

Local Law Filing

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STATE RECORDS

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.

JAN 23 2025

County City Town Village
(Select one.)

of SPRINGFIELD

DEPARTMENT OF STATE

Local Law No. 1 of the year 20 25

A local law LOCAL LAW #1 OF 2025 REGARDING ADOPTION
(Insert Title)
OF THE HAMLET/COMMERCIAL DISTRICT
PROPERTY MAINTENANCE LAW

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

County City Town Village
(Select one.)

of SPRINGFIELD

as follows:

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

TOWN OF SPRINGFIELD

LOCAL LAW NO. 1 OF 2025 REGARDING ADOPTION OF THE HAMLET/COMMERCIAL DISTRICT PROPERTY MAINTENANCE LAW

Be it enacted by the Town Board of the Town of Springfield, Otsego County, New York, as follows:

1. TITLE

This Local Law shall be referred to as "A Local Law Regarding Adoption of the Hamlet/Commercial District Property Maintenance Law."

2. ENACTMENT

This Local Law is adopted and enacted pursuant to the authority and power granted by Articles 2 and 3 of the New York State Municipal Home Rule Law, Article 2 of the New York Statute of Local Governments and Article 16 of the New York State Town Law.

3. LEGISLATIVE FINDINGS AND PURPOSE

The Town Board of the Town of Springfield hereby finds that the outdoor storage, accumulation, deposit or placement of: abandoned, junked, discarded, wholly or partially dismantled or unlicensed or unregistered motor vehicles, motorized garden tractors and implements, motorized sport equipment, rubbish, debris, or solid waste upon private property threatens the health, safety and welfare of the Hamlet/Commercial District residents and constitutes a public nuisance.

The Town Board further finds that allowing any private property within the Hamlet/Commercial District to become overgrown with weeds, grass, poisonous growth or allowing decayed or dead trees threatens the health, safety and welfare of the Hamlet/Commercial District residents and constitute a public nuisance. Allowing such weeds, grass, poisonous growth or decayed trees creates a significant danger to the environment, leads to infestation of insects, vermin or rodents, depreciates property values and has a deteriorating and blighting effect upon the neighborhood and community.

4. DEFINITIONS.

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

DEBRIS - Includes all materials resulting from the construction, excavation, renovation, equipping, remodeling, repair or demolition of structures, property or roads as well as materials consisting of vegetation resulting from land clearing and grubbing, utility line maintenance and seasonal and storm-related cleanup. Such materials include but are not limited to: bricks, concrete and other masonry material,

soil, rock, wood, wall coverings, plaster, drywall, plumbing fixtures, non asbestos insulation, roofing shingles, asphaltic pavement, glass, window frames, electrical wiring and components, plastics, carpeting, foam padding, linoleum, metals, or any combination thereof which are incidental to construction, excavation, renovation, equipping, remodeling, repair or demolition.

DECAYED OR DEAD TREE - Includes but is not limited to any tree which is dead or dying, or which presents a clear and pending danger from falling limbs or branches.

GARBAGE - Includes all putrescible animal and vegetable waste resulting from growing, processing, marketing and preparation of food items, including containers in which they are packaged.

MOTOR VEHICLE - Includes all vehicles as defined by NYS Vehicle and Traffic Laws § 125. The term "motor vehicle" as used in this chapter shall also include "all-terrain vehicles" as defined in NYS Vehicle and Traffic Laws § 2281 and "snowmobiles" as defined by NYS Vehicle and Traffic Law § 2221.

POISONOUS GROWTH - Includes but is not limited to poison ivy, poison oak, and poison sumac.

RUBBISH - Includes all discarded or worthless non putrescible solid wastes consisting of both combustible and noncombustible wastes, including but not limited to paper and paper products, rags, wrappings, cigarettes, cardboard, tin cans, yard clippings, wood, glass, metals, plastics, tires, bedding, cloth, crockery, furniture, appliances and similar items.

