

# Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

☐ County ☐ City ☒ Town ☐ Village

(Select one:)

of Canandaigua

8-9-2019  
**DRAFT**

Local Law No. \_\_\_\_\_ of the year 20<sup>19</sup>

A local law To Add A New Chapter To The Town Code Of The Town Of Canandaigua

(Insert Title)

Said New Chapter Shall Be Known As The Grass & Lawn Maintenance Ordinance Of

The Town Of Canandaigua

Be it enacted by the Town Board \_\_\_\_\_ of the  
(Name of Legislative Body)

☐ County ☐ City ☒ Town ☐ Village

(Select one:)

of Canandaigua

as follows:

THE TOWN CODE OF THE TOWN OF CANANDAIGUA IS HEREBY AMENDED AND REVISED TO INCLUDE A NEW CHAPTER, WHICH SHALL BE KNOWN AS CHAPTER 90, THE GRASS & LAWN MAINTENANCE ORDINANCE OF THE TOWN OF CANANDAIGUA. THE TEXT OF SAID NEW CHAPTER 90 IS ATTACHED HERETO AND MADE A PART HEREIN AS ATTACHMENT "A"

(If additional space is needed, attach pages the same size as this sheet, and number each.)

TOWN OF CANANDAIGUA  
LOCAL LAW # \_\_\_\_ OF 2019

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ATTACHMENT "A"

TOWN OF CANANDAIGUA  
GRASS AND LAWN MAINTENANCE ORDINANCE

**DRAFT**

**§90-1. Title and Applicable Seasons.**

This chapter shall be known and cited as the Town of Canandaigua Lawn Maintenance Ordinance, and shall be in full force and effect from April 1<sup>st</sup> through October 31<sup>st</sup> of each year.

**§ 90-2. Purpose**

The Town of Canandaigua hereby finds that tall grass and weeds can have a blighting effect on neighborhoods and can provide a refuge for vermin and insects. The purpose of this chapter is to secure the public health, safety and general welfare of the residents and property owners of the Town of Canandaigua by regulating the height grass and weeds are allowed to grow in certain areas in which more people reside in close proximity.

**§90-3. Definitions**

**Weeds:** Shall include any type of grasses, annual plants and vegetation over 10 inches in height, but not including cultivated flowers, trees, shrubs, gardens, or plants grown as a source of income or food

**Owner:** any person holding an ownership interest in a lot or parcel of land in the Town of Canandaigua. For the purposes of this Chapter, the name and address listed on the Town tax assessment roll shall indicate ownership interest in such land.

**Occupant:** any person who has the right to occupy a lot or parcel of property due to being an owner or pursuant to a verbal or written lease or rental agreement with the owner or agent thereof.

**§90-4. Land Subject to Regulations**

**A.** This chapter applies to the following:

1. Lots in a platted subdivision with a dwelling.
2. Vacant lots adjacent to lots with dwellings which have received Certificate of Occupation and are within platted residential subdivisions greater than 4 lots.

3. On parcels of land along improved streets, with a dwelling, to a distance of fifty (50) feet from the dwelling or the distance of the ownership, whichever is the lesser.

4. Vacant lots within platted residential subdivisions greater than 4 lots, weeds must be cut back at a distance of at least thirty (30) feet from the edge of pavement so as to allow a clear line of sight.

**B. This chapter does not apply to:**

1. Land used for agriculture.
2. Portions of lots used for flower gardens, shrubbery or vegetable gardens.
3. Naturally wooded areas, regulated wetlands or environmentally protected areas.
4. Areas designated as undeveloped open space.
5. Any other land not included in **§90-4A**.

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**§90-5. Duty to Cut Weeds**

The owner and/or occupants of land to which this chapter applies shall not allow weeds over 10 inches in height, and it shall be the duty of all owners and/or occupants of land located in the Town of Canandaigua to either cut or otherwise destroy by lawful means all weeds over 10 inches in height which are growing upon said property, including in the right-of-way, and to prevent said weeds from becoming a detriment to public health.

