

7-09-2024

Clarkson Town Board Meeting

RESOLUTION #185

LOCAL LAW #5 – 2024—RESOLUTION OF ADOPTION

Introduced by Supervisor Liotta

Seconded by Councilperson Mattison

Accelerated Enforcement of Brush, Grass, Rubbish and Weed Removal.

BE IT RESOLVED AS FOLLOWS:

Section 1. That the Town Board of the Town of Clarkson adopts Local Law #5 of 2024 which amends the Town of Clarkson's Town Code Chapter 45 which is captioned as “Brush, Grass, Rubbish and Weeds”. Said Chapter 45 is further described as “Removal of Brush, Grass, Rubbish or Weeds and Spraying of Poisonous Shrubs or Weeds Law of the Town of Clarkson.”

VOTE OF THE BOARD

AYES: Supervisor Liotta, Councilpersons, Mattison and Wexler

NAYES: None

ABSENT: Councilperson Culhane, D’Amuro

Susan Henshaw

Clarkson Town Clerk

Introductory Local Law No. 5 of the year 2024

Accelerated Enforcement of Brush, Grass, Rubbish and Weed Removal

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

Section 1. Title.

This Local Law shall be known as Local Law #5-2024 “Accelerated Enforcement of Brush, Grass, Rubbish and Weed Removal”

Section 2. Purpose.

The purpose of this local law is to accelerate compliance by streamlining the code enforcement process. In addition clarity is achieved by adding definitions to the existing chapter and better identifying where code compliance is required.

Section 3. Authority. This local law is adopted pursuant to Article 9 of the New York State Town Law and the Municipal Home Rule Law of the State of New York.

Section 4. Repealer.

The following provisions of Chapter 45 of the Code of the Town of Clarkson are repealed:

§45-2 thru §45-5

Section 5. New Matter.

The following provisions are added to Chapter 45 of the Code of the Town of Clarkson:

§ 45-2. Declaration of policy.

It is hereby declared to be the policy of the Town Board to provide for the proper use of land to prevent unhealthful, hazardous or dangerous conditions due to the accumulation of brush, grass, rubbish or weeds or growth of poisonous shrubs or weeds and to protect the public health, safety and general welfare of the residents of this Town. By this chapter, the Town seeks to remove such dangers to health, life and property by requiring owners of land to cut, trim or remove brush, grass, rubbish or weeds, or to spray with herbicides, cut, trim, remove or destroy poisonous shrubs or weeds, and upon default cause the same to be done and assess the costs against the real properties on which such brush, grass, rubbish, shrubs or weeds are found.

§45-3. Definitions.

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

BRUSH

Uncultivated woody shrubs and immature trees.

GRASS

Herbaceous ornamental plants intended to be periodically cut close to the ground for the 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.

OWNER

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

POISONOUS SHRUBS OR WEEDS

Those plants that are dangerous to the physical health of humans, animals or plants, or capable of causing damage to humans, animals or plants. Poisonous shrubs or weeds shall include, but not be limited to, poison ivy, multiflora rose, and Japanese knotwood.

RUBBISH

- A. Lumber, junk, trash, debris, building materials, or any other deleterious materials.
- B. Any abandoned, discarded or unused objects or equipment, such as, but not limited to, automobile parts, furniture, stoves, refrigerators, freezers, appliances, cans, containers, or vehicle tires.
- C. Any compost pile which is of such a nature to spread, harbor disease, emit unpleasant odors or gas, attract rodents, vermin or other disease carrying pests, animals or insects.
- D. Any unsanitary matter or materials.
- E. Solid waste and garbage.

WEEDS

Wild, useless and generally undesirable plants growing at random in inappropriate locations. §45-4. Duty of owner.

It shall be a violation of this chapter for the owner of any real property in the Town of Clarkson to permit or maintain on any such lot or land, inclusive of the land between the owner's property

line and the center line of the abutting street or highway:

- A. Any growth of brush, grass, weeds or growth of poisonous shrubs or weeds higher than 10 inches.
- B. Any accumulation of Rubbish.

§45-5. Notice to owners to remedy conditions.

