

LOCAL LAW NUMBER 1 OF THE YEAR 2008

A Local Law for the Removal of Fire and Health Hazards Pertaining to Grass, Weeds, Rubbish and Trees.”

Section 1: Title

The title of this local law shall be ? A Local Law for Removal of Fire and Health Hazards Pertaining to Grass, Weeds, Rubbish and Trees.”

Section 2: Definition of Terms

The terms specified below shall have the meanings as stated in this section:

- (a) Overgrown: Any grass or weeds that are within two hundred (200) feet of a building, whether occupied or empty, that have not been cut or trimmed within a thirty (30) day period so as to present a potential health or fire hazard.
- (b) Streets: Areas located within the Town of Grove and maintained by the Town, County or State for vehicular traffic.
- (c) Rubbish or Trash: Solid waste of any kind.
- (d) Health Hazard and Nuisance: Any unsafe condition, including but not limited to the following: rodent or insect infestation, odor problem, danger to children playing in the area, fire danger, and similar conditions.
- (e) Owner: Person or persons of record in the Tax Roll as stated as owner of real property located in the Town of Grove.

Section 3: Enforcement

This local law shall be enforced by the Town Board of the Town of Grove, the Town Clerk, and the Town Code Enforcement Officer.

Section 4: Restrictions

It shall be a violation of this local law for an owner of any real property located within the Town of Grove to do any of the following:

- (a) Allow any grass or weeds to become overgrown, as defined in Section 2(a) of this local law.
- (b) Allow any trees or shrubs to extend out onto any portion of the public street that would restrict the use of the full area of said street.
- (c) Allow any portion of any tree or shrub to be any lower than eight (8) feet when extending over any public street.
- (d) Allow trash, rubbish, weeds, grass or brush to accumulate so that it may become a health hazard or a nuisance to the surrounding neighborhood.
- (e) Allow any piles of material, other than agricultural products or firewood or neatly stacked building materials at a construction site, to be stored and covered on the ground, except on a temporary basis which shall not extend beyond ninety (90) days time from the date of initial storage.

Section 5: Notice of Violation

If an owner of real property located within the Town of Grove shall fail to comply with any provision of Section 4 of this local law, the Town Clerk shall cause to be served upon such owner, by mail or by personal service, a written notice describing the violation of this local law and requiring such owner to correct such violation. Such notice shall be mailed to the address of the owner(s) of record as shown on the latest completed Assessment Roll for the Town of Grove.

Section 6: Town Authority to Correct Violation

If an owner fails, neglects or refuses to comply with a written notice of violation within ten (10) days after service of such notice, the Town Board may direct the Superintendent of Highways for the Town of Grove to cause or direct the cutting and/or removal of the cause of the

violation. The Town Clerk shall serve notice of the cost of said action upon the owners of the property, and the owner shall be responsible for payment of the entire cost. Upon failure of such owner to pay such costs within thirty (30) days of the service of notice of such cost, the Superintendent of Highways shall certify such costs to the assessors of the Town of Grove and thereupon such costs shall become a lien upon the real property involved and shall be added to and become a part of the taxes next to be assessed and levied upon such real property and shall bear interest at the same rate as and be collected and enforced in the same manner as taxes.

Section 7: Penalties

Any owner who is convicted of a violation of the provisions of Section 4 of this local law shall be subject to either criminal or civil penalties or may be subject to both criminal and civil penalties, in the discretion of the Town of Grove Justice Court. Beginning the day after service of notice of a violation of this local law, each day thereafter that the violation exists without correction shall constitute a separate violation of this local law. Such violations shall be subject to the following separate criminal and/or civil penalties.

(a) Criminal penalties

- (1) For each day, from the first through the tenth day out of compliance with this local law following one notice of violation, the owner shall be punished by a fine of not more than One Hundred Dollars (\$100.00) or by imprisonment of not more than five (5) days or by both fine and imprisonment.
- (2) For each day, from the eleventh day and each day thereafter, or from the first day if the owner has had a previous conviction under this local law, the owner shall be punished by a fine of not more than Two Hundred Dollars (\$200.00) or by imprisonment of not more than ten (10) days or by both fine and imprisonment.

- (b) Civil penalties, which shall be paid within thirty (30) days, or the penalties shall become a lien upon the real property involved in the action and be added to and become part of the taxes next to be assessed and levied upon said real property

and shall bear interest at the same rate as and be collected and enforced in the same manner as said taxes:

- (1) For each day, from the first through the tenth day out of compliance with this local law following one notice of violation, the owner shall be punished by a fine of not more than One Hundred Dollars (\$100.00) or by imprisonment of not more than five (5) days or by both fine and imprisonment.
- (2) For each day, from the eleventh day and each day thereafter, or from the first day if the owner has had a previous conviction under this local law, the owner shall be punished by a fine of not more than Two Hundred Dollars (\$200.00) or by imprisonment of not more than ten (10) days or by both fine and imprisonment.

Section 8: Supersedes Prior Laws

This local law shall supersede and repeal any prior local laws, ordinances, or regulations pertaining to the subject matter of this local law.

Section 9: Separability

Each separate provision of this local law shall be deemed independent of all other provisions hereof, and in the event any provision hereof shall be determined to be unenforceable, the remaining provisions shall remain valid and enforceable.

Section 10: Effective Date

This law will go into effect immediately upon its filing with the Secretary of State.