

RESOLUTION  
INTRODUCING LOCAL LAW  
AND  
PROVIDING FOR PUBLIC  
NOTICE AND HEARING

BE IT RESOLVED that an introductory Local Law entitled “*Brush, Grass and Weeds*” and more particularly set forth on *Exhibit "A"* attached hereto, be and it hereby is introduced before the Board of Trustees of the Village of Bergen in the County of Genesee and State of New York, and,

BE IT FURTHER RESOLVED that copies of the aforesaid proposed local law be laid upon the desk of each member of the Board, and

BE IT FURTHER RESOLVED that the Board hold a public hearing on said proposed local law at the Village Meeting Room, 11 North Lake Avenue, in the Village of Bergen, New York at 7:00pm, on June 26<sup>th</sup>, 2013, and

BE IT FURTHER RESOLVED that the Clerk publish or cause to be published a public notice in the official newspaper of the Village of Bergen of said public hearing at least ten (10) days prior thereto.

On a motion by Trustee Barclay, seconded by Trustee Adams, the resolution was adopted on a roll call vote, the results which follow:

3 Ayes

0Nays

The Mayor declared this resolution adopted.

Dated: June 26<sup>th</sup>, 2013

**EXHIBIT "A"**

Local Law No.4 of the Year 2013

Village of Bergen

A Local Law Entitled  
"Brush, Grass and Weeds"  
Of the Code of the  
Village of Bergen

**BRUSH, GRASS, AND WEEDS**

Be it enacted by the Village Board of the Village of Bergen as follows:

**Declaration of Policy**

It is hereby declared to be the policy of the Village 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 to protect the public health, safety and general welfare of the residents of this Village. By this chapter the Village Board seeks to remove such dangers to health, life and property by requiring the owner, lessee or occupant 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 property on which the brush, grass, rubbish, shrubs or weeds are found.

**§1. Definitions.**

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

SUPERINTENDENT OF PUBLIC WORKS — The Superintendent of Public Works or his duly authorized representative or the Code Enforcement Officer.

**§2. Height restriction; poisonous weeds. [Amended 3-8-1999 by L.L. No. 1-1999]**

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 building lot or plot of land or any part thereof in any developed section of the Village of Bergen to permit or maintain on any such lot or plot of 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 of the property line if there is no curb, any growth of weeds, grass or other rank vegetation to a height greater than 8 inches, on the average, on a vacant lot or to a height greater than six inches, on the average, on an improved lot or any accumulation of dead weeds, grass or brush. It shall also be unlawful for any such person or persons to cause, suffer or allow poison ivy, ragweed or other poisonous plants or plants detrimental to health to grow on any such lot or

plot of land in such manner that any part of such ivy, ragweed or other poisonous weed shall extend upon, overhang or border any public place.

### **§3. Cutting and removal required.**

It shall be the duty of any owner, lessee or occupant of any such lot or plot of land in the Village of Bergen to cut and remove or cause to be cut and removed all such weeds, grass or other rank, poisonous or harmful vegetation as often as may be necessary to comply with the provisions of §2 of this chapter, provided that cutting and removing such weeds, grass and vegetation at least once in every three weeks between May 15 and September 15 shall be deemed to be a compliance with this chapter.

### **§4. Notice; failure to comply; collection of costs.**

- A. If the provisions of the foregoing sections are not complied with, the Superintendent and/or the Code Enforcement Officer shall serve written notice, either personally or by certified mail or by any other method of service as provided for in the Civil Practice Law and Rules, upon the owner, lessee or occupant or any person having the care or control of any such lot or land, to comply with the provisions of this chapter.
- B. 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 five (5) days after receipt of such notice, or if no person can be found in the Village of Bergen who either is or claims to be the owner of such lot or land or who either represents or claims to represent such owner, the Superintendent shall cause such weeds, grass or other vegetation on such lot or land to be cut and removed, and the actual cost of such cutting and removal and other additional costs in connection therewith shall be certified by the Superintendent to the Village Clerk-Treasurer and shall thereupon become and be a lien upon the property on which such weeds, grass and other vegetation were located and shall be added to and become and form 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.

### **§5. Penalties for offenses.**

Any 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 violate any of the provisions of this chapter or shall resist or obstruct the Superintendent of Public Works or his employees in the cutting and removal of weeds, grass and other vegetation shall, upon conviction thereof, be subject to a fine of not more than \$250 or to imprisonment for a term of not more than 15 days, or both, and each day on which such violation continues shall constitute a separate offense.

### **§6. Effective Date.**

This local law shall take effect twenty days after it is filed as provided in Section Twenty-Seven of the Municipal Home Rule Law.