

**ARTICLE I--STANDARDS**

1.A Every owner of real property situated within the Village and the occupant thereof, if any, or both occupants and tenants, shall be responsible for maintaining said property in accordance with the provisions of this Local Law, whether or not the property is improved or unimproved.

B) Each parcel of residential land shall be graded.

C) Each parcel shall have removed therefrom demolition or construction debris, piles of gravel or dirt except as otherwise herein provided, fallen trees, tree or brush cuttings, and trash, whether or not placed there by the owner or occupant.

D) All parcels in residential areas as designated by the Village Zoning map shall be planted with grass, trees, shrubs, herbs, plants or flowers in areas not improved by buildings or other structures, including, but not limited to, paved parking areas, driveways, walkways, swimming pools, tennis courts or decks.

E) All parcels shall be maintained in a reasonably neat manner, free from overgrown grasses or other vegetation. Grasses, weeds, and other similar vegetation, including hedges and bushes, must be cut or trimmed, as the case may be, between May 1 and September 30 of each year, and the land shall be maintained and attended to in such manner as to produce a reasonably neat yard area, considering one or more of the following: visibility by passers-by or neighbors; the observable character of the neighborhood; the effect on property values; potential infestation of wild animals; danger to children; reduction of enjoyment by nearby property occupants due to the sight of unesthetic conditions; interference with vehicular sight distances or a pedestrian walking on the sidewalks; potential or actual odors; topography, and resultant degree of difficulty of mowing or trimming.

The following sites are exempt from the provisions of this Local Law.

A) 1. Building or demolition sites for which a valid permit has been issued by the Village

2. Any portion of the street right of way upon which material has been placed by a Village Department.

3. Items properly placed at the street side for trash or garbage pickup.

4. Dirt, gravel, yard or garden supplies not exceeding four cubic yards total.

5. Commercial establishments selling yard or garden supplies, plants, or similar products.

6. Undeveloped and undisturbed areas left in natural state with vegetation consisting primarily of trees.

7. Areas unimproved by structures on railroad lands or rights of way and upon street rights of way street or private areas adjacent to the Genesee River or Dyke's Creek shall not be exempt property because of the existence of the right-of-way or waterway.

B) The Code Enforcement Officer may designate exempt areas under 6 above. Such designation shall not affect the owners right to develop such areas.

#### ARTICLE III--ENFORCEMENT

1A. The Code Enforcement Officer or the Village Clerk shall notify the owner as shown on the Village tax roll and to the occupant-tenant, if any, whenever there are reasonable grounds to believe that there has been a violation of this Local Law, and shall state in the notice the condition complained of and the remedial work necessary.

1B. In the event that remedial work is not commenced within 10 days from the date of mailing, five (5) days after person is served, or in the event that remedial work once started within the time limit, but is not completed, or substantially completed within ten (10) days, the Village may begin enforcement proceedings.

2A. In the event of an alleged violation, the Village may seek an injunctive relief against a land owner or occupant of the property, or all or any of them.

2B. In the injunction proceeding, the Village may seek authorization from the Supreme Court to enter upon the premises, have the necessary work done to bring the parcel to the standard required herein, assess, levy and collect the cost from the owner in accordance with Village Law 4-414, and obtain in addition thereto, a Civil penalty of \$300.

3A. Non-compliance of this Local Law may also be enforced as a petty offense, to wit, a violation, with penal sanctions of at least \$50.00 and no more than \$250.00, or seven (7) days in jail, or both such fine and incarceration for each offense, each week of non-compliance to be considered a separate and distinct offense

B. The Code Enforcement Officer is authorized to issue an appearance ticket in circumstances when there are reasons to believe that there is a violation of this Local Law to the owner, or occupant, or to any or either of them.

#### **ARTICLE IV--APPLICATION FOR OTHER PARCEL EXEMPTIONS**

1) In the event a parcel does not qualify for an exemption under Article II, landowners may apply in writing to the Code Enforcement Officer for an exempt status for a parcel or portion

thereof due to hardship caused by substantial difficulty in mowing due to terrain characteristics, or if the property is isolated, or buffered by trees, or otherwise not easily viewable, substantial in size, and does not otherwise adversely effect the character of the neighborhood.

2) Appeals maybe made to the Zoning Board in the same manner as a Zoning Appeal.

#### **ARTICLE V**

This Local Law shall take affect immediately upon its filing with the Secretary of State.

## LOCAL LAW REGARDING WEEDS

adopted: 5/14/62

BE IT HEREBY ENACTED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF WELLSVILLE, NEW YORK, AS FOLLOWS:

### Section 39.1 WEEDS. ETC., TO BE CUT.

Every owner of real property situated within the corporate limits of the Village of Wellsville, New York, whether the same be improved or unimproved, shall on or before the 15th day of the months of June and August, cut or destroy or cause to be cut or removed or destroyed all weeds, brush, briar and grass growing on his or her property within two hundred twenty-five (225) feet of the street, dedicated or in use as such, except ornamental trees and shrubs and cultivated flowers, herbs or plants, and shall when necessary promptly dispose of the cuttings by some safe and proper manner.

### Section 39.2 INSPECTION OF PROPERTY

The Police Department, Consolidated Board of Health and various members thereof, shall during the periods covered by this ordinance, regularly inspect the different pieces and parcels of property and shall, upon discovery of a violation of this ordinance, promptly summon the record holder of the property before the Police Court of the Village of Wellsville, New York.

### Section 39.3 VIOLATIONS AND PENALTIES

For each violation of this ordinance, the owner of the real property involved shall, upon conviction, be subject to a fine in the amount not to exceed five dollars (\$5), for each and every violation. Each day's failure to comply with the terms and provisions of this ordinance shall be deemed and treated as a separate violation.

### Section 39.4 REPEAL OF PRIOR ORDINANCES; EFFECTIVE DATE

All ordinances or parts of ordinances in conflict herewith are hereby repealed, and this ordinance shall take effect immediately.