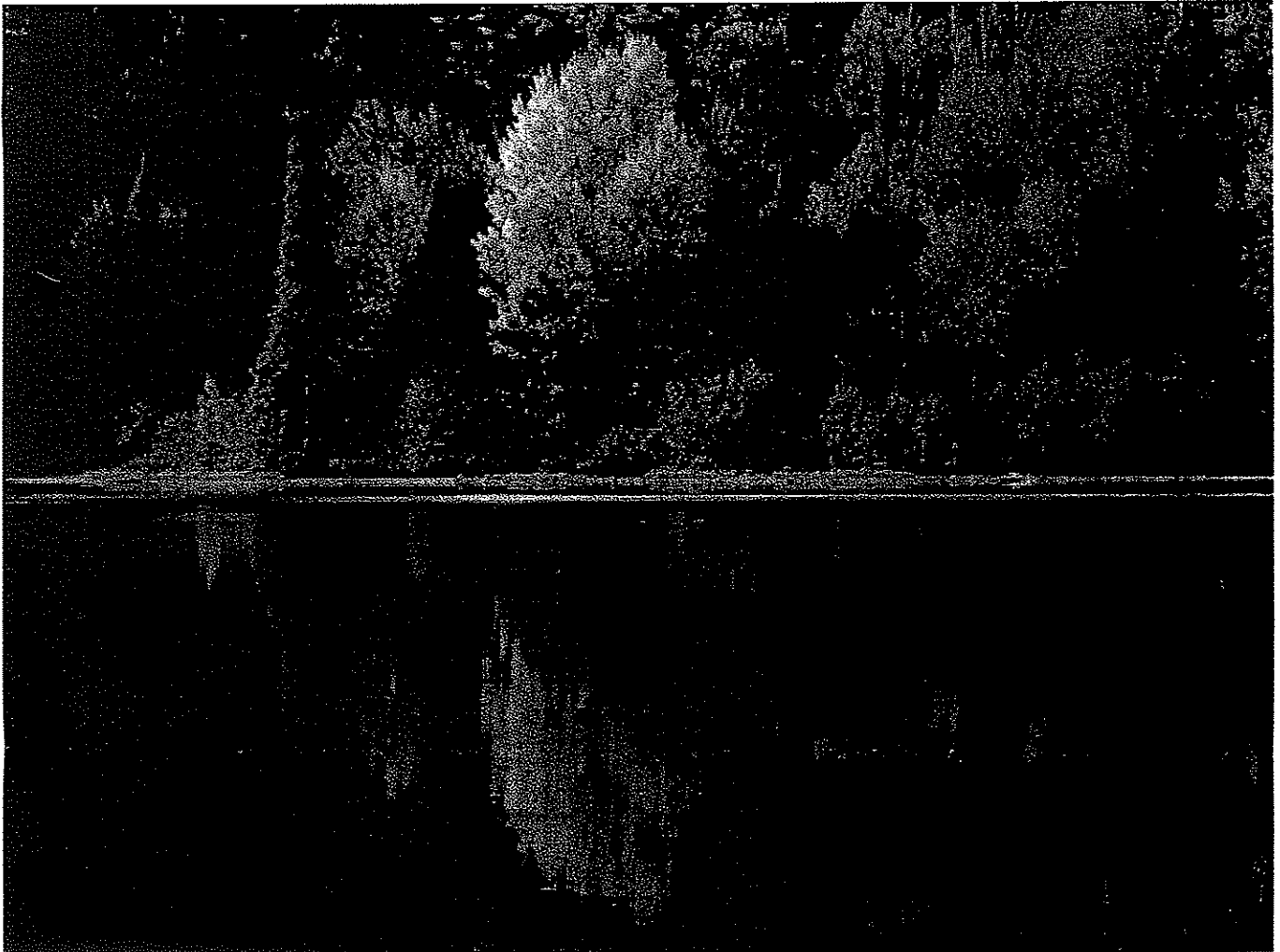


# VILLAGE OF CAPE VINCENT

## CONTROLLING THE GROWTH OF VEGETATION LAW



## **SECTION 1 PURPOSE**

### Section 1.1 Enacting Clause

Pursuant to the provisions of Municipal Home Rule Law, Articles Two and Three, and Article Seven of New York State Village Law, the Village Board of the Village of Cape Vincent, in Jefferson County, and the State of New York, hereby enacts this Local Law.

### Section 1.2 Short Title

This local law shall be known and may be cited as the "Village of Cape Vincent Controlling The Growth of Vegetation Law."

