

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 of Sackets Harbor
☐ Town
☒ Village

Local Law No. 1 of the year 20 09

A local law concerning the Maintenance of Lots and Lawns
(Insert Title)

STATE OF NEW YORK
DEPARTMENT OF STATE
FILED

MAY 19 2009

RECEIVED
CLERK OF THE SENATE
MAY 19 2009

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

- ☐ County
☐ City of Sackets Harbor
☐ Town
☒ Village

as follows:

See Attached sheets

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

1. Purpose

The Village Board of the Village of Sackets Harbor hereby determines it necessary for health, safety, and general welfare of the residents of the Village of Sackets Harbor to provide a method whereby occupied and vacant lots, public land and sidewalks in the Village of Sackets Harbor are kept safe, clean, properly maintained, and free from nuisances, hazards, leaves, tall grasses, rank vegetation.

2. Removal of noxious growth, unlawful growth, exceptions.

a. It shall be unlawful for any owner, lessee or occupant, or any agent, servant, a representative or employee of such owner, lessee or occupant having control of any occupied or unoccupied lot or land or any part thereof in the Village of Sackets Harbor to permit or maintain on any such lot or land or on or along the sidewalk or street adjacent to the same between the property line and the curb any growth of weeds, grass, or other rank vegetation to a height in excess of 10 inches on the average, or any accumulation of dead weeds, grass, brush, ragweed, poison ivy, or other species of weed, plant or growth which is noxious or detrimental to the public health, or the seed, pollen, or other emanation thereof which, carried through the air or otherwise dispersed, is noxious or detrimental to the public health.

b. Any owner, tenant or occupant of any property in violation of this ordinance located within the Village of Sackets Harbor shall cut and remove or cause to be cut and removed such offensive growth when ordered to do so by the Code Enforcement Officer within ten (10) days of the service of written notice, which shall be served by posting a copy of such violation notice upon the front portion of the property or upon the main structure and by mailing a copy of such notice by ordinary mail to the owner of the property as shown on the latest assessment roles of the Village of Sackets Harbor. If notice is served against a corporation, it may be served at the corporation's principal place of business, upon an agent of the corporation within the Village of Sackets Harbor, or upon the Secretary of State of the State of New York.

c. This prohibition shall not apply to lands under active use or cultivation for commercial agricultural purposes or lands receiving tax exemption due to inclusion in an Agricultural District.

d. Further, this prohibition shall apply only lands that were built upon and have or had a permitted structure placed upon them, and lands that were cleared of native vegetation and prepared for construction that was not completed. These lots may be exempted from this law if they are returned to a native state by the approved planting of natural vegetation, such as native grasses, wildflowers and native shrubs. All evidence of construction must be removed before natural restoration can occur. At this point, the lot may be inspected by the Village zoning officer and the determination will be made whether the lot conforms with the definition of a natural state lot. Lists of natural grasses, as well as native trees and shrubs will be available from the Village office.

e. In addition, if such yards, lawns, and sidewalks are not maintained in a clean, mowed, sanitary and safe condition, it shall be lawful for the Village to cause said yard, lawn,

or sidewalk to be made clean, sanitary and safe, by removing brush, cutting grass, or other debris, with the cost of said removal to be charged and assessed against the owner of the property, and such assessment shall constitute a lien and charge on the real property to be levied until paid or otherwise satisfied or discharged, and collected in the same manner and at the same time as other Village charges. The Village shall charge for such work at the regular hourly rate then in effect for the Village employees performing such work.

3. Penalties for offenses

a. In addition to the foregoing remedies, any person failing to comply with a lawful order pursuant to this chapter or committing an offense against any provision of this local law shall be guilty of a violation. In addition to any other penalty or remedy herein provided, each and every violation of this local law shall be punishable as follows:

- (1) For a first conviction thereof, by a fine not exceeding \$100, or by imprisonment for a term not exceeding 15 days, or by both fine and imprisonment.
- (2) For a second or further such conviction, by a fine not exceeding \$250, or by imprisonment not exceeding 15 days, or by both fine and imprisonment.

b. The continuation of an offense against the provisions of this local law shall constitute, for each day the offense is committed, a separate and distinct offense hereunder.

c. Failure to comply with the direction of any official of the Village of Sackets Harbor when notice has been provided in accordance with this local law shall constitute a separate and distinct offense hereunder.

d. In addition to the above provided penalties and punishment, the Village of Sackets Harbor may also maintain an action in any court of competent jurisdiction to compel compliance with this local law by injunction or other action.

4. Effective Date

This local law shall take effect immediately upon filing with 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 20 09 of the (County)(City)(Town)(Village) of Sackets Harbor, New York was duly passed by the Board of Trustees on May 5 20 09, 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) of was duly passed by the on 20, and was (approved)(not approved) (Name of Legislative Body) (repassed after disapproval) by the and was deemed duly adopted (Elective Chief Executive Officer*) 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)(Town)(Village) of was duly passed by the on 20, and was (approved)(not approved) (Name of Legislative Body) (repassed after disapproval) by the on 20 (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) (Name of Legislative Body) (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 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.)

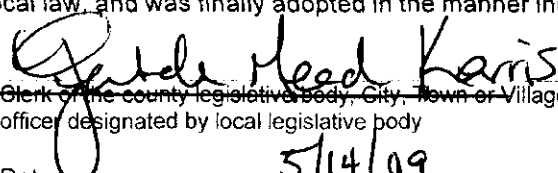
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 ____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified 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 1 _____, above.


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

Date: _____

5/14/09

(Seal)

(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 Jefferson

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.


Signature
David B. Geurtsen, Attorney
Title

~~County~~
~~City~~ Sackets Harbor
~~Town~~
Village

Date: May 14, 2009