

**Local Laws  
of the  
Village of Salem, State of New York**

**Adopted November 5, 2003 by Board of Trustee's Resolution and  
Filed with the New York State Secretary of State.**

## **Local Law 1-2003: Public Nuisance**

I. The Village of Salem, by and through the Board of Trustees, has determined that the quality of life for residents within the Village, and those who frequent the Village of Salem, is or may be threatened by the deterioration, neglect, and failure to maintain residential, commercial, multi-dwelling and vacant properties within the Village of Salem. In addition, the Village of Salem finds that certain activities, patterns of behavior, and inaction on the part of property owners constitutes a public nuisance, hazard and/or public threat to individuals living in close proximity to the subject properties and those using public roads, sidewalks and grounds who may be affected by such activity.

II. Definitions: The following definitions shall be used in the interpretation and enforcement of this Section:

- “Building” : Any structure having a roof for shelter, housing or enclosure of persons, animals, property or other items.
- “Dwelling” : A building designed, used or existing for living quarters for one or multiple families.
- “Premises” : A surveyed or plotted lot or unsurveyed parcel of real property described in a deed, either occupied or unoccupied by any dwelling or structure which is owned by an individual, corporation or other entity.
- “Public Nuisance” : An activity, course of conduct, or failure to act which affects, threatens, or otherwise interferes with the rights of Village of Salem residents and those within the Village of Salem in such a manner as to interfere with, threaten, harm, and limit the enjoyment of property rights within the Village of Salem.

- a) use, sale, distribution and/or violation of laws involving controlled substances within the Village;
- b) Use, sale, distribution or other violation of laws involving Marijuana;
- c) Loitering, Disorderly Conduct and other laws of the State of New York involving the breach of peace, excessive noise on private property or other conduct interfering with the quiet enjoyment of Village residents;
- d) Noisy animals, dogs, cats or other pets creating an annoyance to Village residents;
- e) Suffering or permitting unduly loud music or other sources of noise in such manner as to unduly annoy persons residing on or visiting adjacent properties;
- f) Suffering or permitting the premises to become disorderly, including suffering or permitting fighting, lewdness, or other activities deemed

- violative of State statutes, local health laws or other conduct interfering with the quiet enjoyment of adjacent property owners;
- g) Suffering or permitting obnoxious, unhealthy, or other offensive odors, materials or refuse in waste to be emitted from private property to the detriment of adjacent land owners and properties and/or so as to annoy persons residing and/or visiting on adjacent properties or those Village residents or individuals in or upon public property;
  - h) Suffering or permitting excessive noise from exhaust systems relating to automobiles, motorcycles, trucks and other vehicles within the Village of Salem in such a manner as to unduly interfere with and annoy persons residing on or visiting adjacent properties or individuals within or upon public property.

III. Exceptions: The above definitions of nuisance may be expanded, amended, or supplemented from time to time by the Village Board of Trustees; however the definition of “nuisance” or other conduct falling within the meaning of this law shall **NOT** include: usual and customary agricultural activities which may fall within the Right to Farm Law and those properties within the local Agricultural District; parades, public functions and other activities supervised and/or authorized by the Village Board of Trustees; emergency vehicles and personnel engaging in customary activities associated with emergency services; fire alarms, construction equipment within the Village of Salem and sponsored, supervised or conducted by the Village of Salem; construction and repairs of private residences within the Village of Salem by owners or designated agents between the hours of 7:00 am and 9:00 pm; activities which take place on school grounds including activities or events sponsored by the Salem School, Village of Salem Trustees or other organizations engaging in events sponsored, permitted or authorized by the Village of Salem Board of Trustees.

#### IV. Penalties for Offense

Any individual, corporation, partnership, or entity engaging in conduct or permitting or suffering conduct to occur as set forth under this law shall be served an appearance ticket and complaint to appear before the Village Court wherein the individual, corporation, partnership or other entity shall have an opportunity to be heard and, in those cases where demanded, a hearing/trial. If, upon hearing the facts as alleged, the Village Court may order any of the following remedies in the event that the named party is found guilty of violating the local law;

- 1) The condition behavior or pattern of conduct shall be corrected and/or abated to the extent necessary that the public health, welfare and right of quiet enjoyment shall be preserved. The Court shall not permit corrective action to exceed 6 months from the date of an Order or Judgment. If there are costs associated with the corrective action, the Court shall impose the costs as the fine and/or penalty in full satisfaction of the charge;
- 2) The imposition of a fine not to exceed \$1,000.00 upon any property owner, individual, lessor or lessee of the building, dwelling, premises or structure or

those individuals, corporations, partnerships or other entities found to have violated this section;

- 3) Or any action necessary to correct or abate the nuisance which may include, but is not limited to, cleaning, painting, repairing, demolishing, restoring, and/or permitting inspections of the building, dwelling, premises or structure at issue. If the Court shall impose action to abate the nuisance as set forth under this subsection, the individual, corporation, partnership or other entity shall bear the cost for this remedial work. If the party fails to assume and pay for all costs associated with the remedial work as set forth under this subsection, the Village may pay the costs and reimbursement to the Village by the subject party shall be made within 30 days after all work is complete. Failure on the part of the named party to reimburse the Village shall constitute a delinquent account and the Village shall be authorized to place a real property tax lien against the property for those costs and expenses assumed by the Village on behalf of the party named.

