

LOCAL LAW NO. 5 OF THE YEAR 2020

Article I General Provisions

Purpose

The purpose and subject of this chapter is to insure Peace and Good Order throughout the Town of Coeymans, to foster a healthy environment for its residents and property owners, and support economic development, social order and stability.

Authority

The Town Board of the Town of Coeymans as Legislative Body for the Town of Coeymans hereby enacts this Local Law pursuant to authority conferred by New York State Town Law Article 16, New York State Municipal Home Rule Law, and the New York State Constitution.

Legislative Intent

The intent of this article is to establish a standard set of rules, which will foster Peace and Good Order within the Town of Coeymans, and protect and enhance the Town of Coeymans, its citizens, its environment, and its economy.

Outdoor fires.

A. No person shall build, make, light or cause to burn any fire within the limits of the Town unless such fire is:

- (1) Confined to an adequate fire pit, outdoor fireplace, grill or barbecue pit; or
- (2) Burning brush with limbs less than 6 inches in diameter and 8 feet in length and generated from the property; and
- (3) Constantly monitored and in control; and
- (4) Not of a dangerous, unsafe or unreasonable size or condition; and
- (5) Not used to burn garbage, trash or rubbish

B. All fire pits, which are defined as any dug pit, hole, or structure in or on the ground designed to contain fire and prevent fire from spreading, must be no larger than four (4) feet in diameter, and are prohibited within 10 feet of any structure and must be enclosed if within 20 feet of any structure. This prohibition does not include grills, barbeque pits, or cooking devices.

C. For any other fire, the person shall obtain any permit required by any governmental agency, including but not limited to the Albany County Health Department and New York State Department of Environmental Conservation.

D. Such person shall notify the local fire department and police department through the Albany County 911 Dispatch Center of his intention to have any fire other than that described in Subsections **A(1)** and **A(2)**, hereinabove set forth.

E. This section shall not apply to fire training or other fires authorized by the New York State Office of Fire Prevention and Control, New York State Department of Environmental Conservation or other federal or state regulatory authority.

Placing garbage or waste in drains or culverts.

No person shall throw, place or deposit any garbage, offensive material or waste material in any drain, sewer, gutter, culvert, watercourse or any other place within said Town, or cause any obstruction or injury to the same or any nuisance, except at such dumping place or grounds as shall be located or designated by the Town Board and under the direction of the Town Highway Superintendent and Town Supervisor.

Encroachments upon streets or public grounds.

No person, persons or corporation shall erect or cause to be erected any fence, building or other structure or thing which shall in any manner encroach upon the boundaries of any street, highway or public place or grounds in said Town.

Interference with hydrants.

No person shall interfere with any hydrant in said Town nor place any obstruction near the same so that it will impede or hinder the free access to said hydrant at any time, nor shall any person place any snow, ashes or other substance on or against any such hydrants.

Nails, glass or other injurious substances in streets.

No person shall throw, place or deposit any glass, nails, tacks or other articles injurious to horses, automobiles or other vehicles in any of the streets, alleys, roads or driveways in said Town.

Article II Rules of Conduct

Riotous assembly.

No person shall take part in or join or aid, assist or abet any riotous or tumultuous assemblage or unnecessary crowds upon the streets or in doorways or stairways adjacent thereto or loiter about such places.

Article III Noise

Legislative intent.

The making and creating of disturbing, offensive or excessive noise within the jurisdictional limits of the Town of Coeymans is a condition that is a detriment to the public health, comfort,

convenience, safety and welfare of the citizens. This article is to be construed liberally but is not intended to discourage the enjoyment by resident and visitors of normal, reasonable and usual activities.

Prohibited acts.

No person shall make or create or allow any unreasonable noise that causes public inconvenience, annoyance or alarm, or recklessly creates a risk thereof. Unreasonable noise is any disturbing, excessive or offensive sound of such level and duration as to be or tend to be injurious to the health or welfare of individuals, or which would unreasonably interfere with the enjoyment of life or property, or that disturbs a reasonable person of normal sensitivities, between the hours of 11:00p.m. and 7:00a.m.

