

COUNCIL OF THE TOWN OF RIVERDALE PARK

RESOLUTION 2010-OR- 05

Introduced By: CM Christopher Henry

Date Introduced: 5-24-10

Amendments Adopted:

Date Adopted: 6-7-10

Date Effective: 6-27-10

An Ordinance concerning

Removal of Tall Vegetation

FOR the purpose of altering the maximum permissible height of certain types of vegetation in the Town; altering certain processes for the Town to remove certain vegetation from private property under certain circumstances; altering certain remedies and penalties for violations, and clarifying who may issue municipal infraction citations for violations; and matters generally relating to preserving the public health, safety and welfare by controlling overgrown vegetation on private properties in the Town.

* * * * *

BY repealing and reenacting, with amendments
Chapter 68 – WEEDS
Sections 68-1, 68-2 and 68-3
Code of the Town of Riverdale Park
(January 2008 Revision as amended by Resolution 2008-OR-06)

SECTION 1: BE IT ENACTED BY THE COUNCIL OF THE TOWN OF RIVERDALE PARK, That Sections 68-1, 68-2 and 68-3 of the Code of the Town of Riverdale Park (January 2008 Revision as amended by Resolution 2008-OR-06), Article 68 – WEEDS, are hereby repealed and reenacted, with amendments, to read as follows:

Chapter 68 – WEEDS

26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68

§ 68-1 Control of weeds.

No owner or occupant of property within the town shall permit weeds, grass or thickets to grow upon his property more than ten ((10)) SEVEN (7) inches tall so as to constitute a menace to health or an obstruction to free passage of persons using the sidewalk contiguous thereto. HEIGHT SHALL BE MEASURED FROM THE GROUND TO THE TOP OF VEGETATION, EXCLUDING SEED HEADS; SEED HEADS MAY BE USED FOR DETERMINATION OF HEIGHT IF THERE ARE FIFTY (50) OR MORE SEED HEADS EXCEEDING THE HEIGHT LIMITATION.

§ 68-2 cutting weeds at owner’s expense.

Upon complaint or observation that a condition exists prohibited by ((the previous)) § 68-1, the Town of Riverdale Park, through its Code Enforcement or Police Department, shall notify the owner of the property in writing to remedy the condition within seven (7) days after receipt of such notice AND THAT, IF THE OWNER FAILS TO DO SO, THE TOWN MAY EMPLOY PERSONS TO HAVE THE WORK DONE AT THE COST AND EXPENSE OF THE OWNER, WHICH COST AND EXPENSE MAY BE A LIEN AGAINST THE PROPERTY. Upon failure to comply with such notice, the Town may employ persons to have the work done, who shall have the right to enter the premises for that purpose.

The cost thereof shall be billed by the Town against the owner of the property. Failure to remit payment within thirty (30) days shall be recorded as a lien against the property.

§ 68-3 Penalties.

A. Violations of the provisions of this chapter are declared to be municipal infractions. ((,)) IN ADDITION TO THE REMEDY IN §68-2, ANY POLICE OFFICER OR CODE ENFORCEMENT OFFICER OF THE TOWN MAY ISSUE THE OWNER A MUNICIPAL INFRACTION CITATION FOR A MUNICIPAL INFRACTION FOR EACH VIOLATION. ((the)) THE penalty for ((which)) A MUNICIPAL INFRACTION shall be one hundred dollars (\$100) for each offense. FOR A FIRST OFFENSE, A CITATION FOR A MUNICIPAL INFRACTION MAY NOT BE ISSUED UNLESS THE OWNER HAS FAILED TO REMEDY THE CONDITION WITHIN SEVEN (7) DAYS AFTER RECEIPT OF NOTICE AS PROVIDED IN § 68-2. FOR ANY SUBSEQUENT OFFENSE IN A CALANDAR YEAR, POLICE OFFICER OR CODE ENFORCEMENT OFFICER OF THE TOWN MAY ISSUE A CITATION FOR A MUNICIPAL INFRACTION WITHOUT PRIOR NOTICE TO THE OWNER AND WITHOUT ISSUING A NOTICE TO REMEDY THE CONDITION UNDER § 68-2. ((Penalties may be assessed against the owner of the property in the same manner as costs incurred by the town pursuant to § 68-2, and shall be payable in addition to any costs incurred.))

69 **SECTION 2: AND BE IT FURTHER ENACTED** that this Ordinance shall become
70 effective twenty (20) days after its passage by the Council.

71

72 **ATTEST:**

**COUNCIL OF THE TOWN OF
RIVERDALE PARK**

73

74

75

76 _____
Town Administrator

76 _____
Vernon Archer, Mayor

77

78 **EXPLANATION:**

79

80 CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

81 ((Double Parenthesis)) indicate matter deleted from existing law.

82 Underlining indicates amendments to bill.

83 ~~Strike Out~~ indicates matter stricken from the bill by amendment or deleted from
84 the law.