SOLID WASTE Includes all putrescible and non putrescible materials and substances discarded or rejected as having served their original intended use or as being spent, useless, worthless or in excess to the owner at the time of such discard or rejection, including but not limited to household and commercial garbage, industrial waste, rubbish, debris, litter and ashes.

All other terms used in this chapter shall have their common and ordinary meaning.

5. PROPERTY MAINTENANCE REGULATIONS

A. Landowner(s) or Occupant(s) Sidewalk Responsibilities

1. The owner or occupant of every building or lot which adjoins a sidewalk shall see that said adjoining sidewalk is at all times kept unencumbered and free from snow, ice, dirt, rubbish or other matter which may obstruct the free and proper use of the same.
2. No blocking by vehicles, signs, bicycles, toys and other obstructions on

the sidewalk shall be allowed.

3. New and additional sidewalks shall be installed according to a plan approved by the appropriate road authority and the Town of Springfield Planning Board through site plan review.

B. Garbage, Rubbish and Refuse

1. Receptacles required.

Every owner, lessee or occupant of any building, premises or place of business within the Hamlet/Commercial District shall provide or cause to be provided at all times suitable and sufficient authorized private receptacles for receiving and containing garbage or rubbish that may accumulate or be used upon said premises. The receptacles must have locking tops or weighted so vermin can not open or knock over if stored outside. Receptacles must be sized to meet the requirement of the regular collection schedule without overflow.

2. Collection and disposal of refuse.

The owner or occupant of real property shall be responsible for the regular collection and/or disposal of all refuse which may accumulate on the property owned or occupied by him/her.

No person shall accumulate or permit the accumulation of refuse on any premises owned by him/her within the Hamlet/Commercial District, except for the purpose of collection, which shall normally occur at intervals at least every seven days.

Compost or mulch piles are not permitted in the Hamlet/Commercial unless they are contained and only for the purpose of a garden on the property and do not develop obnoxious odors, attract rodents or otherwise create a hazard to the health or enjoyment of neighboring property owners.

3. Deposit, burning of trash on public or private property.

No person shall throw, deposit or burn, or cause to be thrown, deposited or burned, any refuse, leaves or trash in or upon any public highway street or place, including any private property within the Hamlet/Commercial District.

Outdoor deposit or storage of waste No person, as owner, occupant, lessee or agent, or in any capacity shall store, deposit, place, maintain or cause or permit to be stored, deposited, placed or maintained outdoors any

abandoned, junked, discarded, wholly or partially dismantled, unlicensed or unregistered motor vehicle or any solid waste, rubbish or debris upon any private property within the Hamlet/Commercial District. This section shall not apply to any solid waste, rubbish or debris temporarily stored or placed in a container for collection or disposal.

4. Overgrown weeds, grass, poisonous growth or decayed or dead trees. No person, as owner, occupant, lessee or agent, or in any capacity, shall allow any private property within the Hamlet/Commercial District to become overgrown with weeds, grass, and poisonous growth nor allow a decayed or dead tree on any private property within the Hamlet/Commercial District.
5. Buildings: As noted in the amendment to the Town Zoning Law, Local Law No. 2 of 2025, in all zoning districts, all exterior surfaces must be kept in good repair, free from peeling paint, broken windows, and structural deterioration.

Buildings or structures which are structurally unsafe, dangerous, unsanitary, a fire hazard, or not provided with adequate egress or which in relation to existing use constitute a hazard to safety or health by reason of inadequate maintenance, dilapidation, obsolescence or abandonment are severally, for the purpose of this section, **unsafe building**. All such unsafe buildings are hereby declared to be illegal and shall be abated by repair and rehabilitation or by demolition and removal in accordance with the procedures of this section. This part for all districts.

6. Front yards: Must be kept open from sidewalk to buildings with the exception for paved areas for daily vehicle parking in front of commercial buildings.

C. Inspection.

Whenever it appears that the provisions of this chapter are violated, the Zoning Enforcement Officer or any other officer or employee authorized by the Town to have jurisdiction thereof, shall make an inspection of the property involved and shall prepare a written report of the conditions found, which report shall be filed with the Town Board.

