

Local Law Filing

New York State Department of State
99 Washington Avenue, Albany, NY 12231

(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 Kendall, Orleans County, New York
Town
Village

Local Law No. 5 of the year 2023.

A local law known as A Local Law to Adopt a Brush and Weeds Law of the Town of Kendall

(Insert Title)

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

County
City of Kendall, Orleans County, New York as follows:
Town
Village

SECTION 1. BRUSH AND WEEDS LAW OF THE TOWN OF KENDALL

§1 Title.

This article shall be known as the "Brush and Weeds Law of the Town of Kendall."

§2 Purpose.

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

§3 Removal required; failure to comply.

A. Removal requirements.

- (1) Every owner of developed property within the Town of Kendall shall cut, trim or remove brush, grass or weeds of a height of 10 inches or more on premises owned by him or her to a minimum distance of 50 feet from any structure, whether habitable or not, and upon a lane or access way leading to any such structures to a width of 20 feet. "Developed property" means real property

which has been altered from its natural state by the addition and attachment of any improvements such as buildings, structures or other impervious areas.

- B. Failure to comply. Upon default; the Town of Kendall or its agents or licensed contractors may cause such brush, grass, weeds or like materials to be cut and/or trimmed by the Town, and the total cost of same shall be assessed upon the real property taxes.

§4 Notice of violation; penalties for offenses.

A. Notice of violation.

- (1) Upon a determination by the Code Enforcement Officer of the Town of Kendall that a certain premises and owner thereof are in violation of this Chapter, written notice shall be given to said owner thereof, either by personal service or certified mail, return receipt requested, addressed to the last known owner at his or her last known address as shown on the tax rolls of the Town. Such service shall be deemed sufficient for all purposes.

(2) Such notice shall set forth the following:

- (a) The address or location of the premises.
- (b) A statement of the current conditions of the property as deemed, upon an inspection of said property, to be in violation of this article.
- (c) A demand that the grass or weeds in excess of 10 inches in height be cut on the property on or before ten days after the service or the mail posting date of such notice. The ten-inch requirement applies only to grass, weeds and/or brush.
- (d) A statement that a failure or refusal to comply with the provisions of this article within the specified time may result in a duly authorized agent or employee of the Town of Kendall entering onto the property and cutting the grass or weeds.
- (e) A statement that the cost and expense of such cutting shall be assessed against the described property and shall constitute a lien thereon to be collected as provided by law.

- (3) The notices herein referred to will remain in effect for one calendar year from the date thereof. Any continued or repeated violations of this article within the said one calendar year may be enforced by the procedures set forth herein without any further notice to the landowner.

- (4) All such notices will be signed and issued by the Town Code Enforcement Officer.

B. Penalties for offenses.

- (1) Each day a violation continues after notice of violation shall constitute a separate violation of this article. No additional notices shall be required for continuing violations, and an additional penalty

may be assessed against the owner of said premises for each day the violation exists.

- (2) In addition to the rights hereinabove provided for, the penalty to said landowner will be an amount not to exceed \$250 per day for each day the premises is in violation, in that each day constitutes a new offense under this article.

§5 Exclusion of certain vegetation.

The provisions of this article shall not apply to cultivated crops, shrubs or trees or other landscaping or weeds or grass which may intermingle with cultivated crops, until such time as said crops are harvested or shall have been harvested on developed property.

SECTION 2.

(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) All local laws, ordinances, rules or regulations, 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. 5 of 2023, of the ~~(County)~~ (City) (Town) (Village) of Kendall, New York was duly passed by the Town Board on _____, 2022, 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 (repassed after disapproval) by the _____ and was deemed duly adopted on _____ 2020, 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 ~~(County)~~ ~~(City)~~ (Town) (Village) of _____ was duly passed by the _____ on _____ 20____, and was by the _____ 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 (County)-(City) (Town) (Village) of _____ was duly passed by the _____ (Name of Legislative Body) on _____ 20__, and was (approved) (not disapproved) (~~repassed after disapproval~~) by the _____ on _____ 2020. 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.

*** 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)

Amy Richardson
Town Clerk, Town of Kendall

Date:

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized Attorney of locality.)

STATE OF NEW YORK
COUNTY OF ORLEANS

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

Andrew W. Meier
Attorney for the Town of Kendall

Date: