

Local Laws and Ordinances

A Brief Introduction for YLPA Members

Some of you may think the YLPA is something like a condominium association, in which the organization imposes “covenants and restrictions.” But this is not the case. We have no say whatsoever regarding how yards are kept, houses are painted, potholes are filled, trees are cut, your neighbor behaves, disputes over property boundaries, whether the dog is on a leash, etc.

The legal jurisdiction of the YLPA is the Lake, and in that regard, we do have a lot to say. The Association owns the Lake and dam. We have rules regarding your [dock](#), swim platform, sizes of watercraft, watercraft propulsion, changes to your shoreline, the Lake bottom, the Lake stumps, etc. All members are expected to comply fully with the rules as published. Download the YLPA Rules and Regulations here: <http://yankeeLake.myLaketown.com/ylpa-rule-and-regs>

In addition, Yankee Lake owners are subject to all New York State and local Town of Mamakating laws and ordinances. While the YLPA is not responsible for enforcing these laws and ordinances, we know that seasonal residents might be less familiar with them than fulltime residents. Below, we will summarize what you need to know on topics that we hear about frequently. We will also provide links to web sites for more detail. These laws and neighborly practices apply to each of us and help to make for a safer and happier community.

Finally, the Board is asked to intervene in neighborly disputes of one form or another. Such disputes do not fall within our jurisdiction. To report violations, please review the appropriate part of the Town Code, and report the violation as indicated in that section of the Code. We will summarize below the parts of the code that seem most relevant to our property owners, but we obviously are not including everything here. If you have an issue, please read and understand the actual language in the code before taking any action. For your convenience, here is the web address for the Town of Mamakating ordinances: <http://ecode360.com/MA1270?needHash=true>

Fire

Our area just suffered a significant forest fire that burned for six days and charred over 2,700 acres before it was contained. It was started by a man in Summitville burning yard debris – in violation of State and local laws.

- New York has a standing 100% statewide ban on open burning **every year** March 16 through May 15. (<http://www.dec.ny.gov/chemical/58519.html>) As of this writing the Burn Ban has been extended through May 21st. Outside of these dates a burning permit is required.
- Burning of trash is 100% prohibited statewide 100% of the time. No exceptions.
- Burning of treated wood (e.g., pressure treated lumber, plywood, railroad ties) or any previously painted wood is 100% prohibited statewide 100% of the time. No exceptions.
- Burning of leaves is 100% prohibited statewide 100% of the time. No exceptions.
- The New York State Department of Environmental Conservation enforces laws relating to open fires. To report a violation in our area, call DEC’s Ricky Wood (845) 665-5637, or the DEC hotline at 1-844-332-3267. Related DEC websites:

<http://www.dec.ny.gov/chemical/58519.html>
<http://www.dec.ny.gov/regs/4261.html>

- In addition, the National Weather Service monitors weather conditions and will issue **Red Flag Warnings** when conditions are especially risky for fires, including drought conditions, when humidity is very low, and especially when high or erratic winds or lightning are a factor. **Never burn during a red flag warning.** Current warnings may be found here: http://forecast.weather.gov/MapClick.php?CityName=Rock+Hill&state=NY&site=BGM&textField1=41.6258&textField2=-74.5981&e=0#.VU6vW_IVhBc

Dog Control

- Just because we are in a rural area does not mean that dogs are allowed to roam free. According to the Town Code, dogs need to be “securely confined or restrained and kept on the owner’s premises, either within a building, kennel or other suitable enclosure or securely fastened on a chain, wire or other effective tether of such length and so arranged that the animal cannot reach or endanger any person on any adjacent premises or on any public street, way or place....”
- “It shall be unlawful... to permit or allow a dog to... run at large unless the dog is accompanied by its owner or a responsible person able to control it by a leash restraint actually being used.”
- There are other provisions as well, relating to noisy dogs, digging dogs, destructive dogs, pooping dogs, dangerous dogs. Violations carry fines of \$125 to \$300 dollars, plus fees for seizing the dog of \$75 to \$250, plus impoundment fees of \$75 to \$250, plus shelter fees of \$10/day while the dog is impounded. Repeat offenders can spend up to 15 days in jail.
- To report problems to the Mamakating Dog Control: (845) 888-3024.