The provisions of this section shall not apply to the following acts:

- A. The emission of sound for the purpose of alerting persons to the existence of an emergency or noise generated as a result of the emergency operations of a municipality, the Police Department, Fire Department or rescue squad.
- B. Noise from municipally sponsored celebrations or events.
- C. Noise generated by the installation and maintenance of utilities.
- D. The operation or use of any organ, radio, bell, chime or other instrument, apparatus or device by any church, synagogue or school licensed or chartered by the State of New York, provided such operation or use does not occur between the hours of 11:00 p.m. and 7:00 a.m.
- E. Noise from domestic power tools, lawn mowers, snowblowers and other agricultural equipment, when such is equipped, when applicable, with properly functioning mufflers.
- F. Noise from a gas-powered portable electric generator providing emergency power to a home or business, and only during the duration of the power outage or emergency.
- G. Continuous noise generated from industrial operations within an industrially zoned area, which does not exceed 72 Decibels.

Article IV Enforcement

Administration and Enforcement.

The requirements established by this chapter shall be administered and enforced by any law enforcement agency that has jurisdiction in the Town of Coeymans and any other employee as authorized by the Town of Coeymans Town Board.

Penalties for offenses.

Any person committing an offense against any of the provisions of this chapter shall be guilty of a violation and, upon conviction thereof, shall be punishable for each offense by a fine of not more than \$200 or by imprisonment for not more than 15 days, or both.

Effective Date.

This chapter shall take effect immediately.

LOCAL LAW NO. 6 OF THE YEAR 2020

Title.

This chapter shall be known as the “Abandoned Vehicles in the R-1 and R-2 Zoning Districts of the Town of Coeymans”.

Purpose.

The Town Board of the Town of Coeymans has determined that abandoned, junked, discarded, dismantled, rusted, wrecked or otherwise inoperative motor vehicles not in condition for legal road use, located in the R-1 and R-2 Zones of the Town of Coeymans, as evidenced by valid inspection stickers and registration stickers, or no valid license plates, as a visual blight, and constitute a hazard to the health, safety, and welfare of the citizens of the R-1 and R-2 Zoning Districts of the Town of Coeymans. The Town Board of the Town of Coeymans deems it proper to have such abandoned vehicles remedied through proper registration or removal by Court order through due process.

Authority

The Town Board of the Town of Coeymans as Legislative Body for the Town of Coeymans hereby enacts this Local Law pursuant to authority conferred by New York State Town Law Article 16, New York State Municipal Home Rule Law, and the New York State Constitution.

Definitions.

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

A. ABANDONED VEHICLE

A motor vehicle left unattended with no valid license plates, no valid inspection or registration stickers, and no valid insurance, on private property for more than 7 days, or on any public street, road, avenue, parking lot, or property for more than 48 hours. A motor vehicle not in physical condition for legal road use shall be deemed abandoned, and shall be subject to the provisions of this chapter.

B. CODE ENFORCEMENT OFFICIAL

The individual appointed pursuant to Section 71-3B of Chapter 71 of the Code of the Town of Coeymans.

C. CODE ENFORCEMENT PERSONNEL

The code enforcement official and all inspectors, as defined in Section 71-3B of the Code of the Town of Coeymans.

D. NOTICE OF VIOLATION AND COMPLIANCE ORDER

A notice and order issued by the code enforcement official or other inspector(s) pursuant to Section 71-15A of Chapter 71 of the Code of the Town of Coeymans.

E. R-1 and R-2 Zoning Districts

Zoning Districts of the Town of Coeymans as defined in Zoning, Chapter 165 of the Code of the Town of Coeymans: Schedule of District Zoning Regulations.

Section 3: Abandoned Vehicles.

No inoperative, unregistered, unlicensed, insurance lapse – or other condition not legal for road use – shall be parked, kept, or stored on any premises, public or private, and no vehicle at any time shall be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled, in the R-1 and R-2 Zoning Districts of the Town of Coeymans.

Covering of such abandoned vehicles, with a tarp, car cover, or similar cover shall be prohibited.

Administration.

Upon observation of a vehicle that is suspected to meet the criteria of an abandoned vehicle, the code enforcement official, or other inspector(s), shall verify that such vehicle is unlicensed, unregistered, or otherwise not legal for road use. Such verification shall be completed within the legal authority of the code enforcement official. The code enforcement shall not enter private property to verify an abandoned vehicle(s) exists without permission from the property owner or agent/representative of the property owner. Observations and confirmation shall be made from legal public way, or from neighboring property, provided the code enforcement official secures permission from neighboring property owner or owner's representative. If necessary, the code enforcement official is authorized to apply for an administrative warrant from the Justice Court of the Town of Coeymans, to enter private property for the enforcement of this provision.

Enforcement.

