

TOWN OF CHESTERFIELD LOCAL LAW ____ OF 2026

A LOCAL LAW ENTITLED:

"TOWN OF CHESTERFIELD PROPERTY MAINTENANCE LOCAL LAW"

BE IT ENACTED by the Town Board of the Town of Chesterfield as follows:

Article I. TITLE.

Section 1.01 The title of this local law shall be "Town of Chesterfield Property Maintenance Local Law."

Article II. PURPOSE AND INTENT.

Section 2.01 The purpose and intent of this Law is to provide protections for the health, safety and welfare for everyone living in and visiting the Town of Chesterfield.

Section 2.02 This Local Law is intended to preserve public health and safety, improve the appearance of the Town, maintain residents' pride in the Town and protect property values.

Article III. AUTHORITY.

Section 3.01 This local law is enacted pursuant to the authority of (a) Municipal Home Rule Law ("MHRL") §10(1)(i), which authorizes a Town to adopt a local law not inconsistent with the provisions of the Constitution or not inconsistent with any general law relating to its property, affairs or government; and (b) MHRL§10(l)(a)(11) and (12), which authorize a Town to adopt a local law relating to the protection and enhancement of its physical and visual environment and the government, protection, order, conduct, safety, health and well-being of persons or property therein.

Article IV. APPLICABILITY.

Section 4.01 This Local Law shall apply to all property situate in the Town of Chesterfield.

Article V. DEFINITIONS OF WORDS AND PHRASES.

For purposes of this local law, the following terms shall have the following meanings:

- (a) Accessory Structure. A use, occupancy or tenancy customarily incidental to the principal use or occupancy of the premises.
- (b) Blighted Property. An improved or vacant lot which meets or exceeds a point value of 100 points as set forth with this local law.
- (c) Building. A structure, wholly or partially enclosed within exterior walls or within exterior or party walls, and a roof affording shelter to persons, animals or property.
- (d) Code Enforcement Official - An official charged with the enforcement and/or administration of this article.
- (e) Debris. Scattered remains, discarded waste and litter.

- (f) Dilapidated - Extreme disrepair such that a structure or dwelling unit or commercial space is unfit or unsafe for habitation or occupancy.
- (g) Emergency Notice of Violation. A notice of violation containing each of the elements set forth in the definition of notice of violation (except notice of a right to a hearing), and in addition thereto, a statement that an emergency condition requiring immediate correction has been found to exist and setting forth the date and time by which the violation is to be cured.
- (h) Garbage. Food wastes, as from a kitchen, worthless matter and trash.
- (i) Graffiti. Any inscription, mark or design which has been written, etched, scratched, painted or drawn or otherwise visible upon premises.
- (j) Junk. Discarded and/or unused and/or broken items such as but not limited to: metal, paper, glass, plastic, ceramic, aluminum, concrete, rubber tires, appliances, tools, mattresses, metal and plastic containers, foam, furniture, construction debris, electrical components, and motors including automobiles.
- (k) Junked Vehicle. An unregistered motor vehicle not suitable for operation.
- (l) Legal Occupancy. Occupancy that exists by virtue of fee ownership, a bona fide lease agreement, a rent receipt or, if necessary, a utility statement, and which occupancy is in compliance with federal, state local laws, local zoning, local housing, and all other pertinent rules, regulations and codes.
- (m) Litter. To make untidy by discarding trash carelessly.
- (n) Mold. Any form of multicellular fungi that live on plant or animal matter and in indoor environments.
- (o) Notice of Violation. A statement in writing above the signature of the Code Enforcement Officer or designee, setting forth the name and address of the person/owner, mortgagee, mortgagor, occupant or tenant to be served, the date, time and location of the violation, a description of the violation, the date by which the violation must be cured, notice of a right to a hearing, the penalties which may accrue and the right of the Manager of the Building Department or designee to correct the violation if not corrected in a timely manner.
- (p) Person/Owner. Includes the owner, occupant, mortgagee, mortgagor, vendee in possession, operator, assignee or rents receiver, executor, trustee, lessee, property manager, property maintenance company, agent or any other person, firm or corporation directly or indirectly in control of a building or parcel or part thereof, including banks or other financial institutions or private lenders that have initiated, but not completed foreclosure proceedings.
- (q) Premises. A lot or parcel of land, including the buildings and structures thereon.
- (r) Refuse. Something rejected or discarded as worthless or useless.
- (s) Registration Fee. An annual fee imposed upon properties which are listed on the blighted property inventory list.