#### **Local Law 2-2003: Restrictions on Garbage, Debris and Waste:**

- I. The Village of Salem, by the Board of Trustees, seeks to limit the public display of garbage, refuse, trash and other waste, and to that end, imposes the following requirements and/or on the collection of waste, refuse and debris in or upon property in the Village of Salem.
- II. Garbage and Waste Regulations:
  - A. Suitable containers shall be used for the storage of all garbage, trash, refuse, waste and debris in a sanitary and safe manner for the health and welfare of property owners in the Village of Salem. All Containers shall have a firmly fitted cover that may be securely latched or closed and shall be rodent proof, insect proof and water tight. Containers shall be stored on properties in a secure manner to avoid access by animals, children, and forces of weather such that the garbage, trash, refuse, or other debris will remain in the container and secured.
    1. Garbage or waste may be placed in front of Village residences and buildings at any time after 6am on those days when such properties enlist the services of garbage/waste disposal firms. On days when such garbage is collected by a garbage disposal firm, the garbage and waste shall not remain outside the residence after 5:00 pm.
  - B. Garbage, waste, debris and trash shall not be placed in open bins of any kind, either inside or outside of a dwelling or building.
  - C. Refuse, trash, waste and debris shall be removed from properties within the village at least once every ten days. It shall be the responsibility of the

owner of the property to remove refuse, trash, debris and waste to an authorized garbage disposal facility or have said waste, garbage, debris and refuse removed by a duly authorized garbage collection company.

III. Debris: Debris shall include, but not be limited to, discarded and abandoned appliances which are either nonfunctional or which remain outdoors for more than 30 days; furniture which is either broken, abandoned or not intended for use outdoors; discarded machinery which is either nonfunctional or which remains outdoors for more than 30 days; tires; yard refuse; lumber which is rotten, abandoned or unusable; clothing which remains outdoors for more than 30 days; parts, components, and materials for automobiles, motorcycles, boats or other vehicles, which remain outdoors for more than 30 days.

IV. Penalties: An individual property owner and/or occupant given notice of a violation of this section shall be given 15 days to remediate the violation and take corrective action. Failure to correct the condition within that time shall result in the owner being given an appearance ticket and an opportunity to be heard in the Village Court. The Village Court shall be authorized to impose a fine not to exceed \$100.00 for the first offense, \$200.00 for the second offense and the Court shall be authorized to impose a fine not to exceed \$1,000.00 for any subsequent offenses.

In the alternative, the Court may order all such trash, refuse, debris and waste to be removed by a duly appointed municipal official or private waste hauling firm. The cost for this work shall be assumed by the owner and/or occupant of the property at issue. If the owner and/or occupant fail to assume the cost for this remedial work, the Village is authorized to pay such costs and obtain repayment from the owner and/or occupant within 30 days. Failure to remit payment of the charge within 30 days shall result in the Village being authorized to impose a real property tax lien upon the subject parcel to be paid as part of the Village Property Tax.

**Local Law 3-2003: Restrictions on abandoned, discarded, dismantled, junked and/or unlicensed/unregistered vehicles.**

I. The Village of Salem, the Board of Trustees hereby declare and acknowledge that abandoned, discarded, dismantled, junked and/or unlicensed/unregistered vehicles and those which are unsuitable for use on public highways found within the Village and/or stored on public property or private property within the Village is a matter of public interest; storage of such vehicles constitutes a public health threat, a fire and safety hazard and, as a result, shall be subject to the supervision and control of those who assume the duty to safeguard the public health safety and welfare within the Village of Salem.

II. Definitions: Abandoned, Junked, Discarded, Dismantled, and/or Unlicensed/Unregistered Vehicles shall include, but not be limited to, the following: Cars, motorcycles or other vehicles, including but not limited

to, trailers, boats, ATV's, mopeds, which remain stored without wheels, engines, steering mechanisms, windows, or other necessary components for safe use on public highways. In addition, any automobiles, motorcycles and/or other vehicles, as set forth above, which are left on property without any attempt at restoring the vehicle for the use on public highways or if such vehicles are unlicensed or unregistered, shall be deemed to violate this section.

- A. Exceptions: Nothing set forth in this Local Law shall be construed to prohibit the parking or storage of a vehicle which might otherwise violate this section when such vehicle is stored in a private garage or a yard which does not abut or otherwise fall within public view of a street, highway or sidewalk. Nothing contained in this Local Law shall prohibit commercial establishments from performing repair, collision or bodywork to such vehicles within the Village so long as the subject vehicles are returned to the owner and made suitable for operation on a public highway within 30 days from the date upon which the vehicle is first delivered to the commercial establishment and/or repair facility.