The owner of the property on which an abandoned vehicle(s) is found, shall be issued a Notice of Violation and Compliance Order by the code enforcement official or inspector(s). The Notice of Violation and Compliance Order must be served personally, or by registered mail to the last known address of the property owner. The property owner shall have up to ten (10) days of receipt of the Notice of Violation to remove the subject vehicle(s) from the property, or properly register, license, insure, and repair such vehicle(s) so that they are legal for road use.

If, upon expiration of the Notice of Violation, a follow-up inspection determines that the abandoned vehicle(s) still remain on the property, an appearance ticket returnable to the Town of Coeymans Justice Court shall be issued to such property owner via the legal authoritative methods of the code enforcement official.

If an abandoned vehicle(s) is found on public property owned by the Town of Coeymans, then the Town of Coeymans code enforcement official or any police agency with jurisdiction within the Town of Coeymans is authorized to remove the vehicle(s) without any further due process.

Penalties for Offenses.

A. Civil penalties. Any person/owner who violates any provision of this chapter shall be liable to a civil penalty of not more than \$200 for each day or part thereof during which such violation continues. The civil penalties provided by this subsection shall be recoverable in an action instituted in the name of this Town.

B. The Court shall reserve the authority to cause abandoned vehicle(s) ordered to be removed by the Town of Coeymans. All costs incurred by the Town of Coeymans for the removal of abandoned vehicle(s) from the subject property including and any fees incurred by the Town for legal or other professional services, shall be chargeable to the owner of the premises and shall be assessed against the land on which said building is located. 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 taxes and charges.

Effective Date.

This chapter shall take effect immediately.

LOCAL LAW NO. 7 OF THE YEAR 2020

Title.

This chapter shall be known as the "Unsafe Buildings Law of the Town of Coeymans".

Purpose.

A. The purpose of this chapter is to promote and preserve the health, safety and welfare of the public and residents and/or owners of property located within the Town of Coeymans by providing a method for the removal or repair of buildings that, from any cause, may now be or shall hereafter become dangerous or unsafe to the public and residents and/or owners of property within the Town of Coeymans. Unsafe buildings serve as an attractive nuisance for young children, who may be injured therein; may be a point of congregation by vagrants and transients; may attract rodent or insects; and may also attract illegal drug activity.

B. The powers conferred upon the Town of Coeymans by this chapter shall be in addition to all other powers conferred upon the Town of Coeymans in relation to the same subject by state law.

Authority

The Town Board of the Town of Coeymans as Legislative Body for the Town of Coeymans hereby enacts this Local Law pursuant to authority conferred by New York State Town Law Article 16, New York State Municipal Home Rule Law, and the New York State Constitution.

Stricter standards to prevail.

In any case where the provisions of this chapter impose a stricter standard than that set forth in any law of the Town or under the laws of the State of New York, then the standards as set forth herein shall prevail; but if the provisions of this chapter impose a less stringent standard than any law of the Town or of the laws of the State of New York, then the stricter standard contained in any such other ordinance or law shall prevail.

Definitions.

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

BUILDING INSPECTOR

The Building Inspector of the Town of Coeymans or such other person appointed by the Town Board to enforce the provisions of this chapter.

UNSAFE BUILDING

Includes all buildings which have any or all of the following defects:

- A. Those whose interior walls or exterior bearing walls or other vertical structural members list, lean or buckle to such an extent as to weaken the structural support they provide;
- B. Those which, exclusive of the foundation, show 33% or more of damage to or deterioration of the supporting member or members or 50% of damage to or deterioration of the nonsupporting, enclosing or outside walls or covering;
- C. Those which have improperly distributed loads upon the floors or roofs or in which the same are overloaded or which have insufficient strength to be reasonably safe for the purpose used;
- D. Those which have been damaged by fire, wind or other causes so as to have become dangerous to life, safety or the general health and welfare of the occupants or the people of this Town of Coeymans;
- E. Those which have become or are so dilapidated, decayed, unsafe or unsanitary or which so utterly fail to provide the amenities essential to decent living that they are unfit for human habitation or are likely to cause sickness or disease to those living therein or adjacent thereto;
- F. Those having light, air and sanitation facilities which are inadequate to protect the health, safety or general welfare of human beings who live or may live therein, with particular reference to the requirements of the New York State Uniform Fire Prevention and Building Code as a determinant;
- G. Those having inadequate facilities for egress in case of fire or panic or those having insufficient stairways, elevators, fire escapes or other means of communication, again referencing the New York State Uniform Fire Prevention and Building Code as a determinant;
- H. Those which have parts thereof which are so attached that they may fall and injure members of the public or property;
- I. Those which consist of debris, rubble or parts of buildings left on the ground after demolition, reconstruction fire or other casualty;
- J. Those which, because of their condition, are unsafe, unsanitary or dangerous to the health, safety or general welfare of the people of the Town of Coeymans.

