

BRUSH, GRASS, WEEDS, GARBAGE, AND RUBBISH

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(History: Adopted by the Attica Village Board 12-18-1997 by L.L No. 4-1997. Amendments noted where applicable.)

10-1. Title.

This chapter shall be known as the “Brush, Grass, Weeds, Garbage and Rubbish Removal Law of the Village of Attica, New York.”

10-2. Purpose.

The purpose of this chapter is to promote the public and personal safety, health and welfare by the removal of fire and health hazards by requiring the owners of land to cut, trim or remove brush, grass, weeds, garbage and rubbish.

10-3. Definitions.

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

GARBAGE- A putrescible or decayable waste, except sewage and body waste, including vegetable and animal offal and carcasses of dead animals, including all substances accumulated on or removed from public and private establishments and properties, including residences.

LITTER - Garbage and rubbish as herein defined and all other waste material which if thrown or deposited tends to create a danger to public and personal health, safety and welfare or spoils the natural beauty of a lot.

LOT- A plot, tract, premises or parcel of land with or without buildings or structures located thereon.

RUBBISH - Generally dry material produced routinely by household, commercial or industrial establishments such as paper, cans, bottles, containers, ashes, parts of equipment, motor vehicles, unusable furniture and other such similar items including bushes, branches, Christmas Trees, lawn rakings and similar waste materials and discarded household appliances or equipment and materials from building demolition and construction waste.

YARD - An open space on any lot whether occupied or not.

10-4. Maintenance requirements: noncompliance procedure.

Every owner or occupant of land within the Village of Attica shall cut, trim or remove brush, grass or weeds of a height of eight inches or more from the premises owned or occupied by him or her to a depth of at least 150 feet from any street and 150 feet from any adjoining developed property lines. No owner or occupant of land shall allow garbage, litter or rubbish to accumulate upon such land for a period in excess of one week. Garbage, litter or rubbish which is stored in appropriate receptacles shall be permitted, provided that the owner or occupant has made arrangements for regular removal of all garbage, litter and rubbish contained in those receptacles on at least a biweekly basis. Upon default, the Village of Attica may cause such brush, grass, weeds, garbage and rubbish to be cut, trimmed or removed by said village, and the total cost thereof shall be assessed upon the real property on which such brush, grass, weeds, garbage or rubbish is removed.

10-5. Collection of costs: fees.

- A. The cost of cutting, trimming, or removing such brush, grass, weeds, garbage or rubbish shall constitute a lien and charge upon the real property involved until paid or otherwise satisfied or discharged and shall be collected by the Village Treasurer in the manner provided by the law for the collection of taxes.
- B. The Village Board of Trustees shall, from time to time, establish, by resolution, the method by which the cost shall be determined and shall include the power to establish minimum costs.

10-6. Service of notice of violation; time for compliance.

Before the Village of Attica shall remove, cut or trim such brush, grass, weeds, garbage or rubbish and assess the costs thereof upon the real property upon which such brush, grass weeds, garbage or rubbish are found, notice shall be given to the owner or occupant thereof by either personal service or by mail addressed to the last known owner or occupant at his or her last known address as shown on the tax rolls of the village. Such service shall be sufficient for all purposes. Such notice shall set forth the specific nature of the violation and the action needed to correct the violation, and direct compliance within five days from the date of such notice. All such notices shall be signed and issued by the Village Code Enforcement Officer or by the Village Clerk upon direction of the Village Board of Trustees. If there is a failure of compliance within said five-day period, the village may then cause the removal, trimming or cutting and assess the cost as hereinabove provided.

10-7. Exclusion of certain vegetation.

The provisions of this chapter shall not apply to cultivated crops, shrubs, trees or other landscaping or weeds or grass which may intermingle with growing cultivated crops, until such time as said crop is harvested or should have been harvested.

10-8. Penalties for offenses.

- A. In addition to the rights herinabove provided for the Village of Attica, any violator of this chapter shall be assessed a civil penalty of not more than \$250.
- B. Each day a violation continues after notice of violation shall constitute a separate violation of this chapter. No additional notices shall be required for continuing violations.