

# Local Law Filing

(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     Town     Village  
*(Select one:)*

of LaFayette

Local Law No. 1 of the year 2015

FILED  
STATE RECORDS

APR 17 2015

DEPARTMENT OF STATE

A Local Law Enact New Regulations Regarding the Abatement of Unhealthful, Hazardous and Dangerous Conditions due to Accumulations of Brush, Grass and Weeds, on Improved Property Within the Town of LaFayette

Be it enacted by the Town Board of the  
*(Name of Legislative Body)*

County     City     Town     Village  
*(Select one:)*

of LaFayette as follows:

**LOCAL LAW NO. 1-2015  
TOWN OF LAFAYETTE**

**A LOCAL LAW TO ENACT NEW REGULATIONS REGARDING THE ABATEMENT OF UNHEALTHY, HAZARDOUS AND DANGEROUS CONDITIONS DUE TO ACCUMULATIONS OF BRUSH, GRASS, WEEDS ON IMPROVED PROPERTY WITHIN THE TOWN OF LAFAYETTE**

Be it enacted by the Town Board of the Town of LaFayette as follows:

**SECTION 1. AUTHORITY.**

This local law is enacted pursuant to the New York State constitution and New York Municipal Home Rule Law 10.

**SECTION 2. DECLARATION OF POLICY**

It is hereby declared to be the policy of the Town Board of the Town of LaFayette to provide for the proper use of any improved property to prevent unhealthy, hazardous or dangerous conditions due to accumulations of brush, grass, weeds or other like matter. By this Local Law, the Town Board seeks to remove such dangers to health, life and property by

(If additional space is needed, attach pages the same size as this sheet, and number each.)

requiring owners of improved property to cut, trim or remove brush, grass, weeds or other like matter, and upon default, to cause the same to be done and assess the cost against the real properties on which such brush, grass, weeds or other like matter is found.

### **SECTION 3. DEFINITIONS.**

**Brush:** Uncultivated woody shrubs and immature trees

**Grass:** Herbaceous ornamental plants intended to be periodically cut close to the ground for establishment of a lawn or ground covering. Grass may also be used for ground covering for the establishment of drainage swales, flood routes or water detention basins.

**Improved Property:** Any lot not actively being used for farming that has a Structure placed on it.

**Owner:** Includes an individual or individuals, society, club, firm, partnership, corporation or any other association of persons or entity of any kind.

**Weeds:** Wild, useless and generally undesirable plants growing wild at random and inappropriate locations, including growing or cultivated ground to the exclusion or injury of grass or a desired agricultural crop.

### **Section 4. VIOLATIONS.**

It shall be a violation of this Local Law for the owner of any improved property to permit, maintain or accumulate on such land any growth of brush, grass, weeds or other like vegetative matter in excess of ten('10') inches.

### **Section 5. NOTICE TO REMEDY VIOLATIONS.**

Whenever the Code Enforcement Officer Shall find a violation of section 4 above, said Code Enforcement officer shall give notice to remedy such alleged violation to the owner, its agent or person or persons responsible therefore, as hereinafter provided.

### **Section 6. DUTY TO ABATE VIOLATIONS.**

Any person, being the owner of real property in the Town, shall be required to remedy violations of this Local Law upon his or her improved lands when directed to do so by notification of the Code Enforcement Officer.

### **Section 7. EXCEPTIONS.**

An improved lot over two ("2") acres in size shall only have to comply with an area surrounding the structure of one hundred and fifty ("150") feet or to the property line in any direction, measured from the base of an exterior wall.

**Section 8. TIME FOR COMPLIANCE.**

Whenever the Code Enforcement officer shall issue a notice requiring the owner of land within the Town to cut, trim or remove brush, grass, weeds or other like vegetative matter upon his or her lands, such notice shall be in writing, shall include a statement of the reasons why it is being issued and shall be served upon the owner or occupant of the premises or the agent of either of them. Notice shall be deemed to be properly served if a copy thereof is served upon the owner or occupant personally or is sent by certified or registered mail to the last known address of the owner, as listed and maintained in the Tax records of the Town, or is posted in a conspicuous place in or about the premises affected by the notice. Such notice shall specify that within seven (7) days from the receipt of notice, the owner or its agents must have either undertaken such necessary corrective action so as to abate the violation or have submitted a written request to the Code Enforcement Officer for a hearing before the Town Board. At the expiration of the seven-day period, the notice shall be deemed an order to cease and desist from and to abate the described violation. Such notice shall contain an outline of the remedial action, which, if taken, will effect compliance with the provisions of this Local Law.

**Section 9. ABATEMENT OF VIOLATIONS BY TOWN.**

Whenever a notice referred to in section 8 of this Local Law hereof has been served upon the owner, occupant or the agent of a lot or parcel of land to abate a violation of this Local law and such owner shall neglect or fail to comply with the requirements of such notice within the time provided therein, the Code Enforcement Officer may cause the work to be done and Pay the cost thereof.

**Section 10. REIMBURSEMENT OF COSTS.**

The Town shall be reimbursed for the cost of the work performed or services rendered by direction of the Town Board as provided in Section 9 of this Local Law, by assessment and levy upon the lots or parcels of land where on such work was performed or services rendered for the actual and complete cost of such work, whether such work shall have been done by employees of the Town or others, which charges shall constitute a lien on the property and shall be assessed and collected in the same manner and at the same time as provided, by law, for the collection of delinquent taxes.

**Section 11. PENALTIES FOR OFFENSES.**

Any person who shall violate any provisions of this Local law shall be guilty of a violation punishable by a fine not to exceeding \$250.00; and upon conviction of a subsequent offense, punishable by a fine not exceeding \$1,000. If the violation is of a continuing nature, each day of violation of any provision of this Local Law shall constitute an additional, separate and distinct offense.

**Section 12. SEVERABILITY.**

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm, or corporation, or circumstance, shall be adjudicated by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

**Section 13. EFFECTIVE DATE.**

This Local Law shall be effective upon filing with the office of the Secretary of State.

(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. 1 of 2015 of the Town of LaFayette was duly passed by the Town Board on April 13, 2015, 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 Town of Sullivan was duly passed by the Town Board on \_\_\_\_, 20\_\_, and was (approved/not approved/repassed after disapproval) by the Town Board and was deemed duly adopted on \_\_\_\_, 20\_\_, 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 20\_\_ of the Town of Sullivan was duly passed by the Town Board on \_\_\_\_, 20\_\_, and was (approved/not approved/repassed after disapproval) by the Town Board on \_\_\_\_, 20\_\_.

~~Such local law was submitted to 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 20\_\_ of the Town of Sullivan was duly passed by the Town Board on \_\_\_\_, 20\_\_, and was (approved/not approved/repassed after disapproval) by the Town Board on \_\_\_\_, 20\_\_. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_, 20\_\_, in accordance with the applicable provisions of law.~~

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.

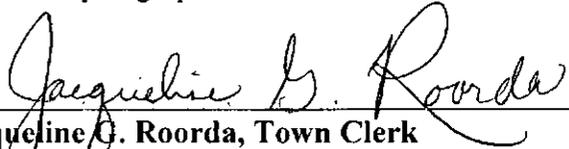
6. **(County local law concerning adoption of Charter.)**

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 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.)

\* 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 chairperson 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.

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.

  
\_\_\_\_\_  
**Jacqueline G. Roorda, Town Clerk**  
**Town of LaFayette**

Date: **April 13, 2015**

(Seal)