Unsafe buildings prohibited.

No person, firm, corporation or association owning, possessing or controlling a building in this Town shall permit, suffer or allow said building now or hereafter to be or become unsafe to the public and/or residents from any cause whatsoever.

Inspections.

The Building Inspector shall make inspections of all unsafe buildings within the Town of Coeymans and report to the Town Board all unsafe buildings which from time to time may be found within the limits of the Town of Coeymans.

Determination; notice to repair or demolish.

A. The Town Board shall consider the report of the Building Inspector and, if in its opinion the report so warrants, shall determine that the building is unsafe and order its demolition or repair, if the same can be safely repaired, and further order that a notice shall be given to the owner as follows.

B. The notice shall contain the following:

- (1) A description of the premises;
- (2) A statement of the particulars in which the building is unsafe;
- (3) An order requiring the building to be repaired or demolished;
- (4) That the repairing or demolition of the building shall commence within 30 days of the serving of the notice, as hereinafter provided, and shall be completed within 60 days thereafter;
- (5) A date, time and place for a hearing before the Town Board in relation to such unsafe building, which hearing shall be scheduled not less than five business days from the day of service of the notice;
- (6) A statement that in the event of neglect or refusal to comply with the order to repair or demolish the building, the Town Board is authorized to provide for its repair or demolition, to assess all expenses thereof against the land on which it is located and to institute a special proceeding to collect the costs of demolition, including legal expenses.

Service of notice; filing.

A. Said notice shall be served in the following manner:

- (1) By personal service of a copy thereof upon the owner or some one of the owners, executors, legal representative, agents, lessees or any other person having a vested or contingent interest in the premises as shown by the last preceding completed assessment roll of the Town of Coeymans, or of the County Clerk, such service to be complete and the thirty-day time period recited in said notice to commence upon service; or
- (2) By mailing a copy of said notice to such owner as aforesaid by registered mail, return receipt requested, addressed to the last known address of the owner and by affixing a copy of said notice to the premises, such service to be complete and the thirty-day time period recited in said notice to commence 10 days after the filing of the return receipt.

B. A copy of the notice shall also be filed in the office of the County Clerk of the county within which such building is located, which notice shall be filed by such Clerk in the same manner as a notice of pendency pursuant to Article 65 of the Civil Practice Law and Rules, and shall have the same effect as a notice of pendency as therein provided, except as otherwise hereinafter provided. A notice so filed shall be effective for a period of one year from the date of filing; provided, however, that it may be vacated upon the order of a judge or upon the consent of the Town Attorney.

Hearing; repair by owner or Town.

A. The hearing shall be conducted before the Town Board. The Building Inspector shall present his or her report to the Town Board in writing. The owner or his or her representative, if present,

shall call such witnesses as he or she deems necessary. The Town Board shall make written findings of fact from the testimony offered as to whether or not the building in question is an unsafe building.

B. If such owner shall neglect, fail or refuse to comply and, after said hearing, the Town Board finds that the building is a public nuisance and directs its repair or demolition, the owner shall repair or demolish said building within the time prescribed by the Town Board.

C. If the owner fails or neglects to repair or demolish said building as directed by the Town Board following the hearing, and then the Town Board shall direct the repair or demolition of same forthwith.

Demolition and removal by Town upon noncompliance.

In the event of neglect or refusal of the persons so notified to comply with said order of the Town Board, the Town Board shall provide for the demolition and removal of such building either by Town employees or by contract. Except in an emergency, any contract subject to the requirements of General Municipal Law 103(1) or other applicable law shall be awarded by competitive bidding.

Emergency work; notice.

A. In case there shall be, in the opinion of the Building Inspector, actual and immediate danger of the falling of a building so as to endanger public safety, life or property or actual or immediate menace to health or public welfare as a result of the conditions present in or about a building, he or she shall cause the necessary work to be done to render such a building temporarily safe, whether the procedure prescribed in this chapter for unsafe buildings has been instituted or not.

