

# Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE  
41 STATE STREET, 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.

STATE OF NEW YORK  
DEPARTMENT OF STATE  
**FILED**  
NOV 20 2003

MISCELLANEOUS  
& STATE RECORDS

County  
City of East Syracuse  
Town  
Village

Local Law No. 4 of the year 20.03.

A local law To amend Municipal Code regarding Outdoor Storage  
(Insert Title)

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

County East Syracuse  
City of  
Town  
Village as follows:

See attached

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

## Local Law No. 4, 2003

### *To Amend the East Syracuse Municipal Code: Outdoor Storage*

**WHEREAS**, the Board of Trustees of the Village of East Syracuse, New York enacted The East Syracuse Municipal Code (hereafter "Municipal Code") which has been amended from time to time; and

**WHEREAS**, Part 73 of the Municipal Code deals with Storage; and

**WHEREAS**, the Board of Trustees of the Village of East Syracuse, New York desires to amend Part 73 of the Municipal Code (i) by amending §731.10 Prohibition to include a prohibition against the outdoor storage of rubbish and refuse; (ii) by amending the reference in §731.1 Notices of Violations from "Local Law No. 2 of 1992" to "§731 of the East Syracuse Municipal Code" and redacting the word "outside" and replacing the same with the word "outdoor"; (iii) by amending §731.1 Notices of Violations by redacting from the last sentence of the first paragraph of the Notice provision the words "on or before ten (10) days from the receipt of this notice"; (iii) by adding additional notices to §731 of the Notice of Violations as to item "iv" and "v" hereafter; (iv) by adding a provision that if outdoor storage is not removed from a subject property within a period of time as may be determined by a court that the Village shall remove or cause to be removed and disposed of the items of outdoor storage in violation of §731.0 Prohibition and cause to be levied against the subject property on which the violation occurred as an additional tax 125% of the cost to the Village to remove and dispose of the unlawful items of outdoor storage; (v) by amending §731.1 Outdoor Storage Penalties to include a provision that any fine imposed by the court for a violation of §731 Outdoor Storage of Material not paid within the time frame provided by the court shall result in 125% of the fine being levied against the property on which the violation occurred as an additional tax; (vi) amending §732.3 Notice provision regarding a violation of §732.2 regarding the outdoor storage of motor vehicles by redacting reference therein to "§711 of the East Syracuse Consolidated Municipal Law" and replacing the same with "§732.2 of the East Syracuse Municipal Code"; (vii) by amending §732.3 of the East Syracuse Municipal Code by adding notice provisions as found in "viii" and "ix" hereafter; (viii) by amending §732.4 Penalties for Outdoor Storage of Vehicles by adding a provision that if a vehicle is found to be stored in violation of §732.2 of the East Syracuse Municipal Code and is not removed from the subject property within a time frame as may be determined by the court, that the Village may remove or cause to be removed the vehicle from the property on which the violation occurred and dispose of it and cause to be levied on such property 125% of the cost to the Village to remove and dispose of the vehicle as an additional tax; and (ix) amending §732.4 Penalties for Outdoor Storage of Vehicles by adding a provision that any fine imposed by the court for a violation of §732.2 of the East Syracuse Municipal Code not paid within the time frame provided by the court shall result in 125% of the original fine being levied against

the property on which the violation occurred as an additional tax; and other changes; and

**WHEREAS**, the Board of Trustees of the Village of East Syracuse, New York desires to extend the penalty provisions as amended herein to any outstanding fine which has not been paid to the Village for violation of §731.0 and 732.2 of the East Syracuse Municipal Code after notice.

**NOW BE IT ENACTED** by the Village of East Syracuse, New York as follows:

**Section 1:** Section 731.0 Prohibition of the Municipal Code shall be amended by adding the words "rubbish, refuse" after the words "outdoor storage of goods, supplies,". Said Section 731.0 of the Municipal Code as amended shall provide:

**§731.0 Prohibition**

There shall be no outdoor storage of goods, supplies, rubbish, refuse, junk or waste on any property so as to alter the character of those premises or impair the neighborhood, except and only to the extent expressly permitted in Service Center and Industrial Zones.

**Section 2:** Section 731.1 Notice of Violations shall be amended by (i) redacting from the first sentence of the Notice provision the words (a) "Local Law No. 2 of 1992" and replacing the same with the words "Section 731.0 of the East Syracuse Municipal Code"; and (b) redacting the word "outside" and replacing the same with the word "outdoor"; and (ii) redacting from the last sentence of the first paragraph of the Notice provision the words "on or before ten (10) days from the receipt of this notice."

