

60 to council 5-18-17  
Planning Department

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Dryden, NY 13053

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<http://dryden.ny.us/planning-department>

## NOTIFICATION OF VIOLATION

**FROM:** Office of Zoning & Building Code Officer

**TO:** Ellen Ross  
473 Bone Plain Rd  
Freeville, NY 13068

**Tax Parcel # 30.-1-25.1**

The following violation(s) of the requirements of the New York State Fire Prevention and Building Code (including the Property Maintenance Code) and/or the Town of Dryden Zoning Law have been noted by visual inspection of an inspector at the property owned or occupied by you and located at:

**473 Bone Plain Rd, Town of Dryden Tax Parcel #30.-1-25.1**

**VIOLATION:** Accumulation of trash, rubbish and junk.

**NY STATE CODE REFERENCE: §PM302.1 Sanitation.** Exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupant shall keep that part of the exterior property that such *occupant* occupies or controls in a clean and sanitary condition. **§PM308.1 Accumulation of rubbish or garbage.** *Exterior property and premises*, and the interior of every structure, shall be free from any accumulation of *rubbish* or garbage.

**§PM308.2 Disposal of rubbish.** Every occupant of a structure shall dispose of all rubbish in a clean and sanitary manner by placing such rubbish in approved containers. **§PM308.2.1 Rubbish storage facilities.** The owner of every occupied premise shall supply approved covered containers for rubbish, and the owner of the premises shall be responsible for the removal of rubbish.

**LOCAL LAW REFERENCE: Town of Dryden Zoning Law, Section 901:** All lots shall be kept free of vehicles that are unregistered, abandoned or inoperable, and **shall be kept free of trash, rubbish or junk.**

**REMEDY:** Legally dispose of garbage, rubbish, and junk.

**VIOLATION:** Two unregistered, unlicensed, or inoperable automobiles. One red Chevy Citation and one unidentified white sedan.

**NY STATE CODE REFERENCE: §PM302.8 Motor vehicles.** Except as provided for in other regulations, no inoperative or unlicensed motor vehicle shall be parked, kept or stored on any *premises*, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an *approved* spray booth. **Exception:** A vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure or similarly enclosed area designed and *approved* for such purposes.

**LOCAL LAW REFERENCE: Town of Dryden Zoning Law, Section 901:** All lots shall be kept free of vehicles that are unregistered, abandoned or inoperable, and **shall be kept free of trash, rubbish or junk.**

Your property, by Zoning Law definition, is a a junk yard – a prohibited use.

**VIOLATION:** A shed that is dilapidated is on the property, a shed that is collapsed is on the property, and an accessory portion of the single-family residence that is dilapidated and in disrepair is on the property.

**NY STATE CODE REFERENCE:** §PM302.7 **Accessory structures.** Accessory structures, including *detached* garages, fences and walls, shall be maintained structurally sound and in good repair.

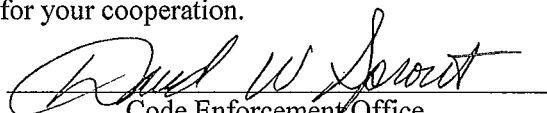
**REMEDY:** Obtain demolition permit(s) and legally dispose of the structures.

A violation of the Zoning Law is an offense punishable by a fine not exceeding \$350.00 or imprisonment for a period not exceeding six months, or both for conviction of a first offense. Each week's continued violation shall constitute a separate, additional violation.

In addition to those penalties proscribed by State law, any person who violates any provision of the Uniform Code, the Energy Code or this local law (Local Law #1- 2007, providing for the administration of the Uniform Code) shall be liable to a civil penalty of not more than \$200 for each day or part thereof during which such violation continues. Civil penalties shall be recoverable in an action instituted in the name of the Town.

Please respond to the Town of Dryden Planning Department, 93 East Main Street, Dryden, NY 13053. Our phone number is 607-844-8888, ext. 216. Staff is available 8:00 AM to 4:30 PM Monday-Friday. **To avoid Town of Dryden Court action, you must begin clearing the property of junk, rubbish, and trash immediately. You must remove the two inoperable vehicles. If you fail to take action immediately, this matter will be turned over to the Dryden Town Court for resolution. Please respond to this Notice with your plan of action but keep in mind that a plan alone will not be enough, the plan must be implemented. Without evidence that the violations are being corrected, this matter shall be turned over to the Town Court on Thursday, May 18, 2017.** Thank you for your cooperation.

May 8, 2017  
Date

  
Code Enforcement Office

#### DEFINITIONS

(From the NYS Property Maintenance Code and Town of Dryden Zoning Law)

**GARBAGE.** The animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.

**INOPERABLE MOTOR VEHICLE.** A vehicle which cannot be driven upon the public streets for reason including but not limited to being unlicensed, wrecked, abandoned, in a state of disrepair, or incapable of being moved under its own power.

**EXTERIOR PROPERTY.** The open space on the *premises* and on adjoining property under the control of *owners* or *operators* of such *premises*.

**NEGLECT.** The lack of proper maintenance for a building or *structure*.

**OWNER.** Any person, agent, *operator*, firm or corporation having legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

**PREMISES.** A lot, plot or parcel of land, *easement* or *public way*, including any structures thereon.

**RUBBISH.** Combustible and noncombustible waste materials, except garbage; the term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, *yard* trimmings, tin cans, metals, mineral matter, glass, crockery and dust and other similar materials.

**STRUCTURE.** That which is built or constructed or a portion thereof.

**YARD.** An open space on the same lot with a structure.

**JUNK YARD.** Any place of storage or deposit, whether in connection with another business or not, where two or more unregistered, old, or secondhand motor vehicles, no longer intended or in condition for legal use on Public Highways, are held, whether for the purpose of resale of used parts therefrom, for the purpose of reclaiming for the use some or all of the materials therein, whether metal, glass, fabric or otherwise, for the purpose of disposing of the same or for any other purpose; such term shall include any place of storage or deposit for any such purposes of used parts or waste materials from motor vehicles which, taken together, equal in bulk two or more such vehicles provided, however, the term Junk

Yard shall not be construed to mean an establishment having facilities for processing iron, steel or nonferrous scrap and whose principal produce is scrap iron, steel or nonferrous scrap for sale for remelting purposes only.