

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.

County City Town Village
(Select one.)

of Tonawanda

FILED
STATE RECORDS

DEC 07 2016

DEPARTMENT OF STATE

Local Law No. 3 of the year 20¹⁶

A local law TO AMEND CHAPTER 108 OF THE CODE OF THE TOWN OF TONAWANDA, NEW
(Insert Title)
YORK (as recodified by Local Law 3-83), ENTITLED GRASS, WEEDS, and PLANT
GROWTH

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

County City Town Village
(Select one.)

of Tonawanda

as follows:

§108-9 Removal by Town.

A. If, after the expiration of 10 calendar days from the date of service of notice as provided in §108-7, the owner shall fail to comply with the requirements of §108-4 of this chapter, the Code Enforcement Officer, his or her designee or any contractor hired by him or her, shall have the power to enter upon the parcel of real property in violation to cut, trim, or remove such grass, weeds and plant growth which are determined to violate the provisions of this chapter. The expense incurred to cut, trim or remove such grass, weeds and plant growth shall be the responsibility of the owner of the parcel of real property in question and shall be paid by such owner within 30 calendar days of the mailing to such owner by the Code Enforcement Officer of a statement detailing the expense for the same. In the event the owner fails to pay said expense within 30 calendar days, the expense thereof shall become a lien upon the parcel of real property in question and shall be added to and become part of the taxes next so assessed, by including such expense in the next annual tax levy against the parcel of real property in question and shall bear interest at the same rate as taxes and shall be collected in the same manner as general Town taxes.

B. The cost for removal by the Town shall be as follows:

(1) The cost of labor, machinery and materials of the Town or the cost of services of an independent contractor. In addition, a surcharge of \$100, to reimburse the Town for the cost of supervision and administration.

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

(2) The above said cost and surcharge shall be levied upon the property or premises which are the subject of the enforcement action and shall be collected in the same manner as Town taxes and assessments.

Section 2. Severability.

If any clause, sentence, paragraph or part of this local law or the application thereof to any person or circumstances shall be adjudged by any court to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof or the application thereof to other persons and circumstances, but shall be confined in its operation to the clause, sentence, paragraph or part thereof and the persons and circumstances directly involved in the controversy in which such judgment shall have been rendered.

Section 4. Effective Date

This Local Law shall take effect immediately upon filing with the Secretary of State of New York.

(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 2016 of the (County)(City)(Town)(Village) of Tonawanda was duly passed by the Town Board on November 21 2016, in accordance with the applicable provisions of law.
(Name of Legislative Body)

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 _____ 2016, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

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____.
(Name of Legislative Body)
(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) (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.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

* 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.)

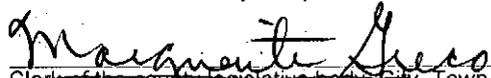
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 ____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified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


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

Date: November 23, 2016

(Seal)



Town of Tonawanda Board
 2919 Delaware Ave
 Kenmore, NY 14217
Marguerite Greco, Town Clerk

Meeting: 11/21/16 07:30 PM
 Department: Attorney

RESOLUTION 2016-677

Motion: ADOPT Local Law 3-2016 - "A LOCAL LAW TO AMEND CHAPTER 108 OF THE CODE OF THE TOWN OF TONAWANDA, NEW YORK, (as Recodified by Local Law 3-83), ENTITLED "GRASS, WEEDS AND PLANT GROWTH".

WHEREAS, this Town Board did, at its regular meeting held on Monday, October 31, 2016, call a public hearing to consider the adoption of Local Law (Intro.) 3-2016; and

WHEREAS, said hearing was held on the 21th day of November, 2016, at which time all persons were given an opportunity to be heard;

NOW, THEREFORE, BE IT RESOLVED, that said Local Law 3-2016 be and hereby is ENACTED, and is described in general terms as follows:

LOCAL LAW 3-2016

A LOCAL LAW TO AMEND CHAPTER 108 OF THE CODE OF THE TOWN OF TONAWANDA, NEW YORK, (as Recodified by Local Law 3-83), ENTITLED "GRASS, WEEDS AND PLANT GROWTH";

and be it further

RESOLVED, that a copy of Local Law 3-2016 in its entirety be posted on the Town Clerk's Bulletin Board and that a notice of adoption be published once in the **Ken-Ton Bee**, a newspaper regularly published and having general circulation in the Town, and posted as provided by law; and be it further

RESOLVED, that the Town Clerk be and she hereby is directed to file said Local Law 3-2016 with the Secretary of State.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	John Bargnesi, Councilman
SECONDER:	Daniel Crangle, Councilman
AYES:	Emminger, Bargnesi, Chimera, Conrad, Crangle

I do certify that I have compared the foregoing with the original minutes of the regular meeting of the Town Board held on November 21, 2016 and that the foregoing is a true and correct transcript from said original minutes and the whole thereof, and that the resolutions duly adopted by said Town Board are on file in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of the said Town of Tonawanda, Erie County, New York, this 22nd day of November, 2016.

Marguerite Greco
 Marguerite Greco, Town Clerk
 Town of Tonawanda, NY