

LOCAL LAW NO. 1 OF THE YEAR 2008  
OF THE TOWN OF STOCKHOLM  
COUNTY OF ST. LAWRENCE  
STATE OF NEW YORK

Adopted at a meeting of the Town Board of the Town of Stockholm, New York on the 8th day of January, 2008.

Section 1. Purpose.

A. The purpose of this chapter is to provide a minimum standard for the maintenance of the exterior grounds, in an effort to secure the future environmental quality of the land, groundwater and open waters within the Town. This chapter is designed to promote environmentally safe residential neighborhoods, business and commercial districts, by prohibiting or regulating certain practices undertaken by property owners, their delegate agents, tenants or occupants, which could potentially create, cause or contribute to environmental degradation of land and water within the Town.

B. The adoption and enforcement of this chapter is intended to serve as deterrence to substandard exterior property maintenance and as a tool for protecting property investment, the tax base and the health, safety and welfare of all Town residents.

Section 2. Definitions.

For the purposes of this chapter, the following definitions shall apply:

COMPOSTING MATERIALS - Yard trimmings, vegetable wastes and other matter managed to provide aerobic thermophilic, decomposition of organic constituents to produce a stable, humus-like material. The organic material shall be stored in a container or compact pile that:

- A. Contains no sewage, sludge or seepage;
- B. Contains no inorganic materials, such as metal, plastic or glass; and
- C. Is maintained in a manner to minimize odors and the attraction of insect and animal pests.

GARBAGE - Food wastes, food wrappers, containers, nonrecyclables or other materials, resulting from the use, consumption and preparation of food or drink as well as other expended, used or discarded materials, such as paper, plastic, metal, rags or glass, etc., or any other wastes generated from day-to-day activities of a household, business or public or quasi-public facility. The term "garbage" does not include properly prepared and stored recyclable materials or properly maintained compost areas.

**GROUNDS and EXTERIOR PROPERTY** - Any area of a building or lot, excluding porch areas, not enclosed within the walls of a building. These terms include any public rights-of-way, which pass through or are adjacent to a property, including the sidewalk and any area between the sidewalk, if there is one, and the street pavement.

**PORCH AREA** - Includes any open and/or partially enclosed porches or decks, as well as any entranceways or exit ways which are in the public view.

**PUBLIC VIEW** - Areas of any property that are visible by pedestrian or vehicular traffic in the public right-of-way or visible from the exterior ground level of adjoining properties or properties within 100 feet of the subject property or special circumstances that allows for public visibility or detection.

**SOLID WASTE** - Includes materials or substances that are discarded or rejected as being spent, worthless, useless or in excess to the owners at the time of such discard or rejection, including but not limited to materials or substances such as garbage, refuse, industrial and commercial wastes, sludge from air or water treatment facilities, rubbish, tires, ashes, incinerator residue, construction and demolition debris, discarded motor vehicles, discarded household and commercial appliances and discarded furniture. An object shall be presumed to be discarded or rejected solid waste when the object is stored, placed or left on the grounds or exterior of the property in the view of neighbors or passers-by under circumstances which meet any of the following criteria:

- A. The object produces an offensive smell.
- B. The object is of a type designed for interior use or made of materials which are suitable only for the interior use, and the object is left outside and exposed to precipitation.
- C. The object has reached a degree of dilapidation or disrepair that can reasonably be presumed to render the material unsuitable for or incapable of being used for its original intended purpose or some other reasonable purpose.

**TOXIC OR NOXIOUS SUBSTANCE** - Any solid, liquid, or gaseous matter, including but not limited to gases, vapors, dusts, fumes, and mists containing properties which by chemical means are inherently harmful and likely to destroy life and impair health, or capable of causing injury to the well-being of persons or damage to property.

**TRASH RECEPTACLE** - A container that is nonabsorbent, watertight, and durable having a tightfitting lid in place. Plastic bags are not considered durable containers.

Section 3. Standards for grounds and exterior property.

It shall be the responsibility of all owners, their delegated agents, tenants, or occupants of

the property within the Town and it is their respective duty to adopt the following practices:

- A. That all grounds and exterior property are kept clean and free of solid waste.
- B. Solid waste, other than garbage stored in proper containers described in the preceding section, is not stored in the public view, except that construction and demolition debris related to an ongoing construction project with a valid building permit may be stored in the public view for no more than 30 days or by special exception by the Code Enforcement Official. Residents may place reusable materials on the front lawn for purposes of informal scavenging, not to be in public view for more than two successive days.
- C. Strong, waterproof plastic bags may be used to place garbage at the roadside on the day of collection.
- D. The landowner may dispose of solid waste on his/her property, provided the following requirements are all satisfied:
  - (1) The waste contains no toxic or noxious materials, or potentially decomposes to create a material (solid, liquid or gaseous) that causes or results in compromising the environmental quality of the land, groundwater, open water and associated ecosystems.
  - (2) The following are minimum separation distances for any storage or burial activities:
    - (a) From any domestic well: 200 feet; 500 feet if the well is located down gradient and 1,000 feet from municipal or any other high-production well or potable water source.
    - (b) From mean high water level if open water body: 100 feet.
    - (c) From adjoining property line: 100 feet.
    - (d) From the roadway: 500 feet.
    - (e) Above seasonal high groundwater table: five feet.
    - (f) Above bedrock: 10 feet.

#### Section 4. Standards for porch areas.

It shall be the responsibility of the property owners, or their delegated agents, within the town and their duty to adopt the following practices:

A. Porch areas are kept free of garbage, unless stored and completely contained in a durable, nonabsorbent, watertight container having tight-fitting lids in place in anticipation of weekly collection or disposal. Plastic bags are not considered durable containers.

B. Construction and demolition debris be located on porch areas for no longer than 30 days.

#### Section 5. Responsibilities of agents delegated by property owners.

A. The responsibilities outlined in previous sections may be delegated to an agent by the property owner, so long as, at the time of any violation of this chapter, an agency agreement is on file in the Code Enforcement Office which contains the following information:

- (1) The identity of the owner and the agent.
- (2) The owner's and agent's addresses and current phone numbers.
- (3) The property or properties the agent is accepting responsibility for.
- (4) The beginning and ending date of the agreement.
- (5) The exact sections of this Code assigned to the agent.
- (6) The signatures of both property owner and agent, along with each party's date of birth.

B. The agent must be a resident of or maintain an office for the transaction of business in St. Lawrence County or an adjoining county. Post office boxes will not be accepted as addresses for agents.

#### Section 6. Town to correct violations; costs.

A. Any case in which the Town by written notice requires an owner or his/her designated agent to correct any violation of this chapter, and the owner or his/her designated agent fails to correct the condition within the time prescribed in said notice, shall be considered a default, and upon said default the Town may cause the violation to be corrected, and the total expense of such correction may be assessed by the Town Board on the real property on which such corrections were not made, and the expense so assessed shall constitute a lien and charge on the 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 charges.

B. In the alternative, the Town may bring an action in any court of appropriate jurisdiction against any and/or all of the property owners and/or other responsible persons

seeking judgment for such expenses incurred by the Township in correcting the violation together with costs and disbursements by law as well as the Town's reasonable attorney's fee in the prosecution of such action.

Section 7. Enforcement.

These regulations shall be administered by the Code Enforcement Officer designated by the Town Board.

Section 8. Penalties for offenses.

Any person, as herein defined, committing an offense against any provision of this chapter or the rules and regulations issued pursuant thereto shall be guilty of a violation punishable by a fine of not more than \$250/week or imprisonment for a term not exceeding 15 days, or both.