

**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 paragraph:

- (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 170-8, 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.