In the event that the commercial establishment and/or repair facility is in possession of and/or storing motor vehicles which fall within the above referenced definition, the commercial establishment and/or repair facility shall seek Board of Trustees approval to continue storage of such vehicles for an additional period of time not to exceed 30 days.

A Village Resident may seek approval from the Village Board of Trustees to store, maintain or otherwise possess one vehicle which would otherwise violate this section. In such cases, the resident or property owner where such vehicle is stored shall provide the Board of Trustees with an explanation regarding the use of such vehicle, alternatives where such vehicle may be stored, ultimate repair schedule and any other matters deemed relevant to the Board of Trustees. The Board of Trustees, in conjunction with the Village Enforcement Officer, shall thereafter decide whether the subject vehicle should be removed, relocated or permitted to remain in its current location.

### III. Penalties:

Any person violating provisions of this Law shall be liable for and pay a penalty not to exceed \$500.00. The owner of said property shall be served with an appearance ticket and the Village Court shall give the property owner an opportunity to be heard. In the event that the Village Court finds a violation of this section, the property owner shall be fined in accordance with the penalty set forth above.

In the alternative, the Village Court may order that the condition be corrected by the property owner within 30 days. If the condition is not fully corrected in the manner as ordered by the Village Court, the Court may require an authorized salvage facility to collect those vehicles found to be in violation of this section. Any and all costs associated with correcting the condition shall be assumed by the property owner. If the property owner fails to pay the costs for this work, the Village of Salem may assume such costs and require payment from the property owner within 30 days. If payment is not made within the time limit set forth by the Village, any and all costs or charges associated with the remedial work shall be imposed on the property owner and become a real property lien for Village tax purposes.

**Local Law 4-2003: Restrictions on the Possession of Open Containers of Alcoholic Beverages in Public Places.**

- I. The Village of Salem, Board of Trustees finds that the possession and consumption of alcoholic beverages in an open or unsealed container (either bottle, thermos, can, or other container) while such person is on any public highway, street, sidewalk, parking area, in any vehicle or public place, with the intent of the individual or possessor to consume the contents of said alcoholic beverage in a public place poses a threat to the public welfare and safety and shall constitute a violation of this Local Law. This Law shall not apply or restrict those premises duly licensed by the State of New York for the sale and consumption of alcoholic beverages on the premises (hereinafter “duly licensed facilities”) or in any other public property event which is expressly authorized by the Village Board of Trustees by resolution.
- II. The Village Board of Trustees may, in their sole discretion, permit limited events on public property where alcoholic beverages may be served and consumed. Any individual participating in such event shall be restricted to a fenced in or secured area where such beverages and containers shall remain. In such cases, no alcoholic beverage, container or other device shall leave the premises as set forth by the Board of Trustees or those entities sponsoring said event.
- III. Penalties: Any individual or group of individuals found to be acting in concert shall be served with an appearance ticket. The Village Court shall give such individuals or group of individuals an opportunity to be heard. If the parties are found to have violated this law, a fine not to exceed \$100.00 shall be imposed for the first violation per person. The Court may impose a fine not to exceed \$500.00 for a second violation. The Court may impose a fine not to exceed \$1,000.00 for a third or subsequent violation.

IV. If the individual or group of individuals found to have violated this section are minors or under the age of 21 and/or the legal age for consuming alcohol, they shall be charged in accordance with the New York State Penal Law or those Alcohol Beverage Control laws which may apply.

V. If any part or parts of this local law are for any reason held to be invalid, such determination shall not effect the validity of the remaining portions of this law.

### **Local Law 5-2003: Loitering**

I. The Board of Trustees has determined that Village streets, sidewalks, bridges and public places in the Village of Salem shall be enjoyed by all Village residents and visitors alike without unreasonable obstructions and interference. Therefore, the Village of Salem, by and through the Board of Trustees, shall limit and restrict use of public properties, streets, sidewalks, bridges and public places in the following manner:

- A. No person shall stand, be or remain in and/or upon any of the streets, sidewalks, bridges or public places in the Village of Salem, State of New York, in such a manner as to obstruct the free and uninterrupted passing and use of the above described property by any person or persons.
- B. No person or persons shall idly sit, stand or lounge upon or in any street, sidewalk, bridge, public place, except the Village Parks or sit, lounge or loiter in any public place within the limits of the Village of Salem, State of New York in a manner which interferes with the safe and uninterrupted use of such streets, sidewalks, crosswalks or other Village property by residents and visitors alike.
- C. No person or group of persons shall assemble or congregate in or upon any of the streets or sidewalks within the Village of Salem, State of New York, in such a manner as to create a hazard to village residents using the streets or sidewalks, including those traveling along public highways, and no person or group of persons shall assemble, congregate or remain in or upon any streets, sidewalks, bridges or public places within the Village of Salem, when doing so creates a visual obstruction and/or obstacle for the safe and/or uninterrupted use of the streets, sidewalks, bridges and public places for those individuals who wish to use the above areas.
- D. Penalties: Any person violating any of the provisions of this law, after being requested or directed to disassemble, move or otherwise disburse, shall be subject to a fine of not less than fifty dollars (\$50.00) nor more than two hundred fifty dollars (\$250.00) for each offense.

