

LOCAL LAW No. 2 of 2003

TOWN OF READING

Nuisances on Private Property

I. FINDING AND AUTHORITY

In order to prevent blight and the spread thereof, it is hereby declared that all premises, whether occupied or vacant, shall be maintained in conformity with the standards set out in this Local Law so as to ensure that none of these premises will adversely affect their surrounding neighborhood or the community at large. IT is found and declared that by reason of the collection of dangerous and valueless junk material in and on said premises and the general lack of care and maintenance of such premises that such conditions create dangerous and unseemly areas within the Town and if the same are not curtailed and removed, the aforesaid conditions will grow and spread and will necessitate, in time, the expenditure of large sums of public funds to correct and eliminate the unseemly area in the town and its corresponding blight, may be prevented and the neighborhood and property values thereby maintained, the desirability and amenities of residential and nonresidential uses and neighborhoods enhanced and the public health, safety and welfare protected and fostered.

This Local Law is adopted pursuant to Town Law Section 64 (5-a) and Municipal Home Rule Law Section 10.

II. REQUIREMENTS

The owner, lessee, occupant or person in control of any lot in the Town of Reading shall keep such lot, including the area between the sidewalk and curb or street, free from all brush, briars, weeds, tall noxious grasses, rodents and vermin, debris, manure, rubbish, salvage materials or miscellaneous refuse of any kind.

III. ORDER TO REMEDY AND NOTICE OF VIOLATION

If any such owner, lessee, occupant or person in control of any such lot shall fail to remove and such weed, grasses, brush, briars, manure, rodents, vermin, rubbish, salvage materials or miscellaneous refuse as aforesaid within forty-eight (48) hours after notice by the Town to do so, the Town may itself effect such removal, either by its own crews or by contracting with others, and may assess to such owner, lessee, occupant or person in control of such property, the actual reasonable cost of such removal, plus all expenses incurred by the Town in regard to said removal including, but not limited to, attorney fees, consultant fees, court costs, and/or engineering fees. Said cost shall be at least a minimum charge of fifty dollars (\$50.00).

Services of such notice to remove may be made personally or by certified mail, or by leaving such notice with a person of suitable age and discretion in any building upon such lot, or in the case of a vacant lot, where the address of the owner, lessee, occupant or person in control thereof is not known, by affixing said notice to some object thereon where it is likely to be seen.

Upon failure of such owner, lessee, occupant or person in control of any such lot to pay the costs assessed for removal by the Town within ten (10) days of billing of such costs, the Town of Reading may commence an action at law to recover the same or shall be assessed against the land on which the such removal occurred and shall be included on the property owner's next annual tax assessment and collected thereby.

IV. REVIEW

If such owner, lessee, occupant or person in control, objects to the 48 hour notice served upon him/her as referenced in section III above, said person may request a hearing before the Town Board by filing a written request for such a hearing with the Town Clerk. Said written request shall include the basis for the objection and the person's evidence, if any, in support of the objection.

Upon the filing of said request, the Town Board shall hold such hearing no sooner than 7 days from the date of filing and no later than the Town Board's next regularly scheduled town board meeting. At the hearing, the person or any other interested party may appear to offer evidence or make comment on the matter that is the subject of such hearing.

Within fifteen (15) days after the completion of said hearing, the Town Board shall file with the Town Clerk a written decision either to revoking said notice of removal, affirm said notice of removal, or modify said notice of removal as the Town Board determines to be just and proper therefor. The decision made pursuant to this section shall be served upon the property owner in person or by first class US mail, return receipt requested.

V. PENALTIES

Any person who fails to comply in a timely manner with the Notice to Remove, served in accordance with subdivision III above, and by reason thereof the Town undertakes to effect such removal, shall, in addition to the charges set forth above, be liable to prosecution of charges as provided in the Penal Law for Violations, and shall be subject to the fines and penalties prescribed by the Penal Law for Violations.

VI. ENFORCEMENT OFFICER

The Code Enforcement Officer of the Town of Reading shall have the responsibility and authority to enforce this local law.

VI. EFFECTIVE DATE

The Local Law shall take effect immediately upon filing to the Secretary of State.