

VILLAGE OF MONROE
INTRODUCTORY LOCAL LAW NO. ____ OF 2024
AMENDMENT TO CHAPTER 155A, PROPERTY MAINTENANCE LAW

BE IT ENACTED by the Village Board of Trustees of the Village of Monroe, County of Orange, State of New York, as follows:

Section 1. Legislative Findings, Purpose and Intent.

The Village Board of the Village of Monroe hereby determines that further clarification of the Property Maintenance Law is necessary for the efficient and lawful enforcement of the Chapter.

Section 2. Authority.

This local law is enacted by the Village Board of Trustees of the Village of Monroe pursuant to its authority to adopt local laws pursuant to the New York State Constitution and Section 10 of the Municipal Home Rule Law.

Section 3. Chapter 155A, titled, “Property Maintenance,” is modified as follows.

Section § 155A-1, titled, “Legislative intent, purpose” is modified to delete text marked with strike-out, and add text that is underlined.

A. The Board of Trustees of the Village of Monroe determines and declares that a clean, wholesome, attractive environment is important to the health and safety of the inhabitants of the Village and the safeguarding of their material rights against unwarranted invasion and, in addition, such environment is deemed necessary to the maintenance and continued development of the economy of the Village and general welfare of its citizens. The Board determines that it is contrary to this intent for any parcel of property to be maintained in a cluttered or unclean condition or in such as condition so as to create the potential for a public nuisance, a public health hazard or which renders it aesthetically offensive to the common sensibilities of an average resident applying community standards.

B. It is further declared that the unrestrained accumulation of rubbish, brush, grass, weeds, debris, ~~inoperative or abandoned~~ vehicles, ~~and~~ machinery and equipment or parts thereof, and the failure to remove rubbish, brush, grass, weeds, debris, inoperative or abandoned vehicles and machinery and equipment or parts thereof from property, is a hazard to such health, safety and welfare of the citizens of the Village necessitating the regulation, restraint and elimination thereof.

C. It is further declared that persons who repeatedly violate the provisions of this chapter endanger the health and safety of Village residents. Furthermore, the Board of Trustees determines that absentee landlords and others wait until a violation is issued to address the problem or leave it up to the Village to remedy the violation and simply pay the fine. In the former case, Village enforcement officers are used by these repeat offenders as an “early warning” trigger to clean up their properties, wasting Village time, money and code enforcement resources. The latter case not only wastes Village resources, but the Village also finds itself acting as the *de facto* property maintenance contractor for owners who find it easier

and, in some cases, less expensive to simply wait for the Village to clean up the property. In either situation, chronic violators subject Village residents to dangerous and unsightly properties, lower the value of their neighbor's properties, waste Village resources and negatively impact the quality of Village life. The Village will not tolerate violations of the property maintenance law.

Section § 155A-4, titled, "Definitions," is amended by deleting text marked with strike-out, and adding text that is underlined.

DUMPSTER, CONTAINER, COMPACTOR or ENCLOSURE

An enclosed area or otherwise covered container for the temporary collection, compacting and storage of a nuisance, hazard, debris, ~~and litter~~, refuse, rubbish and trash, as defined herein.

PROPERTY

Shall include land, buildings and structures firmly affixed thereto on a permanent basis or located thereon on a temporary basis, integrated equipment (such as light fixtures or a well pump), ponds, canals, roads and machinery, among other things. For the purpose of this chapter, the term property and the term premises may be used interchangeably.

RUBBISH

~~Nonputrescible solid wastes (excluding ashes) consisting of both combustible and noncombustible wastes, such as paper, cardboard, tin cans, yard clippings, leaves, tree trimmings, wood, glass, bedding, crockery and similar materials. 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, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust and other similar materials.~~

~~VEHICLE, ABANDONED OR INOPERABLE~~

~~For the purpose of this article, a car, truck, camper, van, boat, boat trailer, commercial trailer, motorcycle, go cart, omnibus or any other motorized or nonmotorized object which has as its main purpose the storage of property or movement of people or animals that is inoperable. With the exception contained § 155A-6F, it shall be presumptive evidence that a vehicle has been abandoned or is inoperable if said vehicle is:~~

~~A. Is inoperable and has been left unattended on public or private property for more than 48 hours; or~~

~~B. Is unlicensed and has been left unattended on public or private property for more than 48 hours; or~~

~~C. Has remained illegally on public property for more than 48 hours; or~~

~~D. Has been left unattended on the right of way of a designated county, state, or federal highway for more than 48 hours; or~~

~~E. Is parked without the current year's registration or identification markers as required by law; or~~

