

Town of St. Armand  
Public Hearings (2)  
Junk Vehicle Local Law  
Proposed Sewer Redistricting  
St. Armand Highway Garage  
Thursday, August 5, 2021  
5:30 PM

*These Public Hearing Minutes were approved by the St. Armand Town Board on September 14, 2021.*

Two Public Hearings of the Town of St. Armand were held on the above date and time in person and via a webinar conducted from the St. Armand Highway Garage, 1705 NYS Route 3, Bloomingdale, NY. The Public Hearings were advertised and made available to the public.

**BOARD MEMBERS PRESENT:**

Town Supervisor Davina Winemiller, Deputy Supervisor D. Joseph Bates, Councilperson Donald Amell, Councilperson Jennifer Fuller and Councilperson Karl Law.

*A quorum of the Board was in attendance.*

**TOWN EMPLOYEES PRESENT:** Town Clerk Barbara Darrah.

**GUESTS:** Stephanie Mikesell, Heather Wood and one unidentified caller from the community.

Supervisor Winemiller called the meeting to order at 5:30 p.m. and asked everyone to join in the Pledge of Allegiance.

Public Notice was published in the Adirondack Daily Enterprise regarding the date and time of the Public Hearings, as well as being posted on the Town of St. Armand's outside marquis, the Town's Facebook page and the Bloomingdale Neighborhood Facebook Group page. Supervisor Winemiller asked Town Clerk Barbara Darrah to read the Notice of Public Hearings.

**NOTICE OF PUBLIC HEARINGS**

NOTICE IS HEREBY GIVEN that the Town Board of the Town of St. Armand, Essex County, New York will conduct two PUBLIC HEARINGS on Thursday, August 5, 2021, beginning at 5:30 pm at the Town of St. Armand Highway Garage, 1705 NYS Route 3, Bloomingdale, NY 12913. The topic of the 1st PUBLIC HEARING is the Introduction of the Revised Junk Vehicle Law. The 2nd PUBLIC HEARING will immediately follow, and the topic is the Introduction of the proposed revisions to the Sewer Local Law # 3 of 2015. These public hearings will be held in person and virtually and all parties interested are welcome to attend and may be heard in favor or against any items contained therein.

Virtual attendance: Please join my meeting from your computer, table or smartphone.

<https://global.gotomeeting.com/join/155301813>

You can also dial in using your phone. United States: 1 (669) 224-3412

Access Code: 155-301-813

Proposed revisions for both local laws are available for viewing by appointment.

Please contact the Town of St. Armand at 518-891-3189 or email [starmand1903@yahoo.com](mailto:starmand1903@yahoo.com)

**PUBLIC HEARING # 1 – Introduction of Revisions of the Junk Vehicle Law # 1 of 1981.**

Supervisor Winemiller explained the current Junk Vehicle Local Law # 1 of 1981 contained language that referred to the Village of Bloomingdale. Revisions were made to the proposed law so that the boundaries are now identified as the Town of St. Armand so that it matches up with the Town instead of the old Village lines that don't exist anymore. Winemiller asked if there were any questions on the Local Law revisions? There were none. Winemiller then went into Resolution # 55 for Introducing Local Law No. 1 of 2021.

**RESOLUTION # 55 OF 2021**

**RESOLUTION INTRODUCING PROPOSED LOCAL LAW NO. 1 OF 2021 ENTITLED "TOWN OF ST. ARMAND JUNK STORAGE AND JUNKYARD LOCAL LAW" REVISED FROM THE VILLAGE OF BLOOMINGDALE LOCAL LAW NO. 2 OF 1981 ENTITLED "REGULATING ABANDONED AND JUNK VEHICLES"**

Deputy Supervisor D. Joseph Bates, who moved its adoption, offered the following Resolution:

Upon the passage of a motion to consider from the floor, and the same appearing proper and necessary.

**BE IT RESOLVED** that the Town of St. Armand town Board hereby introduces proposed Local Law

NO. 1 of 2021 entitled "TOWN OF ST. ARMAND JUNK STORAGE AND JUNKYARD LOCAL LAW, revised from the Village of Bloomingdale Local Law No. 2 of 1981 entitled, "Regulating Abandoned and Junk Vehicles. LOCAL LAW NO. 1 of 2021 entitled "Town of St. Armand Junk Storage and Junkyard Local Law reads and provides as follows:

**TOWN OF ST. ARMAND JUNK STORAGE AND JUNKYARD LOCAL LAW**  
Local Law No. 1 - 2021

A local law providing for the regulation of junk and for the licensing and regulation of automobile junkyards and junkyards in the Town of St. Armand, Essex County, New York.

