

**VILLAGE OF HIGHLAND FALLS
INTRODUCTORY LOCAL LAW
TO AMEND THE PROPERTY MAINTENANCE LAW**

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

Section 1. Legislative Findings, Purpose and intent.

The Village of Highland Falls Board of Trustees hereby finds and determines that the Village benefits from the proper maintenance of privately owned property, buildings and structures in safe, clean and orderly manner and that Village taxpayers should not be responsible for the administrative cost of ensuring that property owners adhere to the property maintenance laws.

Section 2. Authority.

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

Section 3.

Subsection 170-5, titled "Definitions," of Chapter 170, titled, "Property Maintenance," of the Code of the Village of Highland Falls is hereby amended by adding the following definitions:

CONSTRUCTION MATERIALS

New or used materials for the construction, renovation or alteration of buildings or structures, including but not limited to foundation and masonry materials, lumber, roofing materials, plumbing and electrical materials, doors, windows, screens, tanks, fences, rails and balustrades, etc.

DUMPSTER, CONTAINER, COMPACTOR or ENCLOSURE

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

REPEAT OFFENDER

Any person violating any provision of this Chapter three (3) times in any rolling twelve (12) month period.

Subsection A titled "Open Areas," of Section 170-6, titled "Regulations," of Chapter 170, titled, "Property Maintenance," of the Code of the Village of Highland Falls is hereby amended by adding the following subsections:

(10) All construction materials, dumpsters, containers and similar materials located on private property shall be located within the rear yard to the extent possible and shall be removed promptly upon completion of said construction work and in no event shall remain on the property greater than six months without a building permit issued by the Building Inspector.

Subsection 170-6, titled “Regulations,” of Chapter 170, titled, “Property Maintenance,” of the Code of the Village of Highland Falls is hereby amended by adding a new section 170-7.1, as follows:

§ 170-7.1. Construction, site safety and emergency.

A. Designation of hazardous conditions. Any property upon which there exists ruins, ditches, open trenches, pits, inactive construction, foundations, open wells, retaining walls or the like and whose unimpeded vertical drop exceeds five feet shall be considered hazardous.

B. Safety precautions required. Owners and/or occupiers of such property shall be required, within 60 days of enactment of this article, or thereafter 60 days from the inception of such hazard, to provide a temporary cover, railing, barricade or other protective means for excluding both adults and small children. An application for a building permit shall then be filed within the subsequent sixty-day period, proposing a permanent method of eliminating the hazard or securing the site.

C. Notice to remedy conditions. These and any other site conditions deemed conducive to falls, cave-ins, fires, drowning or similar hazard may be cited by the Police Department, Public Works Superintendent or Building Inspector. Upon written notice from any of these officials, the property owner or occupier shall, within seven days, reply to the Board of Trustees and either request a hearing from that Board or submit a timely plan for correcting the cited conditions. The decision of the Board of Trustees shall be binding, and corrective measures must be completed within the Board's specified time period.

D. Performance of work by Village; penalties for offenses. In cases of emergency, or whenever a property owner or occupier fails to make the required changes, repairs or improvements, the Village or its designee shall have the right to enter said property and perform any or all corrective measures. The Board of Trustees shall thereupon assess such expense upon the real property involved, which shall become a lien upon the property.

Subsection 170-8, titled “Penalties for offenses,” of Chapter 170, titled, “Property Maintenance,” of the Code of the Village of Highland Falls is hereby amended by adding a new subsection D as follows:

D. Repeat offenders, penalties.

1. Three (3) violations of any provision of this chapter within any rolling twelve (12) month period shall constitute a criminal misdemeanor and said offender shall be deemed a repeat offender.

2. The Code Enforcement Officer shall issue an appearance ticket to said repeat offender to appear in Justice Court for a determination by the Justice court of claimed violations and to impose penalties as set forth herein. The appearance ticket shall be served in any manner authorized for service under section three hundred eight of the civil practice law and rules as modified from time-to-time.

3. Upon conviction, said repeat offender shall be subject to a fine in an amount not to exceed \$1000.00 or a term of imprisonment between a minimum of 15 days to a maximum of 1 year, or both. Said fine and/or imprisonment shall be in addition to and not in lieu of any other remedies set forth in subsection A or B of this section.

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

The Village Board 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.