

March 9, 2023
Town of Afton
County of Chenango

Present at the regular meeting were Supervisor John Lawrence; Councilmen Chris Warren, Robert Tallmadge and Calvin Tallmadge; Hwy Superintendent Kirk Hoyt; Code Officer Bailey DeBetta. Absent: Councilman Jamie Baciуска, DCO Amy Cross, and Assessor Caitlyn Brown

Visitors: Honorable Donald Ouimet

Bills and Claims, were audited and ordered paid follows:

General Fund

2023 Abstract no 3, claims no 27 – 46, totaling \$10,361.02

Highway Fund

2023 Abstract no 3, claims no 14 – 28, totaling \$16,109.18

Regular meeting was called to order at 7 pm with a Salute to the Flag.

Motion to accept the February 9, 2023 Board meeting minutes, made by Calvin Tallmadge seconded by Chris Tallmadge. All in favor, motion so carried

Motion to accept the bills and claims, made by Chris Warren seconded by Robert Tallmadge. All in favor, motion so carried.

Communication

- 1/ Received a Thank You card from the Afton Senior's for the Town's support
- 2/ Notification from NYMIR that insurance will be increasing property values under their policies by 9%, due to rising inflationary environment along with property catastrophes.
- 3/ Letter sent to NBT Bank of error made, and account was credited back.

Committee Reports

- 1/ Assessor, absent
- 2/ Financial, reports distributed and filed.
- 3/ Sanitation, working with property owners, on State Hwy 7, for a septic system
- 4/ Highway, has been working on the equipment, and what roads with need to Be done- stoned and oiled. Kirk received four applications for the open position, And will be hiring the applicant with the most experience.
- 5/ DCO, report distributed and filed.
- 6/ Building, minor work required on the furnace at the Medical Center.
- 7/ Historian, report distributed and filed.

Old Business

Motion to open the public hearing of the Local Law #1-2023, Storage of Junk, Garbage and Used Motor Vehicles at 7:20 pm. Motion to open, made by Calvin Tallmadge seconded by Robert Tallmadge. All in favor, motion so carried. Motion to close public hearing, made by Calvin Tallmadge seconded by Chris Warren, at 7:30 pm.

This Local Law shall take effect immediately upon filing with the Secretary of State.

Motion to approve made by Calvin Tallmadge seconded by Chris Warren

Roll call is as follows:

Supervisor John Lawrence	Aye
Robert Tallmadge	Aye
Calvin Tallmadge	Aye
Chris Warren	Aye
Jamie Baciуска, absent	
Motion Passes	

2/ the Town is all set for the street light upgrading, to be done later this year.

3/ Bids opened on 3/9/23 for Stone Bids with the following results:

Cobleskill Stone Products, Inc delivered
#1A \$29.85 per ton, #1B \$24.85 per ton, 1 ST \$24.85 per ton
Heidelberg Materials (pka Hanson) delivered
#1A \$33.05 per ton, #1B \$30.95 per ton, 1 ST \$30.65 per ton
Barrett Paving Materials Inc delivered
#1A \$34.95 per ton, #1B \$32.55 per ton, 1 ST \$32.55 per ton
Carver Sand and Gravel LLC delivered
#1A \$30.10 per ton, #1B \$25.10 per ton, 1 ST \$25.10 per ton

Motion to award bid to Cobleskill Stone Products, Inc. made by Calvin Tallmadge
Seconded by Robert Tallmadge. All in favor, Approved.

New Business

- 1/ Chenango County Soil and Water offer of a grant, for one of three projects.
This has been tabled until next month's meeting.
- 2/ SAM Grant for roof, received updated estimates for the job.
Madison Vinyl estimate was accepted. Motion made by Robert Tallmadge
Seconded by Chris Warren. All in favor, Approved.

Recognition of Visitors:

Honorable Don Ouimet, gave an update on the Centralized Arraignments, which started
About six months ago, and on the Traffic Diversion Program.