Be it enacted by the Town Board of the Town of St. Armand, Essex County, New York, as follows:

**SECTION I. - TITLE:** This Local Law shall be known and cited as the "Town of St. Armand Junk Storage and Junkyard Local Law."

**SECTION II. ENACTMENT:** This Local Law is adopted pursuant to the authority granted the Town of St. Armand pursuant to Section 10 of the Municipal Home Rule Law of the State of New York and Section 130(15) of the Town Law of the State of New York.

**SECTION III. - PURPOSE:** By adoption of this Local Law, the Town of St. Armand declares its intent to regulate and control the storage or keeping of junk and junk vehicles, and to regulate junkyards, whether operated for commercial profit or otherwise. 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 junk and junkyards can constitute a hazard to property and persons and can be a public nuisance. Such junk materials may be highly flammable and sometimes explosive. Junk, and more particularly junk vehicles, can constitute attractive nuisances to children and adults. The presence of junk and junkyards is unsightly and tends to detract from the value of surrounding properties unless properly screened from view.

The Town of St. Armand further declares its intent to protect the rural character of the Town while encouraging growth and development; to insure that junk and junkyards have a pleasing and orderly appearance; insure that waste which accumulates at junkyards and elsewhere which provides habitat for rodents and stray animals is removed; insure that junkyards are maintained and operated free of hazards including, but not limited to, hazardous waste and battery acids; and insure that areas surrounding junkyards do not impair pedestrian safety and pedestrian access is maintained at all times.

This Law is intended to protect and promote the public welfare. It is enacted for the purpose of promoting the health, safety, morals or general welfare of the community, including the protection and preservation of the property of the Town and of its inhabitants, and of peace and good order, the benefit of trade and all other matters related thereto.

This Local Law is comprised of two (2) regulatory components:

1. The regulation of junk and junk storage within the Town of St. Armand (Section A); and
2. The regulation and licensing of junkyards (Section B).

**SECTION IV. - PRIOR EXISTING JUNK - JUNK STORAGE/YARD LAW:** This Local Law shall replace and supersede any existing Junkyard or Junk Local Law or Ordinance of the Town of St. Armand including but not limited to Local Law No. 2 of 1981; which is hereby repealed and is no longer in any legal force and effect.

**SECTION V. - DEFINITIONS:**

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

**Abandoned** - No motor vehicle, mobile home, automobile, automobile trailer, white goods (large electrical goods used domestically such as refrigerators and washing machines, typically white in color), abandoned appliances, abandoned furniture, televisions, tires, discarded oil, gasoline or other petroleum products or junk as herein defined shall remain outside, upon any property, within the Town when such vehicle or junk items have been so dismantled or parts removed therefrom or otherwise abandoned so that such vehicle or item may be incapable of operation or use.

**Junk Appliances** - This term shall mean household equipment operated by gas or electricity and shall include, but is not limited to, toasters, mixers, televisions, stereos and radios.

**Applicant** - This term shall mean any individual, partnership, association, corporation or entity of any kind applying for a junkyard license or in violation of this local law.

**Junk** - Worn out or discarded material of little or no value including, but not limited to the following as herein defined; junk white goods, junk furniture, garbage, rubbish, junk mobile home/junk manufactured home, junk accessory vehicles, junk motor vehicles and debris.

Junk White Goods - This term shall mean household and commercial appliances including, but not limited to, refrigerators, stoves, air conditioners, washing machines, ice cream machines, dryers, wood stoves, freezers, dishwashers, and televisions.

Junk Furniture - Abandoned or irreparably damaged pieces of indoor or outdoor furniture including, but not limited to, sofas, lounge chairs, mattresses, bed frames, desks, tables, chairs and chests of drawers and like items.

