

(Use this form to file a local law with the Secretary of State.)

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.

County
City of Lyndonville
Town
Village

Local Law No. 2 of the year 2013.

A local law entitled The Brush, Grass and Weeds Removal Local Law of the Village of Lyndonville, New York
(Insert Title)

Be it enacted by the _____ Board of Trustees _____ of the
(Name of Legislative Body)

County
City of Lyndonville, New York _____ as follows:
Town
Village

The Brush, Grass and Weeds Removal Local Law of the Village of Lyndonville, New York

§113-1. Title.

This chapter shall be known as the “The Brush, Grass and Weeds Removal Local Law of the Village of Lyndonville, New York”, and which shall be included in the Code of the Village of Lyndonville as revised Chapter 113.

§113.2. Purpose.

The purpose of this chapter is to promote the public health and safety by the removal of fire and health hazards by requiring the owners of land to cut, trim or remove brush, grass or weeds.

§113-3. Definitions.

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

Brush

A thick growth of small trees and shrubs.

Grass

Any of various green plants typically with long narrow leaves that grow densely and are cultivated for lawns.

Weeds

Any undesired, uncultivated plant growing so as to crowd out a desired crop or growth or to disfigure a lawn.

§113-4. Maintenance requirements; noncompliance procedure.

Every owner of land within the Village of Lyndonville shall cut, trim or remove brush, grass or weeds of a height of 10 inches or more from premises owned by him or her to a depth of at least 150 feet from any adjoining street right-of-way and 150 feet from adjoining developed property lines; and upon default the Village of Lyndonville may cause such brush, grass, weeds or other material to be cut, trimmed or removed by said Village, and the total cost thereof shall be assessed upon the real property on which such brush, grass or weeds are found.

§113-5. Collection of costs; fees.

- A. The cost of cutting, trimming or removing such brush, grass or weeds shall constitute a lien and charge upon the real property involved until paid or otherwise satisfied or discharged and shall be collected by the Village Treasurer in the manner provided by law for the collection of taxes.
- B. The Village Board of Trustees shall, from time to time, establish by resolution the method, rates and other particulars by which such cost shall be determined and calculated, and such Board may also establish a minimum cost for each occasion where such brush, grass or weeds are cut, trimmed or removed.

§113.6. Service of notice of violation; time for compliance.

Before the Village of Lyndonville shall remove, cut or trim such brush, grass or weeds and assess the costs thereof upon the real property upon which such brush, grass or weeds are found, notice shall be given to the owner thereof by either personal service or by mail addressed to the last known owner at his or her last known address as shown on the tax rolls of the Village. Such service shall be sufficient for all purposes. Such service shall set forth the violations and direct compliance within five days from the date of such notice. All such notices shall be signed and issued by the Village Clerk. If there is a failure of compliance within said five-day period, the Village may then cause the removal, trimming or cutting and assess the costs as hereinabove provided.

§113.7. Exclusion of certain vegetation.

The provisions of this chapter shall not apply to cultivate crops, cultivated shrubs, cultivated trees or other landscaping and also shall not apply to weeds or grass that are intermingled with growing cultivated crops until such time as said crops are harvested or should have been harvested.

§113.8. Penalties for offenses.

- A. The Village of Lyndonville may cause appropriate legal proceedings to be commenced to levy and assess a civil penalty against any person who violates any provision of this chapter, such civil penalty to be in an amount not less than \$125 and not to exceed \$250 for each violation. The Village Attorney is authorized to institute the necessary proceedings to levy and collect any such civil penalty.

B. Each day of violation continues after notice of violation shall constitute a separate violation of this chapter. No additional notices shall be required for continuing violations, and an additional fine may be imposed and/or an additional penalty may be assessed against the owner of said premises for each day the violation exists.

§113.9

- (a) This local law shall take effect immediately upon filing in the Office of the Secretary of State.
- (b) If any part or section of this Local Law shall be held to be invalid, the remaining provisions thereof shall not fail but shall remain in full force and effect.
- (c) Chapter 113 as adopted by the Village Board on September 24, 1947 and all local laws, ordinances, rules or regulations of the Village of Lyndonville or parts or portions thereof that conflict or are contrary to any portion of this Local Law are hereby repealed.

(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. 2 of 2013, of the ~~(County)~~ (City) ~~(Town)~~ (Village) of Lyndonville, New York was duly passed by the Board of Trustees on September 9, 2013, in accordance with the applicable provisions of law.

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) _____ was duly passed by the _____ on _____ 20____, and was (approved) (not disapproved) (Name of Legislative Body) (repassed after disapproval) by the _____ and was deemed duly adopted (Elective Chief Executive Officer*) on _____ 2013, 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 2013 of the ~~(County)~~ (City) ~~(Town)~~ (Village) of _____ was duly passed by the _____ on _____ 2013, and was (approved) (not disapproved) (repassed after (Name of Legislative Body) disapproval) by the _____ on _____ 2013. Such local law was submitted to (Elective Chief Executive Officer) 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 2013 of the ~~(County)~~ (City) ~~(Town)~~ (Village) of _____, New York was duly passed by the Board of Trustees _____ (Name of Legislative Body) on _____, 2013, and was (approved) (~~not disapproved~~) (~~repassed after disapproval~~) by the Mayor on _____, 2013. Such local law was subject to permissive referendum and (Elective Chief Executive Officer*) no valid petition requesting such referendum was filed as of _____, 2013, 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 chairman 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 of 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.

(SEAL)



Teri Woodworth
Village Clerk, Village of Lyndonville

Date 09/13/2013