

TOWN OF CAIRO
LOCAL LAW #4 OF 2020
GARBAGE, RUBBISH AND REFUSE

§ 1. Legislative intent.

A clean, wholesome, attractive and healthful environment is important to the health and welfare of the residents of the Town, and to the maintenance and continued development of the economy of the Town. It is the purpose of this local law to provide for the proper maintenance of improved residential, commercial, and industrial properties to prevent blight, unhealthy, hazardous, or unsightly conditions due to the accumulation of brush, grass, weeds, garbage or rubbish in order to protect the public health, safety and general welfare of the residents of this town. By this local law, the Town seeks to remove such threats to health, life and property by requiring owners to take remedial action to cut, trim or remove brush, grass, weeds and rubbish.

§2. Definitions.

As used in this local law, the following terms shall have the meanings indicated:

GARBAGE

Offal, waste food, dead animals or fowl or parts thereof, vegetable matter of any kind and any other waste or discarded matter which shall be either flammable or capable of fermentation or decay.

IMPROVED PROPERTY or LOT

Property that has been developed and includes, but is not limited to, structures, parking, and driveways that has been placed on said property or lot.

PERSON

An individual, society, club, firm, partnership, corporation or association of persons.

RUBBISH

Waste material, including papers, cartons, tin cans, scrap metal, bottles, plastic and cardboard, containers, waste or discarded wood and lumber and any and all similar substances, articles, and deleterious materials. Any abandoned, discarded or unused objects or equipment, such as, but not limited to, furniture, stoves, refrigerators, freezers, appliances, cans, containers or vehicle tires.

§3. Standards.

It shall be unlawful for any person having control or ownership in any improved residential, commercial, or industrial lot or property in the Town:

A. To permit or maintain on any such lot or land any growth of weeds, grass or other rank vegetation to a greater height than 10 inches on the average.

- B. To permit accumulation of dead weeds, grass or brush.
- C. To permit, maintain, deposit or scatter rubbish or garbage over any premises.

§4. Storage of rubbish or garbage outside buildings.

No person shall place or deposit, or permit or cause to be placed or deposited, any rubbish or garbage outside any building within the Town of Cairo, unless the garbage is properly and carefully contained within a covered metal, wooden or molded plastic receptacle or placed in an adequate solid (opaque) enclosure, which receptacle or enclosure shall be capable of holding the contents thereof within the confines of the said receptacle or enclosure so as to prevent the same from falling out, being blown about or in any way removed from the said receptacle or enclosure except for transmittal to a proper place of disposal.

§5. Placement of garbage or rubbish for cleanup days.

A. Nothing herein contained shall be construed to prevent any person from placing any of the aforementioned articles, except those set forth under the definition of "garbage," on his own property for the purpose of being picked up by the Town or private contractor on cleanup days; provided, however, that said material is properly packaged, contained or bound to prevent its being blown about, and provided further that said material shall not be placed on the property for pickup more than two days before the next scheduled cleanup day.

B. Any person committing an offense against the provisions of this section shall be guilty of a violation and, upon conviction thereof, shall be punishable by a fine not exceeding \$250 or by imprisonment for a term not exceeding 15 days, or both. Each day's continued violation shall constitute a separate, additional violation.

§6. Maintenance required.

It shall be the duty of any person having control or ownership in any improved residential, commercial, or industrial lot or property in the Town to:

A. Maintain the lot in a clean and sanitary condition and not permit the accumulation of rubbish.

B. Cut and remove, or to cause to be cut and removed, all such weeds, grass or other rank, poisonous or harmful vegetation as often as may be necessary to comply with the provisions of §3.

§7. Exemption.

The provisions of §6A and B of this local law related to the growth of brush, grass, or weeds shall not apply to any lots or land which are under agricultural and farming use; or drainage areas or natural open space areas greater than one (1) acre in size.

§8. Notice of failure to comply.

A. Abatement notice required. If the provisions of §§3. and 6. are not complied with, the Building Inspector may serve written notice upon the owner having the care or control of any such lot or land to comply with the provisions of said sections.

B. Service and contents of abatement notice. Written notice shall be mailed to such owner at the last known address as shown on the records of the Town Assessor, or if such owner address is unknown, such notice may be affixed to or posted upon said lot or land. Such notice shall contain a description of the premises, specify the provisions of the Town Code or the Uniform Building Code deemed to have been violated, require the owner to correct the condition within 10 days of the date of such abatement notice, and provide that if the owner fails to do so, the Town or the Town's contractor may undertake or cause to be undertaken the required work and the Town shall assess a lien against the property for the cost of the work, together with an additional administrative fee of 15% for costs of inspection and other incidental costs associated with abating the condition, to be added to the total costs of the work.

§9. Emergency cases.

If the Town determines that an emergency exists, the Town may undertake or cause to be undertaken removal of the rubbish or vegetation prior to the expiration of the specified period of time, provided the abatement notice identifies the violations as constituting such an emergency.

§10. Remedies; billing notice; appeal hearing; expenses and tax liens.

A. Should the owner fail to comply with a final order, or should the Town determine that an emergency exists, the Town may undertake or cause to undertake the required removal of rubbish and vegetation. The Town shall keep records of the cost of such work.

B. Should the rubbish and vegetation removal be performed by the Town or the Town's contractor, the Town shall serve a billing notice on the owner, in the same manner as specified in §8. of this law, setting forth the cost of such work together with an additional administrative fee of 15% for costs of inspection and other incidental costs associated with abating the condition, to be added to the total costs of the work.

C. An owner served with a billing notice pursuant to Subsection B of this section may request and shall be granted a hearing before the Town Board to dispute the charges, provided that such owner shall file, within 10 days of the date of the billing notice, in the office of the Building Inspector, a written request for such hearing. Upon receipt of a request for a hearing, the Town Supervisor shall set a time and a place for such hearing and shall give the applicant at least 10 days of written notice thereof. Such hearing shall commence not later than 30 days after the date on which the request was filed; however, hearings may be postponed beyond such thirty-day period for good cause shown. At such hearing, the owner shall be given an opportunity to show cause why such costs should be reduced or otherwise modified. The Town Board shall make a final determination on the charges, and such decision shall be deemed a final order. If the owner does not request a hearing on the billing notice, such notice shall be deemed a final order.

D. The costs specified in the billing notice, if not paid by or on behalf of the owner within 30 days of the date of the billing notice, shall be added to and collected with the subsequent Town tax levy, and shall bear interest and be enforced as provided by law for Town taxes. Should the owner fail to pay the billing invoice, the cost of the work, repair, or demolition as finally determined, together with an additional administrative fee of 15% for costs of inspection and other incidental costs associated with abating the condition, added to the total costs of the work, repair, or demolition, shall be assessed as a lien against the abated property. Notice shall be given to the Tax Collector's Office specifying the total cost of the work, together with the administrative fee of 15%, and the property affected by section, block and lot numbers as the same appear on the Official Tax Assessment Map of the Town of Cairo. From the hour of filing of said notice, the charges specified shall be a lien upon the property affected thereby. A copy of said notice shall also be served on the owner as provided for in §6. of this local law.

§11. Limitations on liability of Town.

No action for damages may be maintained against the Town by reason of its failure to comply with any of the provisions of this local law.