Trustees within thirty (30) calendar days of the date of such inspection. Complaints shall be mailed to: Village of Canaseraga 10 Main Street, Post Office Box 235 Canaseraga NY 14822 or emailed to: vcanaseraga@outlook.com

5. Notice of Violation.

    a) Issuance of Notice. If the enforcement official determines that a violation of this local law exists on any property, the official shall prepare a written Notice of Violation:
        i. A statement that failure to comply with the notice may result in enforcement action, including prosecution and/or imposition of fines through the Village Justice Court.
    b) Service of Notice. A Notice of Violation may be served by the enforcement official identified in section a.
        i. Personally, upon the owner, occupant, or other responsible person; or
        ii. By posting the notice in a conspicuous location on the property, with a copy mailed to the owner of record as listed with the Village Clerk.
    c) Garbage and Rubbish violations left at the side of the road or in the front yard must be corrected within twenty-four (24) hours of notification. Responsibility for correcting such violations rests with the owner, tenant, or occupant.
    d) Extension. Upon written request demonstrating reasonable cause, the Village Board may grant an extension for compliance with the Notice of Violation.

6. Enforcement. If, after the expiration of thirty (30) days, or the number of days explicitly specified by a section in this local law, from the date of mailing of the Notice of Violation, placing the Notice of Violation in conspicuous location on the property, or after the completion of any extension period, the owner or occupant fails to comply with the requirements of this law, the Code Enforcement Officer or Village Board may institute enforcement procedures as follows:

    a) The Code Enforcement Officer is hereby authorized, pursuant to New York State Criminal Procedure Law §150.20(1)(b), to issue an appearance ticket to any person whom the Code Enforcement Officer has reason to believe has violated

any part of this law, and shall cause such person to appear before the Village Justice Court or other court of competent jurisdiction.

b) Accumulation of Garbage or Rubbish.
    i. The Village of Canaseraga may utilize the Department of Public Works (DPW) or a private contractor to remove the garbage or rubbish at the owner's expense. The cost of removal shall be billed directly to the owner. If payment is not made within thirty (30) days, the amount may be levied against the owner's property taxes.
    ii. If a property is found in violation of any section in this local law two (2) or more times within a twelve (12) month period, no grace period shall be offered for subsequent violations.

c) If a property owner, occupant, or responsible party is not present at the time a Code Enforcement Officer attempts to serve a Notice of Violation, the officer may affix a Violation Notification hanger in a conspicuous location on the property. Posting the door hanger in accordance with this section shall constitute official notice of the violation. For purposes of enforcement, the date of posting shall be deemed the first day of the violation. A copy of the Violation Notification shall also be mailed to the owner of record as listed with the Village Clerk to ensure proper notice, along with an affidavit of service.

d) The Village Board reserves the right to seek a court order to have the violation corrected by the Village. The expense thereof shall be charged to the property by including such expenses in the next annual tax levy against the property.

e) The Village Board reserves the right to waive any fees or penalties if it is the first offense and the violation was corrected quickly, except that no waiver shall apply to open burning violations.

7. Administrative Appeal.

    a) Right of Appeal. Any person who receives a Notice of Violation or is assessed a fine under this local law shall have the right to appeal such notice or fine to the Village Board of Trustees within thirty (30) calendar days of the date of service of the Notice of Violation or assessment of the fine.

    b) Procedure. An appeal shall be submitted in writing to the Village Clerk and shall state the grounds for the appeal with specificity. The Village Board shall schedule a hearing on the appeal at its next regular meeting, or at a special meeting if necessary, and shall provide written notice of the hearing date to the appellant at least five (5) business days in advance.

    c) Hearing. At the hearing, the appellant shall have the opportunity to present evidence and argument. The Code Enforcement Officer shall present the basis for the Notice of Violation or fine. The Village Board shall issue a written determination within ten (10) business days of the hearing.

d) Effect of Appeal. The filing of a timely appeal shall stay enforcement of the Notice of Violation or fine pending the Village Board's determination, unless the Code Enforcement Officer determines that an emergency condition exists requiring immediate action under subsection 11.
e) Judicial Review. Nothing in this section shall limit the right of any person to seek judicial review of the Village Board's determination in a court of competent jurisdiction.