Junkyard - The outdoor storage or deposit of any of the following:

1. Two (2) or more junk motor vehicles
2. Any junk mobile homes or uninhabitable mobile homes or mobile home frames.
3. One (1) or more junk appliances or junk white goods.
4. One (1) or more pieces of junk furniture.
5. One (1) or more pieces of junk farm or contractor's equipment - exempting such equipment owned by farmers or contractors, used normally in their business and stored on their own property. Persons seeking such exemption must derive a substantial portion of their annual income from said business and must not be storing this junk for the purpose of dismantling and selling parts.
6. One (1) or more junk all-terrain vehicles, snowmobiles, motorcycles, boats or other like recreational vehicles.
7. The collection or storage of any second hand or used material which, taken together, equals two hundred (200) cubic feet or more in bulk volume.
8. Any combination of the above that totals five (5) junk items.

This term shall also include any place of storage for materials from motor vehicles, snowmobiles, mobile homes, all-terrain vehicles, farm or commercial vehicles, bicycles, which, taken together, equal in bulk two or more such vehicles. This term shall also include places which store junk metal and wood, appliances, white goods, junk as defined herein, mobile homes and secondhand or used materials of any type which, taken together, equal two hundred (200) cubic feet or more in bulk volume.

Junk Mobile Home/Junk Manufactured Home - Any abandoned or discarded structure, or part thereof, transportable in one or more sections, which, in the traveling mode, is eight (8) body feet or more in width or eight (8) body feet or more in length, or, if erected on a site, is 60 or more square feet, and which is built on a permanent chassis and is designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained therein. To qualify as a junk mobile home, the dwelling must meet two (2) out of the three (3) of the following conditions for three (3) months or more:

1. The electrical services disconnected or terminated.
2. It is abandoned as a dwelling unit for more than thirty (30)
3. It is no longer habitable for residential occupancy as deemed uninhabitable by the Code Enforcement Officer of the Town of St. Armand and approved by Resolution of the St. Armand Town Board

Junk Accessory Vehicles - Any abandoned or discarded truck camper, camping trailer, camper, travel trailer, pop-up trailer, tent trailer or overnight trailer.

Motor Vehicles - This term shall mean passenger auto, truck, tractor-truck, trailer, bus, motorcycle, mini-bicycle, all-terrain vehicles, snowmobiles, tractor, motor home, and mobile homes, propelled or drawn by power other than muscular power originally intended for use on public highways.

Junk Vehicles - Any motor vehicle or used parts or waste materials from motor vehicles which, taken together, equal in such bulk one (1) or more such vehicle, which is:

1. It is unlicensed or unregistered or
2. It is either abandoned, wrecked, stored, discarded, dismantled or partly dismantled or
3. It is not in any condition for legal use upon the public highways or
4. It is in such condition as to cost more to repair to operating condition, than its reasonable market value at the time before such repair.

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 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 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.

Garbage - All putrescible animal and vegetable waste resulting from growing, processing, marketing and preparation of food items, including containers in which packaged.

Rubbish - Rubbish, clutter, litter, and debris including ordinary household and 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 and immediate use. This shall also include construction and demolition debris.

Junk Storage Area - The areas of any parcel of land used, or intended to be used, for the placement or storage of junkyard or junk items as herein defined.

Code Enforcement Officer - Any person appointed by the Town to represent them in particular matters pertaining to this local law.

Person - Any person, firm, partnership, association, corporation, company or organization of any kind.

Outdoor Storage - Storage other than in a completely enclosed structure, such as a garage or barn.

Owner of a 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 exclusive use thereof under a lease or otherwise, for a period greater than thirty (30) days.

## A. JUNK STORAGE REGULATIONS

SECTION VI - JUNK REGULATIONS: It shall be unlawful for any person or entity to store, deposit, place, maintain or cause or permit to be stored, deposited, placed or maintained outdoors, JUNK, JUNK WHITE GOODS, JUNK APPLIANCES, JUNK FURNITURE, JUNK MOBILE HOME/JUNK MANUFACTURED HOME, JUNK ACCESSORY VEHICLES, JUNK MOTOR VEHICLES, GARBAGE, RUBBISH OR WORN OUT OR DISCARDED MATERIAL OF LITTLE OR NO VALUE as described herein at Section V on a person's property so as to be visible from public roads, trails, waterways, boat or canoe routes or from neighboring properties.

SECTION VII - INDIVIDUAL JUNK VEHICLES: It shall be unlawful for any person to store, deposit, place, maintain or cause or permit to be stored, deposited, placed or maintained JUNK VEHICLES as that term is defined at Section V herein shall be located on a person's property so as to be visible from public roads, trails, waterways, boat or canoe routes or from neighboring properties.