- (t) Restoration Agreement. A legal and binding agreement between the Town and a given property owner, wherein said property owner proposes to complete specific repairs and/or improvements in order to resolve conditions existing on the property as identified by a Code Enforcement Officer in accordance with the definition of "blighted property." Such repairs and/or improvements shall be outlined on an explicitly fixed timeline and as such will be offered a full exemption from the annual registration fee. The property owner will be responsible for fulfilling the agreement with updates provided to the Town Board. The Code Enforcement Officer shall determine if the conditions of the restoration agreement have been met. If so, the property will be removed from the blighted property inventory list.
- (u) Rubbish. Any combustible and noncombustible waste materials including but not limited to plant and tree trimmings and non-functioning products of any kind.
- (v) Structure. An assembly of materials forming a construction framed of component structural parts for occupancy or use, including buildings.
- (w) Trash. Any discarded material.
- (x) Vacant parcel. A parcel of land with no buildings or structures located on same.
- (y) Vacant Structure. A building or structure, or a portion thereof, which has not been used or occupied for twelve (12) consecutive months.

Article VI. CREATION OR MAINTENANCE OF BLIGHTED PROPERTY PROHIBITED.

Section 6.01 No owner, agent, tenant, business entity, voluntary association, nonprofit organization, or person in control of real property located within the Town of Chesterfield shall allow, create, maintain or cause to be created or maintained any blighted property.

Article VII. DETERMINATION OF BLIGHTED PROPERTY.

Section 7.01 The following conditions shall be factors in evaluating whether or not a property is designated as a blighted property:

- (a) A determination by the Code Enforcement Officer, Fire Inspector, or Town Attorney that the property is in a condition which poses a serious and immediate threat to the safety, health, and/or general welfare of the community. (100 points).
- (b) The owner of the property has been issued summonses and/or has been prosecuted for violation(s) of the Code of the Town of Chesterfield, and such violations have not been corrected within 30 days. (100 points).
- (c) The property has attracted or been an instrument of illegal, noxious or deleterious activity. (50 points).
- (d) A determination has been made by the Code Enforcement Officer that the conditions upon the property constitute an imminent fire hazard. (50 points).
- (e) The property is creating a substantial interference with the lawful use and/or reasonable enjoyment of other space within a structure/building or within the surrounding neighborhood. (50 points).
- (f) The property has been declared unsafe by the Code Enforcement Officer. (50 Points)

- (g) The property is determined to be unmaintained based upon evidence of the persistent and continued existence of the following deleterious conditions:
 - (i) Broken windows, doors, entryways or exits. (10 points)
 - (ii) Excessive litter or debris. (10 points)
 - (iii) Violates any of the conditions as defined under Unsafe Building or Structure (10 points).
 - (iv) Unregistered and/or ungaraged motor vehicles. (10 points per vehicle)
 - (v) Broken, unsecured or in disrepair:
 - 1) Roof (10 points);
 - 2) Gutters (5 points);
 - 3) Siding/shingles (10 points);
 - 4) Chimney (10 points);
 - 5) Shutters (5 points);
 - 6) Accessory structures, including but not limited to, decks, sheds, porches, pools, pool houses or cabanas, garages, carports, storage units, front and rear porches, outside statuary, fishponds. (15 points)
 - (vi) Damaged, unsightly, unsecured or unpermitted signage or awnings. (15 points)
- (h) Presence of graffiti. (10 points)
- (i) Broken, unsecured or in disrepair fencing. (10 points)
- (j) Broken, unsecured or in disrepair outdoor lighting fixtures. (5 points)
- (k) Broken, exposed or hazardously utilized electrical wires, electrical equipment or extension cords. (15 points)
- (l) Unfinished construction. (20 points)
- (m) Damaged, dead or fallen trees or limbs. (10 points)
- (n) Evidence of fire damage to the property which has not been repaired or restored. (10 points)
- (o) Presence of stagnant water. (10 points)
- (p) Open or unsecured swimming pools, wells, cesspools or cisterns. (15 points)
- (q) Presence of vermin, rodent harborage and infestation. (30 points)
- (r) Presence of any violation identified within this article. (20 points)
- (s) Presence within/upon an outdoor area of the improper storage of:
 - (i) Refrigerator, washing machine, sink, stove, heater, boiler, tank, other household appliances, boxes or indoor furniture for a period in excess of 72 consecutive hours. (10 points)

