

## LOCAL LAW 6-2017

A Local Law amending Chapter 88 (“Brush, Grass and Weeds”) of the Village of Ossining Code.

BE IT ENACTED by the Board of Trustees of the Village of Ossining as follows:

Section 1. Chapter 88, Article II, Section 88-6 “Maximum height of grass” is amended as follows with deleted matter in [brackets] and new matter underlined.

“Maximum height of grass , weeds and rank vegetation.”

It shall be unlawful for any owner [or lessee of land in the Village] , tenant, occupant or person legally in possession of real property in the Village of Ossining or the agent of such owner [or lessee or the occupant in control thereof] , tenant, occupant or person legally in possession of such real property to cause, suffer, permit or maintain upon such land or any part thereof including the public property located between the property line and the curb or edge of the street or highway growth of any grass , weeds and rank vegetation at an [greater] average height greater than twelve [12] inches.

Section 2. Chapter 88, Article II, Section 88-7 “Removal of brush and noxious vegetation upon notice required” is amended as follows with deleted matter in [brackets] and new matter underlined.

It shall be unlawful for any owner [or lessee of land in the Village] , tenant, occupant or person legally in possession of real property in the Village of Ossining or the agent of such owner [or lessee or the occupant in control thereof] , tenant, occupant or person legally in possession of such real property to cause, suffer or allow upon such land or any part thereof including the public property located between the property line and the curb or edge of the street or highway any brush, dead or noxious weeds, ragweed, poison ivy or other rank, poisonous or harmful vegetation or harmful plant growth detrimental to health, or which shall be or which may become a fire hazard or dangerous to

firefighters [firemen] in the performance of their duties as [such firemen] firefighters, to be grown or to remain upon such land after notice given as set forth in this article.

Section 3. Chapter 88, Article II, Section 88-8 “Notice to cut or remove vegetation; time for compliance; manner of notice” is amended as follows with deleted matter in [brackets] and new matter underlined.

It shall be the duty of any owner [lessee or agent of such owner or lessee, or occupant] , tenant, occupant or person legally in possession of real property in the Village of Ossining or the agent of such owner, tenant, occupant or person legally in possession of such real property having control of the [land] real property including the public property located between the property line and the curb or edge of the street or highway, to cut and remove [from such land] all grass , weeds and rank vegetation at an [greater] average height greater than [12] twelve inches and to remove all brush, dead or noxious weeds, ragweed, poison ivy or other poisonous vegetation or other harmful plant growth detrimental to health or which then is or may become a fire hazard or dangerous to [firemen] firefighters in the performance of their duties as such [firemen] firefighters, within [10] ten days after notice to cut and remove the same has been served by the Superintendent of the Department of Public Works or the Building Inspector of the Village of Ossining, or their designees, personally upon the owner, tenant or occupant or the agent thereof, [or] by [registered] certified mail [with return receipt] return receipt requested, addressed to the name of the owner as it appears on the assessment rolls of the Village and, where applicable, to the last known address of the tenant, occupant or agent thereof.

Section 4. Chapter 88, Article II, Section 88-10 “Removal by Village” is amended as follows with deleted matter in [brackets] and new matter underlined.

If the provisions of this article are not complied with, and if the person upon whom notice is served pursuant to [88-21] 88-8, fails or neglects to cut and remove such grass, brush, dead or noxious weeds, ragweed, poison ivy or other rank, poisonous or harmful plant growth within [10] ten days after notice to do

so, or if no person can be found [in the Village] who is or claims to be the owner, [lessee or occupant] tenant, occupant or person legally in possession of such real property or the agent thereof [in charge or control of such land or premises],[the Board of Trustees may cause the grass thereon to be cut and the vegetation to be cut and removed from such premises] the Village Manager shall direct the Superintendent of the Department of Public Works or a designee thereof to have the grass, weeds, vegetation as detailed in Section 88-8 cut and removed from the property .

Section 5. Chapter 88, Article II, Section 88-11 “Assessment and collection of costs; lien” is amended as follows with deleted matter in [brackets] and new matter underlined.

Within ten days of the cutting and removal as described in section 88-10, the Superintendent of the Department of Public Works or his/her designee shall send to the owner, tenant, occupant or other person legally in possession of the real property by certified mail, return receipt requested an invoice for the work performed. The invoice will include the actual cost of cutting and removal as provided for in section 88-10 plus an additional administrative charge of [5] 20% [for the cost of inspection and other costs incidental to such cutting and removal, shall be certified by the Village Clerk to the Board of Trustees.]

Payment is to be made to the Village Treasurer no later than twenty days after the invoice has been sent out. Upon the failure of the owner, tenant, occupant or other person legally responsible for the real property to pay the aforementioned invoice, the Superintendent of Public Works shall certify the amount to the Village Treasurer. The amount so certified shall thereupon become and be a lien upon the property [upon which such vegetation was grown or found to be] and shall be added to and become a part of the taxes next to be assessed and levied on such [land] property, to be collected and enforced in the same manner as taxes.