Additionally, it shall be unlawful for any person to use a bus, uninhabited mobile home, truck, truck trailer, horse trailer, shipping container, semi-trailer, tank trunk or other similar vehicles or units for the storage of junk on any premises. Exceptions shall be made for the temporary use of such vehicles or units for construction purposes for periods of less than ninety (90) days or when actively used in connection with active farming or agricultural operations.

## B. JUNKYARD REGULATIONS

### SECTION VIII - JUNKYARD LICENSE REQUIREMENTS:

No person shall establish or maintain a junkyard as that term is defined herein (Section V) within the Town of St. Armand unless a license has first been issued for such junkyard pursuant to this Law.

No person owning, having any right to, or any interest in any real property within the Town of St. Armand shall license, rent, lease or otherwise permit the use of such property or any part thereof for a junkyard unless a license has first been issued for such junkyard pursuant to this law.

### SECTION XIX - REQUIREMENTS FOR OPERATING A JUNKYARD/JUNKYARD REGULATIONS:

1. Distance to Other Structures - No new junkyard shall be located within Five Hundred feet (500') of any residential building (except belonging to the owner of the junkyard), public park, church, educational facility, nursing home, public building or other place of public gathering, or any stream, lake, pond, wetland or other body of water.
2. Fire Hazards - The junkyard shall be operated to minimize fire hazards. Adequate means of fire protection shall be kept on the premises at all times.
3. Burning - No materials shall be burned in any junkyard except in compliance with the New York State Solid Waste Disposal Law (See NYCRR Part 215).
4. Burying - No junkyard items shall be buried in a junkyard except in compliance with the New York State Solid Waste Disposal Law (See NYCRR Part 360).
5. Screening/Trespass:

A. An eight (8) foot high, structurally sound and esthetically pleasing, fence sufficient to totally screen the junkyard from view and adequate to prohibit trespass and the entrance of children and others into the area of the junkyard and shall to contain the materials dealt with by the operator of the junkyard shall be erected. All the materials dealt with by the owner of the junkyard shall be kept within such fence at all times. Whenever the junkyard is not open for business, or temporarily not supervised, this fence and all gates thereto shall be secured or locked to prevent entry. Where a junkyard would be visible from a public highway or from neighboring properties, the fence shall be of wood or other materials sufficient to screen the junkyard from view.

B. As an alternative, the Town Board may permit such screening by adequate planting of evergreens, shrubs or natural vegetation. The Town Board may also wave the requirements of fencing, where topography or other natural conditions effectively prohibit trespass and the entry of children and others.

6. Hazardous Waste - Junkyards must comply with all applicable State and Federal Laws and Regulations pertaining to the storage, hauling, and disposal of hazardous or toxic waste.

7. Approved Junkyard Items - No junkyard items shall be stored in any junk storage area other than those items specified on a Junkyard Permit approved by the Town of St. Armand pursuant to this Local Law.

#### SECTION X - APPLICATION FOR JUNKYARD LICENSE:

A. Each person applying for a junkyard license shall complete an application supplied by the Adirondack Park Agency and additionally approved by the Town of St. Armand Board. The application must contain the following information:

- 1) Identify the Applicant.
  - a) If an individual, that the applicant is at least eighteen (18) years of age and the residential and business address is included.
  - b) If other than an individual, the office address of the association, partnership or corporation, a copy of the certificate of incorporation, partnership, DBA or association and the names and addresses of all directors, officers, partners and principals.
- 2) Whether any of the individuals, listed in 1a-b above, have been convicted of a felony or misdemeanor and such other facts or evidence as is deemed necessary to establish that such individuals are fit and capable of properly conducting the activity or business for which the license is sought.
- 3) A detailed description of the business activities to be conducted and the nature of the materials involved in the intended business activity.
- 4) The number of employees intended to be employed.
- 5) The name and address of the owner or owners of the land.
- 6) The nature of the rights of occupancy of the applicant to the use of such land.
- 7) Names of adjoining property owners within Five Hundred Feet (500') of the proposed location.

