

PROPOSED LOCAL LAW NO. 1 OF 2025

REGULATING PUBLIC SAFETY AND SANITATION

- Applies to garbage, rubbish, clutter, litter, debris, and junk appliances, construction equipment, farm equipment, furniture, mobile home, boat or motor vehicle, and similar articles and materials that are not fit for ordinary use.
- Limits curbside placement for trash disposal to 15 days. Limits outdoor storage of junk to no more than 30 days.



- Presence of junk on property is not a violation when the junk is screened from public view or contained in fully enclosed structure.
- Exceptions apply to firewood, yard/landscaping ornaments and implements, farming/agricultural operations, seasonal equipment /vehicles, storage during active construction/renovation, NYSDMV licensed businesses, and activities expressly permitted by the laws of the town including town permitted junkyards.

**TOWN OF GUILFORD
LOCAL LAW NO. 01 OF THE YEAR 2025
A LOCAL LAW REGULATING PUBLIC SAFETY AND SANITATION
IN THE TOWN OF GUILFORD**

Be it enacted by the Town Board of the Town of Guilford as follows:

ARTICLE 1: INTRODUCTION

Section 1.1 Authority

Municipal Home Rule Law section 20 provides authority to counties, cities, towns and villages to adopt local laws, not inconsistent with general state law, for the protection, health and safety of the community, as well as furtherance of said purposes and goals, be it enacted by the members of the Town Board of the Town of Guilford, as follows:

Section 1.2 Title

This local law shall be known and referred to as the "Town of Guilford Public Safety and Sanitation Law"

Section 1.3 Purpose

The Town Board hereby declares that a clean and safe environment is of vital importance to the continued general welfare of its citizens, and that regulation of the deposit, accumulation or maintenance of junk, should be regulated. By adoption of this law, the Town Board of the Town of Guilford declares its intent to preserve and promote a reasonable quality of safety through reduction in garbage, rubbish, clutter, litter, debris and junk.

Section 1.4 Applicability

The provisions of this law shall apply, in addition to the provisions of any other local law or ordinance adopted by the Town. Where there is a conflict, the more restrictive provisions shall apply. It is not the intent of this local law to unreasonably restrict farm operations within a County adopted, State certified, agricultural district.

Section 1.5 Definitions

The following terms as used herein shall have the following meaning:

Town: The Town of Guilford located in the County of Chenango, State of New York.

Enforcement Officer: The person(s) appointed by the Town Board to enforce the provisions of this law as defined in Section 4.1 herein.

Garbage: Putrescible animal and organic wastes, and food wastes, in amounts unreasonable to the operations on the property including any container in which packaged, excluding residential compost piles or containers of material generated on-site, not exuding consistent and pervasive odors, nor containing significant amounts of animal flesh, and that are at least 25 feet from the property line.

Rubbish, Clutter, Litter and Debris: Ordinary household or commercial trash such as paper and paper products, barrels, cartons, boxes, cardboard, cans, glass, metals, machinery, plastics, rubber, crates, furniture, rugs, clothing, rags, mattresses, blankets, tires, no longer in condition for use, excluding compost operations that do not contain a significant amount of animal flesh.

Environmental Safety Hazard: A substance or item which can pollute the groundwater, give off a significant odor not of natural origin and which persists beyond the property, or that which could fall or otherwise injure someone beyond the property.

Junk Appliance: Any household appliance, including but not limited to a stove, washing machine, dryer, dishwasher, freezer, refrigerator, air conditions, water heater, television, computer parts and components, which is not fit for ordinary use and is stored outside of any residence or enclosed structure for more than 90 days.

Junk Construction Equipment: Any construction related machinery and equipment, including but not limited to earth grading, excavating and paving equipment, steel, plastic and other tanks, containers, flatbed carriers and cranes which are not fit for ordinary use or otherwise poses a safety concern.

Junk Farm Equipment: Any tractor, truck, self-propelled or drawn or stationery piece of equipment which cannot be used for its intended purposed and has been discarded or abandoned for use as a farm vehicle, farm implement, farm equipment or for any other purpose, EXCEPTING any of the aforesaid which has had completely drawn from it all flammable, corrosive and pollutant type fluids such as gasoline, diesel fuel, transmission fluid, and battery acid and EXCEPTING inoperable farm machinery used for parts or other reasonable uses on active farm operations (pursuant to RPTL Agricultural Assessment eligibility) when the number and type of inoperable vehicles is consistent with the needs and scope of the farm operation, and which is stored, placed or discarded in a spot, locale or position not visible from users of a public highway and all adjoining properties.