- (ii) Lumber, construction materials, dirt, debris, trash, garbage or uncovered refuse cans, accumulated refuse or garbage in covered refuse cans which is not timely or properly disposed of. (10 points)

Article VIII. ENFORCEMENT.

Section 8.01 The Code Enforcement Officer is hereby charged with the duty of administering and enforcing this Local Law. The Town Board by resolution may appoint additional town officials as employees to enforce this local law.

Section 8.02 The Code Enforcement Officer shall inspect or cause an inspection to be made when he or she has a reasonable basis to believe a property or structure is a threat to the health, safety, welfare and the property values for those living in or visiting the Town or otherwise in violation of the standards set forth herein.

Section 8.03 The Enforcement Officer is authorized to enter onto all premises, public or private, with consent of the owner or occupant or consistent with constitutional safeguards and any requisite warrant in order to effectuate investigation and enforcement.

Section 8.04 Whenever the Code Enforcement Officer or designee determines that a building, property or vacant area is in violation of this Local Law, he or she shall serve a Notice of Violation and Order to Remedy, which shall recite the facts constituting each and every alleged violation of this Law, specifying in what respect the building or vacant area is in violation, and the date upon which each violation is alleged to have occurred. The Order to Remedy shall state with particularity what factual conditions must be eliminated or modified and, if applicable, in what way they must be modified to restore the premises to compliance with this Local Law. The Order to Remedy shall specify a reasonable date by which the alleged violation must be eliminated, which date shall be not less than ten (10) days from the date the Notice of Violation and Order to Remedy is served upon the Person or Entity as defined herein.

Article IX. NOTICE OF VIOLATION AND ORDER TO REMEDY

Section 9.01 The Notice of Violation and Order to Remedy shall contain a notice, in typeface no smaller than twelve (12) point, that the Town Board, at a publicly noticed meeting, may resolve to correct the violation if not eliminated by the owner or occupant by the date listed in the Notice of Violation and Order to Remedy and charge the property owner therefor, and absent payment to the Town by the property owner, the Town may add such charge as a lien payable with the Town real property taxes assessed against the parcel and collected and enforced in like manner.

Section 9.02 The Notice of Violation and Order to Remedy shall be served upon the property owner. Such notice shall be served by personal service upon the owner or person in charge of the affected building or structure; or if no such person can be reasonably found, by mailing said owner such notice by means of certified mail, return receipt requested, and by regular mail, to the last known address as shown by the records of the Town Assessor; and by securely affixing a copy of such notice upon the door of the affected building or structure.

Section 9.03 Any party aggrieved by a Notice of Violation and Order to Remedy may appeal the issuance, findings and directed compliance actions to the Town Board. Any appeal shall be filed with the Town Clerk on or before thirty (30) days after the date service of the Notice of Violation and Order to Remedy upon the appealing party was complete.

Section 9.04 The Town Board shall consider the Notice of Violation and Order to Remedy at its next scheduled meeting or at a public meeting convened pursuant to its rules at an earlier time and date, but no meeting shall be convened upon less than three (3) days from the request to consider an appeal. The Town Board may affirm, vacate or affirm in part or in whole with modifications.