**§90-6. Unlawful Acts**

It shall be unlawful for the owner and/or occupant of land to which this chapter applies to allow or maintain upon any portion of such lot or parcel any growth of weeds over 10 inches in height, or to permit the deposit or accumulation upon any portion of such land, of any brush, yard debris, dead vegetation, or cut grass or weeds

**§90-7. Enforcement**

**A. Enforcement Officer.** This chapter shall be enforced by such persons who shall be so designated by the Town of Canandaigua Town Board, who shall for purposes of this chapter be the Town of Canandaigua Code Enforcement Officer (CEO).

**B. Right of Entry.** The Code Enforcement Officer and his or her authorized representatives are hereby empowered to enter upon any premises or land in The Town of Canandaigua for the purpose of inspecting, removing of and/or destroying of weeds prohibited under this chapter. No person shall molest or interfere with such person or person while they are engaged in carrying out the provisions of this chapter.

**C. Violation Notice.** After inspection, if any property is determined to be in violation of this chapter, a Violation Notice will be sent to the property owner and/or occupant of said premises in which the name appears in the last local assessment record of the Town. The notice shall be sent by first class mail return receipt requested and/or by posting a copy of said notice on the property. The notice shall give the property owner ten (10) days from the date of the notice to cut the weeds.

**D. Failure to Comply.** If the weeds are not cut within ten (10) days the CEO or authorized representative shall have the authority to enter upon the land and/or to cause the weeds in violation of this chapter to be mowed even if the property owner and/or occupant failed to actually receive said notice. The Town of Canandaigua, its agents and representatives shall not be responsible for damage to buildings, vehicles, landscape, trees, shrubs, etc., during the mowing of property in accordance with this chapter.

**E. Assessment of costs.** All expenses of such cutting, to include equipment usage, transportation, man-hours involved, and overhead, including any and all cost incurred in the removal or relocation of debris, junk or other miscellaneous obstructions which would be necessary or convenient to carry out the requirements of this Chapter shall be paid by the owners of such land plus an administrative charge of twenty-five (25%) percent, thereof per residential parcel, per cutting. After having a lot mowed, the Town of Canandaigua shall then submit a bill to the property owner for the cost of the mowing. If the property owner does not pay the bill within sixty (60) days of the date of the invoice the cost of such payment shall be charged against the premises and it shall become a lien on the land or property assessed of the same character in effect as the lien created by general law for taxes, plus an additional delinquency fee of 10% per month until paid.

#### **§90-8. Penalties**

- A.** Failure to comply with any provision of this Chapter shall be a misdemeanor, punishable by a fine in the amount of \$150.00, plus applicable costs and assessments.
- B.** The fine contemplated in this section shall be in addition to the assessment of costs and administrative fees in § 90-7(E).
- C.** Repeat offenses under this chapter shall be subject to increased fines as provided by this Section. As used in this Section, "repeat offense" means a second (or any subsequent) violation of the same requirement or provision of this Chapter within any three (3) year period for which the person admits responsibility or is determined to be responsible. The increased fine for a repeat offense under this Chapter shall be as follows:

1. The fine for any offense which is a first repeat offense shall be not less than \$250.00 plus costs.

2. The fine for any offense which is a second repeat or any subsequent repeat offense shall be not less than \$400.00 each plus costs.

C. Each week on which any violation of this Chapter occurs or continues, constitutes a separate offense subject to separate sanctions.

**§90-9. Severability**

The several provisions of this chapter are declared to be separate; if any Court shall hold that any section or provision hereof is invalid, such holding shall not affect or impair the validity of any other section or provision of this chapter.

**DRAFT**

**(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)**

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**1. (Final adoption by local legislative body only.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20<sup>19</sup> of the (County)(City)(Town)(Village) of Canandaigua was duly passed by the Town Board \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.  
(Name of Legislative Body)

**2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer\*.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) (Name of Legislative Body) (repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted (Elective Chief Executive Officer\*) on \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.

**3. (Final adoption by referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) (Name of Legislative Body) (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. (Elective Chief Executive Officer\*) Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.

**4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) (Name of Legislative Body) (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.

\* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

**5. (City local law concerning Charter revision proposed by petition.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on \_\_\_\_\_ 20\_\_\_\_, became operative.

**6. (County local law concerning adoption of Charter.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the County of \_\_\_\_\_ State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_ 20\_\_\_\_, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

**(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)**

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph \_\_\_\_\_ above.

(Seal)

**DRAFT**  
Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: \_\_\_\_\_