D. Notice of Violation

1. If conditions existing on the inspected property violate the provisions of this chapter, the Zoning Enforcement Officer or other designated officer or employee shall serve or cause to be served a written notice of such violation, either personally or by certified mail, upon the owner or owner's agent as well as upon the lessee or occupant of said premises.

2. Said notice shall contain substantially the following: the name of the owner, lessee or occupant of the premises; the address or location of the premises; the identification of the premises as the same appears on the current assessment roll; a statement of the conditions on the property deemed upon inspection to be in violation of this chapter, demand that motor vehicle, solid waste, rubbish or debris determined to be in violation of this chapter be removed from the property on or before 10 days after the service or mailing of such notice; demand that overgrown weeds, grass or poisonous growth, or decayed or dead tree determined to be in violation of this chapter be mowed, cut and removed from the property on or before 10 days from the date of service or mailing of such notice; a statement that a failure or refusal to comply with the provisions of this chapter and the notice given pursuant thereto within the time specified may result in a duly authorized officer, agent or employee of the Town entering upon the property and removing such motor vehicle, solid waste, rubbish or debris or mowing, cutting and removing such overgrown grass, weeds, poisonous growth or decayed or dead tree and causing same to be disposed of or otherwise destroyed; and that the cost and expense of such removal and disposal or destruction shall be assessed against the described property and shall constitute a lien thereon to be collected as provided by law.
 3. Said notice shall also contain the date, time and location at which time the Town Board will conduct a public hearing to determine whether the conditions upon the subject property constitute a public nuisance. Said notice shall state that the property owner, his/her agent, lessee or occupant is entitled to be heard at such hearing and present evidence or testimony. The date of such public hearing must be at least 10 days after the service or mailing of the notice of violation. Notice of public hearing shall be published in a paper of general circulation in the Town at least five days prior to the date of the public hearing.
 4. Nothing contained herein shall require notice as a prerequisite to the issuance of a summons or appearance ticket for a violation of any provision of this chapter.
- E. Second inspection and report. On or before the date of the public hearing and prior to commencement of the public hearing, the Zoning Enforcement Officer or other duly authorized officer or employee shall conduct a second inspection of the property and file a written report of the conditions deemed in violation of this chapter found thereon with the Town Board. Such inspection shall be conducted as close to the date of the public hearing as practicable.
- F. Declaration of public nuisance and remediation.
1. At the close of the public hearing, the Town Board may determine that the conditions upon the subject property which violates this chapter constitutes a public nuisance. Upon a determination by the Town Board that conditions upon the property constitute a public nuisance, the Town Board is empowered to

authorize officers, agents or employees of the Town to enter onto the property to remove any vehicle, solid waste, rubbish or debris stored, deposited, placed or maintained, or to mow, cut and remove any overgrown weeds, grass, poisonous growth, decayed or dead tree in violation of this chapter and dispose of or otherwise destroy the same. Any costs and expenses incurred by the Town when acting pursuant to this chapter to abate a public nuisance shall be assessed against the property involved and shall constitute a lien thereon to be collected as provided by law.

2. Emergency actions. Nothing in this chapter shall prohibit the Town from entering onto private property to remove any solid waste, motor vehicle, appliance, rubbish, debris, overgrown weeds, grass, poisonous growth, decayed or dead tree whenever there exists an imminent threat to the life or safety of persons. Municipal authority pursuant to this section may only be exercised where there is a dire necessity to protect life and safety. Any municipal action taken pursuant to this section must be reasonably calculated to alleviate or prevent the crisis condition and must be limited to those actions necessary to eliminate the emergency situation. A property owner shall be given notice and an opportunity to be heard prior to any costs and expenses incurred pursuant to this section being placed on the property's tax bill.
- G. Unsafe buildings or structures which are structurally unsafe, dangerous, unsanitary, fire hazard not provided with adequate egress or which in relation to existing use constitute a hazard to safety or health by reason of inadequate maintenance, dilapidation, obsolescence or abandonment are several, for the purpose of this section, unsafe building. All such unsafe buildings are hereby declared to be illegal and shall be abated by repair and rehabilitation or by demolition and removal in accordance with the procedures of this section.