Motion to Adjourn At 7:55 pm

Motion made by Calvin Tallmadge seconded by Chris Warren. All in Favor, motion so carried.

Respectfully submitted by

A handwritten signature in black ink, appearing to read "Sandra D Reiling". The signature is written in a cursive style with a large, looped initial "S".

Sandra D Reiling
Clerk of the Board



Local Law Filing

(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.

County City Town Village
(Select one.)

of AFTON

Local Law No. 1 of the year 20²³

A local law STORAGE OF JUNK, GARBAGE AND USED MOTOR VEHICLES
(Insert Title)

Be it enacted by the TOWN OF AFTON BOARD of the
(Name of Legislative Body)

County City Town Village
(Select one.)

of AFTON as follows:

ARTICLE 1. INTRODUCTION

Section 1.1 Authority. Municipal Home Rule Law 20 provides authority to counties, cities, towns, and villages to adopt local laws, not inconsistent with general state law, for the protection and enhancement of the physical and visual environment, as well as to provide for the "safety, health and well-being" of the community. In furtherance of said purposes and goals, be it enacted by the members of the Town Board of the Town of Afton, as follows:

Section 1.2 Title: this local law shall be known as "A Local Law, Storage of Junk, Garbage and Used Motor Vehicles".

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

(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. 1 of 2023 of the ~~(County)(City)~~(Town)(Village) of AFTON was duly passed by the TOWN OF AFTON BOARD on March 9, 2023, 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) *(Name of Legislative Body)* (repassed after disapproval) by the _____ and was deemed duly adopted *(Elective Chief Executive Officer*)* on _____ 20 , in accordance with the applicable provisions of law.

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) *(Name of Legislative Body)* (repassed after disapproval) by the _____ on _____ 20____. *(Elective Chief Executive Officer*)*

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.

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) *(Name of Legislative Body)* (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.

* 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.)

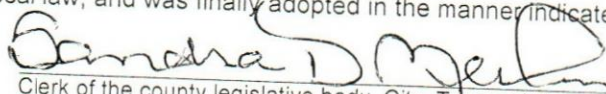
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified 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 1 above.


Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: 3/9/23

(Seal)

- Section 1.3. Purpose. The 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, should be regulated. By adoption of this law, the Town Board of the Town of Afton declares its intent to preserve and promote a reasonable quality of environment and aesthetics and to prohibit actions and conduct that tend to depreciate the value of not only the property on which such activities or conduct is located but also the value of property of other persons in the neighborhood and the community generally.
- 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 municipality. 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 Afton 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: All putrescible 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, cigarettes, 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 customary use.

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, junk construction equipment, junk farm equipment or garbage, rubbish, clutter, litter and debris as defined herein.

Junk Appliance: Any household appliance, including but not limited to a stove, washing machine, dryer, dishwasher, freezer, refrigerator, air conditioner, water heater, television, computer parts and components, which is stored outside of any residence or enclosed structure.

Junk Construction Equipment: Any construction related machinery and equipment, including but not limited to earthgrading, excavating and paving equipment, steel, plastic and other tanks, containers, flatbed carriers and cranes which are either abandoned, wrecked, discarded and/or inoperable.

Junk Farm Equipment: Any tractor, truck, self-propelled or drawn or stationery piece of equipment which cannot be used for its intended purpose 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 which is stored, placed or discarded in a spot, locale or position not visible from users of a public highway and all adjoining properties, and **EXCEPTING** inoperable farm machinery used for parts on farm operations within a County adopted, State certified, agricultural district 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 uses 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.

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;

- (B) it is either stored, abandoned, wrecked, discarded, dismantled, or partly dismantled; and
- (C) it has not been occupied for two or more years by on-farm labor when the farm is located within a County adopted, State certified, agricultural district.

