

TOWN OF NEWFANE
COUNTY OF NIAGARA, STATE OF NEW YORK
LOCAL LAW NO. _____ OF THE YEAR 2026

A LOCAL LAW to amend Chapter 184 of the Code of the Town of Newfane by repealing and replacing Article I thereof, entitled “Brush, Grass, and Weeds.”

Be it enacted by the Town Board of the Town of Newfane, County of Niagara, State of New York, as follows:

SECTION 1. Legislative intent.

The Town Board finds that the accumulation of brush, grass, rubbish, and weeds, and the growth of noxious or rank vegetation, create unsightly, unhealthy, and hazardous conditions that diminish the use and enjoyment of neighboring property, depress property values, and endanger the health and safety of the community. The Town Board intends by this local law to repeal the existing Article I of Chapter 184 and to replace it with an updated and comprehensive article that clarifies the standards for excessive growth, sets out the definitions applicable to the article, and provides a clear procedure for notice, removal by the Town, cost recovery, and penalties.

SECTION 2. Authority

This Local Law is enacted pursuant to Article IX of the New York State Constitution, Municipal Home Rule Law § 10, and the Town Law of the State of New York.

SECTION 3. Repeal and replacement.

Article I of Chapter 184 of the Code of the Town of Newfane is hereby repealed in its entirety and replaced with the following:

CHAPTER 184

ARTICLE I

Brush, Grass, and Weeds

§ 184-1 Purpose.

It is the purpose and intent of this article to provide for the proper use of land within the Town of Newfane and to protect the public health, safety, and general welfare of its residents. The accumulation of brush, grass, rubbish, or weeds, and the growth of poisonous or noxious shrubs, weeds, or other rank vegetation, create blighting, unsightly, unhealthy, hazardous, and dangerous conditions that diminish the use and enjoyment of neighboring property, depress property values, and endanger the health, life, and property of the community. This article is enacted to prevent and abate such conditions by requiring every owner and occupant of land to keep the premises free of excessive growth as set forth in this article.

§ 184-2 Definitions

As used in this Article, the following terms shall have the meanings indicated:

- A. **Developed Area:** Land that has been modified from its natural state for human use.
- B. **Person:** Includes one or more natural persons, corporations, partnerships, associations, joint-stock companies, societies and all other entities of any kind.
- C. **Premises or Property:** All parcels of real property privately owned and situated in the Town of Newfane, whether occupied or vacant.
- D. **Plant Growth:** Any grass, weeds, brush, or other vegetation, whether living or dead.

§ 184-3 Excessive growth prohibited.

- A. It shall be unlawful for any person having control, ownership, or any type of tenancy of occupied or unoccupied land, or any part thereof, in the Town of Newfane, New York, to permit or maintain any plant growth in excess of six inches in average height in any of the following locations:

- (1) The area within 10 feet of any building on the premises;
- (2) The area between any street, road, sidewalk, or alley adjacent to the premises and the principal building on the premises, or a distance of 10 feet from the street, road, sidewalk, or alley, whichever is greater; and
- (3) Any Developed Area intended to be used by the occupants of the premises.

The provisions of Subsection A shall not apply to the portion of land actively used for agricultural purposes; to deliberately planted and regularly maintained landscaping, including gardens, ornamental plantings, and native or pollinator plantings; or to undisturbed natural woodland areas.

- B. Regardless of height, it shall be unlawful for any person described in Subsection A to permit or maintain any plant growth, at any location on the premises, that is unhealthy, hazardous, or dangerous, including growth that harbors vermin, obstructs the view of motorists or pedestrians, or creates a fire hazard.
- C. It shall be the duty of every person having control, ownership, or any type of tenancy of occupied or unoccupied land, or any part thereof, in the Town of Newfane, New York, to cut and remove, or cause to be cut and removed, from said land all plant growth prohibited by this section, as often as may be necessary to maintain compliance with this section.

§ 184-4 Notice; removal by Town.

- A. Notice. Whenever any person described in § 184-3 is in violation of that section, the Building Inspector or Code Enforcement Officer shall serve written notice of the violation upon that person by certified mail, addressed to the person's last known address. The notice shall identify the property, describe the violation, and direct that the prohibited plant growth be cut and removed within seven days after the date the notice is sent. Where the responsible person is not the owner of the land, a copy of the notice shall also be sent to the owner at the owner's last known address. Notice mailed to a nonresident owner at his or her last known address shall be sufficient service.
- B. Removal by Town. If the prohibited plant growth is not cut and removed within seven days after the notice is sent, the Superintendent of Highways or his or her designee shall cause the plant growth on such land, or portion thereof, to be cut and removed.
- C. Cost; payment; lien. The cost of such cutting and removal shall be a charge against the person described in § 184-3 who is responsible for the violation. That cost shall consist of a minimum fee of \$150, in addition to the expenses incurred by the Town, plus a \$100 surcharge for administration. The Superintendent of Highways or his or her designee shall certify the cost, and the Town shall mail a statement of the cost to the responsible person at his or her last known address, together with a demand for payment within 30 days after the date the statement is mailed. Where the responsible person is not the owner of the land, a copy of the statement shall also be mailed to the owner at the owner's last known address. If the cost is not paid in full within that period, the unpaid cost shall become and be a lien upon the property on which said plant growth was located, shall be added to and become and form a part of the taxes next 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 officer and in the same manner as taxes levied and assessed against such property.

§ 184-5 Penalties for offenses.

- A. This article shall be enforced by the Building Inspector or Code Enforcement Officer of the Town of Newfane, who is authorized to issue the notice provided for in § 184-4, to issue appearance tickets, and to commence proceedings for the penalties provided in this section.
- B. In addition to the cost of cutting and removal and the administrative surcharge imposed under § 184-4C, any person who neglects to cut and remove plant growth as directed in this article; who fails, neglects, or refuses to comply with any notice provided for in this article; or who resists or obstructs the Superintendent of Highways or his or her employees in the cutting and removal of plant growth, shall be guilty of a violation and, upon conviction, shall be subject to a fine of not more than \$250. Each day on which such violation continues shall constitute a separate offense.

SECTION 4. Severability.

If any section, subsection, sentence, clause, phrase, or other portion of this local law is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect

the validity of the remaining portions of this local law, which shall remain in full force and effect.

SECTION 5. Effective date.

This local law shall take effect immediately upon filing with the Office of the Secretary of State in accordance with section 27 of the Municipal Home Rule Law.