- A. The Building Inspector/Code Enforcement Officer or designee may, from time to time, require notice to be served upon owners as hereinafter provided to remedy any of the foregoing conditions which may exist upon the land, pursuant to the authority vested in the Town of Clarkson under § 64, Subdivision 5-a, and § 130, Subdivision 5, of the Town Law of the State of New York, as amended, and §§ 10 and 20 of the Municipal Home Rule Law of the State of New York.
- B. Whenever the Building Inspector/Code Enforcement Officer or designee issues a notice requiring the owners of land to cut, trim or remove brush, grass, rubbish or weeds, or to spray with herbicides, cut, trim, remove or destroy poisonous shrubs or weeds upon their lands, the Building Inspector/Code Enforcement Officer or designee shall specify the place, manner and time (not less than 10 days from the date of said notice) within which such work shall be completed.
- C. The notice shall be in substantially the following form:

To the owner, occupant or person having charge of land within the Town of Clarkson briefly described as follows: (Here describe the subject property.) Notice is hereby given that certain violations of the Code of the Town of Clarkson currently exist at the aforementioned property, namely: (Describe the violation.) and constitutes a public nuisance in the Town of Clarkson. These violations must be remedied by performing the work stated above within 10 days from the date of this notice. If said work is not performed and said violations are not remedied on or before the expiration of said 10 days from the date hereof, the Town of Clarkson, New York, acting through its duly authorized agents, contractors, servants, officers and employees, may enter upon said property and perform said work. In this event, the expense incurred by the Town of Clarkson shall be assessed against said property and shall constitute a lien thereon and shall be collected in the manner provided by law.

Dated:

By Order of the Building Inspector/Code Enforcement Officer:

- D. Service of notice.

Every notice shall be served by one of the following methods:

- (1) By personal service upon one such owner; or
- (2) By certified mail, addressed to the owner's last known address as shown on the latest completed assessment roll of the Town of Clarkson or as shown from any court process or filing or other reliable source; or
- (3) By the posting of such notice on a conspicuous place upon the premises affected.

E. Persistent violators. In cases where a notice has been served as set forth above and where the owner, occupant and/or the owner's agent(s) failed to remedy the situation, and a second, or subsequent, violation occurs within 12 months of Town action, the Building Inspector/Code Enforcement Officer or designee shall take the following action:

- (1) The Building Inspector/Code Enforcement Officer or designee shall serve written notice upon such owner or owners in the manner required by §45-5(D).
- (2) The notice for persistent violators shall be in substantially the following form:

To the owner, occupant or person having charge of land within the Town of Clarkson briefly described as follows: (Here describe the subject property.) Notice is hereby given that certain violations of the Code of the Town of Clarkson currently exist at the aforementioned property, namely: (Describe the violation.) and constitutes a public nuisance in the Town of Clarkson. The record owners of this property have been cited and failed to correct this violation at least once in the previous 12 months. These violations must be remedied by performing the work stated above within five days from the date of this notice. If said work is not performed and said violations are not remedied on or before the expiration of said five days from the date hereof, the Town of Clarkson, New York, acting through its duly authorized agents, contractors, servants, officers and employees, may enter upon said property and perform said work. In this event, the expense incurred by the Town of Clarkson shall be assessed against said property and shall constitute a lien thereon and be collected in the manner provided by law.

Dated:

Building Inspector/Code Enforcement Officer

§45-6. Compliance required.

Any owner of real property in the Town of Clarkson, outside of incorporated areas, shall be required to cut, trim or remove brush, grass, rubbish or weeds, or to spray with herbicides, cut, trim, remove or destroy poisonous shrubs or weeds, upon his, her or its lands when ordered to do so by order of the Building Inspector/Code Enforcement Officer or designee.

§45-7. Work by Town; reimbursement of costs.

- A. Whenever a notice or notices referred to in §45-5 hereof has been or have been served upon such owner or owners of the respective lots or parcels of land to cut, trim or remove brush, grass, rubbish or weeds, or to spray with herbicides, cut, trim, remove or destroy poisonous shrubs or weeds, and such owner or owners shall neglect or fail to comply with the requirements of such notice or notices within the time provided therein, the Building Inspector/Code Enforcement Officer or designee shall authorize the work to be done, without need of Town Board resolution, and the Town shall pay the cost thereof out of general Town funds to be appropriated by the Town Board for such purpose.
- B. The Town shall be reimbursed for the cost of the work performed or services rendered by direction of the Building Inspector/Code Enforcement Officer or designee, as hereinabove provided, by assessment and levy upon the lots or parcels of land wherein such work was performed or such services rendered, and the expense so assessed shall constitute a lien and charge on the real property on which it is levied until paid or otherwise satisfied or discharged and shall be collected in the same manner and at the same time as other Town charges.

Section 6. Effective Date.

This local law shall take effect immediately upon its filing in the office of the Secretary of State.