As noted in the amendment to the Town Zoning Law, Local Law No. 2 of 2025, in all zoning districts:

1. Inspection and Report. On request from the Zoning Enforcement Officer the Otsego County Codes Officer or a State Certified Engineer hired by the Town at the owners expense, will inspect the building or structure. When, in the opinion of the Otsego County Building Inspector or State Certified Engineer, or other designated officer, any structure located in the Hamlett/Commercial District shall be deemed to be unsafe or dangerous to the public, the Otsego County Codes Officer or State Certified Engineer, or other designated officer shall make a formal inspection thereof and thereafter prepare a written report thereof and file the same in the office of the Town Clerk and the Zoning Enforcement Office.
2. Service of Notice:
 - A. When it shall be determined by the Otsego County Codes Officer or State Certified Engineer or other designated officer that a building or structure is dangerous or unsafe to the public, the Zoning Enforcement

Officer shall promptly serve or cause to be served a notice on the owner or other persons having an interest in such property or structure as hereinafter provided.

B. The aforementioned notice shall be served on the owner of the premises or some one of the owner's executors, legal representatives, agents, lessees or other person having a vested or contingent interest in same, as shown by the last completed assessment roll of the Town, either personally or by registered mail, addressed to the person intended to be served at the last known place of residence. If the notice is served by registered mail, the Zoning Enforcement Officer or other designated officer shall cause a copy of such notice to be posted on the premises.

3. Contents of Notice. The notice referred to in the above section hereof shall contain the following:

A. A description of the premises.

B. A statement of the particulars in which the building or structure is unsafe or dangerous.

C. An order requiring the building or structure to be made safe and secure or removed.

D. A statement that the securing or removal of the building or structure shall commence within 10 days from the date of the service of the notice and shall be completed within 30 days thereafter. The Zoning Enforcement Officer or other designated officer may extend the time of compliance specified in the notice, where there is evidence of intent to comply within the time specified and conditions exist which prevent immediate compliance. In granting any such extension of time, the Zoning Enforcement Officer or other designated officer may impose such conditions as he may deem appropriate.

E. A statement that, in the event of the neglect or refusal of the person served with notice to comply with same, a hearing will be held before the Town of Springfield Town Board, notice of which and the time and place thereof to be specified in the notice to the owner referred to in the above section hereof.

F. A statement that, in the event that the Town Board, after the hearing specified herein, shall determine that the building or structure is unsafe or dangerous to the public, the Town Board may order the building or structure to be repaired and secured or taken down and removed.

G. A statement that, in the event that the building or structure shall be determined by the Town Board, after said hearing, to be unsafe or dangerous and in the event of the neglect or refusal of the owner to repair or remove the

same within the time provided, the Town may remove such building or structure by whatever means it deems appropriate and assess all costs and expenses incurred by the Town in connection with the proceedings to remove or secure, including the cost of actually removing said building or structure, against the land on which said building or structure are located.

4. Filing of copy of Notice.

A copy of the notice referred to above hereof shall be filed with the Town Clerk of Town of Springfield, a copy of said notice shall be filed by the Town Clerk in the office of the Otsego County 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 in this section. 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 consent of the Town Attorney. The County Clerk shall mark such notice and any record or docket thereof as canceled of record upon the presentation and filing of such consent or of a certified copy of such order.