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, junk appliances, junk furniture, junk mobile homes, junk motor vehicles, junk construction equipment, junk farm equipment, garbage, rubbish, clutter, litter and debris.

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

- (A) unlicensed or unregistered; or
- (B) abandoned, wrecked, stored, discarded, dismantled, or partly dismantled; or
- (C) not in a condition for legal use upon the public highways.

The fact that a motor vehicle does not display a current motor vehicle registration or license plate shall be presumptive evidence that such motor vehicle is not in a 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 a condition to be removed under its own power shall be presumptive evidence that such motor vehicle is a junk motor vehicle unless refuted by verifiable and credible proof.

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 an automobile, bus, trailer, truck tractor, motor home, motorcycle, and mini-bicycle. This term shall also include an all-terrain vehicle or snowmobile.

Owner of Motor Vehicle: A person, other than a lien holder, having possession or title to a motor vehicle. The term includes a person entitled to the use and possession of a motor vehicle subject to a security interest in another person and

also includes any lessee or bailee of a motor vehicle having the exclusive use thereof, under a lease or otherwise, for a period of greater than thirty (30) days.

Outdoor Storage: The placing, maintaining or keeping, either temporarily or permanently, in a place other than within a structure with a roof and fully enclosed on all sides 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.

ARTICLE 2. PROHIBITED ACTS

Section 2.1. The outdoor storage, deposit or accumulation, either temporarily or permanently, by a person within the Town, of junk, junk appliances, junk furniture, junk mobile homes, junk motor vehicles, junk construction equipment, junk farm equipment, 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.

Section 2.2. No person shall keep or maintain, either temporarily or permanently, within the Town, a junk storage area 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.

Section 2.3. It shall be unlawful for any person to use, within the Town, either temporarily or permanently, a bus, uninhabitable mobile home, truck, truck trailer, house trailer, semi-trailer, tank truck, or similar 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 ninety (90) days, or when actively used in connection with active farming or agricultural operations. Said ninety (90) day period may be extended by the Town planning board for good cause shown upon written application therefor.

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 paragraph 10 of Article Three, Exceptions, herein.

ARTICLE 3. EXCEPTIONS

Section 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. Any expansion, enlargement or addition to any existing condition shall be subject to the terms and provisions hereof or if applicable, prohibited hereby. The discontinuance of any existing condition for a period of six (6) months or more, shall result in the loss of such "grandfathered exemption" and thereafter the premises and conditions upon which said grandfathered condition is located shall be subject to the terms and prohibitions hereof.
- (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 municipality;
- (9) construction debris dumpsters and bins, 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) the burning of untreated wood products, paper and paper products, cardboard and cardboard products, trees, leaves, needles, branches, vines, lawn and garden debris; and
- (12) 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 five (5) days by a commercial trash disposal service or by the Town.

ARTICLE 4. ADMINISTRATION AND ENFORCEMENT

- Section 4.1. Enforcement Officer. This local law shall be enforced by the local code enforcement officer of the Town or by any law enforcement officer of Chenango County or the State of New York, or by the Town Constable.
- Section 4.2. Complaints. 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.
- Section 4.3. Notice to Comply. Upon reasonable grounds to believe a person has violated or is in violation of any term or provision hereof, the enforcement officer shall issue to the alleged violator, a written notice to comply. The notice to comply shall be served personally by the enforcement officer upon the alleged violator if the alleged violator can be located within the Town, otherwise service shall be made by certified mail, return receipt.
- Section 4.4. The written notice to comply shall contain the following information:
- (1) the name of the owner or occupant to whom the notice shall be addressed;
 - (2) the location of the premises involved in the violation;
 - (3) a statement of the facts which it is alleged violates this local law and a citation of the section or sections of this local law alleged to be violated;
 - (4) a demand that alleged offending condition be corrected so as to be in compliance with this law within a specified number of days after the service or mailing of the notice, together with a statement as to the specific actions requested to be taken by the alleged violator so as to be in compliance with this local law.