Noise: The following are declared loud, disturbing and unnecessary noise violations of Town Code

- The creation of any noise, which exceeds 75 decibels at the adjoining property line. (*For reference, normal conversation is 60-70 db and a phone’s dial tone is 80 db at the ear.*)

- The creation of any noise, which disturbs the public's peace, comfort or tranquility.
- Sound volume (from a radio, phonograph, telephone, noisy pet, yard equipment, etc.) that annoys or disturbs the quiet, comfort or repose of persons in any type of residence.
- Automobile, motorcycle, trail bike, or snowmobile creating loud and unnecessary noise.
- The erection, excavation, demolition, alteration or repair, of any building other than between 7:00 a.m. and 9:00 p.m.
- The sound from any radio, telephone, loudspeaker or amplifier projected outside of any building or into the out of doors. Or, the use of any such device fastened to any outside wall or window of any building such that the sound is projected to the outside. This is not intended to prevent the operation of a radio or telephone used in a reasonable manner by any person within a building or structure, provided that no such device is allowed to project its sound outside of any building or to the out of doors.
- Exception: Sounds created by lawn equipment is allowed between the hours of 8:00 a.m. and 9:00 p.m. on weekdays, and 10:00 a.m. and 9:00 p.m. on weekends.

Enhanced 911 Address Numbering

- A uniform numbering system, and the prominent easily read display of the property numbers, is intended to assist emergency personnel in responding to an emergency.
- Every residence must be marked with house numbers using Block Arabic Type, at least four (4) inches in height, and a minimum of ½ inch width. The color of numbers must be in sharp contrast to the color of the background. House numbers must be placed in two locations:
 - ❖ On the street-side of the building, but not on an entrance door or garage door, and continuously visible from the street – and
 - ❖ In a prominent and conspicuous place curbside on a post, mailbox, or other non-building structure on the same side of the street as the house, at least 4 feet high, not exceeding 10 feet high, and within 20 feet of the road.
- When more than one residence has one driveway, a street number of the residence must be displayed at each location where the residence's driveway diverges from the common access.
- If you are found to be in violation of this ordinance, you may be subject to fine of \$250/week until you remedy the problem.
- **If you do not know what your house number is supposed to be:** The Sullivan County E-911 Coordinator has authority to designate building address numbers, to designate separate numbers for buildings which have no designated street number, and to re-designate building numbers when deemed necessary. The E-911 Coordinator for Sullivan County is Alex Rau, (845) 807-0134, alex.rau@co.sullivan.ny.us

Garbage, Rubbish and Refuse

- Don't litter. Put garbage in watertight containers to prevent access to flies, animals or rodents. If you choose to contract for curbside trash pickup, bears or other wildlife may get into your trash. If your trash is strewn about by the wildlife, it is your responsibility to clean up the mess – from the road, from your property and from neighboring properties. If you can't do it yourself, you must arrange for someone else to do it. Leaving your trash for others to clean up is, of course, un-neighborly, unsightly, and dangerous, since it will continue to attract wildlife. For more information about bears at the Lake, visit the Yankee Lake website at <http://yankeeLake.myLaketown.com/bear-facts>.
- **Fines**—There have been a few families around the Lake whose garbage was strewn last autumn by bears, and who have still failed to clean it up. Fines range from \$250 to \$1,500 and up to 15 days in jail, and a penalty of \$250/week can be assessed if you don't clean up your trash.

Unsafe Buildings

We occasionally hear of area structures felt to be unsightly. The Town Ordinance does not address unsightliness, but structures that are felt to be unclean, unsanitary, dangerous or unsafe, have standing water, have holes in walls or doors, is accessible to vagrants or trespassers, susceptible to rodent infestation, or any other danger to the health or safety of the public, should be reported to the local Building Inspector (845) 888-3030. This includes properties with exterior accumulations of waste, rubbish or garbage.

Building Permits (Town Code 199.61)

A few of the cases where you need a building permit (there are others, so check if you are unsure): New buildings, additions, renovations, demolitions, fireplaces, woodstoves, chimneys, **decks, porches, docks**, wells, septic components, signs, and **permanent generators**.

Trees

Finally, some have expressed concerns regarding dead trees around the Lake. Property owners are responsible for dealing with dead trees on their property. If you have a tree that is dead or dying, and the tree falls on your neighbor's property and causes damage, then you are deemed negligent and responsible for all damages caused by the falling of the dead tree. If, on the other hand, a storm blows down an otherwise healthy tree, or heavy wet snow causes a healthy tree to break/fall/uproot, then it is deemed an act of God. In that case, the owner of the tree is not negligent, and each property owner that sustained damage is responsible for the cost of cleanup and damage to their own property. Bottom line: If you have dead trees or dead limbs, you should get them taken care of, because you are liable if they cause damage to someone else's property.