### Section 1.3 Purpose

The purpose and goal of this Controlling The Growth of Vegetation Law is to protect the public health, safety and welfare, to protect and promote the aesthetics of the Village and to eliminate potential fire and health hazards by ensuring that real property within the Village is not overgrown with vegetation.

## **SECTION 2 RESPONDING TO INITIAL COMPLAINT**

In response to a complaint, or on its own initiative, the Board of Trustees or any Enforcement Officer may inspect any property in the Village to determine if the vegetation is so overgrown or other issues on the property pose a potential health or fire hazard or is a public nuisance of detriment to public health, safety, welfare or the aesthetics of the Village. The owner of the property will be notified of the inspection only when it is necessary to enter the property to complete the inspection. In that event, the owner of the property shall be notified by the Enforcement Officer of the time of the inspection at least seven (7) calendar days prior to the inspection and said owner may be present during the inspection, otherwise the inspection will be conducted from public areas without notification to the owner/occupant prior to the inspection. If a violation notice is issued pursuant to Section 3 and the owner disagrees, the owner must make such disagreement in writing to the Board within the 15 day notice period. The owner may be heard by the Board of Trustees at their next scheduled meeting or at a special meeting. Growth of grass, weeds, etc. in excess of nine (9) inches in height or trees, shrubs, etc. which encroach on sidewalks or roadways shall be deemed in violation of the aesthetics as listed in this law.

The Village, however, may at its own initiative or at the request of a property owner determine certain properties to be wild and therefore exempt from some requirements of this law. When determining a property is exempt from portions of this law the Village will consider: its proximity to other properties; Its isolated nature; The fact that the vegetation will not become a place where rodents, insects or other vermin will accumulate; That it will not become an attractive nuisance; That it will not interfere with vision for people entering or exiting roads or driveways; the current status of the property.

**SECTION 3 REQUIRED ACTIONS BY OWNER AND VILLAGE IF ISSUE IS NOT RESOLVED**

In the event, at the time of inspection as listed in Section 2, the Enforcement Officer determines that a property is so overgrown with vegetation or other issues on the property pose a potential health or fire hazard or is a public nuisance or detriment to public health, safety, welfare or the aesthetics of the Village, the Enforcement Officer shall present a notice to the owner and/or occupants of said property of such determination either in person or via certified mail with a return receipt to the owners address of record, and that in the event of the failure of the owner to remedy the overgrowth of vegetation within fifteen (15) calendar days of said notice that the Village will take whatever action is necessary to remedy the situation and that the actual cost incurred in remedying the situation will be assessed to the property as provided for in this local law.

**SECTION 4 VILLAGE ACTIONS IF VIOLATION IS NOT ADEQUATELY REMEDIED BY OWNER**

If the owner or occupant of the real property fails to adequately remedy the situation within fifteen (15) calendar days of the date of the aforesaid notice, the owner may be required to appear in court for violation of this Local Law, and the Village Board of Trustees can authorize Village employees or contract with others to remedy the situation. All actual costs incurred shall be documented by the Village and those costs shall become a special assessment as provided for in this Local Law. A conviction in court could also result in a maximum fine of \$250 and/or 15 days in jail. For a first offense the fine will be not less than \$25 nor more than \$75. For a second offense within a one (1) year period the fine will be not less than \$50 nor more than \$150. For a third offense within a one (1) year period the fine will be not less than \$100 nor more than \$250.

**SECTION 5 PROCESSING SPECIAL ASSESSMENTS**

The Board of Trustees shall cause to be served personally or by certified mail upon the owner of record of such property at the address shown on the last preceding tax assessment roll a written notice, stating that at a time and place specified therein, it will assess the expense of such cutting against such property. Such notice shall be served at least ten (10) days previous to the time specified therein. If directed against a corporation, it may be served upon the corporation at its principal place of business, upon an agent of the corporation within the Village, or upon the Secretary of State. Notice served upon the Secretary of State shall be served at least fifteen (15) days previous to the time specified therein. At the time and place so specified the Board of Trustees shall hear the parties interested, and shall thereupon finally determine the assessment, stating therein the name of each owner and the amount so assessed. The amount so assessed shall constitute a lien of the real property on which it is levied until paid or otherwise cancelled pursuant to the provisions of Section 5-516 of the Village Law and shall be collected in the same manner as other Village special assessments pursuant to the provisions of Section 5-518 of the Village Law.

**SECTION 6 INTERPRETATIONS AND SEPARABILITY**

The invalidity of any section, clause, sentence or provision of this local law shall not affect the validity of any other part of this local law which can be given effect without such invalid part or parts.

**SECTION 7 EFFECTIVITY**

The provisions of this local law shall take effect immediately upon filing with the Secretary of State.