~~F. Is found to be mechanically inoperative and is allowed to remain inoperative on public~~

~~land for a period of 10 days or on private land for 30 days. Said period of time may be extended, for good cause, by the Code Enforcement Officer; or~~

~~G. Is no longer in actual use as a vehicle or which is wholly unfit, without rebuilding or reconditioning, for use in highway transportation, or which has been discarded for use as a vehicle or otherwise abandoned.~~

Section § 155A-4, titled, “Definitions,” is amended by adding the following definitions in alphabetical order as follows:

MOTOR VEHICLES, COMMERCIAL MOTOR VEHICLE, HEAVY COMMERCIAL MOTOR VEHICLE

For the purpose of this chapter, “motor vehicles,” “commercial motor vehicle,” and “heavy commercial motor vehicle” shall be defined as set forth in Chapter 43, “Vehicles and Traffic,” of the Village of Monroe Code.

NOTICE OF VIOLATION

A notice issued by the Enforcement Officer informing a property owner, tenant or occupant of a violation of this chapter.

ORDER TO REMEDY

An order to remedy any condition found to exist in, on, or about any property in violation of this chapter.

PREMISES

A lot, plot or parcel of land, easement or public way, including any structures thereon. For the purpose of this chapter, the term property and the term premises may be used interchangeably.

REPEAT OFFENDER

A “repeat offender” is a person (as defined herein) who is issued a notice of violation of § 155A-6 A through E three or more times within a twelve-month period.

STRICT LIABILITY VIOLATION

A violation in which the prosecution in a legal proceeding is not required to prove criminal intent as part of its case. It is enough to prove that the defendant either did an act which was prohibited or failed to do an act which the defendant was legally required to do. Strict liability violations cannot be remedied and are, therefore, deemed irremediable.

TENANT

A person, corporation, partnership or group, whether or not the legal owner of record, occupying a building or property or portion thereof.

TRASH

Things that are no longer useful or wanted and that have been thrown away.

Section § 155A-5, titled, “Duties of owners and occupants; applicability,” is modified as follows by deleting text marked with strike-out, and adding text that is underlined.

Section § 155A-5 Applicability, Duties of owners and occupants; applicability.

A. The provisions of this chapter shall be applicable to all property located in the Village of Monroe except for property owned by the Village of Monroe.

B. In furtherance of the purposes of this chapter, it shall be the duty and responsibility of the owner, tenant or occupant of ~~premises~~ property to comply with any or all of the requirements and standards of this chapter to keep the ~~premises~~ property free of conditions which constitute violations hereof and to promptly remove, prevent or abate such conditions.

C. Owners, tenants and occupants shall have all the duties, obligations and responsibilities prescribed in this chapter, and no such person or entity shall be relieved of any duty, obligation or responsibility hereunder nor be entitled to assert, as a defense against any charge made against him or them for violation of this chapter, the fact that another owner, operator or occupant or any other third person or entity is also responsible therefor and in violation thereof.

D The provisions of this chapter shall supplement state and local laws, codes or regulations. Where a provision of this chapter is found to be in conflict with a provision of a state or local law, code or regulation, the more restrictive provision shall apply when legally permissible.

Section § 155A-6, titled, “Penalties for offenses, Justice Court,” subsections “E” through “G” is modified to delete text marked with strike-out, and add text that is underlined.

E. All land must be kept free of dead or dying trees and accumulations of brush, shrubs, weeds, grass, stumps, roots, excessive and/or noxious growths, garbage, refuse, ~~or~~ debris, rubbish or litter. ~~which would either tend to start a fire or increase the intensity of a fire already started or cause poisoning or irritation to people or animals or cause or tend to cause or enhance an unhealthy or dangerous or obnoxious condition on said property or on any adjacent or neighboring property.~~

F. ~~No more than one unregistered~~ No motor vehicle of any kind as defined herein may be parked or stored on any front, rear or side yard of ~~the~~ property located in a residential zoning district except as permitted in Section 200-44 of the zoning code. ~~No vehicle shall be stored on any portion of the required front yard setback. This subsection shall be enforced by the Code Enforcement.~~

G. ~~The owner, tenant or occupant of any property located within the Village of Monroe shall not park, permit or allow the exterior parking or storage of any vehicle within the front, side or rear yard of such property, unless such vehicle is parked upon a driveway or paved or dust free surface provided for such purpose. No vehicle shall be stored on any portion of a required front yard setback. The failure of any owner, occupant or tenant to comply with the provision of this subsection shall be deemed an offense. This subsection shall be enforced by the Code Enforcement Officer.~~ Grass or other ground cover, trees and shrubbery shall be

maintained in a safe condition, free of noxious weeds and otherwise free of nuisance, hazard, debris, litter and unsightly materials. For the purposes of this provision, all grass shall be kept trimmed to a height of no greater than 10 inches. The dead or diseased trees or any portion thereof which present any hazard to life or property shall be removed. No owner, tenant, or occupant shall blow leaves or other debris onto adjacent property or property

Section § 155A-7, titled, “Landscaping maintenance,” is deleted in its entirety and the following sections renumbered.