**Section 3:** Section 731.3 Outdoor Storage Penalties shall be amended by adding the following provisions:

**§731.33 Village Removal of Unlawfully Stored Items**

In the event that unlawfully stored items are not properly disposed of within a reasonable time as may be ordered by a court, then, in that event, the owner of said unlawfully stored items shall be deemed to have granted to the Village the right to enter the subject premises and dispose of the unlawfully stored items. In that event the Village shall remove or cause to be removed from the subject premises the unlawfully stored items and shall dispose of the same. One Hundred Twenty Five Percent (125%) of the cost to the Village to remove or cause to be removed and

dispose of the unlawfully stored items shall be levied against the subject property as an additional tax.

**§731.34 One Hundred Twenty Five Percent (125%) Unpaid Fines Levied as Additional Tax**

In the event that a party is found to be in violation of §731.0 of this Part and fails to pay a fine imposed by a court within a reasonable time as may be ordered by the court, then, in that event, One Hundred Twenty Five Percent (125%) of said fine shall be levied against the subject property as an additional tax upon certification that said fine has not been paid.

**Section 4:** Section 731.1 Notices of Violation shall be amended by adding to the Notice provision such language giving notice of the newly enacted sections 731.33 and 731.34. The Notice provision in its entirety as amended hereby and heretofore shall be in substantially the following form:

**NOTICE IS HEREBY GIVEN** that there is a violation of Section 731.0 of the East Syracuse Municipal Code as amended in that there is outside storage of goods, supplies, rubbish, refuse or junk on the property which you own, occupy, manage, use, or control within the Village of East Syracuse. Violation of this law is punishable by a fine of up to \$250.00 for each day the violation remains unabated from and including the day you receive this notice. You must remove the goods, supplies, rubbish, refuse or junk on the subject property.

If this is your third violation within the last year, you may be fined up to \$250.00 for each day the violation remains unabated including the day on which you receive this notice.

If this is your second violation within the last year, you may be fined up to \$200.00 for each day the violation remains unabated including the day on which you receive this notice unless you abate the violation within three (3) days of receipt of this notice.

If this is your first violation within the last year, you may be fined up to \$100.00 for each day the violation remains unabated, including the day on which you receive this notice, unless you abate the violation within three (3) days of receipt of this notice.

**NOTICE IS ALSO GIVEN**, that if you are found to be in violation of Section 731.0 of the East Syracuse Municipal Code and fail to remove unlawfully stored items within the time frame as may be ordered by the court, then, in that event, you shall be deemed to have granted the Village the right to enter the subject premises and dispose of the unlawfully stored items. In that event, One Hundred Twenty Five Percent (125%) of the cost to the Village to remove or cause to be removed and dispose of the unlawfully stored items shall be levied against and added as an additional tax to the subject property.

**FURTHER NOTICE IS HEREBY GIVEN**, that your failure to pay any fine imposed by the court within the time frame provided by the court for your violation of section 731.0 of the East Syracuse Municipal Code shall result in One Hundred Twenty Five (125%) of the fine being levied against and added as an additional tax to the subject property.

Please advise the Code Enforcement Office, telephone number (315) 437-2837, of your compliance with this notice.

Dated: \_\_\_\_\_ Village of East Syracuse

By: \_\_\_\_\_

**Section 5:** Section 732.3 Notice provision dealing with outdoor storage of motor vehicles is hereby amended by redacting the words "§711 of the East Syracuse Consolidated Municipal Law" and replacing the same with "§732 of the East Syracuse Municipal Code" and redacting the words "The Police Chief" and replacing them with "A Code Enforcement Official".

**Section 6:** Section 732.3 Notice provision dealing with outdoor storage of motor vehicles shall be amended by adding the following paragraphs after the first paragraph of the Notice provision such that the Notice as amended heretofore and herein shall be in the following form:

A Code Enforcement Official or his designee shall serve written notice of violation of this Part, either personally or by certified mail, return receipt requested, upon the owner of the motor vehicle or the owner of the property on which the vehicle is located or both demanding compliance.

The notice shall be in substantially the following form:

To the owner of the motor vehicle or the owner, occupant, lessee or tenant of the property within the Village, known as:

Notice is hereby given that a nuisance, inoperable, unregistered, and/or unusable motor vehicle has been stored or deposited on the above described property in the Village in violation of §732 of the East Syracuse Municipal Code. The motor vehicle must be removed within 10 days from the date of this notice. Failure to remove the vehicle in accordance with this notice may subject you to a fine for each vehicle in violation of an amount not to exceed \$250 plus an additional fine of an amount not to exceed \$250 for each day the violation remains unabated after 10 days from receipt of this notice.

Notice is also given, that if you are found to be in violation of Section 732.2 of the East Syracuse Municipal Code and fail to remove the unlawfully stored vehicle within the time frame as ordered by the court, then, in that event, you shall be deemed to have granted the Village the right to enter the property on which the subject vehicle is stored and to dispose of the unlawfully stored vehicle. In the event that the Village removes or causes to be removed and dispose of the unlawfully stored vehicle, then One Hundred Twenty Five Percent (125%) of the cost to the Village for removing and disposing of the unlawfully stored vehicle shall be levied against and added as an additional tax to the property on which the vehicle was unlawfully stored.