8. Delayed Enforcement in Extreme Circumstances.

a) Authority. The Village Board of Trustees is the sole and reasonable authority authorized to delay enforcement of any provision of this local law. No other officer, employee, or agent of the Village may grant delayed enforcement.
b) Definition of Extreme Circumstances. For purposes of this section, "extreme circumstances" may include, but are not limited to:
    i. Natural disasters (e.g., floods, storms, fire) that temporarily prevent compliance.
    ii. Public emergencies declared by federal, state, or local authorities.
    iii. Situations where immediate enforcement would create undue hardship that is beyond the reasonable control of the property owner or responsible party.
    iv. Landlord in the process of evicting tenant(s) at the property in violation of this local law.
c) Procedure for Delayed Enforcement.
    i. A request for delayed enforcement must be submitted in writing to the Village Board of Trustees by the owner, occupant, or responsible party, stating the basis for the request and describing the extreme circumstances.
    ii. The Village Board shall review the request at a regular or special meeting and may grant delayed enforcement at its sole discretion.
    iii. The Board shall set a specific expiration date for the delayed enforcement period. All conditions and deadlines shall be clearly documented in a written resolution or official record.
d) Effect of Delayed Enforcement.
    i. Any delayed enforcement applies only to the property and provision(s) specified by the Village Board.
    ii. Delayed enforcement does not excuse or limit compliance for any other person, property, or section of the law.
    iii. Delayed enforcement is not indefinite; the property owner or responsible party must comply by the date set by the Village Board.

iv. The Village Clerk shall maintain a record of all requests, determinations, and expiration dates of delayed enforcement in the meeting minutes to ensure transparency and consistency.

9. Abatement by Village and Recovery of Costs.

    a) In addition to any other remedies or penalties available under this local law, if a violation exists and the owner/occupier/resident fails to remedy the violation, the Village Board of Trustees may cause the conditions constituting the violation to be remedied or corrected at the expense of the property owner.
    b) The cost of any such remediation, including disbursements and expenses incurred by the Village or its contractors, an administrative fee of ten percent (10%) of the total cost, and the actual cost of certified mail plus a ten percent (10%) administrative fee for all Notices of Violation and citations mailed in connection with the enforcement action, shall constitute a charge and lien upon the premises. Such costs may be added to the next annual Village tax bill and collected in accordance with applicable law, including interest as permitted by law.
    c) Notice and Opportunity to Cure: Before the Village undertakes remedial action, the property owner shall be provided notice of the violation and a reasonable opportunity to cure, unless the Village Board determines that immediate action is necessary to protect public health, safety, or the environment.
    d) Judicial Review: Nothing in this section limits the right of the property owner to seek judicial review of the Village's determination or of the assessment of costs in a court of competent jurisdiction.

10. Penalties.

    a) Any violation of this local law that exists after thirty (30) days, except where a different period is defined by this local law or any individual section or subsection, from being notified shall be subject to a fine of not less than $20.00 and not more than $500.00 per week, depending on the severity, the length of time the offense has not been corrected, and the total number of offenses on the property. Each week a violation continues shall constitute a separate offense and fines will double. All fines shall be recoverable through the Justice Court used by the Village or other court of competent jurisdiction.
    b) All fines for any violation of any Village local law shall be paid to the Village Clerk from the effective date of this local law.
    c) The Village Board may also maintain an action or proceeding in the name of the Village in a court of competent jurisdiction to compel compliance with or restrain by injunction the violation of any provision of this law.