B. The applicant shall submit and file with the Town of St. Armand, at the time of making the junkyard license application, a map or plan of the real property to be used for such junkyard activity or business, to include the following:

- 1) The area of real property to be used for junkyard purposes.
- 2) The location of any buildings upon the proposed junkyard premises.
- 3) The location of any streets or highways abutting or passing through such junkyard premises.
- 4) The location of any water, sewer or gas mains or laterals available thereto.
- 5) The location of any below-ground or above-ground tanks.
- 6) The general drainage pattern of the proposed junkyard premises.
- 7) All existing and proposed structures, including fences.
- 8) All property lines including the names of owners of adjacent properties.
- 9) Location of all wells and sanitary facilities.
- 10) Locations of all streams, lakes, wetlands, flood plains and other bodies of water.
- 11) All existing and proposed access ways and parking and loading areas.
- 12) All existing and proposed junk storage areas.

C. The applicant shall agree that if granted the junkyard license applied for, the applicant will conduct the activity or business according to the ordinance and any additional conditions which may be imposed on the license, as provided, and that upon the applicant's failure to do so, such junkyard license may be revoked.

D. The Town Board will review all junkyard licenses for consideration.

#### SECTION XI - TEMPORARY LICENSE/CEASE AND DESIST ACTIVITY:

A. Within sixty (60) days of the effective date of this law, a person presently engaged in a junkyard activity or business must apply for a junkyard license. Any existing junkyard activity which does not fully meet the licensing requirements in this law may be granted a temporary junkyard license for six months (6 months) after the effective date of this law. At the end of the six months (6 months), an existing junkyard business which has been issued a temporary junkyard license must fully comply with all junkyard licensing requirements and obtain a junkyard license. Otherwise, such junkyard activity shall be terminated and the person operating such activity shall immediately cease and desist from operating and shall remove from such place any vehicles, parts or other materials which constitute junkyard activity or business.

B. An applicant for a temporary junkyard license shall indicate upon the temporary junkyard license application the full names and legal address of all owners and part owners of such junkyard activities of business. The temporary junkyard license application shall be provided by the Town Board and must be submitted to the Junkyard review committee for review and consideration.

C. After issuance of a temporary junkyard license, the Code Enforcement Officer shall send a notice to all owners/part owners listed on the temporary license application, including a copy of the temporary junkyard license issued and a copy of the law.

#### SECTION XII - LICENSE FEE/DISPLAY OF LICENSE/TERM/TRANSFERABILITY/ REVOCATION:

A. An application fee of \$25.00 shall accompany all applications and annual renewals.

B. A junkyard license shall be placed and at all times displayed in a conspicuous place upon the licensed premises.

C. A junkyard license shall be issued for a period of one (1) year after which time a renewal shall be required.

D. A junkyard license is personal to the licensee. It does not go with the title to the land nor may it be sold, assigned, transferred or otherwise disposed of.

E. A junkyard license may be revoked by the Town of St. Armand Board for violating any provisions of the law after the licensee has reasonable notice and an opportunity to be heard by the Town Board. Upon revocation of a license, the Town Board may require termination of such activities at the junkyard and removal of all such vehicles, parts, junk and other materials as herein defined.

#### SECTION XIII - ENVIRONMENTAL IMPACT STATEMENT:

An Environmental Assessment Form (EAF) shall be completed and submitted with all applications pursuant to the provisions of the State Environmental Quality Review Act, 6 NYCRR Part 617. If the EAF indicates that the proposed activity may have significant environmental consequences, the Town Board shall require that a Draft Environmental Impact Statement (DEIS) be submitted with the application. The application shall not be considered complete until the DEIS has been accepted by the Town.

#### SECTION XIV - PUBLIC HEARING FOR NEW JUNKYARDS:

The Town Board shall fix a time within forty-five (45) days of the date a complete application is received for a public hearing. Notice of the hearing shall be made in the official newspaper at least five (5) days prior to the date thereof. At the Hearing, the Town Board shall hear the applicant and all other persons wishing to be heard on the application for a junkyard license.

#### SECTION XV - TOWN BOARD ACTION:

Within forty-five (45) days of said Hearing, the Town Board shall render a decision to approve, approve subject to conditions, or disapprove the application for a junkyard license. The forty-five (45) day period may be extended by mutual consent of the application and the Board. All findings of the Board shall be entered into the official minutes of the Town. The decision of the Board shall immediately be filed in the office of the Town Clerk and the applicant shall be notified of the decision and the reasons for such decision by certified mail by five (5) days of the decision. Upon approval of the site plan and application, the payment of the fees and reimbursable costs due the Town, the Board shall endorse its approval upon a copy of the final site plan and application.

