

TOWN OF CAMBRIA - LOCAL LAW NO. 2 OF THE YEAR, 2013

ADOPTED AUGUST 8, 2013

FILED IN OFFICE OF SECRETARY OF STATE AUGUST 26, 2013

A Local Law entitled, A Property Maintenance Local Law for the Town of Cambria, Niagara County, New York

Be it Enacted by the Town Board of the Town of Cambria as Follows:

1. Legislative Intent and Purpose
2. Definitions
3. Excessive growth of brush, weeds and accumulation of debris and rubbish prohibited
4. Removal by owner or occupant of improved lot
5. Inspection, notice to comply and removal by Town
6. Assessment of Expenses
7. Exemptions
8. Penalties for offenses

SECTION 1. LEGISLATIVE INTENT AND PURPOSE

The Town Board of the Town of Cambria recognizes and declares that the uncared for and neglectful attention to the growth of grass, brush, weeds and other vegetation and the accumulation of debris and rubbish on improved lots within the Town of Cambria, as defined in this local law, can result in risks to public health and become a visual and aesthetic blight on neighboring properties. This neglect or lack of concern is often manifested in abandoned properties and/or unoccupied buildings. While it is recognized that certain vegetation is desirable to be maintained for natural habitats and other legitimate purposes, the failure of property owners to care for their property through neglect or lack of concern requires that measures be taken to ensure the maintenance of properties in all districts within the Town of Cambria.

The intent of this local law is to establish a legal procedure for the cutting/removal of brush, weeds, grass, noxious growths, debris and rubbish where the existence of same, when, as determined by the Building Inspector/Code Enforcement Officer, are a source of potential harm. These property maintenance deficiencies pose a threat to public health and constitute a blight on the town's landscape, depreciating not only the property on which they are located, but also the property of other persons in the neighborhood and in the town generally.

SECTION 2. DEFINITIONS

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

AGRICULTURAL LAND - Includes land used for the production of crops, plants, vines and trees.

BRUSH - Includes low woods, undergrowth, seasonal growth and chopped off tree branches, except trees or shrubbery intended and actually used for landscaping, fencing, shade or decoration.

BUILDING/STRUCTURE- any building/structure having a roof supported by columns or by walls and intended for shelter, housing, protection or enclosure of persons or property.

DEBRIS - Includes broken, scattered or deteriorating remains of man-made objects, including, but not limited to, old tires, appliances, automobiles, rotting wooden objects and rusting metallic objects.

IMPROVED LOT - any lot or parcel located within any zoning district within the Town of Cambria which has been improved by the construction of a residential building or other structure thereon.

LAND - Includes residential, industrial and commercial lots, building lots and subdivided parcels which are not being actively farmed.

PERSON - Includes one (1) or more natural persons, corporations, partnerships, associations, joint-stock companies societies, and all other entities of any kind.

RUBBISH - Any material reasonably categorized as trash, scrap or refuse.

WEEDS - Vegetation that grows in profusion in an uncultivated state and which is allowed to exceed ten (10) inches in height. For the purposes of this section, the term weeds shall not include vegetation such as growing crops, trees, bushes or shrubs used for landscaping purposes around or near a structure.

SECTION 3. EXCESSIVE GROWTH OF BRUSH, WEEDS AND ACCUMULATION OF DEBRIS AND RUBBISH PROHIBITED

It shall be unlawful for any person having control or ownership or any type of tenancy of occupied or unoccupied improved lot or any part thereof in the Town of Cambria, New York, to permit or maintain on any such land or portion thereof, an accumulation of brush, weeds, grass, or other rank vegetation to an average height greater than ten (10) inches or to permit the accumulation of debris or rubbish as defined in this local law.

This section shall apply to any such improved lot or portion thereof or along the street, road or sidewalk adjacent to the improved lot or portion thereof between the property line and the curb (or stabilized shoulder, if there be no curb) or within fifteen (15) feet of the front, side or rear lot line furthest from the principal building or any building on the property.

SECTION 4. REMOVAL BY OWNER OR OCCUPANT OF IMPROVED LOT

It shall be the duty of every owner, occupant, tenant or person in control of improved lot or any portion thereof in the Town of Cambria, New York, to cut and remove or cause to be cut or removed from said property all debris, rubbish, brush, weeds, grass or other rank, poisonous or noxious vegetation as often as may be necessary to comply with the provisions of this local law.

SECTION 5. INSPECTION, NOTICE TO COMPLY AND REMOVAL BY TOWN

The Building Inspector/Code Enforcement Officer is authorized and directed to make inspections of premises within the Town of Cambria as deemed necessary to ascertain compliance with this local law and shall have the authority to contract for any and all necessary services to effectuate enforcement of this local law. When the Building Inspector/Code

Enforcement Officer determines that the provisions of Section 3 of this local law are not being complied with, he shall cause a letter to be mailed to the owner of the property to the address as set forth in the Town Assessor's records. Ten (10) days after mailing said letter, the Town shall make an inspection and, if the violation still exists, the Building Inspector/Code Enforcement Officer may enter upon the real property containing such condition and shall cause the debris, rubbish, brush, weeds, grass and other vegetation on such lands to be removed or cut at the cost and expense of the owner of record.

SECTION 6. ASSESSMENT OF EXPENSES

The Building Inspector / Code Enforcement Officer shall employ an independent contractor to perform the work. A Request for Proposals (RFP) shall be written to solicit proposals with the intent of establishing a list of three (3) preferred contractors capable of doing the work. The owner of the property shall be billed the amount charged by the contractor plus a 20% charge to cover Town administrative costs.

If none of the preferred contractors are available to perform the work or as circumstances may warrant, in the opinion of the Building Inspector / Code Enforcement Officer, Town forces may be utilized. If Town forces perform the work, they shall keep an accurate and itemized assessment of the expenses incurred for all labor, equipment and materials furnished and any other costs incurred. All bills shall reflect a minimum charge of five (5) hours labor and equipment time plus a 20% charge to cover Town administrative costs.

The Building Inspector / Code Enforcement Officer shall mail a statement to said owner of record requesting the payment of such cost, which shall become due and payable within thirty (30) days from the mailing thereof. In the event that payment is not made within the specified time period, the expenses incurred by the Town shall become a lien upon the real property on which it is levied and charged until paid or otherwise satisfied or discharged and shall be collected in the same manner and at the same time as other Town charges.

SECTION 7. EXEMPTIONS

Agricultural land, as defined in this local law, shall be exempt from the provisions of this local law.

SECTION 8. PENALTIES FOR OFFENSES

Any person who shall neglect to cut and remove weeds, grass or other vegetation as directed in this local law or who shall fail, neglect or refuse to comply with the provisions of any notice herein provided or who shall resist or obstruct the Building Inspector/Code Enforcement Officer or other Town employees in the cutting and removing of weeds, grass and other vegetation shall be guilty of a violation and, upon conviction thereof, be subject to a fine of not more than two hundred fifty dollars (\$250.00), and each day on which such violation continues shall constitute a separate offense.