Section § 155A-(8)7, titled, “Procedure to remedy; removal by Village; charges upon property,” is modified by deleting existing subsections “E” and “F” and modifying subsections “A” through “D” by deleting text marked with a strike-out, and adding text that is underlined. Existing “D” becomes “E.”

A. Notice of violation and order to remedy.

(1) Except as set forth in § 155A-8, Upon the failure of an owner, tenant or occupant to comply with the provisions of this chapter, the Enforcement Officer shall issue a written notice of violation and order to remedy said violation within five days, or as soon thereafter deemed reasonable as determined by the Enforcement Officer.

(2) Such notice shall be deemed to be properly and sufficiently served if a copy thereof is posted conspicuously on the affected property, sent by certified mail or registered mail to the last known address of the property owner upon which the same is ~~delivered~~ served, as shown by the most recent assessment roll of the Village, or a copy thereof is personally served (as if a summons) to said owner, tenant or occupant of the property or a copy thereof is left at the usual place of abode or office of said owner, tenant or occupant of the property.

(3) Content of notice and order to remedy.

(i) The notice shall identify the violation asserted by reproduction of the specific provision or provisions of this chapter and such other information as deemed appropriate by the Enforcement Officer to identify and clarify the violation.

(ii) The notice shall ~~and~~ also state in bold type that upon failure to remedy the violation ~~within the time stated therein,~~ in no less than five (5) days from the date of the violation or such other time as set forth by the Enforcement Officer, the Village may remedy the violation and levy the cost of said remedy to the property.

(iii) The notice shall also include the following statement in bold type:

Within five (5) days from the date of this notice of violation, you may contact the Village Clerk by email or letter requesting an appearance before the Board of Trustees to be heard at a regularly scheduled public meeting as to why the Village should not remedy the violation and assess the cost to the property or, alternatively, why the time to remedy is insufficient. Failure to request an appearance or subsequently appear before the Board on the scheduled date

shall constitute permission for the Village to remedy the violation and acceptance of such cost to remedy as a charge and assessment against the property. Such request shall toll enforcement until the date said appearance is scheduled.

- ~~(4) The notice shall provide the date of the public hearing, which date shall not be less than less than five days subsequent to the date of the posting or personal service of the notice.~~
- ~~(5) Where the violation is for failure to keep grass trimmed to a height of no greater than 10 inches and where the next scheduled Village Board meeting is greater than five days subsequent to the date of service of the notice, the notice shall state in bold type that the property owner must contact the Village Clerk via email or letter to request a public hearing before the Village Board within the aforementioned five days or as soon thereafter as possible. Where the property owner requests such hearing, no action shall be taken until the property owner is afforded said opportunity to be heard before the Village Board as to why the Village should not remedy the violation and assess the cost to the property. Failure to request a public hearing under these circumstances shall constitute permission for the Village to remedy the violation and acceptance of such costs to remedy as a charge and assessment against the property.~~

B. ~~Upon failure to remedy and after the aforesaid public hearing, at which hearing the Village Board shall provide an opportunity for the affected property owner to speak, the Village Board may cause any nuisance, hazard, litter, rubbish, brush, grass, weeds, debris, inoperative or abandoned vehicles and machinery and equipment or parts thereof to be removed. within the time set forth in the notice the Village Board shall have the power to remedy the violation(s).~~

C. Said remedy may be performed by the Department of Public Works or other designee as determined by resolution of the Board of Trustees, including other municipal agencies or a private contractor. ~~The Village Board shall ascertain the cost of the proceeding and the costs of removal, and such costs shall be charged and assessed, along with such administrative fees applicable to said violation, and unpaid sums shall constitute a lien and charge on the real property and shall be assessed against such property and collected in the same manner as real property taxes.~~

D. Cost to remedy to be a charged to the property. The Board of Trustees finds and determines that Village residents who comply with this chapter by keeping their property in an orderly, clean and well-kept condition should not bear the financial burden of those residents who violate the provisions of this chapter and negatively impact the health and welfare of their neighbors and the entire Village.