#### SECTION XVI - ISSUANCE OF LICENSE:

A. If the application is approved by the Town Board, a junkyard license shall be issued by the Code Enforcement Officer.

B. If the application is approved by conditions by the Board, the Code Enforcement Officer shall issue a junkyard license upon notification by the Enforcement Officer that said conditions have been complied with.

#### SECTION XVII - GENERAL CONSIDERATION:

1. Aesthetic Considerations

In granting or denying a license, the Town Board shall take the following aesthetic factors into consideration:

- A. Type of road servicing the junkyard or from which the junkyard can be seen.
- B. Natural or artificial barriers protecting the junkyard from view.
- C. Proximity of the site to established residential or recreational areas or main access routes thereto.

2. Locational Considerations

In granting or denying a license, the Town Board shall take the following locational factors into consideration:

- A. The nature and development of surrounding property, such as the proximity of public parks, churches, educational facilities, nursing homes, public buildings, or places of public gathering.
- B. Whether or not the proposed location can be reasonably protected from affecting the public health and safety by reason of offensive or unhealthy noise, odors or smoke, or of other causes.
- C. The proximity of streams, lakes, wetlands, flood plains, groundwater supplies, and public water supplies.
- D. Local drainage patterns.
- E. Long range comprehensive plans for the Town.
- F. Availability of other suitable sites for the junkyard.
- G. No junkyard shall be located within 500 feet or greater from any public park, church, educational facility, nursing home, public building or other public place of gathering; any stream, river, lake, pond, wetland or other body of water.

SECTION XVIII - WAIVERS:

Where the Town Board finds that due to special circumstances of the particular case, a waiver of certain requirements as stated herein is justified, then a waiver may be granted. No waiver shall be granted, however, unless the Board finds, and records in its minutes that:

- A. Granting the waiver would be keeping with the intent and spirit of this law, and is in the best interests of the community.
- B. There are special circumstances involved in the particular case.
- C. Denying the waiver should result in undue hardship to the applicant, provided that such hardship has not been self-imposed.
- D. The waiver is the minimum necessary to accomplish the purpose.

SECTION XIX - REVOCATION OF LICENSE:

The Town Board may revoke a Junkyard License upon reasonable cause should the applicant fail to comply with any provision of this law. Before a license may be revoked, a public hearing shall be held by the Board. Notice of the hearing shall be made in the official newspaper at least five (5) days prior to the date thereof. The license holder shall be notified of the hearing by certified mail at least five (5) days prior to the hearing. At the hearing, the Board shall hear the license holder and all other persons wishing to be heard of the revocation of the Junkyard License. Should the Board decide to revoke a license, the reasons for such revocation shall be stated in the Board minutes. The license holder shall be immediately notified of the revocation by certified mail.

SECTION XX - ENFORCEMENT OFFICER:

- A. This law may be enforced by the Enforcement Officer, Building Inspector, Zoning Enforcement Officer or any other police officer or other person designated by the municipality. Said person shall have the authority to enforce the provisions of this chapter and to inspect premises within the municipality as necessary for such enforcement.

C. ADDITIONAL APPLICABLE PROVISIONS

SECTION XXI - VIOLATIONS: OF LOCAL LAW AND OFFENSE PENALTIES THEREFORE:

- A. The owner, licensee or person in control of any such property, place of business or junkyard or activity who commits or permits any violation of any of the provisions of this law shall be guilty of a violation as defined by Section 55.10 of the Penal Law of the State of New York and shall be liable to a fine of not more than Two Thousand US Dollars (\$2,000.00) or to a fine of not more than Two Thousand US Dollars (\$2,000.00) or imprisonment for not more than fifteen (15) days, or both, and each week such violation continues to exist shall constitute a separate offense.
- B. Any person convicted for violation of this local law, as it relates to junkyards, shall be subject to revocation of any license herein granted without reimbursement of fees paid therefor in addition to any and all other penalties.
- C. In lieu of or in addition to any other penalty provided for herein, any person violating this law shall be subject to a civil penalty enforceable and collectible by the Town in the amount of Two Thousand US Dollars (\$2,000.00) for each week that such violation shall continue. Each week such violation continues to exist shall constitute a separate offense. Such penalty shall be collectible by and in the name of the Town for each week that such violation shall continue.

D. In addition to the above mentioned penalties, and punishment, 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 to restrain by injunction any violation of this law.

