

Prohibition of Clutter, Litter, Debris and Other Waste

SECTION 1. TITLE

This Local Law shall be known as the "Prohibition of Clutter, Litter, Debris and other Waste of the Town of Lyme." This Local Law shall repeal and replace any Town Ordinance, Local Law, Rule, or Regulation inconsistent herewith.

SECTION 2. PURPOSE

In order to preserve and promote reasonable quality of environment and aesthetics and to prohibit actions and conduct which offends the sensibilities and tends to debase the community and reduce real estate values, the deposit, accumulation, or maintenance of: 1) clutter, litter or debris; 2) junk appliance; 3) junk mobile home/manufactured home; 4) junk vehicle regardless of quantity is hereby prohibited anywhere within sight of persons lawfully traveling the public highways. The provisions of this section shall be applicable to existing conditions.

SECTION 3. DEFINITIONS

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

CLUTTER, LITTER, AND DEBRIS – Ordinary household or store trash such as paper, barrels, cartons, boxes, 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 tangible personal property no longer intended or in condition for ordinary and/or customary use, including but not limited to junk vehicles, appliances, and mobile/manufactured homes.

JUNK APPLIANCE – Any stove, washing machine, dryer, freezer, refrigerator, or other household device or equipment which has been abandoned, junked, discarded, or wholly or partially dismantled.

JUNK MOBILE/MANUFACTURED HOME – Any enclosed dwelling built upon a chassis, motor vehicle, or trailer used or designed to be used for either permanent or temporary living and/or sleeping purposes. Such dwellings include, but are not limited to: motor homes, truck campers, camping trailers, campers, travel trailers, pop-up trailers, tent trailers and over-night trailers; which is no longer suitable for human habitation.

JUNK VEHICLE – Any motor vehicle, whether automobile, bus, trailer, truck, tractor, motor home, motorcycle, mini-bicycle, snowmobile, or any other device originally intended for travel on the public highways, and which meets all of the following conditions:

- (1) It is unregistered;
- (2) It is either abandoned, wrecked, stored, discarded, dismantled, or partly dismantled;
- (3) It is not in any condition for legal use upon the public highway.

With respect to any motor vehicle not required to be licensed, or any motor vehicle not usually used on public highways, the fact that such motor vehicle has remained unused for more than six (6) months and is not in condition to be removed under its own power shall be presumptive evidence that such motor vehicle is a junk vehicle.

SECTION 4. COMPLAINTS

Whenever a violation of this law occurs, any person may file a complaint with the enforcement officer. All complaints shall be in writing. The enforcement officer shall properly record and promptly investigate any such complaint.

SECTION 5. ENFORCEMENT PROCEDURE

The enforcement officer shall inspect any property against which a proper written complaint has been filed. The enforcement officer shall then file a written report of violations with the Town Clerk. The enforcement officer shall prepare a written notice and shall serve such notice upon the owner or occupant personally or by certified mail.

SECTION 6. SERVICE OF NOTICE

The notice shall contain the following:

- a. The name of the owner and/or occupant to whom the notice shall be addressed;
- b. The location of the premises involved in the violation;

- c. A statement of facts which describes the alleged violation(s) of this law;
- d. A demand that any 1) clutter, litter or debris; 2) junk appliance; 3) junk mobile home/manufactured home; 4) junk vehicle be removed or placed so as to be in compliance with this law within ten (10) days of the service or mailing of the notice;
- e. A statement that failure to comply with the demand may result in prosecution and/or a monetary fine; and
- f. A copy of this law.

SECTION 7. EXTENSION

Upon application of the owner and/or occupant showing reasonable cause, the Town Board may grant an extension of up to thirty (30) days for the owner and/or occupant to comply with the demands.

SECTION 8. PENALTIES

Any person who shall violate any of the provisions of this law shall be guilty of an offense and subject to a fine not to exceed two hundred and fifty dollars (\$250.00). Every such person shall be deemed guilty of a separate offense for each week such violation, and/or refusal to cooperate shall continue. The Board 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, the violation of any provision of this law.

SECTION 9. EFFECTIVE DATE

This Local Law shall take effect immediately upon filing thereof in the Office of the Secretary of State.