Section 9.05 Upon filing of a timely appeal to the Town Board, enforcement measures will be stayed until final action on the appeal is taken by the Town Board.

Section 9.06 Notice contents.

- (a) The notice must contain a statement of the date(s) upon which an inspection was conducted on the property to determine blight, the address of the blighted property, the specific nature of the blight, a copy of this article, the point rating review of the premises, the required annual registration fees and the property's placement on the blighted property inventory list. Said notice shall further notify the owner that if no reasonable proof is offered establishing the property does not constitute a blighted property, said annual registration fee shall be added to the property tax bill for the premises after 30 days of receipt of said notice.
- (b) Any notice to qualifying property owners must also contain an offer of the opportunity to enter into a restoration agreement with the Town.

Section 9.07 Registration fees. After 30 days from the date of notice and absent proof to the contrary the following registration fees shall be imposed:

- (a) A registration fee of \$5,000 shall be added to the tax bill for any commercial building or property;
- (b) A registration fee of \$2,500 shall be added to the tax bill for any residential building or property.

Article X. RESTORATION AGREEMENT.

Section 10.01 Property owner qualifications. In order to qualify to enter into a restoration agreement, the property owner must have no other outstanding violations or complaints on file with Code Enforcement.

Section 10.02 Restoration agreement contents. All restoration agreements shall include a definite plan for the resolution of any conditions existing on the blighted premises/corresponding property as identified by a Code Enforcement Officer in accordance with the definition of "blighted property" defined herein.

Section 10.03 Such repairs and/or improvements shall be outlined on an explicitly fixed timeline.

Section 10.04 Registration fee exemption. In consideration for entering into a restoration agreement with the Town Board, the property owner will be offered a full exemption from the annual registration fee(s).

Article XI. FAILURE TO COMPLY OR ABATE VIOLATIONS.

Section 11.01 Failure to comply with a restoration agreement. Whenever the owners of a property fail to comply with an executed restoration agreement, the Town Board may authorize the work to be done and to charge the cost or expense of such remediation against the owner and establish a lien in the manner provided herein.

Section 11.02 Authority to abate in the absence of a restoration agreement. In the event that an owner and/or occupant of such land or premises shall fail to abate any violation as described in the definition of "blighted property" contained herein, the Town Board, after consideration at a public hearing, may declare said premises to be a nuisance and thereafter, the Code Enforcement Office shall have the authority to enter onto such premises where such violation exists, to remedy such violation and to charge the cost or expense of such remediation against the owner and establish a lien in the manner provided herein.

Section 11.03 All costs and expenses incurred by the Town in connection with the abatement of a violation of this article shall be provided to the Town Attorney. The total costs and expenses shall then be determined by the Town Attorney and shall be reported to the Assessor, and that amount shall be assessed against the property, and the expense so assessed shall constitute a lien and charge on the premises on which it is levied until paid or otherwise satisfied or discharged.

Article XII. PERSISTENT OR ONGOING BLIGHTED PROPERTIES.

Section 12.01 Any property previously designated by the Town Board as a "blighted property" and wherein blighted conditions continue to persist, following a public hearing and upon a determination by the Town Board, will thereafter be deemed as a persistent blighted property and assessed the annual blighted property registration fee.

Article XIII. JUDICIAL ENFORCEMENT

Section 13.01 The Enforcement Officer is authorized to seek criminal enforcement through the Town Justice Court or any other court with jurisdiction. The Enforcement Officer may issue an Appearance Ticket to the defendant directing the Person or Entity to appear in Town Justice Court no sooner than five (5) days from service of the Appearance Ticket upon such Person or Entity. The Appearance Ticket may be served upon the Person or Entity personally or in compliance with Section 150.40(2) of the Criminal Procedure Law.

