

LOCAL LAW # 3-2025
A LOCAL LAW TO REGULATE AND MONITOR JUNK STORAGE
IN THE TOWN OF STARK

Be it enacted by the Town Board of the Town of Stark as follow:

Article A Introduction

Section 1. Title

This local law shall be known as “A local law regulating and monitoring junk storage in the Town of Stark”.

Section 2. Authority

This law is adopted pursuant to Municipal Home Rule Section 10 and Section 130(6) of Town Law.

Section 3. Purpose.

The Town of Stark Town Board hereby declares that a clean, wholesome and attractive environment is of vital importance to the continued general welfare of its citizens and that regulation of the deposit, accumulation or maintenance of junk regardless of quantity is hereby prohibited anywhere within sight of persons lawfully travelling the public highways or within sight of neighboring property. By adoption of this law, the Town of Stark declares its intent to preserve and promote a reasonable quality of environment and aesthetics and to prohibit actions and conduct that tend to depreciate not only the property on which it is located but also the property of others in the neighborhood and the community generally.

Section 4 Applicability

The provisions of this law shall apply in addition to any other local law or ordinance adopted by the Town of Stark. Where there is a conflict the more restrictive provision shall apply. This includes but is not limited to Land Use Regulations, Sub-Division Regulations and Comprehensive Plan.

Section 5. Definitions

Enforcement Officer: The person appointed by the Town of Stark to enforce the provisions of this law.

Garbage: All animal and vegetable waste resulting from growing, processing, marketing and preparation of food items, including container in which packaged.

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, lumber, brick, stone and other building materials no longer intended or in condition for ordinary use; and any and all personal property no longer intended or in condition for ordinary and customary use.

Motor Vehicle: All vehicles propelled or drawn by power other than muscular power originally intended for use on public highways, including but not limited to automobile,

bus, trailer, truck, tractor, motor home, motorcycle and mini-bike, snowmobile and all-terrain vehicle.

Junk: Worn out or discarded material of little or no value including, but not limited to a junk appliance, junk furniture, junk mobile home, junk motor vehicle or garbage, rubbish or debris.

Junk Motor Vehicle: Any Motor vehicle or used parts or waste materials from motor vehicles which taken together, equal in bulk to one or more such vehicles, which is:

1. Unlicensed or unregistered; or
2. Abandoned, wrecked, discarded, dismantled, or partly-dismantled; or
3. Not in condition for legal use upon the public highways.

The fact that a motor vehicle does not display a current motor vehicle registration of license plate shall be evidence that such motor vehicle is not in condition for legal use upon the highways.

With respect to any motor vehicle not required to be licensed or a motor vehicle not usually used on public highways, the fact that such motor vehicle is not in condition to be moved under its own power shall be presumptive evidence that such motor vehicle is a junk motor vehicle unless refuted by verifiable and credible proof.

Junk Accessory Vehicle: Any abandoned or discarded truck camper, camping trailer, camper, travel trailers, pop-up trailer, tent trailer and junk motor vehicles

Outdoor Storage: The placing, maintaining or keeping of junk, rubbish, clutter, litter or debris in a place other than a structure with a roof and fully enclosed on all four sides.

ARTICLE B: PROHIBITED ACTS

The deposit, accumulation, or storage of junk, regardless of quantity, is hereby prohibited within sight of persons traveling the public highways or within sight of neighboring property. Exceptions shall be made for the temporary use for construction purposes or when actively used in connection with active farming or agricultural operations.

ARTICLE C: EXCLUSIONS

Article B shall not apply to the storage or placement on the premises of the following material:

1. Wood intended for consumption in a wood burning stove, furnace or fireplace located in a building on the premises.
2. Lawn or yard garden ornaments or implements.
3. Operable farm, garden and yard machinery and apparatus used on the premises.
4. Standing fences.
5. 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 Town of Stark.
6. Construction materials and equipment used for renovation of a building on the premises for which a building permit has been issued.

ARTICLE D: ADMINISTRATION AND ENFORCEMENT

Section 1. Enforcement Officer

This law may be enforced by the Code Enforcement Officer, qualified building inspector or by any police officer having jurisdiction in the Town of Stark. Said person shall have the authority to enforce the provisions of this chapter and to inspect premises within the Town as necessary for said enforcement.

Section 2. Complaints

Any person may file a complaint with the code enforcement officer that a violation of this local law may have taken place. The code enforcement officer may also investigate any alleged violation that he or she has reason to believe has occurred or is occurring.

Section 3. Notice to comply.

The written notice to comply should contain the following information:

1. The name of the owner or occupant to whom the notice will be addressed.
2. The location of the premises involved in the violation.
3. A statement of the facts which is alleged violates this law
4. A demand that the junk be removed or placed so as to be in compliance with the law within a specified number of days after the service or mailing of the notice.
5. A statement that a failure to comply with the demand may result in prosecution
6. A copy of the local law.

Section 4. Enforcement and Summary Abatement

The code enforcement officer is hereby authorized pursuant to Criminal Procedure Law Section 150.20(3) to issue an appearance ticket to any person whom the code enforcement officer has reasons to believe has violated this law, and shall cause such person to appear before the Town of Stark justice.

Upon the failure of an owner, tenant or occupant with notice to correct a violation of the Town of Stark, the Town Board may hold a public hearing to determine whether the violation constitutes a public nuisance requiring abatement by the Town of Stark. The public hearing shall be held upon notice posted conspicuously on the subject property. The notice shall also be sent to the last known address of the property owner, as it appears on the current assessment records of the Town of Stark, by certified mail, return receipt requested or served on the owner by personal service. Posting and service of such notice shall not be less than 15 calendar days, exclusive of the date of service, prior to the date of public hearing. The notice shall:

- 1) Identify the premises as the same appears on the current assessment roll;
- 2) Contain a statement of the conditions on the property deemed upon inspection to constitute a public nuisance;
- 3) Contain a demand that the condition or conditions constituting the public nuisance be immediately abated or removed before the date of the hearing specified in the notice;
- 4) Contain a statement that a failure or refusal to comply within the period specified may result in a duly authorized officer, agent or employee of the municipality entering upon the property and abating or removing the public nuisance; and

5) Contain a statement that the cost and expense of such abatement or removal shall be the responsibility of the owner, tenant or occupant, and, without limitation on the Town's potential remedies to recoup its expenses, such cost and expenses shall be assessed against the described property and shall constitute a lien thereon to be collected as provided by law.

Where the governing board finds, based on substantial evidence in the public hearing record, that the violation or violations amount to a public nuisance requiring abatement by the Town of Stark, the Town Board may cause the abatement or removal of the public nuisance. The abatement or removal may be performed by the Town or by its designee, or agent, including a private contractor lawfully engaged and authorized by the Town. The Town Board shall ascertain the cost of removal, and assess such expense against the record owner of the property. The expense so assessed shall constitute a lien in charge on real property on which it is levied until paid or otherwise satisfied or discharged and shall be collected in the same manner and at the same time as other Town of Stark charges. The foregoing shall not be construed as a limitation on the Town's potential remedies to recover its costs

The removal of any nuisance by the Town's agent shall not operate to excuse such owner, tenant or occupant from properly maintaining the premises as required by this law. Such owner, tenant or occupant shall, in addition to the remedies provided herein, be subject to any other penalties provided for by this law.

ARTICLE E

Section 1. Severability

The invalidity of any clause, sentence, paragraph or provisions of this Local Law shall not invalidate any other clause, sentence or part thereof.

Section 2 Effective Date.

This local law shall take effect upon filing with the office of the New York Secretary of State.