E. Exceptions:

The Village may, if given 30 days prior written notice of any planned, scheduled or anticipated public assembly, grant and/or permit the organized assembly of individuals or groups within the Village of Salem on the condition that any and all such groups or individuals request, in writing, permission from the Village for activities, protests, assemblies or other gatherings which may reasonably interfere with the free and unobstructed use of public streets, sidewalks, bridges and public places. In addition, any assemblies or gatherings which are sponsored by the Village of Salem and/or authorized by the Village, including parades, tag sales, or other scheduled events, shall not be subject to this law for the time periods when such activities occur.

Special events and/or unplanned celebrations which require immediate approval shall be permitted by the Village Mayor without the necessity of obtaining written permission. Such events may include or involve sports team celebrations, honors, dignitaries, and other events which the Mayor feels may require immediate approval.

**Local Law 6-2003: Regulations of Mobile Homes, House Trailers, Mobile Home Parks and House Trailer Parks in the Village of Salem.**

- I. The Board of Trustees wishes to promote the health, safety, morals and general welfare of the inhabitants of the Village of Salem by establishing specific minimum requirements and regulations governing the occupancy and maintenance of mobile homes, house trailers, mobile home parks and house trailer parks.

Definitions:

- A) Mobile Home: Mobile home shall mean any vehicle or structure used or so constructed as to permit its being towed on a public street or highway and/or used as a conveyance on the public streets or highways, whether licensed or not and constructed in such manner as will permit occupancy as a dwelling or sleeping place for one or more persons, and provided with a toilet and bathtub or shower whether to be placed on a foundation or not, not to include modular homes.
- B) Travel Trailer or RV: Trailer also known as house trailer, travel trailer or RV shall mean any vehicle used or so constructed as to permit its being used as a conveyance or vehicle on the public streets and highways and duly licensed as such and constructed in such a manner as will permit occupancy as a dwelling or sleeping place for one or more persons.

- C) Permit: A permit shall mean a written permit issued by the Village Clerk permitting the placement of a mobile home, trailer or mobile home park to operate under this Law.
- D) Trailer Park: A trailer park shall mean a plot of ground not less than two acres on which two or more trailers occupied for sleeping purposes are located.
- E) Mobile Home Park: A mobile home park shall mean a plot of ground of not less than five acres on which two or more mobile homes occupied for dwelling or sleeping purposes are located.

## II. Permits

- A) Permit Required: It shall be unlawful for any person to construct, maintain, or alter any mobile home or trailer within the limits of the Village of Salem unless he or she or any firm holds a valid permit issued by the Village Board in the name of such person or persons or firm for the specific mobile home or trailer. All initial applications for permits shall be made to the Village Board.
- B) Application and Requirements: Application for permits shall be in writing, signed by the applicant who shall file with the application proof of ownership of the property or of a lease or written permission from the owner thereof together with a complete set of plans drawn to scale, showing the location of the proposed site, and which shall include: 1) The area and dimensions of the tract of land; 2) The location of any existing buildings and any proposed structures; 3) The location and width of roadways and walkways; 4) The location of water and sewer lines and the sewage disposal system; 5) The names of all abutting land owners.
  - 1. Approval Process: A permit to place a mobile home onto the proposed lot may be granted by the Village Board after they have reviewed the application for placement of the mobile home. A permit to occupy may be granted by the Village Board and issued by the Village Clerk after the enforcement officer has examined the site and has presented his/her recommendations to the Village Board.
    - a. Exception for Travel Trailers and RV's: No permit shall be required for a trailer or travel trailer used for vacation or recreational purposes for a period not to exceed three months. Any placement or parking of a trailer for storage purposes shall be more than 100 feet from the center of the highway.

## III. Village Board Right of Inspection

The Village Board shall review the application and exhibits and other pertinent information and inspect the property and indicate in its minute's approval or disapproval thereof and direct the Village Clerk to make its decision known to the applicant. Any permit issued pursuant hereto shall be based on the application, exhibits and information furnished by the applicant and improvement of the plot must be done in accordance with same. The permit, if issued, is not transferable and terminates either when there is a new mobile home or a new owner or a new user and occupant and new permits must be obtained, upon application, as set forth above.

#### IV. Regulation of Mobile Homes and Trailers

The following provisions shall be legal requirements, and failure to comply shall be deemed a violation of this law. In addition, failure to comply with each condition as set forth below shall be a violation of this law and shall prevent issuance of a permit as set forth above.