- (5) a statement that a failure to comply with the demand may result in prosecution; and
- (6) a copy of this local law.

Section 4.5. Enforcement and Summary Abatement. 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, the enforcement officer shall, pursuant to Criminal Procedure Law §150.20(3), issue an appearance ticket to the alleged violator, or shall file with the Town of Afton, Town Court, a violation information and application for the issuance of a summons to the alleged violator requiring such person's appearance before the Town Justice in answer to the alleged violation.

ARTICLE 5. ABATEMENT BY TOWN AT OWNER'S COST

Section 5.1. Whenever a condition that constitutes a violation of this local law shall persist:

- (1) notwithstanding enforcement proceedings under Section 4.5 above herein, and the conviction of the person responsible for such persistent offense, and the imposition of any penalty provided for in Article 6 herein or
- (2) in the event the owner(s) of the lands upon which such persistent offense shall exist shall reside outside of the Town of Afton and shall have failed to remedy, cure or correct such offending condition after a written notice to comply shall have been given to said owner(s) in accordance with Article 4 above herein, or
- (3) in the event the whereabouts of the owner(s) of the lands upon which such persistent offending condition shall exist shall be unknown, or
- (4) in the event the owner(s) of the lands upon which such persistent offending condition shall exist shall be deceased for more than one hundred twenty (120) days without the appointment of an executor or administrator of the decedent's estate by the Surrogate's Court having jurisdiction over decedent's death,

the enforcement officer may recommend to the Town Board, that such persistent offending condition be cured, remedied or corrected by the employees or agents of the Town of Afton at the owner's expense.

Upon receipt of such written recommendation, the town board may decide to hold a hearing, upon prior notice to the owner(s) and upon opportunity by the owner(s) to be heard. At any such hearing held, the town board shall determine, based upon the facts presented by the enforcement officer at such hearing: whether a condition exists upon such lands that constitutes a violation of this local law; that the owner(s) of such lands have been given adequate notice of such offending condition and a reasonable time to remedy, cure or correct such offending condition, or that reasonable and adequate attempts have been made by the enforcement officer to give such owner(s) such notice and opportunity to remedy; that such offending condition persists, and that such offending condition is more likely than not to persist absent action by the town's employees or agents to remedy, cure or correct such offending condition.

Section 5.2. Notice of Hearing. Whenever the Town Board shall resolve to hold such hearing, prior notice of said hearing shall be given to the last known address of the property owner, as it appears on the current assessment records of the town, by certified mail, return receipt requested or served upon the owner by personal service, and a notice of said public hearing shall be posted by the enforcement officer on the subject property. Posting and service of such notice shall be not less than twenty (20) calendar days, exclusive of the date of service, prior to the date of the hearing. The notice shall contain the following information:

- (1) the name of the owner to whom the notice shall be addressed;
- (2) the location of the premises involved in the violation;
- (3) a statement of the facts which it is alleged violates this law and a citation of the section or sections of this law alleged to be violated;
- (4) the following statement: "Prior notice and demand has been made upon you, or attempted to be made upon you, by the code enforcement office and you have failed to correct the violation. The Town board will hold a public hearing on the _____ day of _____, 20____, at _____ PM at the Town Hall located at 204 County Road 39 Afton NY, for purposes of determining whether the Town shall cause its employees or agents to enter upon the premises owned by you with suitable personnel and equipment to remedy, and or correct such offending conditions, with the cost and expense thereof being billed to you for payment. Failing payment of such cost and expense shall be added to the real property taxes assessed and levied against the premises by the Town and collected and enforced in the same manner as the payment of real property taxes"

- (5) the following statement: "You or your agent, including an attorney, may appear before the Town Board at such hearing date for purposes of cross examining any witnesses presented by the codes enforcement officer, to testify on your own behalf and to present any and all evidence you wish to submit on your behalf."
- (6) a copy of this local law and the following statement: "A copy of the applicable local law is being furnished to you. Your attention is directed to Section 5.3 for the procedure to be followed at the public hearing and Section 5.4, for your rights to appeal from any determination made by the Town board following public hearing."