11. Emergency Orders.

    a) Authority to Issue Emergency Orders. If the Code Enforcement Officer or other authorized Enforcement Official determines that an emergency exists which requires immediate action to protect the public health, safety, or welfare, the officer may issue an Emergency Order without prior notice or hearing.
    b) Definition of Emergency. For purposes of this section, an "emergency" may include, but is not limited to:
        i. Conditions posing an imminent threat to life or health, such as hazardous materials, fire hazards, or structural failure.
        ii. Situations creating immediate environmental hazards or serious threats to the public, including uncontrolled flooding or sewage discharge.
    c) Contents and Effect of Emergency Orders.
        i. The Emergency Order shall recite the existence of the emergency, specify the conditions to be remedied, and describe the actions required.
        ii. The Emergency Order shall take effect immediately upon issuance, and any person to whom the order is directed must comply immediately.
        iii. All actions required must be reasonable, necessary, and proportionate to the emergency.
    d) Post-Issuance Hearing.
        i. Any person subject to an Emergency Order may request a hearing as soon as possible by petitioning either the Code Enforcement Officer or the Justice Court.
        ii. At the hearing, the officer or court shall determine whether to continue, modify, or withdraw the Emergency Order.

e) Documentation. The Code Enforcement Officer shall document the emergency, including the nature of the threat, actions taken, and any subsequent hearing or modification, to ensure transparency and legal defensibility.

Section 11: Delivery of Notices and Citations

1. Personal Service. The Code Enforcement Officer or other authorized Village official shall deliver Notices of Violations, Courtesy Notices, or citations directly to the property owner, occupant, or another responsible adult at the premises whenever possible.
2. Posting on Property. If the property owner or responsible party cannot be personally reached, the notice may be posted in a conspicuous location on the property, including but not limited to the primary entrance, front door, gate, fence, or another location reasonably calculated to provide notice to the owner, occupant, or responsible party.
3. Mailing. All Notices of Violation or citations shall also be sent to the property owner by certified mail, return receipt requested, or by regular first-class mail. Mailing shall constitute service for purposes of compliance and enforcement. The cost of mailing shall be borne by the Village as part of its enforcement costs and may be recovered through the cost recovery provisions of Section 10(9) of this local law.
4. Prohibition on Mailbox Placement. Under no circumstances shall a notice or citation be placed inside a USPS mailbox, by any individual other than a postal carrier, as this is federal property and only authorized postal personnel may deposit mail therein.
5. Documentation. The Code Enforcement Officer or authorized Village official shall record the date, time, and method of delivery for each notice or citation. This documentation shall serve as evidence of proper service if enforcement proceedings are necessary.

Section 12: Fees

The Village Board of Trustees shall establish by resolution a schedule of reasonable fees to cover the cost of issuing and delivering notices required by this local law. The Village Board shall adopt an initial fee schedule within sixty (60) days of the effective date of this local law.

Section 13: Relationship with New York State Uniform Fire Prevention and Building Code

Nothing in this local law shall be construed to limit or supersede the authority of the Code Enforcement Officer to enforce the New York State Uniform Fire Prevention and Building Code (19 NYCRR) or the New York State Property Maintenance Code (19 NYCRR Part 1203). In the event of a conflict between this local law and any provision of the Uniform Code, the Property Maintenance Code, or any other applicable state code or regulation, the provision or requirement which is more restrictive, or which establishes the higher standard, shall prevail, except where a specific provision of state law expressly prohibits a municipality from imposing a stricter standard, in which case the state standard shall govern only to that extent. This local law

is intended to supplement the Uniform Code and to establish additional local standards where permitted by law.

Section 14: Severability

Each separate provision of this local law shall be deemed independent of all other provisions herein, and if any provision shall be deemed or declared invalid by a court of competent jurisdiction, all other provisions hereof shall remain valid and enforceable.

Section 15: Effective Date

This local law shall take effect immediately upon filing with the Office of the New York State Secretary of State pursuant to Municipal Home Rule Law §27.