- 1) The minimum size of the lot upon which the mobile home or trailer may be placed is at least 100 feet of road frontage and at least 100 feet in depth.
- 2) The mobile home or trailer shall be located at least 75 feet back from the center of the road or highway and a minimum of 20 feet from the adjoining property line.
- 3) Within 30 days after a location of the mobile home or trailer on the subject lot, the home shall be securely fastened and all four sides of the bottom are to be enclosed with a non-deteriorating material such as wood, block, steel or aluminum.
- 4) All mobile homes and trailers must comply with the Sanitary Laws and Regulations of the New York State Health Department, New York State Building Code and other Federal and State regulations.
- 5) The owner of the subject mobile home or trailer shall provide certification by the New York State Health Department that the subject trailer or mobile home has sufficient quality and quantity of drinking water before the trailer or mobile home may be occupied.
- 6) The mobile home or trailer shall be equipped before occupancy with an interior flush toilet, lavatory and tub or shower, the waste and refuse from which shall be discharged into a certified septic tank.
- 7) The owner of a mobile home or trailer which is abandoned, destroyed, left vacant or condemned for a period of 60 days or more shall be prevented from repairing, replacing or rebuilding the mobile home on said lot without written approval and variance from the Zoning Board of Appeals. Any mobile home

which is abandoned, destroyed, left vacant or condemned for a period of 60 days or more may be replaced with a new or, at most, five (5) year old mobile home within 30 days after written notice is given to the last owner of record. Failure to replace the subject mobile home in the manner as set forth above within 30 days from notice by the Village shall require written approval and variance by the Zoning Board of Appeals. In those cases where the owner fails to obtain written approval or a variance within the time limits set forth above, the owner shall remove the trailer, discontinue electric service and cap the water and septic systems within 60 days from the date upon which the Village gave notice of such condition. If the owner fails to remove the trailer and cap utility services, the Village shall be entitled to remove the trailer and perform services on the water and septic system with costs to be assessed against the parcel in question. Failure to reimburse the Village for such costs shall permit the Village to include all costs on the Village tax for the parcel in question.

- 8) All electric installation shall comply with New York State and relevant County codes. Electrical outlets shall be weatherproof.
- 9) No refuse and/or garbage shall be allowed upon premises covered by the permit unless it is enclosed in a metal or plastic receptacle as set forth under Village Law.
- 10) Failure to comply at all times with provisions with this section by the applicant shall be cause for the Village Board to revoke the permit issued.

V. Mobile Home Parks and/ or Trailer Parks:

All the provisions, regulations and laws set forth that apply to mobile homes and/or trailer shall apply to any and all mobile home parks and/or trailer parks located within the Village of Salem.

VI. Variances:

The Village Board shall have the right to grant a variance from the terms of this law upon proper cause shown. Proper cause may include the illness, death or other incapacitation of the owner or tenant in question.

VII Penalties:

Any person or party who violates any provision of this law shall be given notice, an appearance ticket and an opportunity to be heard in the Village Court. If any person is found to have violated any provision of this law, the individual may be punished by a fine of not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00), and each week's failure with compliance with any and such provision shall constitute a separate violation. The Village may impose the fine against the parcel of real

estate in question and, failure to pay the fine as imposed within 30 days will result in such fine being assessed against the real property parcel and collected through the village property tax.

#### Conflict of Law:

In any case were a provision of this law is found to be conflict with a provision of any ordinance, code or law within the State of New York, the provision which establishes the higher standard for the promotion and protection of the health and safety of all the people shall prevail. If any section, subsection, paragraph, sentence, clause or phrase of this law shall be declared invalid for any reason, such decision shall not affect the remaining portions of this law which shall remain in full force and effect.

### **Local Law 7-2003: Local Law Regarding Dogs and Pets**

The purpose of this Local Law is to promote the health, safety, protection, and general welfare of the people and property of the Village of Salem, and the preservation of peace and good order, by adopting and enforcing certain regulations and restrictions upon the keeping of dogs within the Village, and to provide for the enforcement thereof.

#### I. Definitions

- A) Dogs: The term dog or dogs shall mean both male and female dogs except where the context requires otherwise.
- B) Owner: The term owner shall include any person who owns, keeps or harbors or has the care, custody, or control of a dog. Dogs owned by minors shall be deemed to be in the custody and control of the minor's parents or other head of the household where the minor resides.

#### II. Regulations and Restrictions

- A) All dogs within the Village of Salem shall be duly licensed.
- B) No owner of a dog shall permit such dog to damage or destroy property of any kind or defecate, urinate or otherwise commit a nuisance upon the premises of a person other than the person owning or harboring such dog.
- C) No person shall keep, allow or permit to be kept on the premises occupied by such person any dog which by its continual barking, howling or whining or other frequent or long-continued noises shall unreasonably disturb the comfort or repose of other persons.

- D) No dog shall attack, chase or otherwise harass any person in such a manner as reasonably to cause intimidation or put such a person in reasonable apprehension of bodily harm or injury.
- E) No dog, whether leashed or unleashed, shall be in any restaurant, grocery or commercial establishment which sells food for human consumption. Seeing eye dogs are excluded from this restriction.
- F) No person who owns a dog shall permit such dog to habitually chase or bark at motor vehicles or bicycles.
- G) No person who owns a dog shall permit the premises, structures or enclosures in which such dog is kept to be unclean or unsanitary.

