

## Chapter 62

### BRUSH, GRASS AND WEEDS

**[HISTORY: Adopted by the Town Board of the Town of Conklin 8-12-1998 by L.L. No. 6-1998; amended in its entirety 4-14-2009 by L.L. No. 3-2009. Subsequent amendments noted where applicable.]**

#### GENERAL REFERENCES

Fire prevention and building construction — See Ch. 73.  
Solid waste — See Ch. 109.

#### **§ 62-1. Legislative intent.**

This chapter is enacted with the intent and purpose of promoting the health, safety and general welfare of town residents by controlling the accumulation of weeds, grasses, brush and other uncultivated vegetation on private and public property in the Town of Conklin.

#### **§ 62-2. Applicability.**

This chapter is hereby deemed applicable to any lot, parcel of land or property in the Town of Conklin where there is deemed by the Enforcement Officer to be a threat to public health, safety and welfare.

#### **§ 62-3. Removal required.**

The owner, lessee, firm, corporation, occupant or any other person having charge of any lot, parcel of land or property in the Town of Conklin which is subject to this chapter pursuant to § 62-2 herein shall be required to cut, remove or cause to be cut, trimmed or removed to a height of no greater than six inches, on all parts of said lots, parcels and properties, all weeds, grass, brush or otherwise uncultivated vegetation or accumulation of dead weeds, grass or brush which are deemed to be detrimental to the public health, safety and welfare of the community. It shall be unlawful for the owner or occupant of any such real property in the Town of Conklin to allow such property to become and remain overgrown with weeds, grass, brush or other vegetation in violation of this chapter.

#### **§ 62-4. Notice.**

- A. Any notice required to be served pursuant to the provisions of this chapter shall be served as follows:
- (1) By mail to the owner, addressed to the owner's last known address:
    - (a) For the first offense in any calendar year, the mailing shall be by certified mail, return receipt requested, to the owner, addressed to the owner's last known address, and in the event that service by certified mail is unsuccessful, by first

class mail, postage prepaid; and

(b) For subsequent offenses in any calendar year, the mailing shall be by first class mail, postage prepaid; and

(2) By attaching or placing a copy of said notice upon any structure on said lot or tract of land and, if no structure is available upon said lot or tract of land, by attaching said notice upon a post placed there for that purpose.

B. Service shall be deemed complete upon the completion of the mailing and posting.

**§ 62-5. Compliance required.**

A person upon whom notice has been served to cut, trim or remove such weeds, grass, brush or other vegetation and who for five business days after service shall neglect or fail to comply with the provisions of any such notice shall be deemed to have violated this chapter.

**§ 62-6. Removal by Town; expenses to become lien.**

In addition to the penalties provided in § 62-8 of this chapter, whenever an owner is in violation of this chapter pursuant to § 62-5 of this chapter, the Town of Conklin, at the order of the Enforcement Officer, shall have the power to remedy the violation, and employees or agents of the Town of Conklin shall be entitled to and are authorized to enter upon the real property to cut, trim or remove such weeds, grass, brush or other vegetation or accumulation of dead weeds, grass, brush or other vegetation, and to remove and dispose of any and all rubbish and debris on any such lot, parcel or property in the Town of Conklin. The expenses incurred by the Town of Conklin for such service shall be billed to the property owner of record. Upon the property owner's failure to pay said charge within 30 days of presentment, said charge shall be a lien upon the real property involved and will be added to and become a part of the taxes next so assessed by including such expense in the next annual tax levy against the property.

**§ 62-7. Enforcement.**

The enforcement of this chapter shall be within the reasonable discretion of the Enforcement Officer with reports to the Town Board when compliance is waived due to extenuating circumstances.

**§ 62-8. Penalties for offenses.**

Violation of this chapter, as provided in § 62-5, shall be punishable by a fine of not more than \$250.

**§ 62-9. When effective.**

This shall take effect upon the filing of this chapter with the Secretary of State.