Junk Furniture: Abandoned, discarded, or irreparably damaged furniture, including but not limited to, sofas, lounge chairs, mattresses, bed frames, desks, tables, chairs and chests of drawers, of little or no value.

Junk Mobile Home: Any manufactured housing unit designed with a chassis, and constructed to be towed or otherwise transported whole or in part to a site, and which is designed to permit occupancy for dwelling, sleeping, or storage purposes and which meets all of the following conditions:

- (A) It is unoccupied and in its present condition does not meet the requirements of the New York State Uniform Fire Prevention and Building code for residential occupancy; and
- (B) It is either abandoned, wrecked, discarded, dismantled, or partly dismantled.

Junk Storage Area: The area or areas of any real property located within the town used or intended to be used by a person for the placement, storage or deposit, either temporarily or permanently, of one or more of the following as defined herein; junk furniture, junk construction equipment, junk farm equipment, junk motor vehicle, garbage, rubbish, clutter, litter and debris.

Junk Boat: Any boat, in full or dismantled, or used parts or waste materials from boats, which is:

- (A) Leaking or will leak hazardous fluids, those drained of such will be exempt.
- (B) Abandoned, wrecked, or discarded.

The fact that a boat is not registered to go on a public water way shall not be presumptive evidence that such boat is in condition to be considered a junk boat.

Junk Motor Vehicle: Any motor vehicle not otherwise qualifying as a junk construction equipment, junk mobile home, or junk farm equipment, whether automobile, bus, trailer, truck, tractor, motorcycle, or any other contraption originally intended for travel on the public highways which is abandoned, stored, left or located by its owner or any other person or is permitted or condoned to be abandoned, stored, left or located by its owner or any other person on public or private premises outside of a junkyard with a permit to operate, which vehicle:

- (A) Is not registered by the State of New York for operation on public highways and which has not been registered during the preceding six months.
- (B) Is not currently registered and not in a condition for legal use on the public highways. A vehicle which is in condition to pass the requirements for a New York State motor vehicle inspection sticker shall be deemed in condition for legal use on public highways.

Outdoor Storage: The placing, maintaining or keeping, permanently, in a place other than within an adequately rigid structure of any of the following as defined herein: Junk, junk appliances, junk furniture, junk mobile homes, junk motor vehicles, junk construction equipment, junk farm equipment, garbage, rubbish, clutter, litter and debris.

Person: An individual, partnership, association, corporation or entity of any other kind.

Section 1.6 Agricultural District Considerations

Given that the Town of Guilford consists of a large percentage of county adopted, State certified agricultural districts, the implementation, execution, and administration of this law shall be conducted so as to avoid conflicts with the state's Agriculture and Markets Law §305-a, which restricts municipalities from unreasonably restricting and regulating farm operations within agricultural districts.

ARTICLE 2. PROHIBITED ACTS

Section 2.1

The outdoor storage, deposit or accumulations, for a period of more than 30 days, by a person within the Town, of junk, junk appliances, junk furniture, junk mobile homes, junk motor vehicles, junk construction equipment, junk farm equipment, junk recreational vehicles, garbage, rubbish, clutter, litter or debris, as defined herein, is prohibited within sight of persons traveling the public highways or within sight of adjacent properties and/or properties within the immediate vicinity, unless otherwise exempted herein. That which requires the use of drones, binoculars, digital zoom devices, and other means of optical assistance to see violations shall not be considered to be "in sight." Violations must be visible by the naked eye from either the roadside or the property of the complaint filer.

Section 2.2

No person shall keep or maintain, for a period of more than 30 days, within the Town, a junk storage area within sight of people travelling the public highways or within sight of adjacent properties and/or properties within the immediate vicinity, unless otherwise exempted herein. That which requires the use of drones, binoculars, digital zoom devices, and other means of optical assistance to see violations shall not be considered to be "in sight." Violations must be visible by the naked eye from either the roadside or the property of the complaint filer.