### III. Enforcement

The Board of Trustees shall appoint a Dog Warden or shall contract with another municipal corporation for the services of its Dog Warden. It shall be the duty of all peace officers within the Village of Salem as well as the Dog Warden to enforce the provisions of the Local Law and the provisions of the Agriculture and Markets Law of the State of New York with respect to dogs in the Village of Salem.

### IV. Seizure of Dogs

Any peace officer or Dog Warden shall seize any dog which is found at large within the Village of Salem in violation of this Local Law, as well as any dog or dogs otherwise required to be seized under and by virtue of the provisions of the Agricultural and Markets Law of the State of New York.

### V. Redemption of Seized Dogs

- A) Every dog seized shall be properly fed and cared for at the expense of the Village until disposition thereof be made as herein provided. The redemption of a seized dog shall be in conformance with and pursuant to the provisions of the Agricultural and Markets Law of the State of New York, both as to licensed and unlicensed dogs.
- B) In the event that the dog seized bears a license tag, the Warden or officer shall ascertain the owner of the dog and shall give immediate notice by personally serving such owner or an adult member of his family with a notice in writing stating that the dog has been seized and that the dog will be destroyed unless redeemed within the period hereinafter provided.

- C) The owner of a dog seized may redeem the dog within seven days of service of such notice, except that the owner of a dog bearing a license tag may redeem the dog within 12 days, by paying the Village Clerk the sum of \$5.00 as the cost of the seizure, and the owner shall pay kennel fees for days the dog is kept by the Village, at a rate to be established by the Board of Trustees.
- D) If any dog so seized is not redeemed within the time hereinafter set forth, the owner shall forfeit all title to the dog and the dog shall be sold or destroyed by the Village. In the case of sale, the purchaser must pay the purchase price which shall not be less than the kennel fees and the cost of seizure, to the Village Clerk and obtain a license for such dog. In case the dog is destroyed, the Warden or officer who destroys the dog shall immediately dispose of the carcass and make a written report of such destruction and disposition to the Village Clerk who shall keep a record thereof. The owner of the dog so destroyed shall pay to the Village Clerk the cost of seizure and kenneling and destruction of such dog, and such costs may be recovered by the Village Clerk in a civil action brought in the name of the Village before the Village Justice.
- E) The destruction of any dog seized by the Dog Warden or peace officer is herein provided shall be accomplished by approved humane methods. No dog seized hereunder shall be sold or surrendered to any person, firm, organization, or institution for experimental use.

## VI. Filing of Complaints

Any person who observes a dog causing injury to a person, or damage or destruction to the property of a person other than its owner, or causing a violation or committing a nuisance upon the premises of a person other than its owner, or violations of any other Section of this Local Law, may file a signed complaint, under oath, with the Village Justice of the Village of Salem, specifying the objectionable conduct of the dog, the date thereof, the damage caused, a description of the dog, and the name and residence, if known, of the owner or other person harboring said dog.

## VII. Jurisdiction of Village Justice

The Village Justice shall have jurisdiction to hear all complaints filed against the conduct of any particular dog in the Village of Salem and all actions and proceedings hereunder, and of all prosecution for any violation of this Local Law. Upon receipt by the Village Justice of any complaints against the conduct of any particular dog, the Village Justice shall summon the alleged owner or other person harboring said dog to appear in person before him. If the summons is disregarded, the Village Justice may permit the filing of an information and issue a warrant for the arrest of such person.

## VIII. Violations and Penalties

A violation of this Local Law shall be punishable by a fine not exceeding one hundred dollars (\$100.00) for each violation. Each separate offense shall constitute a separate violation. The provisions hereof are in addition to the regulations, restrictions, requirements, and penalties contained in Article 7 of the Agriculture and Markets Law.

Validity: If any section, paragraph, subdivision, clause, phrase, or provision of this Local Law shall be judged invalid or held unconstitutional, it shall not affect the validity of this Local Law as a whole or any part of provision thereof other than the part so decided to be invalid or unconstitutional.

Effective Date

This Local Law was filed in the office of the Secretary of State, Department of State of the State of New York, on July 16, 1979.

### **Local Law 8-2003: Trespassing**

- I. No person shall trespass upon, at or near any property owned by the Village of Salem. Trespassing shall be defined in the same manner as that set forth under Section 140.05 of the New York State Penal Law, which states as follows “A person is guilty of trespass when he knowingly enters or remains unlawfully in or upon premises.”
- II. No person shall dig, construct, excavate, grade. Sand, salt or otherwise change the contour,, form, grade or material consistency of any roadway, sidewalk or public grounds within the Village of Salem without written approval of the Village.
- III. Village Property shall include, but not be limited to the following: Proudfit Hall at the intersection of Route 22 and West Broadway in the Village of Salem; The carnival grounds located on Archibald Street adjacent to the Revolutionary War Cemetary; The Village Water Department located on Stanton Hill Road and all areas surrounding the water department including the access road, water storage facility and pump-house.
- IV. A violation of any of the provisions of this law shall constitute disorderly conduct and/or trespass and such a person shall be issued an appearance ticket for Village Court. After having an opportunity to be heard the Village Court shall render a decision and may impose a fine not to exceed two hundred fifty dollars (\$250.00) for any one violation. For any subsequent violations of this law within a 30 day period, the Village Court may impose a fine not to exceed

two hundred fifty dollars (\$250.00) and may impose any additional conditions which the Court deems appropriate at the time of the hearing.

