

**LEGAL NOTICE
PUBLIC HEARING
City of Oneida**

PLEASE TAKE NOTICE, that a Public Hearing shall be held by the City of Oneida Common Council on the 15th day of May, 2018 at 6:30 p.m. in the Oneida Municipal Building, Common Council Chambers, 109 N. Main St., Oneida, NY on a proposed Local Law to amend City of Oneida Code Chapter 73 Section 73-5 Titled "Health and Sanitation" and to add a new Article III to Chapter 73 relating to brush, grass and weeds.

PLEASE TAKE FURTHER NOTICE, that the **COMPLETE TEXT** of said proposed Local Law is available at the City Clerk's office, 109 N. Main Street during regular business hours and on the City of Oneida website, www.oneidacity.com.

PLEASE TAKE FURTHER NOTICE, that any or all persons opposing said proposed Local Law may file a written notice thereto, with the City Clerk before such hearing or attend the said hearing at the time and place specified.

PLEASE TAKE FURTHER NOTICE, that any person with special needs should contact the City Clerk one week prior to the public hearing.

Susan Pulverenti
City Clerk

**A LOCAL LAW TO AMEND CHAPTER 73,
TITLED "HEALTH AND SANITATION,"
OF THE ONEIDA CITY CODE**

Be it enacted by the Common Council of the City of Oneida as follows:

Section 1. So that the title of Section 73-5 of the Oneida City Code is hereby amended to read, in its entirety, as "Designated nuisances."

Section 2. So that Section 73-5(B) of the Oneida City Code is hereby deleted in its entirety.

Section 3. So that a new Article III shall be added to Chapter 73, which shall be titled "Brush, Grass and Weeds," and shall read, in its entirety, as follows:

**"ARTICLE III
Brush, Grass and Weeds**

§ 73-7 Growth and maintenance restrictions.

It shall be unlawful for any owner, lessee or occupant or any agent, servant, representative or employee of any owner, lessee or occupant having control over any lot or land adjoining land on which is situated a dwelling house or building to permit or maintain on any such lot or land any growth of weeds, grass, brush or other rank vegetation to a height higher than eight (8) inches, on the average, on such portion of the lot or land, including the public right-of-way, that is bounded by the street or highway abutting

the property on the front and the front line of the dwelling house or building, including, as well, any side lawn or lawns abutting upon any lot upon which is situated a dwelling house or building, and to a depth at least equal to fifty feet beyond the rear line of the dwelling house or building or to the rear property line, whichever is lesser. All such grass, brush, weeds, or other rank vegetation shall be maintained and kept uniformly in height so as not to detract or devalue adjoining properties. It shall also be unlawful for any such person or persons to cause, suffer or allow poison ivy, ragweed, Canada thistle or other poisonous plant or plants detrimental to health to grow on any such lot or land in such manner that any part of such ivy, ragweed, Canada thistle or other poisonous or harmful weed shall extend upon, overhang or border any public place or allow to seed or allow pollen or other poisonous particles or emanations therefrom to be carried through the air into any public place.

§ 73-8 Duty of owner, lessee or occupant.

It shall be the duty of any owner, lessee or occupant of any lot or land to cut and remove or cause to be cut and removed all such weeds, grass, brush or other rank, poisonous or harmful vegetation as often as may be necessary to comply with the provisions of § 73-7.

§ 73-9 Exceptions.

The provisions of §§ 73-7 and 73-8, insofar as they relate to cutting weeds, grass, brush and rank vegetation from lots or lands, shall not apply to any lots or lands which are under cultivation in a good manner from which crops are regularly harvested for actual use.

§ 73-10 Notice to correct violations; failure to comply.

A.

If the provisions of the foregoing sections are not complied with, a Code Enforcement Official for the City of Oneida, which may include the Codes Enforcement Officer, Community Service Officer, and/or Housing Inspector, shall serve written notice upon the owner to comply with the provisions of this Article. Such written notice shall be served by certified mail, return receipt requested, or personal service upon the owner, as set forth in the last filed tax roll.

B.

If the person upon whom the notice is served fails, neglects or refuses to cut and remove or to cause to be cut and removed such weeds, grass, brush or vegetation within five (5) days after receipt of such notice or if such notice was served by posting upon the premises, then, within five (5) days after such posting upon the premises, the aforementioned Code Enforcement Official shall cause such weeds, grass, brush or other vegetation on such lot or land to be cut and removed without need of Council resolution, and the actual cost of such cutting and removal, plus 50% for administrative expenses, shall be presented to the City Chamberlain; said costs shall thereupon become a lien upon the property on which such weeds, grass, brush and other vegetation were located and shall be added to become a part of the taxes next to be assessed and levied upon such lot or land, shall bear interest at the same rate as taxes and shall be collected and enforced by the same City official and in the same manner as taxes. In no event shall the special assessment levied under this section be less than \$100.00.

§ 73-11 Storage of compost.

Any and all properties, tracts or parcels having or maintaining any type of material used or kept as or for the purpose of composting, must be contained or stored in compliance with applicable setback requirements and must be contained and kept in a manner as not to spread, leak or scatter from such containment. Contents used for this purpose may not contain sticks, brush, wood, animal feces or other material not meant for normal composting and in a manner which is not unsightly, does not emit any noxious odor, and which does not detract or devalue adjoining properties. Such containment or storage may not exceed five feet (5') by ten feet (10') and shall not exceed a height of four feet (4').

§ 73-12 Multiple violations.

Once the notice has been sent to the property owner in accordance with § 73-10(A) and the City has removed the weeds, grass, brush or other vegetation in accordance with § 73-10(B), then no further notice is required in the same calendar year before the City removes said weeds, grass, brush or vegetation. The City will be entitled to perform said removal once the property is in violation of § 73-7 again. Each separate removal will become an additional lien on the property in accordance with § 73-10(B). The notice required in § 73-10(A) shall recite that no further notice will be given for subsequent violations in the same calendar year.

§ 73-13 Penalties for offenses.

Any person who shall neglect to cut and remove weeds, grass, brush or other vegetation as directed in this Article or who shall fail, neglect or refuse to comply with the provisions of any notice herein provided or who shall violate any of the provisions of this Article or who shall resist or obstruct the Common Council as officers of the City of Oneida or its/their employees or designees in the cutting and removal of weeds, grass, brush and other vegetation shall, upon conviction thereof, be subject to a fine of not less than \$100 nor more than \$250.00. These penalties shall be in addition to the special assessment imposed under § 73-10(B).

Section 4. This local law shall take effect upon filing with the Secretary of State.