5. Emergency measures to vacate. If the Zoning Enforcement Officer with agreement from the Otsego County Codes Officer or the State Certified Engineer or other designated officer determined in his inspection of any building or structure that there is actual and immediate danger of failure or collapse so as to endanger life, he shall promptly require the building, structure or portion thereof to be vacated forthwith and not to be reoccupied until the specified repairs are completed, inspected and approved by the Otsego County Codes Officer or the State Certified Engineer or other designated officer. For this purpose, he may enter such building or structure or land on which it stands or adjoining land or structures with such assistance and at such cost as may be necessary. He may also order adjacent structures to be vacated and protect the public by appropriate barricades or such other means as may be necessary and for this purpose may close a private or public right-of-way. The Zoning Enforcement Officer or other designated officer shall cause to be posted at each entrance to such building or structure a notice stating: "This building is unsafe and its use or occupancy has been prohibited by the Zoning Enforcement Officer." Such notice shall remain posted until the required repairs are made or demolition is completed. It shall be unlawful for any person, firm or corporation or their agents or other persons to remove such notice without written permission of the Zoning Enforcement Officer or other designated officer or for any person to enter the building except for the purpose of making the required repairs or the demolition thereof.
6. Costs and Expenses. All costs and expenses incurred by the Town of Springfield in connection with any proceeding or any work done to remove the danger or in connection with the demolition and removal of any such building or structure shall be assessed against the land on which such building or structure is located,

and a statement of such expenses shall be presented to the owner of the property, or if the owner cannot be ascertained or located, then such statement shall be posted in a conspicuous place on the premises. Such assessment shall be and constitute a lien upon such land. If the owner shall fail to pay such expenses within 10 days after the statement is presented or posted, a legal action may be brought to collect such assessment or to foreclose such lien. As an alternative to the maintenance of any such action, the Zoning Enforcement Officer or other designated officer may file a certificate of the actual expenses incurred as aforesaid, together with a statement identifying the property in connection with which the expenses were incurred and the owner thereof, with the Assessors, who shall, in the preparation of the next assessment roll, assess such amount upon such property. Such amount shall be included in the levy against such property, shall constitute a lien and shall be collected and enforced in the same manner, by the same proceedings, at the same time and under the same penalties as provided by law for the collection and enforcement of real property taxes in the Town of Springfield. Penalties for offenses.

A. Any person who neglects, refuses, or fails to comply with any order or notice issued hereunder shall be guilty of an offense punishable by a fine not to exceed \$250 or by imprisonment for a term not to exceed 15 days, or both such fine and imprisonment. Each week's continued violation shall constitute a separate additional offense or violation.

B. Nothing in this chapter shall be construed as depriving the Town of any other available remedy relevant to a violation of this chapter.

7. Judicial Relief. Nothing contained in this chapter shall prevent the Town from seeking judicial or equitable relief to abate violations of this chapter.

4. SEVERABILITY

If any specific part of provision or standard of this Local Law, or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction such judgment shall be confined in its operation to the part, provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not effect or impair the validity of the remainder of this Local Law or the application thereof to other persons or circumstances, and the Town Board hereby declares that it would have enacted this Local Law, or the remainder thereof.

5. INTERPRETATION; CONFLICT WITH OTHER LAWS

The provisions of this Local Law shall be held to be the minimum requirements adopted for the promotion of public health, safety, or the general welfare. Whenever the requirements of this Local Law are inconsistent with the requirement of any other lawfully adopted rules, regulations, ordinances or Local Laws, the more restrictive provisions, or those

imposing higher standards, shall govern.

6. EFFECTIVE DATE

This Local Law shall take effect immediately upon filing with the Office of the Secretary of State of the State of New York, in accordance with the applicable provisions of law, and specifically Article 3, § 27 of the New York State Municipal Home Rule Law.

(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 2025 of the (County)(City)(~~Town~~)(Village) of SPRINGFIELD was duly passed by the SPRINGFIELD TOWN BOARD on JANUARY 13 20 25, 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.)

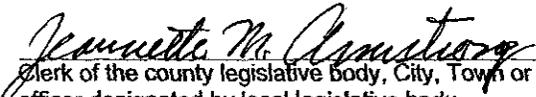
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified 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: January 13, 2025

(Seal)