

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 PORT JEFFERSON

Local Law No. 6 of the year 20 24

A local law AMENDING CHAPTER 161 OF THE CODE OF THE
(Insert Title)
VILLAGE OF PORT JEFFERSON ENTITLED "HOUSING",
ARTICLE VI ENTITLED "PROPERTY MAINTENANCE"

Be it enacted by the THE BOARD OF TRUSTEES of the
(Name of Legislative Body)

County City Town Village
(Select one:)

of PORT JEFFERSON as follows:

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

(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. 6 of 20 24 of the (County)(City)(Town)(Village) of PORT JEFFERSON was duly passed by the BOARD OF TRUSTEES on MAY 29 20 24, in accordance with the applicable provisions of law.
(Name of Legislative Body)

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) 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.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

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 (approved)(not approved) (repassed after disapproval) by the _____ on _____ 20 _____.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

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 _____ 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.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

* 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.

5. (City local law concerning Charter revision proposed by petition.)

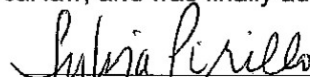
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified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

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 _____ above.



Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: June 3, 2024

(Seal)

VILLAGE OF PORT JEFFERSON
Local Law No. 6 of the year 2024
A local law be it enacted by the: Board of Trustees of the
Village of PORT JEFFERSON
as follows:

PURPOSE

A LOCAL LAW AMENDING CHAPTER 161 OF THE CODE OF THE VILLAGE OF PORT JEFFERSON ENTITLED "HOUSING" ARTICLE VI ENTITLED "PROPERTY MAINTENANCE"

Section 1. Legislative Intent. This Local Law would regulate bamboo upon properties in the Village.

Section 2. Text Amendment. The proposed local law would amend Chapter 161 of the Code of the Village of Port Jefferson entitled "Housing" Article VI entitled "Property Maintenance", to read as follows:

§ 161-27 (K) Bamboo Restriction.

- (1) It shall be unlawful for plant species commonly considered to be classified as "running bamboo", hereinafter defined as any tropical or semi-tropical grasses with monopodial (leptomorphic) rhizome (root) systems, including, but not limited to, the following plant genera: Arundinaria, Chimonobambusa, Phyllostichys, Pleioblastus, Pseudosasa, Sasa, Sasaella, and Semiarundinaria, to be planted, installed or maintained upon any property within the Village of Port Jefferson.
- (2) Duty to confine bamboo. In the event any species commonly considered to be classified as "bamboo," hereinafter defined as any tropical or semi-tropical monopodial (sympodial), (pachymorph) grasses, including, but not limited to, Bambusa, Dendrocalamus, and Fargesia, is located upon any property within the Village of Port Jefferson, said species shall be confined to prevent the encroachment, spread, invasion or intrusion of same onto any other property or right-of-way.
- (3) Notice. The incorporated Village of Port Jefferson shall notify the owner or occupant of the property which is in violation of Subsection A or B above and the notice shall specify a time, not less than 15 days, to comply with the provisions therein. Said notice shall be in writing and served personally or by certified mail. Service shall be deemed complete on the day the delivery or mail is completed.

(4) Removal. In the event that bamboo is situated on property located in the Village of Port Jefferson and said bamboo invades or grows on an adjoining or neighboring property that is owned or held on behalf of the Village of Port Jefferson, the Village shall notify the property owner that said bamboo has invaded Village property, and that the property owner is responsible for the liable for the cost of removal of such bamboo from the Village property. This notice shall be sent by certified mail, return receipt requested, and by regular mail to the latest address of the property owner on file with the Village Clerk.

- a. The Village may remove or arrange for the removal of such bamboo from the Village property after 30 days of the notice. The property owner shall be liable and responsible to the Village for the Village's costs in removing the bamboo from the Village property. Such costs may be assessed against the property of the owner as a tax payable by such property owner in the event that the costs remain unpaid more than 30 days after demand for payment has been made by the Village on the property owner.
- b. The Village nor its employees shall have any liability for damages or other claims to the property owner by reason of the removal of such bamboo. In the event such removal entails or causes damages to the flora or other property of a person other than the property of the property owner, the property owner in violation of this section shall be responsible for such damages.

(5) Replanting prohibited. Any bamboo either planted or caused to be planted or existing on a property prior to the effective date of this section may not be replanted or replaced in kind once such bamboo is or has become, for any reason, dead, destroyed, uprooted or otherwise removed.

§ 161-42 Penalties for offenses.

D. Violations. Any property owner who violates § 161-27(K) shall be guilty of a violation thereof and shall be punishable by a fine not to exceed \$500 for each violation. Each and every day that a violation of this section shall exist shall constitute a separate violation of this section.

Section 3. Severability. If any clause, sentence, paragraph, section, article, chapter or part of this local shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, section, article, chapter or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Section 4. Authority to enact pursuant to Municipal Home Rule Law § 10 and § 20.

Section 5. This local law shall become effective immediately upon filing with the Secretary of State of the State of New York.

Dated: May 29, 2024
Sylvia Pirillo, RMC

Port Jefferson Village Clerk
Port Jefferson, NY