B. When emergency work is to be performed under this section, the Building Inspector shall cause the owner thereof to be served personally or by registered mail, return receipt requested, and, if served by registered mail, shall post on the premises a notice to comply containing a description of the premises, a statement of the facts in which the building is unsafe or dangerous and orders and directions to correct the conditions which constitute an emergency within a specified period, not to exceed three days from actual or constructive receipt of the notice.

C. In the event that the emergency does not permit any delay in correction, the notice shall state that the Town has corrected the emergency condition.

D. In both cases, the notice shall state that the corrective costs of the emergency will be assessed against the owner pursuant to the provisions of this chapter.

Application to Supreme Court for order to repair, secure or demolish.

In addition to the remedies provided by this chapter, the Town Board may request the Town Attorney to make an application to the Supreme Court for an order determining the building to be a public nuisance and directing that it shall be repaired and secured or demolished.

Assessment of costs; collection.

A. All costs and expenses incurred by the Town in connection with the proceedings to repair, secure, demolish or remove the unsafe building, including all costs of work performed or services rendered, including and any fees incurred by the Town for engineering, legal or other professional services, shall be chargeable to the owner of the premises and shall be assessed against the land on which said building is located. 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 taxes and charges.

B. The Town of Coeymans may commence a special proceeding pursuant to § 78-b of the General Municipal Law to collect the costs of repairing, securing, demolition or removal of the unsafe building, including reasonable and necessary expenses for engineering, legal or other professional services.

Penalties for Offenses.

Civil penalties. Any person/owner who violates any provision of this chapter shall be liable to a civil penalty of not more than \$200 for each day or part thereof during which such violation continues. The civil penalties provided by this subsection shall be recoverable in an action instituted in the name of this Town.

Effective Date.

This chapter shall take effect immediately.

LOCAL LAW NO. 8 OF THE YEAR 2020

Chapter 102, “Garbage and Garbage Receptacles,” section 102-3, “Definitions,” of the Code of the Town of Coeymans is hereby amended as follow:

§ 102-3 **Definitions.**

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

GARBAGE

Offal, waste food, dead animals, or fowl or part thereof, vegetable matter of any kind and any other waste or discarded matter, which shall be either flammable or capable of fermentation or decay; waste material, including papers, cartons, tin cans, scrap metal, bottles, plastic and cardboard containers, discarded appliances, abandoned refrigerators, boilers, hot-water heaters, television sets and other similar appliances, waste or discarded wood and lumber and any and all similar substances and articles.

Chapter 102, “Garbage and Garbage Receptacles,” section 102-7, “Dumpsters and roll-offs,” of the Code of the Town of Coeymans is hereby amended as follows:

§ 102-7 **Dumpsters and roll-offs.**

A. Dumpsters or roll-offs are not allowed in the following zones beyond thirty (30) days, unless a temporary permit is obtained from the Building Department: R-1, R-2, R-3, R-4 and B-1. Annual permits may be obtained by owners of properties within the R-2, R-3, R-4 and B-1 zones upon application to the Building Department and approval by the Town Board.

B. Dumpsters are allowed in C-1P, CF-1 and CF-2 Zones so long as they remain outside of public view. Roll-offs for said zones requires a temporary permit if remaining on the property beyond thirty (30) days, to be obtained from the Building Department.

C. Dumpsters are defined as a type of movable waste container designed to be brought and taken away by a special collection vehicle, or to a bin that a specially designed garbage truck lifts, empties into its hopper, and lowers it on the spot. Dumpsters do not include any container of 90 gallon capacity or less.

D. Roll Off Dumpsters are defined as an open top dumpster characterized by a rectangular footprint, utilizing wheels to facilitate rolling the dumpster in place. Roll Off Dumpsters come in various sizes, but typically range between 10 yards and 30 yards in size.

Chapter 102, “Garbage and Garbage Receptacles,” section 102-8 “Penalties for offenses” of the Code of Town of Coeymans is hereby amended as follows:

§ 102-8 Penalties for offenses.

Any person committing an offense against any of the provisions of this chapter shall be guilty of a violation and upon conviction thereof shall be punishable by a fine not less than \$50 nor more than \$250 or by imprisonment for a term not exceeding 15 days, or both. Each day's continued violation shall constitute a separate additional violation. In addition to police enforcement, this chapter may be enforced by the Code Enforcement Officer of the Town of Coeymans by initiating an action in a civil court of competent jurisdiction. Any person found in violation of this chapter by a civil court shall be subject to a civil penalty, payable to the town, of an amount not less than \$50 nor more than \$250 for each violation.