

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 Montgomery

FILED
STATE RECORDS

JUL 19 2024

DEPARTMENT OF STATE

Local Law No. 4 of the year 2024

**A LOCAL LAW CREATING CHAPTER 88 OF THE TOWN OF MONTGOMERY CODE
ENTITLED "BRUSH, GRASS AND WEEDS"**

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

See attached.

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

TOWN OF MONTGOMERY

LOCAL LAW NO. 4 OF 2024

Be it enacted by the Town Board of the Town of Montgomery, in the County of Orange, as follows:

Section 1. Legislative Intent

Certain residents of the Town do not keep up with the maintenance of their properties. There has been significant overgrowth of brush, grass, and weeds with no signs of remediation on certain properties. The Town Board believes that if the owners of these properties refuse to maintain same, then the Town will take over the periodic clean-up of such properties at the Owner's expense. As such, the Town Board deems it appropriate to create a new Town Code Chapter 88 entitled "Brush, Grass and Weeds" as set forth herein.

Section 2.

Chapter 88 of The Town of Montgomery Code entitled "Brush, Grass and Weeds" is hereby created as follows:

Chapter 88. Brush, Grass and Weeds

§ 88-1. Purpose and intent.

The purpose of this chapter is to establish regulations for the maintenance of the residential properties in the Town so that there will be no overgrowth of brush, grass, and weeds. It is intended that without such regulations, the overgrowth of certain properties will continue to worsen.

§ 88-2. Height regulated; excessive growth prohibited.

Height regulated. It shall be unlawful for any owner, lessee or occupant, or any agent, servant, representative or employee of any such owner, lessee or occupant, having control of any occupied or unoccupied lot or land or any part thereof in the Town, to permit or maintain on any such lot or land or on or along the sidewalk, street or alley adjacent to the same between the property line and the curb or middle of the alley or for 10 feet outside the property line if there be no curb, any growth of weeds, grass or other rank vegetation to a greater height than ten inches on the average, or any accumulation of dead weeds, grass, or brush.

§ 88-3. Duty of owner or occupant.

It shall be the duty of every owner, occupant, tenant, or person in control of land or any portion thereof in the Town to cut and remove or cause to be cut or removed from said property all weeds, grass, brush, or other rank, poisonous or noxious vegetation as often as may be necessary to comply with the provisions of §88-2.

§ 88-4. Inspection; removal by Town.

If the above provisions are not complied with, a written notice will be served, either personally or by mail, upon the owner, lessee or occupant or any person having the care and/or control of any such lot or land. If the person upon whom the notice is served fails, neglects or refuses to cut and remove or to cause to be cut and removed such weed, grass or other vegetation within ten (10) days of mailing of such notice, or if no person can be found in the Town who either is or claims to be the owner of said lot or land or who represents or claims to represent such owner, the Building Department shall be deemed to have authorization to enter the property in question and shall cause such weeds, grass and/or other vegetation to be cut and removed. The actual cost for such cutting and removal, plus 15% for inspection and other additional costs in connection therewith, shall be certified by the Building Department to the Town Clerk and shall be billed to the owner, lessee or occupant to be paid within thirty (30) days after mailing. Failure to pay the bill shall thereupon become and be a lien upon the property and shall become and form a part of the taxes next to be assessed and levied upon such lot or land and shall bear interest at the same rate as taxes and shall be collected and enforced by the same officer and in the same manner as taxes. In addition, a court appearance ticket can be issued to the owner, lessee or occupant or any person having the care and/or control of said lot or land for the violations of the above-mentioned provisions.

§ 88-5. Exceptions.

The provisions of this chapter shall not apply to land being used for agrarian/agricultural purposes.

§ 88-6. Penalties for offenses.

Any such person who shall neglect to cut and remove weeds, grass or other vegetation as directed in this chapter or who shall fail, neglect or refuse to comply with the provisions of any notice herein provided or who shall resist or obstruct the removing of weeds, grass and other vegetation shall, upon conviction thereof, be subject to a fine of between \$100 and \$250 for each offense in addition to the expenses associated with remedying the weed, grass and/or vegetation conditions which constitute a violation of this Chapter.

Section 3. Separability

If any provision of this local law or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this local law or the application thereof to other persons or circumstances, and the Town Board of the Town of Montgomery hereby declares that it would have passed this local law or the remainder thereof had such invalid application or invalid provision been apparent.

Section 4. Statutory Authority

This local law is enacted in accordance with the powers granted to the Town Board pursuant to the provisions of Article 10 of the Municipal Home Rule Law of the State of New

York, pursuant to which the Town Board has the authority to enact local laws and amend local laws for the purpose of promoting the health, safety or general welfare of the Town of Montgomery and for the protection and enhancement of its physical environment.

Section 5. Repeal

All ordinances, local laws and parts thereof inconsistent with this Local Law are hereby repealed.

Section 6. Effective Date

This Local Law shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

(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. 4 of 2024 of the (County)(City)(Town)(Village) of Montgomery was duly passed by the Town Board of the Town of Montgomery on July 17, 2024, 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)(Village)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ 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 (County)(City)(Village)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) 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)(Village)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ 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.~~

* 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 Village 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.)~~

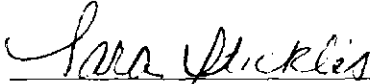
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified 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 _____ 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 Villages 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.



Tara Stickle, Clerk, Town of Montgomery,
Clerk of the county legislative body. City, Village or Village
Clerk or officer designated by local legislative body

Date: 7/18/24

(Seal)