V. Exceptions:

Nothing contained within the provisions of this Law shall prohibit the lawful assembly and use of Village property for purposes authorized by the Board of Trustees including parades, concerts, public gatherings, and other events approved and authorized by the Village in writing and in accordance with Village Laws.

**Local Law 9-2003: Parking**

- I. The Village of Salem, by and through the Board of Trustees, have determined that parking of automobiles, motorcycles and other vehicles, trailers and equipment within the Village of Salem and in or upon Village roads, streets and driveways may constitute an obstruction to the safe and efficient flow of traffic, use of maintenance equipment, and other public needs for emergency and public vehicles. As such, the Village of Salem hereby adopts the following parking regulations which shall be imposed and enforced upon all automobiles, trucks, commercial vehicles, trailers, storage units, and machinery parked in or upon public streets or driveways.
  - A. No parking shall be permitted on the northerly side of West Broadway from the intersection of Main Street and West Broadway for its entire length with the following exception: General parking shall be permitted on the northerly side of West Broadway at the driveway now used by Stewart's to the westerly boundary and parking area of the United States Post Office; however, the parking along the curb at the United States Post Office shall be limited to twenty minute parking during business hours until further notice.
  - B. No parking shall be permitted on the southerly side of East Broadway from the intersection of Main Street (State Route 22) and East Broadway to the Court house with the following exception: A vehicle may be parked within those designated parking spaces as marked on the pavement to the east of what is now Sullivan's Station Restaurant.
  - C. No parking shall be permitted on the westerly side of South Main Street in the Village of Salem between New York State mile marker 1170 and New York State mile marker 1172 at any time.
  - D. Parking on the north side of East Broadway between Warren Street and Fort Salem Theater shall be restricted to two hour parking between the hours of 8:00 A.M and 3:00 P.M. Monday through Friday. This shall include all areas from Warren Street heading in a westerly direction to the Fort Salem Theater.
  - E. Parking on any village road, street or driveway shall be prohibited when such parking is alongside or opposite from any street excavation, obstruction or any vehicles parked on the opposite side of the street which would obstruct the safe and free flow of traffic. If an individual parks a vehicle across the street from an

existing excavation, obstruction or stopped/standing or parked vehicle the driver shall leave a 25 foot buffer between the driver's rear bumper and the excavation site, obstruction and/or parked vehicle on the opposite side of the street so as to allow safe and unobstructed traffic through the area of parked vehicles.

- F. No person shall stop, stand, or park a vehicle within 15 feet of a fire hydrant within the Village of Salem except when such vehicle is attended by a licensed operator seated in the front seat who can immediately move such vehicle in the case of an emergency.
- G. Parking shall be restricted and/or limited in any manner or method by which the Village Board of Trustees finds appropriate in the future by the placement of signs, notices, cones, ribbon or other device used to communicate limitations on parking, standing or positioning of vehicles as the Board deems appropriate in the future for the safe and unobstructed flow of traffic within the Village of Salem.

## II. Penalties:

Any person found to have violated parking restrictions within the Village of Salem will be issued an appearance ticket whereby they shall be required to appear in Village Court having been given notice and an opportunity to be heard by the Court. Upon judgment, the Court shall impose a fine of not less than twenty five dollars (\$25.00) nor more than two hundred and fifty dollars (\$250.00). A fine which remains unpaid after 60 days shall be considered delinquent and the Court may issue a warrant, may notify the Department of Motor Vehicles, and take any other action the Court deems appropriate in enforcing the provisions of this Law.

## **Local Law 10-2003: Speeding and Driving Infractions**

I. Avoiding Intersections: No person shall drive across or upon a sidewalk, driveway, parking lot or private property, or otherwise drive off a roadway, in order to avoid an intersection or traffic control device.

II. Crossing Guards: No person shall disobey or otherwise avoid compliance with directions and/or instructions given by a crossing guard or other authorized officer controlling traffic during an emergency, for school children or other events which require safe and organized traffic flow.

III. Reckless Driving: Reckless driving shall be defined as driving or using any motor vehicle, motorcycle or any other vehicle propelled by any power (other than muscular power) in a manner which unreasonable interferes with the free and proper use of the public highways, or unreasonably endangers users of the public highway.

IV. Speeding: No person shall operate a motor vehicle, motorcycle or other vehicle on the streets or public highways within the Village of Salem at a rate of speed greater than thirty (30) miles per hour with one exception:

- i) No person shall operate a motor vehicle, motorcycle, or other vehicle in the area of streets or highways within the Village of Salem marked and denominated school zone at a rate of speed in excess of fifteen (15) miles per hour.