Section 13.02 Within two (2) business days after service of an Appearance Ticket upon a Person or Entity, but in no case later than the day before which an Appearance Ticket mandates an initial appearance, the Enforcement Officer shall file with the Court an Information that complies with the provisions of Sections 100.15 and 100.40 of the Criminal Procedure Law and shall immediately serve the same upon the defendant

Section 13.03 If the Enforcement Officer elects, he or she may dispense with the Appearance Ticket procedure and file a sufficient accusatory instrument with the Court and request a Criminal Summons from the Court.

Article XIV. PENALTIES FOR OFFENSES

Section 14.01 A violation of this Law, as determined by the Court, is hereby declared to be an offense punishable by a fine of not more than \$250 for each and every day the violation exists after the date specified for compliance in a Notice of Violation and Order to Remedy duly served upon defendant or imprisonment for a period not to exceed six (6) months, or both, for conviction of a first offense.

Section 14.02 Conviction of a second offense, both of which were committed within a period of five (5) years, is punishable by a fine of not more than \$500 for each and every day the violation exists, or imprisonment for a period not to exceed six (6) months or both.

Section 14.03 Conviction for a third or subsequent offense, all of which were committed within a period of five (5) years, is punishable by a fine of not more than \$750 for each and every day the violation exists, or imprisonment for a period not to exceed six (6) months or both.

Section 14.04 Notwithstanding the foregoing the Town may also seek civil penalties from a Court of competent jurisdiction. A civil monetary penalty in an amount up to \$1,000 per violation for each day which such violation or violations continue may be sought by the Town.

Section 14.05 Each day that a violation of this Local Law continues after Notice has been served shall be deemed a separate offense and the alleged circumstances shall be considered a continuing violation until the violation is corrected and such violator shall be subject to any of the above remedies or any combination therefor for each day that violation remains.

Section 14.06 Nothing in this Local Law shall prevent the Town from seeking judicial equitable relief from a court of competent jurisdiction to abate violations of this Local Law. No remedy or penalty specified in this ordinance shall be considered an exclusive remedy and the Town shall have available all methods or remedies available in law or equity to address any violation described in this Local Law.

Article XV. EMERGENCIES

Section 15.01 Whenever the Enforcement Officer finds that an emergency or a potential emergency exists which requires immediate attention to protect the public health or safety, he or she may issue a Notice of Violation and Order to Remedy reciting the existence of such emergency or potential emergency. Notwithstanding any other provisions of this Local Law, such Order shall take effect immediately. Any person to whom such Order is directed shall comply therewith immediately. If such person does not comply immediately the Enforcement Officer, subject to the approval of the Town Board shall have the power to proceed at once to take such action as is needed to guard the safety of persons and property. In such cases the Enforcement Officer shall have the full power and authority to provide all necessary means therefore, and all expenses therefor shall be paid and collected as provided in Section 10(c). Upon appeal by the owner to the Town Board the owner shall be afforded a hearing as soon as possible. After such hearing, the Town Board shall continue such Order in effect or shall modify or dismiss it.

Article XVI. COSTS AND EXPENSES.

Section 16.01 The Town shall be reimbursed for the actual costs and expenses of the work so performed or services rendered, including reasonable attorney's fees, costs and disbursements, by assessment and levy on the real property on which such violation occurred, and the expense so assessed shall constitute a lien and charge on the real property on which it is levied until paid or otherwise satisfied or discharged and shall be collected in the same manner and at the same time as other Town taxes and charges.

Article XVII. SEVERABILITY.

Section 17.01 If any term or provision of this local law, or the application thereof to any person or circumstance, shall to any extent be determined by a court of competent jurisdiction to be invalid or unenforceable, the remainder of this local law, or the application of such term or provision to persons or circumstances other than those to which it is held invalid or unenforceable, shall not be affected thereby, and each term and provision of this local law shall be valid and be enforced to the fullest extent permitted by law.

Article XVIII. EFFECTIVE DATE.

Section 18.01 This local law shall take effect upon adoption and filing with the Secretary of State, as provided in Section 27(3) of the Municipal Home Rule Law.

Article XIX. ENACTED this _____ day of July, 2026 by the Town Board of the Town of Chesterfield, Essex County, New York.