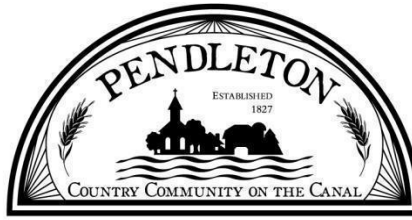


TOWN OF PENDLETON
6570 Campbell Boulevard
Lockport, NY 14094



*Supervisor Joel Maerten
Councilman Wolfgang Buechler
Councilman Joseph Hickman
Councilman David Leible
Councilman Scott Lombardo*

At the meeting of the Town Board of the Town of Pendleton, Niagara County, New York, held in the Board Room at the Town of Pendleton Town Hall, 6570 Campbell Boulevard, Lockport, New York, 14094 at 7:00 p.m. on April 9, 2025.

**Resolution Authorizing Town Board to Remove Garbage to Abate Public Nuisance
Located at 4184 Beach Ridge Road, Pendleton, New York**

WHEREAS, Christopher Neffke, a property owner (“Owner”) in the Town of Pendleton, has been accumulating rubbish, trash, litter and other refuse at his property located at 4184 Beach Ridge Road (the “Property”); and

WHEREAS, the keeping of that rubbish, trash, litter and other refuse at the Property violates the prohibition on littering and dumping contained in Section 213-32 of the Town Code of the Town of Pendleton; and

WHEREAS, the stockpile of solid waste at the Property violates Section 247-90(D)(1) of the Town Code of the Town of Pendleton; and

WHEREAS, the keeping of that rubbish, trash, litter and other refuse at the Property endangers the health, safety and welfare of the citizens of the Town of Pendleton, and constitutes a public nuisance; and

WHEREAS, Owner has ignored several requests by the Town Board to clear the Property of rubbish, trash, litter and other refuse to abate that public nuisance, including those as specified in the Notice of Violation and Order to Remedy dated August 8, 2024; and

WHEREAS, the Town Board has the authority, pursuant to Town Law § 64(5-a), Town Code § 247-90(F), New York case law, and New York common law, to order removal of said rubbish, refuse and debris from the Property; and

WHEREAS, pursuant to Town Law § 64(5-a), Town Code § 247-90(F), New York case law, and New York common law, if said order is not complied with, the Town may enter the property to abate the nuisance, and add the costs of that abatement to most recent water bill for the Property, and if not collected within 30 days to the assessment roll for the Property.

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Pendleton that:

- 1) Owner is hereby ordered to remove the rubbish, trash, litter and other refuse accumulated at the Property within ten (10) days of the date of mailing of this resolution to the Owner.
- 2) In the event that Owner fails to abate the public nuisance by removing the accumulated trash, rubbish, litter and other refused accumulated by the Property within ten (10) days or otherwise fails to respond to this resolution, the Town shall have the authority to enter the Property, take all necessary actions to abate the nuisance, and assess the costs against the Property, which shall constitute a lien thereon as specified in Town Code § 247-90(F), and shall be collected in the manner provided by law.
- 3) This resolution is effective immediately.

PASSED AND ADOPTED this 9th day of April, 2025 by the Town Board of the Town of Pendleton.