

TOWN OF BRUNSWICK

INTRODUCTORY LOCAL LAW NO. 2 OF THE YEAR 2019 A LOCAL LAW ENACTING NEW REGULATIONS REGARDING THE MAINTENANCE OF BRUSH, GRASS AND WEEDS IN THE TOWN OF BRUNSWICK.

Section 1. Title.

This local law shall be referred to as “A Local Law Enacting New Regulations Regarding the Maintenance of Brush, Grass and Weeds in the Town of Brunswick.”

Section 2. Purpose and Intent.

The intent of the Town Board of the Town of Brunswick in enacting this Local Law is to require the cutting, trimming or removal of excessive brush, grass or weeds from residential and commercial properties within the Town in order to promote the health, safety and welfare of the community.

Section 3. Definitions.

BRUSH – Uncultivated woody shrubs and immature trees.

GRASS – Herbaceous ornamental plants intended to be periodically cut close to the ground for establishment of a lawn or ground covering. Grass may also be used for ground covering for the establishment of drainage swales, flood routes or water detention basins.

WEEDS – Wild, useless and generally undesirable plants growing wild at random and inappropriate locations, including growing or cultivated ground to the exclusion or injury of grass or a desired agricultural crop.

Section 4. Height Restrictions.

Any person owning, occupying or person in control of private property in the Town of Brunswick shall cut, trim or remove brush, grass or weeds and eliminate fire and health hazards upon said property. Specifically, brush, grass or weeds shall not be permitted to grow to a length of ten (10) or more inches within fifty (50) feet of a public road (whether a road by dedication or use).

Section 5. Notice.

If the Town of Brunswick Buildings and Code Inspector shall find brush, grass or weeds or fire and health hazards upon property located in the Town of Brunswick in excess of the height restrictions listed above, the Buildings and Code Inspector may make an order, directing notice to be served upon the owner of said property as shown by the records of the Office of the Assessor of the Town.

Section 6. Contents of Notice.

The Notice shall contain a general description of the property, a statement of the particulars with regards to the condition of the property and an order requiring the cutting, trimming or removal of brush, grass or weeds and elimination of fire and health hazards. The notice shall specify a time, not less than ten (10) days after the service thereof, within which the owner served with such notice must complete the cutting, trimming or removal of brush, grass or weeds and elimination of fire and health hazards from the property as specified in the notice. The notice shall state that, in the event that the condition on the property is not eliminated within the time specified in the notice, the Town shall undertake to enter the property to cut, trim or remove brush, grass or weeds and eliminate fire and health hazards and assess the cost of same against the property.

Section 7. Service of Notice.

The notice may be served either personally or by regular and certified mail, addressed to the property where the brush, grass or weeds and fire and health hazards are located as shown by the records of the Office of the Assessor of the Town. Service of the notice by mail shall be deemed completed on the day on which the mailing will have been accomplished.

Section 8. Failure to Comply.

Upon failure of the owner of the property to comply with the notice within the time provided therein, the Buildings and Code Inspector, or other such official of the Town as may be designated by the Buildings and Code Inspector, shall provide such labor and materials as are necessary for cutting, trimming or removal of brush, grass or weeds and elimination of fire and health hazards and shall cause such work to be performed as will cut, trim and remove brush, grass or weeds and eliminate fire and health hazards from the property. The Town shall keep records of the cost of such work.

Section 9. Billing Notice

Should the cutting, trimming and removal of brush, grass or weeds and fire and health hazards from the property be performed by the Town or the Town's contractor, the Town shall serve a billing notice on the owner setting forth the cost of such work together with an additional administrative fee of \$100 for costs of inspection and other incidental costs associated with abating the condition, to be added to the total costs of the work.

Section 10. Assessment of Costs and Expenses.

Should the owner of the property fail to comply with the billing notice within the time provided therein, all costs and expenses incurred by the Town in connection with the cutting, trimming and removal of brush, grass or weeds and fire and health hazards from the property, plus an administrative fee of \$100, shall be assessed against the land on which said brush, grass or weeds and fire and health hazards were located. An itemization of such costs shall be provided to the Town board by the Buildings and Code Inspector. The total costs and expenses shall then be determined by the Town Board, plus an administrative fee of \$100, and shall be reported to the Assessor of the Town as an amount to be liened and assessed against the property, and the expense so assessed shall constitute a lien and charge on the property on which it is levied until paid or otherwise satisfied or discharged and shall be collected in the same manner and at the same time as other Town charges. That portion of said collected funds which shall represent costs and expenses incurred by any department of the Town with regard to alleviating the condition shall be returned to that department's operational budget.

Section 11. Severability.

If any clause, phrase, sentence, paragraph, section, or part of this Local Law is adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of this Local Law, but shall instead be confined in its operation to the clause, phrase, sentence, paragraph, section, or part directly involved in the controversy in which such judgment shall have been rendered.

Section 12. Effective Date

This local law shall take effect immediately upon filing with the New York State Secretary of State.