E. The Code Enforcement Officer/Building Inspector and Fire Commissioners or other Enforcement Officers as designated by the Town Board shall be and hereby are authorized to issue and serve appearance tickets pursuant to Criminal Procedure Law Section 150.20(3) with respect to any violation of this law to any person whom the Enforcement Officer has reason to believe has violated this law, and shall cause such person to appear before the municipal justice. The Town reserves the authority to designate additional or substitute Enforcement Officers at its discretion.

F. Any person may file a complaint with the Enforcement Officer that a violation of this law may have taken place. The Enforcement Officer shall properly 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.

G. Self Help - In addition to any other penalty, either criminal or civil, provided herein, the Town may institute Summary Abatement/Self Help actions.

Following an investigation of the property, and report to the Board by the Enforcement Officer or Code Enforcement Officer, the Enforcement Officer shall prepare a written "Notice to Comply" which will be submitted to the Town Board for approval and considered by the Board and, by resolution, the Board shall determine, if in its opinion the report so warrants an Order of Abatement and Removal of the conditions constituting a violation of this local law or a public nuisance, and further order that a Notice to Comply be served in the following manner. The 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 is alleged violates the law.
- (4) An Order/Demand that junk be removed or placed so that it is to be in compliance with this local law within thirty (30) days after the service or mailing of the Notice.
- (5) A statement that a failure to comply with the Order/Demand may result in prosecution and enforcement.
- (6) A copy of the law.
- (7) The Notice shall be sent to the last known address of the property owner, as it appears in the current assessment records of the municipality, by certified mail return receipt requested and by regular mail or served upon the owner by personal service.

Upon the failure of an owner, tenant or occupant to comply with the Notice to Comply and correct any violation of this local law, the governing board shall hold a public hearing to determine whether the violation constitutes a violation of this local law requiring abatement by the municipality. The public hearing shall be held upon notice posted conspicuously on the subject property. The notice shall also be sent to the last known address of the property owner, as it appears on the current assessment records of the municipality, by certified mail, return receipt requested or served on the owner by personal service. Posting and service of such notice shall not be less than fifteen (15) calendar days, exclusive of the date of service, prior to the date of the public hearing. The notice shall:

- (1) state the date, time and place for a public hearing before the Town Board in relation to the violations of this law which hearing shall be scheduled not less than five (5) business days from the date of service of the notice.
- (2) identify the premises as the same appears on the current assessment role;
- (3) contain an order and demand outlining the condition or conditions constituting the violation of this local law or public nuisance and that they be immediately abated or removed before the date of the hearing specified in the notice.
- (4) contain a statement that a failure or refusal to comply with the order/demand within the period specified may result in a duly authorized officer, agent or employee of the municipality entering upon the property and abating or removing the violations of this local law or the public nuisance; and
- (5) contain a statement that the cost and expense of such abatement or removal shall be the responsibility of the owner, tenant or occupant, and, without limitation on the municipality's potential remedies to recoup its expenses, in the event of the neglect or refusal to comply with the order/demand, the Town Board is authorized to provide for the abatement or removal of the violation, such cost and expense shall be assessed against the described property and shall constitute a lien thereon to be collected as provided by law and the Town is authorized to assess all expenses thereof against the land on which it is located and to institute a special proceeding to collect the cost of demolition, including legal expenses.
- (6) contain a copy of the law.

Where the governing board finds, based on substantial evidence in the public hearing record, that the violation or violations amount to a public nuisance or violation of this local law requiring abatement by the municipality, the governing board may cause the abatement or removal of the public nuisance. The abatement or removal may be performed by the municipality or by its designee, or agent, including a private contractor lawfully engaged and authorized by the municipality. The governing board shall ascertain the cost of removal, and assess such expense against the record owner of the property. The expense so assessed shall constitute a lien or charge on 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 times as other Town charges and in the same manner as provided in Article 15 of the Town Law for the levy and collection of a special ad valorem levy. The Town may institute a special proceeding to collect the cost of demolition, including legal expenses and



all other associated expenses pursuant to law. The foregoing shall not be construed as a limitation on the municipality's potential remedies to recover its costs.

The removal of any nuisance by the municipality's agents, shall not operate to excuse such owner, tenant or occupant from properly maintaining the premises as required by this law.

