

# Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE  
162 WASHINGTON AVENUE, ALBANY, NY 12231

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

~~County~~

~~City~~

~~Town~~

~~Village~~

of Lincoln .....

Local Law No. 1 of the year 1997

A local law (Insert Title) entitled "The Town of Lincoln Property Maintenance  
and Nuisance Abatement Law".

Be it enacted by the Town Board of the  
(Name of Legislative Body)

~~County~~

~~City~~

~~Town~~

~~Village~~

of Lincoln as follows:

(If additional space is needed, attach pages the same size as this sheet, and number each.)

## ARTICLE I

### Legislative Intent.

- A. By the adoption of this local law, the Town Board of the Town of Lincoln declares its intent in doing so to be to regulate and control, in a manner consistent with the interests of the citizens of the Town of Lincoln, the manner in which the residents of the Town will be required to maintain their dwellings and premises within the Town of Lincoln. The Town Board is concerned about the appearance of property in the township and the adverse effects of the outdoor accumulation of garbage, rubbish and appliances. The maintenance required will be viewed towards promoting the health, welfare and sanitation of the township.
- B. The Town Board hereby declares that the owner of a dwelling and the property upon which it rests shall maintain the same in a neat and orderly fashion. The premises shall be clean and free of garbage, rubbish, appliances, filth, vermin, rodents and any thing or matter which can be considered dangerous to life or health. Where such conditions exist, it shall constitute a hazard to property and persons and be a public nuisance.
- C. Such materials considered may be highly flammable and sometimes explosive. Such may also contain acid or various poisons harmful and potentially harmful to humans. Such materials considered may contain or consist of sharp metal or glass edges or points upon which a human could receive serious cuts and abrasions. The presence of rubbish and garbage may also attract rats and other vermin and be a health hazard. The presence of such materials even in areas zoned for business or industry is unsightly and has an adverse effect on the use and enjoyment and value of the surrounding land of said property.
- D. It is also the Town Board's intent that a tenant shall also be liable if a violation is caused by his own willful act, assistance or negligence or that of any member of his family or household or his guests.

## ARTICLE II

### Definitions

As used in this local law, the following terms shall have the meanings indicated:

**APPLIANCE** - Any stove, washing machine, dryer, freezer, refrigerator or other household device or equipment.

GARBAGE - Includes all waste food, papers, dead animals or parts thereof, ashes, offal, vegetables, dross, cinders, shells, straw, shavings and all waste materials which shall be flammable or capable of fermentation or decay.

PERSON - Includes an individual, society, club, firm, partnership, corporation or association of persons, the singular form shall also include the plural.

RUBBISH - Includes waste metal, tin cans, ashes, cinders, glass, pottery, fabric, paper, cartons, boxes, crates, pallets (other than pallets intended to be used for heating fuel upon the premises), furniture (other than lawn furniture or other furniture specifically constructed for outdoor use), rugs, clothing, rags, mattresses, blankets, tires, lumber, remains of destroyed or partially destroyed buildings or other structures, auto parts and all discarded substances of a solid or combustible nature.

TENANT - One who temporarily holds or occupies land, a building or other property owned by another.

### ARTICLE III

#### Applicability and Prohibited Acts.

- A. This local law shall apply to all lands that are either private or public, within the Town of Lincoln.
- B. No person shall permit the placement, accumulation or keeping of garbage, rubbish or appliances on any premises except in an enclosed structure which protects such material from the natural elements and completely precludes sight of such material from any public or private right-of-way or from any other public or private property.
- C. Nothing herein contained shall prohibit the carrying on of normal and proper agricultural procedures and storing and maintaining of agricultural equipment, supplies and products.

### ARTICLE IV

#### Penalties for Offenses.

- A. Any person who commits or permits any acts in violation of any of the provisions of this local law shall be guilty of a violation and, upon conviction, shall be subject to a fine of not more than two hundred fifty dollars (\$250) per offense, or imprisonment for a period not to exceed



fifteen (15) days, or both. Each and every week the violation occurs or continues shall constitute a separate and additional offense for which the aforesaid penalties may be separately imposed.

- B. The Town also has the option to pursue enforcement of this local law through civil proceedings.
- C. Members of the Town Board and the Code Enforcement Officer shall have the power to issue an information and/or an appearance ticket to further enforcement proceedings under this local law. Prosecution shall be made by the Town Attorney. Jurisdiction shall be with the Town of Lincoln Justice Court.
- D. In addition to the above-provided penalties and punishment, the Town Board 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 this local law.

#### ARTICLE V

Effective Date.

This local law shall become effective immediately upon its filing with the New York Secretary of State.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. .....<sup>1</sup>..... of 19<sup>97</sup> of the ~~(County)(City)(Town)(Village)~~ of Lincoln ..... was duly passed by the Town Board ..... on February 12, 1997, in accordance with the applicable provisions of law.  
*(Name of Legislative Body)*

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer\*.)

I hereby certify that the local law annexed hereto, designated as local law No. .... of 19..... of the (County)(City)(Town)(Village) of ..... was duly passed by the ..... on ..... 19 .., and was (approved)(not approved)(repassed after disapproval) by the ..... and was deemed duly adopted on ..... 19...., in accordance with the applicable provisions of law.  
*(Name of Legislative Body)*  
*(Elective Chief Executive Officer\*)*

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. .... of 19..... of the (County)(City)(Town)(Village) of ..... was duly passed by the ..... on ..... 19...., and was (approved)(not approved)(repassed after disapproval) by the ..... on ..... 19.... . Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on ..... 19...., in accordance with the applicable provisions of law.  
*(Name of Legislative Body)*  
*(Elective Chief Executive Officer\*)*

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. .... of 19..... of the (County)(City)(Town)(Village) of ..... was duly passed by the ..... on ..... 19...., and was (approved)(not approved)(repassed after disapproval) by the ..... on ..... 19.... . Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of ..... 19...., in accordance with the applicable provisions of law.  
*(Name of Legislative Body)*  
*(Elective Chief Executive Officer\*)*

\* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

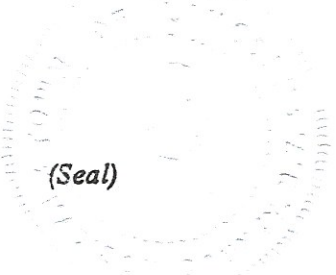
I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 19\_\_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on \_\_\_\_\_ 19\_\_\_\_, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 19\_\_\_\_\_ of the County of \_\_\_\_\_ State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_ 19\_\_\_\_, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph \_\_\_\_\_, above.



*Macon Kimball*

Clerk of the County legislative body, ~~City~~ Town ~~Village~~ Clerk or officer designated by local legislative body

Date: 2-24-97

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK  
COUNTY OF MADISON

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

*James T. Flores*  
Signature

Town Attorney  
Title

~~County~~  
~~City~~ of Lincoln  
Town  
~~Village~~

Date: 2/14/97