

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.

Village of FRANKLIN

Local Law No. 1 of the year 2024

**A local law adopted to address high grass, weed, brush, and shrub control within
the Village of Franklin, NY**

Be it enacted by the Board of Trustees of the Village of Franklin of the County of Delaware as follows:

High Grass, Weed, Brush and Shrub Control

Section 1: Purpose and Intent

High grass and overgrown weeds, shrubs and/or brush are a public hazard and nuisance, and also provide a haven for rodent, snake and insect infestations. It is the intent of this law to prevent this from occurring within the Village of Franklin for the health and well-being of residents.

Section 2: Definitions

Infestation: The presence in abundance, within or contiguous to an area, of rats, vermin, insects or other pests.

Real Property: Includes all parcels of land within the Village of Franklin, whether it be unimproved or improved, occupied or unoccupied.

Section 3: Cutting and Removal

Every owner of real property, whether said property is occupied, unoccupied, improved or unimproved, shall, on or before the 1st day of May and through October 15th, both inclusive of each calendar year, cut, mow or remove all grass, weeds and brush that have reached a height of six (6) inches or more on any portion of the real property parcel that borders a public sidewalk or street. The only exceptions are ornamental trees, shrubs, cultivated flowers and plants that are not in violation of this law and other laws. All vegetation, regardless of type, that borders a public sidewalk shall be trimmed to not infringe on the use of said sidewalk for the sidewalk's entire width.

Section 4: Notice to Remove, Removal by Village, Liability for Cost, Liability for Property Damage

A. Notice: Upon receiving a complaint or by viewing overgrown grass, weeds, shrubs or brush, the Village Superintendent of Public Works or a designee can order the cutting of said grass, weeds, shrubs or brush. The owner and/or occupant of said property shall be notified in writing, either hand delivered or mailed. The notice will state that said grass, weeds, shrubs or brush must be mowed, cut or removed within 7 days of date of notice.

B. Removal by the Village of Franklin: If the grass, weeds, shrubs or brush are not removed within the timeframe stated by the Village of Franklin Superintendent of Public Works, a designee (a qualified lawn service provider) shall enter onto said property and mow, cut or remove said grass, weeds, shrubs or brush.

C. Liability for Cost: The property owner will be billed for these services at a rate determined by the lawn service company as well as an administrative fee of no less than \$50 for each violation or such other amount that shall be passed from time to time by the Village Board. The bill must be paid within 30 days and, if unpaid, the cost will be levied against the owner's property taxes.

D. Liability for Property Damage: The Village of Franklin will not be held liable for any damages to real property that may occur, in the event the Village is required to hire a designee (lawn service company) to cut, mow, or remove overgrown grass, weeds, shrubs and/or brush as stated in Section 3: Cutting and Removal.

Section 5: Effective Date

The law will take effect immediately upon filing in the office of the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

(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. 1 of 2024 of the (Village) of Franklin _____ was duly passed by the _____ Board of Trustees October 11 on 2024, in accordance with ~~the Board of Trustees~~ 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) (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.~~

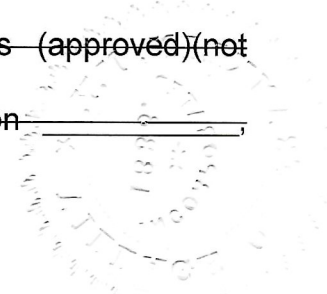
3. (Final adoption by referendum.)

~~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) _____ 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) _____ on _____, 20___ (Elective Chief Executive Officer*)~~



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) *Paula Niebank*

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

Date: 10/11/2024

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)



STATE OF NEW YORK
COUNTY OF Delaware

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

Paula Nebanck
Signature

Clerk/Treasurer
Title

of
Franklin

Village
Date: 10/11/2024
2024