**FURTHER NOTICE IS HEREBY GIVEN**, that your failure to pay any fine imposed by the court within the time frame provided by the court for your violation of Section 732 Outdoor Storage of Motor Vehicle of the East Syracuse Municipal Code shall result in One Hundred Twenty Five Percent (125%) of the fine being levied against and added as an additional tax to the property on which the vehicle was unlawfully stored.

Please advise the Code Enforcement Office,  
telephone number 437-2837, of your compliance with  
this notice.

Dated: Village of East Syracuse

By: \_\_\_\_\_

**Section 7:** There shall be added to Part 73 Storage a new §731.4 as follows:

**§731.4 Penalty Provisions For Unpaid Fines**

If when §731.34 of the East Syracuse Municipal Code goes into effect any outstanding fine imposed for a violation of §731.0 of this Part or its predecessor local law, has not been paid in the time imposed by a court, then, in that event, the subject property shall be assessed with an additional tax equal to One Hundred Twenty Five Percent (125%) of the originally assessed fine upon thirty (30) days written notice to the violator and the violator's failure to pay the fine within said thirty (30) day notice period. Said notice shall be in substantially the following form:

**NOTICE IS HEREBY GIVEN** that as of the date of this notice you have not paid a fine imposed by the [name of the court] Court on [date] in the amount of [amount of fine] for a violation of §731 Outdoor Storage of Materials of the East Syracuse Municipal Code or its predecessor Local Law.

**PLEASE BE ADVISED** that pursuant to §731.4 of the East Syracuse Municipal Code you have thirty (30) days from receipt of this notice to pay said fine in full. In the event that you do not pay said fine in the time provided, then One Hundred Twenty Five Percent (125%) of the fine or [125% x fine] shall be assessed as an additional tax against the subject property.

Dated: Village of East Syracuse

By: \_\_\_\_\_

**Section 8:** There shall be added to Part 73 Storage a new §732.5 as follows:

**§732.5 Penalty Provisions For Unpaid Fines**

If when §732 Outdoor Storage of Motor Vehicles goes into effect any outstanding fine imposed for a violation of §732.2 of this Part or its predecessor Local Law has not been paid in the time imposed by a court, then, in that event, the property on which the violation occurred shall be assessed with an additional tax equal to the sum of One Hundred Twenty Five Percent (125%) of the originally assessed fine upon thirty (30) days written notice to the violator and the violator's failure to pay the fine within said thirty (30) day notice period. Said notice shall be in substantially the following form:

**NOTICE IS HEREBY GIVEN**, that as of the date of this notice you have not paid a fine imposed by the [name of the court] Court on [date] in the amount of [amount of fine] for a violation of §732 Outdoor Storage of Motor Vehicles of the East Syracuse Municipal Code or its predecessor Local Law.

**PLEASE BE ADVISED**, that pursuant to §732.5 of the East Syracuse Municipal Code you have thirty (30) days from receipt of this notice to pay said fine in full. In the event that you do not pay said fine in the time provided, then One Hundred Twenty Five Percent (125%) of the fine or [125% x fine] shall be assessed as an additional tax against the property on which the violation occurred.

Dated: Village of East Syracuse

By: \_\_\_\_\_

**Section 9:** This Local Law shall take effect upon filing of the same with the New York State Department 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. 4 of 2003 of the (County)(City)(Town)(Village) of East Syracuse was duly passed by the Board of Trustees on Nov 3 2003, 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 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20 \_\_, and was (approved)(not approved)(repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted on \_\_\_\_\_ 20\_\_\_\_, 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 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved)(repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. 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 \_\_\_\_\_ 20\_\_\_\_, 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 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved)(repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 20\_\_\_\_, 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.)

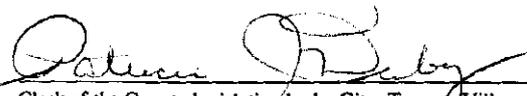
I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on \_\_\_\_\_ 20\_\_\_\_, 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 20\_\_\_\_\_ of the County of \_\_\_\_\_ State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_ 20\_\_\_\_, 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.

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

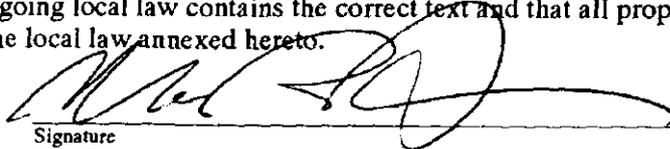
(Seal)

Date: November 18, 2003

(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 Onondaga

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.

  
\_\_\_\_\_  
Signature  
  
Village Attorney  
\_\_\_\_\_  
Title

County  
City of East Syracuse  
Town  
Village

Date: November 18, 2003