The provisions of this law shall also be applicable to conditions existing prior to and at the time of enactment.

**SECTION XXII - ADOPTION:**

This local law is adopted pursuant to the authority granted the municipality in Section X of the Municipal Home Rule Law and in Section 140(6) of the Town Law.

**SECTION XXIII - SEVERABILITY:**

If any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance, shall be adjudicated by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not impair, affect, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation, or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

**SECTION XXIV - EFFECTIVE DATE:**

This local law shall take effect immediately upon the filing with the Secretary of State.

BE IT FURTHER RESOLVED that the Town Board of the Town of St. Armand shall hold and conduct a Public Hearing on the foregoing proposed Local Law on the 5th day of August, 2021, at 5:30 pm at the Town of St. Armand's Highway Garage, 1705 NYS Route 3, Bloomingdale, NY, to hear any and all persons concerning the same, and

BE IT FURTHER RESOLVED that the Clerk of the Town of St. Armand did publish a notice of such hearing the designated Town newspaper at least five (5) days prior to said hearing.

This Resolution was duly seconded by Councilperson Karl Law, and adopted upon a Roll Call vote as follows:

Supervisor Davina Winemiller	AYE
Deputy Supervisor D. Joseph Bates	AYE
Councilperson Donald Amell	AYE
Councilperson Jennifer Fuller	AYE
Councilperson Karl Law	AYE

Dated: August 5, 2021

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Barbara J. Darrah  
St. Armand Town Clerk

Supervisor Winemiller announced that Local Law # 1 of 2021 would be presented for adoption at a Public Hearing scheduled on Tuesday, September 14, 2021, at 6:15 pm.

**PUBLIC HEARING # 2 – PROPOSED CHANGES TO SEWER REDISTRICTING**

Winemiller reported that letters were sent out to the public regarding the proposed changes to the Sewer District. Originally our thought was to create one big Water and Sewer district and that would mean the Sewer Local Law would need to be changed to reflect the new people would not be charged until the sewer lines came their way. Since that letter was sent out, there were changes to the EFC reporting. If we do it that way, the income survey information for everyone in that district, regardless if it was on their street or not, would have to be included and the income survey that we just completed would have to be redone. It doesn't make sense to move in that direction now. It makes more sense to create a new district for Poplar Street which we are proposing is called District No. 3, and then when Poplar Street is done, we would create District No. 4, which would include Vine Street. Winemiller referred to the maps on the table to which indicate the boundaries. There are several un-sewered streets in St. Armand where the contents of the soil is high clay content, which doesn't support septic percolation, which causes failing septic systems. Some people cannot afford to fix their septic systems because a large amount of the cost is the fill required to make the system work correctly.

Winemiller explained that in the letter that was sent out, it stated that anyone who wanted to improve or establish a new septic system had to do so by Resolution from the Town Board and the reason for that would be to protect them from investing money into something they really don't need and can't use because the Town would be coming in with a new sewer line. The Board discussed the language in the proposed new Sewer Local Law, expressing concern that we were taking the option of septic systems away from those that wanted one. Winemiller explained that the DEC is the agency

that required the Sewer Ordinance language that we have right now and that is what they want for Towns. Winemiller explained that many residents on St. Regis Avenue complain about sewer smells permeating the street every summer. That is due to failing septic systems on the un-sewered streets. There is sewer on top of the soil and in the ditches on Poplar Street as we speak. Poplar Street is the worst offending street for failing septic systems. Poplar Street will be the first street to have the work done. It takes approximately five years start to finish, once the grant is approved. Once Poplar Street is completed, our goal would then be to have Vine Street done, and after that, would be Whiteface Lane. Winemiller asked the Board if there were any question? There were none.

QUESTIONS OR CONCERNS FROM GUESTS AND STAFF:

Winemiller asked if anyone present or online had any questions or concerns for the Board?  
There were none.

MOTION TO ADJOURN THE PUBLIC HEARINGS

Councilperson Karl Law made a Motion to Adjourn the Public Hearings. The Motion was seconded by Deputy Supervisor D. Joseph Bates. The Public Hearings adjourned at 5:46 pm.

I, Barbara J. Darrah, Town Clerk for the Town of St. Armand, do hereby certify that the above is a true and correct transcript of the Public Hearing minutes held on the above-referenced date.

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Barbara J. Darrah  
St. Armand Town Clerk

Dated: August 5, 2021