V. Skateboards/Rollerblading: Skateboarding, rollerblading and other forms of play devices shall be prohibited on any public sidewalks or parking lots within the Village of Salem. The use of such devices and modes of transportation shall be prohibited on any and all sidewalks within the Village of Salem and in or upon any parking lots owned and maintained by the Village of Salem.

VI. Penalties/Fines:

Any person found to have violated any of the above laws and subsections shall be issued an appearance ticket for Village Court. The individual shall be given notice and an opportunity to be heard before the Village Court. Upon rendering judgment, the Court may impose a fine of not less than twenty five dollars (\$25.00) nor more than two hundred and fifty dollars (\$250.00) per any offense as set forth above. The Court may impose an alternative sentence it deems appropriate by way of community service or other penalty the Court may find appropriate under the circumstances.

**Local Law 11-2003: Vending Licenses within the Village of Salem**

I. No person or persons shall publicly sell, peddle, or arrange for the sale of property, merchandise or food/drink on the streets of the Village of Salem or public places or from house to house within the Village of Salem without first obtaining a license from the Village Clerk issued in accordance with the New York State Village Law and the Laws of the Village of Salem.

II. Intent:

It is the intention of the Board of Trustees to require all traveling sales persons, vendors and trailed shops (“snack shacks”) to be licensed to conduct business within the Village of Salem given the fact that such businesses do not contribute toward property taxes within the Village of Salem. As such, not only shall such businesses and vendors be required to obtain a permit, but all such vendors who sell or distribute food and/or drink shall demonstrate that such products have met minimum New York State Department of Health guidelines and certification for distribution to the public.

III. Licenses:

- A. Licenses shall be issued to vendors based on the following requirements:
- 1) That a written application be completed setting forth the vendor's name, address, telephone number, business purpose, hours of operation, proposed location, and duly executed waiver of liability and indemnification agreement;
  - 2) Said application should be submitted to the Village within thirty (30) days of the proposed event and/or sale for approval by the Village; the applicant shall be directed in the manner, method, location and time for such vending within the Village if such restrictions are found to be necessary under the circumstances.
  - 3) The vendor shall pay a non-refundable license fee of one hundred dollars (\$100.00) for twelve (12) months, fifty dollars (\$50.00) for one (1) month and twenty five dollars (\$25.00) for one (1) day.
  - 4) No permits shall be issued on July 4 of every year from 12:00 am to 11:59 pm without express written consent of the Village.

B. Exceptions:

The above provisions and limitations shall not apply to events, sales, and markets which occur on an annual basis for non-profit, charitable and/or agricultural purposes including, but not limited to, fireman's barbeques, bake sales, farmer's market, and/or any other events as authorized by the Village Board of Trustees; however, any motorized vehicle or trailer used for a non-profit or charitable purpose shall first complete an application and seek permission to place, operate or locate the vehicle in a specific location within the Village. The Village reserves the right to direct and specify where, when and how such vehicles shall be operated within the Village for such charitable and non-profit purposes.

- C. Any person, firm or group of individuals found in violation of this section shall be issued an appearance ticket, given an opportunity to be heard and the Village Court may fine such individual or group no less than \$100.00 nor more than \$250.00 for violation of the above section.

### **Local Law 12-2003: Regulation of Offsite Commercial Signs**

I. The Board of Trustees of the Village of Salem find that commercial signs have an impact upon the scenic resources and beauty of the Village which may, in turn, negatively impact the economic resources and vitality of the Village. Therefore, this law shall protect property values, maintain an attractive economic and business district and/or climate and shall reduce distractions and obstructions for the benefit and safety of traffic and pedestrians within the Village.

II. An offsite commercial sign shall be defined as any material, structure or device, or part thereof, composed of lettered or pictorial matter which is located out-of-doors, or on the exterior of any building, or indoors as a window sign, displaying an advertisement, announcement, notice or name, and shall include any declaration, demonstration, display, representation, illustration, or insignia used to advertise or promote the interest of any person or business or cause when such is placed in view of the general public so as to advertise or promote the interest of any person, business or cause not located within the legal limits of real property on which the sign is located.

III. The sign face is defined as the entire area of one side of the sign within a single continuous perimeter enclosing all elements which form an integral part of the sign.

IV. Restrictions: Offsite commercial signs greater than fifty (50) square feet shall be prohibited within the Village of Salem.

Offsite commercial signs shall be placed in a manner and method as approved by the Village Board of Trustees so as to comply with State Law, to be placed in a manner which does not obstruct pedestrian or vehicular traffic, and shall be affixed in a manner which is secure and safe for all individuals and vehicles traveling in close proximity to the sign in question.

#### V. Enforcement

Any violation or attempted violation of this Law will authorize the Village to seek a court order preventing such violation or an order requiring the removal of any sign installed in contravention of this law. Any person, firm or corporation who violates any provision of this law shall be subject to a fine of one hundred dollars (\$100.00) per each week of the violation. In addition to the fine imposed, the Village shall be entitled to recover incidental costs for such enforcement including reasonable attorney's fees.