Section 2.3

It shall be unlawful for any person to use, within the Town, for a period of more than 30 days, a junk mobile home, house trailer, tank truck, junk recreational vehicles, or any similar motor vehicle or component parts or units thereof for the storage of junk, as defined herein, on any premises, excepting the temporary use of such vehicles, component parts or units for construction purposes for a period of not more than one hundred eighty (180) days, or when actively used in connection with active farming or agricultural operations. Said one hundred eighty (180) day period may be extended by the Town Board for good cause shown upon written application, therefore.

Section 2.4

It shall be unlawful for any person to burn or bury, within the Town, any junk, as defined herein, except as provided for in Article Three, Exceptions, herein.

ARTICLE 3: EXCEPTIONS

Sections 3.1

There is hereby exempted from the provisions of Article Two above herein, the following:

- (1) Existing conditions that, but for their occurrence prior to the effective date hereof, would be prohibited hereby shall be granted a transition period of 180 days from the effective date of this local law to comply with the conditions of this local law;
- (2) Wood intended for consumption in a wood burning stove, furnace or fireplace located on the premises;
- (3) Lawn or yard or garden ornaments and implements;
- (4) Lawn and patio furniture;
- (5) Operable farm, garden and yard machinery and apparatus used on the premises;
- (6) Standing fences;
- (7) Hoses and sprinklers used for watering lawns or gardens;
- (8) Storage or placement and accumulation of materials in connection with a commercial operation duly conducted on the premises where such storage, placement and accumulation is expressly permitted by the laws of the Town;
- (9) Construction debris dumpsters and blinds, construction materials and equipment used for the construction or renovation of a building upon the premises for which a building permit, if required, has been issued;
- (10) Junk farm equipment specifically exempted from the definition of junk farm equipment in Section 1.5 of this law;
- (11) Seasonal vehicles such as construction vehicles, construction equipment, logging equipment and trucks used for hauling and snow plowing, and landscaping;
- (12) The burning of untreated wood products, paper and paper products, cardboard and cardboard products, trees, leaves, needles, branches, vines, lawn and garden debris (in conformance with all applicable State and County burn restrictions); and

(13) Garbage, junk, rubbish, clutter and debris as defined herein set out at roadside or curbside by a person for pickup and disposal within not more than fifteen (15) days by a commercial trash disposal service or by the Town or other such person. An additional fifteen day extension of this deadline may be granted upon written request to the Town Board by the property owner.

(14) Current and valid NYS DMV licensed motor vehicle repair shops, NYS DMV licensed inspection stations, NYS DMV licensed motor vehicle dealers, and NYS DMV licensed vehicle dismantlers as defined by NYSDMV. Copy of valid certificate and renewals shall be provided to the Town.

ARTICLE 4. ADMINISTRATION, ENFORCEMENT AND PENALTIES

Section 4.1 Enforcement Officer.

This local law shall be enforced by the local enforcement officer of the Town of Guilford or Chenango County.

Section 4.2 Complaints.

(1) Any person may file a complaint, in writing, with the enforcement officer, that a violation of this law may have taken place. The enforcement officer shall promptly record and investigate any such complaint. The enforcement officer may also investigate any alleged violation that he or she has reason to believe has occurred or is occurring.

(2) Fraudulent complaints shall be treated as legally equivalent to having made a fraudulent complaint to law enforcement.

(3) All complainants must be identified in the complaint. Complainants will remain confidential subject to and until Court Order, legal filing(s), and/or FOIL request.

Section 4.3 Notice to Comply.

Upon reasonable grounds and with adequate proof to believe a person has violated or is in violation of any term or provision hereof, the enforcement officer shall issue the alleged violator a written notice to comply within 30 days of the date of such notice, as outlined in Section 4.4(4). The notice to comply shall be served by the enforcement officer upon the alleged violator by certified mail or hand delivered by the code enforcer or other appropriate official within ten (10) days after the date of the notice to comply.

Section 4.4 The written notice to comply shall contain the following information:

- (1) The name of the alleged violator to whom the notice shall be addressed;
- (2) The location of the premises involved in the violation;
- (3) A statement and thorough description with adequate documentation of the facts which are alleged violate this local law and a citation of the section or sections of this local law alleged to be violated;
- (4) A demand that the alleged offending condition be corrected so as to be in compliance with this law within 30 days after the service of the notice, together with a statement as to the specific actions required be taken by the alleged violator so as to be in compliance with this local law.
- (5) A statement that a failure to comply may result in prosecution and a description of actions that could occur against them; and
- (6) A copy of this local law and a list of what is to be moved or disposed of.

