

Chapter 36

BRUSH, GRASS AND WEEDS

§ 36-1. Declaration of policy.

§ 36-2. Authority of Village Board.

§ 36-3. Action by Village Board.

§ 36-4. Notice to owners.

§ 36-5. Failure to comply.

[HISTORY: Adopted by the Board of Trustees of the Village of Cold Spring 9-8-70 as L.L. No. 2-1970. Amendments noted where applicable.]

GENERAL REFERENCES

Littering - See Ch. 59.

Nuisances- See Ch. 78.

Trees -Ch. 122.

§ 36-1. Declaration of policy.

It is hereby declared to be the policy of the Board of Trustees of the Village of Cold Spring to protect property and life from fire hazards and health hazards, and to provide for the proper use of land so as to prevent unhealthful, hazardous or dangerous conditions due to the accumulation of brush, grass, rubbish, weeds, debris or other material. By this chapter the Village Board seeks to regulate the removal and prevention of such dangers to health, life and property by requiring the owners of land to cut, trim or remove such hazards, and upon default thereof, cause the same to be done by the municipality and assess the costs against the real properties involved.

§ 36-2. Authority of Village Board.

Pursuant to the authority vested in the Village Board of Trustees by § 89 of the Village Law, Paragraphs 33 and 34,¹ the Board of Trustees of the Village of Cold Spring may require the owners of land to cut, trim or remove brush, grass, rubbish, weeds, debris or other materials from real property in the Village of Cold Spring whenever said Village Board shall find such items or any of them to exist in such a manner as to constitute a fire hazard or danger to life or property or to create an unsafe condition in regard to property or life or safety within the Village of Cold Spring.

§ 36-3. Action by Village Board.

Whenever said condition is found to exist by the Village Board of Trustees, a resolution shall be adopted:

- A. Finding the condition which exists.
- B. Designating the property by street address and Village Tax Map No. identification, with the last known name and address of the owner thereof (the information on the village tax rolls shall be sufficient for this purpose).
- C. Requiring said owner to cut, trim or remove said brush, grass, rubbish, weeds, debris or other materials.
- D. Designating a time within which such work shall be completed, giving not less than five (5) days from the receipt of said notice.
- E. Providing that upon default by said owner the Board of Trustees of the Village of Cold Spring may cause such grass, brush, rubbish, weeds, debris or other materials to be cut, trimmed or removed by the village and the total cost thereof to be recorded and assessed upon the real property involved, and such charge shall constitute a lien and charge on the real property upon which it is levied until paid or otherwise satisfied or discharged and shall be collected by the Village Treasurer in the manner provided by law for the collection of delinquent taxes.
- F. Providing for the serving of a copy of said resolution upon the owner of such lands.

¹ Editor's Note: Currently, see Village Law § 4-412.

§ 36-4. Notice to owners. [Amended 3-27-79 by L.L. No. 4-1979]

A copy of the resolution described in § 36-3 shall be served upon the last known owner of said lands by registered mail, return receipt requested, addressed to the last known address of such owner. Where the owner resides within the Village of Cold Spring a copy of said resolution shall be served upon the owner in the manner required for the service of a summons in the State of New York, but if said property is owned by more than one (1) owner, the personal service upon one (1) of such owners shall be sufficient.

§ 36-5. Failure to comply.

Whenever the notice referred to in § 36-4 hereof has been so served upon the owner of said land and said owner fails to comply with the requirements of such notice within the time provided therein, the Village Board shall authorize the work to be done, pay the cost thereof, record the charges and proceed to assess said charges against the real property involved and arrange for the collection of same by the Village Treasurer in the manner provided by law for the collection of delinquent taxes.