- (1) Where the property owner, tenant or occupant fails to timely remedy the violation, the Village Board shall ascertain the cost of the proceeding and the actual cost to remedy, and such costs shall be charged to the property.
- (2) In addition, the Village Board of Trustees shall establish a schedule of administrative fees, which fees shall be added to the actual costs incurred by the Village to remedy violations and shall be progressive in order to

discourage repetitive or recalcitrant offenders. Said schedule shall be established by resolution of the Village Board and modified from time to time in the same manner and shall include, but not be limited to, the administrative cost of mobilizing the Department of Public Works, other Village agencies or contractors to remedy violations.

(3) Said charges shall be sent by certified or registered mail to the owner of the property and a copy to the tenant or occupant and posted on the property. Payment shall be due in thirty (30) days ~~and assessed, along with such administrative fees applicable to said violations, and.~~ Unpaid sums shall constitute a lien and charge on the real property and shall be assessed against such property and collected in the same manner as real property taxes.

Ð E. Remedy by Village. The removal of any nuisance, hazard or litter by the Village of Monroe or its agents shall not operate to excuse compliance with this chapter, and such owner, tenant or occupant shall, notwithstanding such action, be subject to any other penalties provided for herein.

A new Section § 155A-8, is added as follows:

§ 155A-8 Strict liability violations.

A. Violations of § 155A-6 F through H of this chapter are hereby deemed irremediable strict liability violations.

B. No time to remedy shall be afforded to owners, tenants or occupants who violate § 155A-6 F, G or H.

C. Upon the violation of § 155A-6 F through H, the Enforcement Officer shall issue an appearance ticket pursuant to Section 150.10 of the New York State Criminal Procedure Law.

Section § 155A-10, titled, “Penalties for offenses; Justice Court,” is deleted in its entirety and replaced as follows:

A. The Code Enforcement Officer is hereby authorized to issue an appearance ticket pursuant to Criminal Procedure Law § 150.10 of the State of New York to secure the enforcement of this chapter.

B. Penalties. In addition to and not in lieu of any other remedy, any person who violates any provision of this chapter or who violates or fails to comply with any lawful order promulgated hereunder shall be guilty of a violation and, for a first conviction thereof, shall be subject to a fine in an amount not less than \$500 per day of violation or a maximum of 15 days imprisonment, or both; for conviction of a second violation committed within 12 months of the first violation, such person shall be subject to a fine in an amount not less than \$800 per day of violation or a maximum of 15 days imprisonment, or both; for conviction of a third violation committed within 12 months of the first violation, such person shall be subject to a fine in an amount not less than \$1,500 per day of violation or a maximum of 15 days imprisonment, or both; for conviction of a fourth violation and for each subsequent violation committed within

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12 months of any prior violation, such person shall be subject to a fine in an amount not less than \$2,500 per day of violation or a maximum of 15 days imprisonment, or both.

C. Penalties for repeat offenders. In addition to and not in lieu of penalties imposed pursuant to conviction under § 155A-10B, repeat offenders as defined herein shall be issued an appearance ticket and upon conviction thereof shall be subject to a fine in an amount not less than \$1000 or a maximum of 15 days imprisonment, or both. In no event shall the cumulative days of imprisonment, if ordered by the court, be greater than 15 days if the repeat offender is convicted of both a third violation under subsection “B” above and convicted as a repeat offender under this subsection.

D. The continuation of an offense against the provisions of this chapter shall constitute, for each day the offense is continued, a separate and distinct offence hereunder.

E. Civil penalties and injunction. In addition to and not in lieu of any other remedy or remedies, the Village Board may also maintain an action or proceeding in the name of the Village in a court of competent jurisdiction to obtain civil monetary penalties and compel compliance with or to restrain, by injunction, the violation of this chapter or any order promulgated hereunder.

F. Nothing contained herein shall limit the Village's remedies under the law.

Section 4. Supersession, of Inconsistent Laws, if any.

The Village Board of Trustees hereby declares its legislative intent to supersede any provision of any local law, rule, or regulation and any provision of the state Village Law or other special law that may be declared inconsistent or in conflict with this local law. The courts are specifically requested to take notice of this legislative intent and apply such intent in the event the Village has failed to specify any provision of law that may require supersession. The Village Board hereby declares that it would have enacted this local law and superseded such provision had it been apparent.

Section 5. Severability.

If any section, part or provision of this local law or the application thereof to any person, property or circumstance is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the section, part, provision or application directly and expressly adjudged invalid and shall not affect or impair the validity of the remainder of this local law or the application thereof.

Section 6. Effective Date.

This local law shall take effect immediately upon filing with the Secretary of State.