Section 4.5 Enforcement.

(1) Upon the failure of an alleged violator to correct any violation of this local law by the date specified in the Notice to Comply, or by the date of any extension or extensions thereof granted by the enforcement officer or the Town Board, the enforcement officer shall, pursuant to Criminal Procedure Law Section 150.20(3), issue an appearance ticket to the alleged violator, except upon the triggering of subsection 2 of this Section.

(2) Those earning income below the federal poverty level within the three month period prior to the alleged violation may apply for a repeatable extension of 90 days to the Town Board. Each request to repeat the extension must include a description of why the extensions currently granted have not been sufficient to comply with the Notice.

Section 4.6 Penalties.

(1) Any person who violates any of the provisions of this law shall be punishable by a fine of not less than twenty-five dollars (\$25.00) per day of violation and not more than two hundred fifty dollars (\$250.00) per day of violation.

(2) Any person who violates any of the provisions of this law shall be liable to pay a civil penalty of not less than twenty-five dollars (\$25.00) per day of violation and not more than two hundred fifty dollars (\$250.00) per day of violation. The civil penalties provided by this subsection shall be recoverable in an action instituted in the name of the Town.

(3) The penalties described herein are in the alternative.. The Town may also maintain an action or proceeding in the name of the Town in a court of competent jurisdiction to compel compliance with or restrain by injunction a violation of any provision of this law.

ARTICLE 5. ABATEMENT BY TOWN AT OWNER'S COST

In addition to the remedies prescribed by Article 4 hereof, violations of this law may be identified and addressed in accordance with the following procedures.

(1) The reason for the determination that a violation of this law exists shall be made and documented by the enforcement officer.

(2) The owner of the property, in violation of this law shall be notified of the determination by certified mail or hand delivered by the enforcement officer or other authorized representative as to the specifics of the determination and notified that the violation must be remedied and reinspected by the enforcement officer making the original determination.

(3) The enforcement officer shall report recommendations for remedying the violation in a written report to the Town Board and the person in violation.

(4) The Town Board shall consider the report, and if it decides to proceed, schedule a public hearing. Notice of the public hearing shall be published and provided to the property owner by personal service pursuant to the New York Civil Practice Law and Rules at least 10 days before the date of the hearing.

(5) If, after the public hearing, the Town Board determines that the violation does exist, it may order the property owner to remedy the violation within the time frame set forth in the order.

(6) Subject to the provisions of subsection seven below, if the property owner fails to remedy the violation within the time period set forth in the Town Board's order, the Town Board may issue a directive that the Town cause the violation to be remedied and bill the property owner for the reasonable direct cost of such remedy, plus legal costs and administrative costs of the Town for administering, supervising and handling such work in accordance with the provisions of this chapter.

(7) Prior to issuing a directive that the Town cause the violation to be remedied, the Town shall apply to the Supreme Court for an order pursuant to this law: a) declaring that the violation needs to be remedied; b) declaring that the Town may remedy the violation; c) determining the cost of such remedy will be billed to the property owner pursuant to this law; and d) granting a judgment against the property owner in the amount to be billed to the property owner.

(8) If the sum stated in the judgment is not paid within 90 days after mailing receipt confirmed by certified mail or similar verifiable service thereof to the property owner, the Town may file a certificate with the Town Assessor stating the cost of remediation and administrative costs to the Town, as detailed in the judgment, together with a statement identifying the property and property owner. The Assessor shall in the preparation of the next assessment roll assess such unpaid costs upon such property. Such amount shall be included as a special ad valorem levy (administered as a tax) against such property, shall constitute lien, and shall be collected and enforced in the same manner, by the same proceedings, at the same time, and under the same penalties as are provided by law for collection and enforcement of real property taxes in the Town. The assessment of such costs shall be effective even if the property would otherwise be exempt from real estate taxation.

ARTICLE 6. MISCELLANEOUS

Section 6.1 Severability.

If some provisions of this law or certain applications of those provisions are found to be unconstitutional, the remaining provisions or the remaining applications of those provisions will nonetheless continue in force as law.

ARTICLE 7. EFFECTIVE DATE

Section 7.1

This local law shall be effective upon the date of its filing with the New York State Office of the Secretary of State.