

# 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.

**FILED  
STATE RECORDS**

County  City  Town  Village  
(Select one.)

**MAY 10 2018**

of Sherman

**DEPARTMENT OF STATE**

Local Law No. 3 of the year 2019

A local law Growth of Weeds, Grass, and Noxious Plants  
(Insert Title)

Be it enacted by the Village Board of Trustees of the  
(Name of Legislative Body)

County  City  Town  Village  
(Select one.)

of Sherman

as follows:

## Section I. Title

The Village Board of the Village of Sherman hereby adopts its Growth of Weeds, Grass, and Noxious Plants Local Law, as follows:

## Section II. Findings and Rates

### Purpose.

The purpose of this chapter shall be to protect and promote the health, safety, and welfare of the inhabitants of the Village through regulation of the accumulation of weeds and the permitted height of grasses on private premises and parts of the public right-of-way, and also the elimination of poisonous and/or deleterious plants on premises within the Village and the establishment of uniform procedures for the enforcement of such regulations.

Growth of weeds, grass, or poisonous plants unlawful.

It shall be unlawful for the owner of any premises within the Village of Sherman to:

- A. Permit thereon any growth of weeds or grass to a height greater than ten inches on the average or to permit the accumulation thereon of any dead grass, weeds, or brush, except where the accumulation is part of a regularly maintained composting program.
- B. Permit on that part of the public right-of-way between the front lot line of the premises and the paved roadway and, in the case of a corner lot, on that part of the public right-of-way between an exterior side lot line and the paved roadway any growth of weeds or grass to a height greater than ten inches on average or to permit the accumulation thereon of any dead grass, weeds, or brush.

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

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

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

I hereby certify that the local law annexed hereto, designated as local law No. 3 of 2019 of the (County)(City)(Town)(Village) of Sherman was duly passed by the Village Board of Trustees on May 1st 2019, in accordance with the applicable provisions of law.

~~**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) (repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted 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) (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_.

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) (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.)~~

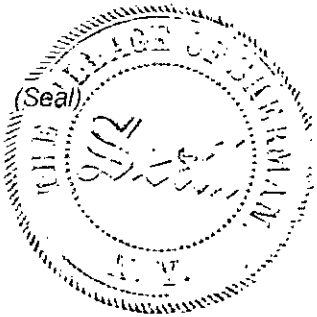
I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority 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 1 above.



        *A. J. [Signature]*          
~~Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body~~

Date:         5-6-19

- C. Permit, after receipt from the Village of notice to remove, the continuation on the premises of any growth or poison ivy, ragweed, or other poisonous plant.

**Duty of owner upon notice of violation.**

It shall be the duty of the owner of any premises within the Village of Sherman, within five days after receipt of written notice from the Village, after direct observation and determination of existing violation of this chapter by the Code Enforcement Officer (Inspection Officer or Zoning Enforcement Officer), to bring the premises into compliance. Upon failure of compliance, the Code Enforcement Officer (Inspection Officer or Zoning Enforcement Officer) shall oversee entry upon the offending premises for the purpose of bringing the same into compliance.

**Computation of cost to compel compliance.**

- A. The cost to the Village of bringing the premises into compliance, including, if necessary, that of bringing the public right-of-way into compliance, shall be computed, certified to the Village Clerk-Treasurer and billed directly to the owner of the premises.
- B. If the charge as billed is not paid within 30 days, interest at the maximum permissible rate shall be added thereto until paid in full. If the charge remains unpaid by the 1<sup>st</sup> day of April next, it shall be added to the Village tax assessed against the premises.
- C. Computation of the cost to the Village in bringing about compliance shall include the cost to the Village of the labor of any Village employee or, if required, that of an independent private contractor, together with all administrative costs attendant upon the computation, certification and billing to the owner of the premises.

**Penalties for offenses.**

In addition to any civil charges or penalties, any offense against any of the provisions of this chapter shall be deemed a violation as defined by the Penal Law and, upon conviction thereof, shall be punishable for each offense by a fine not to exceed \$250 per day.

**Section III. Terms and Conditions**

Conflicting Statutes. All local laws or ordinances or parts of local laws or ordinances in conflict herewith are hereby repealed.

Severability. Should any clause, sentence, paragraph, subdivision, section or other part of this local law be adjudicated by any court of competent jurisdiction to be invalid, such judgment, decree or order shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or other part thereof directly involved in the controversy in which such judgment, decree or order shall have been rendered and to this end, the provisions of each section of this local law are hereby declared to be severable.

#### **Section IV.**

This Local law shall take effect Saturday, June 1st, 2019. This Local law shall take effect after the passage by the Village Board and filing with the Secretary of State in the manner provided by law.

May 1<sup>st</sup>, 2019. Resolution RES 2019-05-1.19

Mayor: Colleen Meeder

Trustees: Isaac Gratto, Mary Reyda, Donna Lee Higginbotham, and Kirk Ayers