Section 5.3. Conduct of Hearing. The hearing held by the Town Board shall be a public hearing at which any interested person may attend. A stenographic, tape recorded or videotaped record of the proceedings shall be made. The rules of conduct and evidence shall be informal. Hearsay evidence may be admitted, subject to whatever weight town board members may determine to grant it. The enforcement officer or town attorney shall present evidence to establish the presence of the alleged offending condition and other required matters. The testimony of witnesses shall be sworn testimony. The owner(s) shall have the right to be present in person or be represented by an agent, including legal counsel, and to present witnesses and other evidence on behalf of the owner(s). All witnesses shall be subject to cross-examine by the opposing party or counsel.

Upon the close of the hearing, the town board, by a majority vote, shall determine whether substantial evidence exists in the record that:

- (1) there exists upon said lands, a condition that violates one or more provisions of this local law; and
- (2) the owner(s) of such lands have been given, prior to the holding of the hearing, adequate notice of the existence of such offending condition and a reasonable opportunity to remedy, cure or correct same, or that the enforcement officer made reasonable attempts to give the owner(s) such notice and opportunity to correct; and
- (3) such offending condition persists; and
- (4) such offending condition is more likely than not to persist in the absence of action by the employees or agents of the town to remedy, correct or cure such defect; and
- (5) that it is in the best interests of the overall safety, health and well being of the general public, including the protection and enhancement of the physical and visual environment, and the preservation, enhancement and protection of property values, that such offending condition be remedied, cured or corrected by the employees, or agents of the town.

Section 5.4. Appeal. Any owner feeling aggrieved by any finding or determination of the Town Board following a hearing may appeal such findings and determination by means of an Article 78 proceeding pursuant to the Civil Practice Laws and Rules in Supreme Court. During the time during which any such appeal may be filed and during the pendency of any such Article 78 proceedings, the town board shall refrain from causing its employees or agents from entering upon the offending lands for purposes of remedying, correcting or curing such offending condition.

Section 5.5. Entry Upon Offending Lands. Following hearing, subject to the owner(s)' right to appeal, the town board, if it finds and determines affirmatively with regard to each of the criteria set forth in (1) through (5) of Section 5.3 above herein, shall cause its employees or a private contractor to enter upon the lands of the owner with suitable personnel and equipment to remedy, correct or cure the offending condition. The reasonable cost and expenses thereof shall be invoiced to the owner(s) of such lands and upon the owner(s)' failure to timely pay same, shall be added to the real property taxes assessed and levied by the Town against such lands and collected and enforced in the same manner as all other town real property taxes.

ARTICLE 6. PENALTIES AND REMEDIES

Section 6.1. Any person who shall violate any of the provisions of this law shall be guilty of a violation and subject to the following: (a) a fine not to exceed three hundred and fifty dollars (\$350.00) or imprisonment for a period not to exceed fifteen (15) days, or both; or a penalty of three hundred and fifty dollars (\$350.00) to be recovered by the municipality in a civil action.

Section 6.2. Every such person shall be deemed guilty of a separate violation for each week or portion thereof such violation, disobedience, omission, neglect or refusal shall continue. For purposes of this section the week during which a separate violation is deemed to have occurred shall start with the day following the date stated in the Notice to Comply, Article 4, Section 4.4 (4) herein and shall consist of 7 days. For each such week the codes enforcement officer shall not be required to repeat the process set forth in Article 4, herein.

Section 6.3. The town 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 a violation of any provision of this law.

ARTICLE 7. MISCELLANEOUS

Section 7.1. 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 8. EFFECTIVE DATE

Section 8.1. This local law shall be effective upon the date of its filing with the Office of the Secretary of State.