

PROPERTY MAINTENANCE

Local Law No. 27 of the Year 2004

Adopted June 1, 2004

Be it enacted by the Town Board of the Town of Kirkwood as follows:

Section 1. Statutory Authority: Title

This Local Law is adopted pursuant to the authority of Section 64(5-a) of the Town Law of the State of New York and shall be known as the "Property Maintenance Law of the Town of Kirkwood".

Section 2. Removal of Fire and Health Hazards and Weeds. (Amended 11/3/14)

A. Pursuant to, and in accordance with, the provisions of section 64(5-a) of the Town Law of the State of New York and other applicable provisions of law, the owners of land within the Town of Kirkwood (the "Town") shall cut, trim or remove from the land owned by them brush, grass, rubbish, or weeds, or spray poisonous shrubs or weeds on such land.

B. If after the expiration of ten (10) days from the notice of an order by the Town, as set forth in Section 3 below, the owner shall fail to comply with the requirements of this section, the Enforcement Officer shall have the power to order the Town Department of Public Works to cut, trim, spray or remove such brush, grass, rubbish, or weeds, or poisonous shrubs or weeds on any such yard, lot, or open area in the town of Kirkwood. If in the judgment of the Commissioner of Public Works the employees of the Department of Public Works, by reason of their work schedule, will be unable to attend to such activities within seven (7) days from receipt of said order, the Enforcement Officer may direct a private contractor previously approved by the town Board to perform such services at the pay schedule previously approved. In either such event the expense thereof shall become a lien upon the real property involved and be added to and become a part of the tax next so assessed by including such expense in the next annual tax levy against the property pursuant to the Town Law of New York.

Section 3. Notice to be Given of Violation of Section 2. (Amended 11/3/14)

A. In the event that a property owner fails to remove any such brush, grass, rubbish, or weeds, or spray poisonous shrubs or weeds on such land the Enforcement Officer shall serve a notice of the same in the following manner:

- (1) by personal service of a copy thereof upon the owner, executor, administrator, agent, lessee, or any person having a vested or contingent interest in said property as shown by the records of the Town Tax Collector or of the Broome County Clerk; or if no such person can reasonably be found, by mailing such owner by registered mail a copy of such notice directed to his/her last known address as shown by the above records; and
- (2) by personal service of a copy of such notice upon any adult person residing in or occupying said premises if such person can be reasonably found; and (3) by securely affixing a copy of such notice upon any residence or other structure located on the property,

PROPERTY MAINTENANCE

B. The notice shall contain the following:

- (1) a description of the condition of the property needing remediation
- (2) an order outlining the manner in which the property is to be made compliant with this local law
- (3) a statement that the remediation of the property shall commence within 5 days of the service of the notice and shall be completed within 10 days thereafter, unless, for good cause shown, such time shall be extended,
- (4) a statement that in the event of neglect or refusal to comply with the order within ten (10) days of service thereof, the Town is authorized to cause such grass, brush, rubbish or weeds to be cut, trimmed or removed and such poisonous shrubs or weeds to be sprayed by the Town and the total expense of such cutting, trimming, removal or spraying may be assessed by the Town Board on the real property on which such brush, grass, rubbish, weeds or poisonous shrubs or weeds were found, and the expense so assessed shall constitute a lien and charge on the real 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.

Section 2. Separability

The provisions of this local law are separable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid, unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words, or parts of this local law or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this local law would have been adopted if such illegal, invalid, or unconstitutional provision, clause, sentence, subsection, word or part had not been included therein, and as if such person or circumstance, to which the local law or part thereof is held inapplicable, had been specifically exempt therefrom.

Section 3. Repealer.

All Ordinances, Local Laws and parts thereof inconsistent with the Local Law are hereby repealed.

Section 4. Effective Date.

This local law shall take effect immediately upon filing with the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.