

September 26, 2019 Planning, ZBA and Codes Book Committee Meeting

Present: M Kelley, Chairman, D Balcer, Code Enforcement Officer, D Tortora, ZBA Chairman,
M Kempisty

Meeting called to order at 6:02pm

At Mr. Balcer's suggestion the agenda for the meeting addressed three chapters from the Town of Geddes Codes Book.

First Item: Chapter 185-8 Snow, Ice and other Obstructions Prohibited

Discussion of proposed wording to be added specifically prohibiting clearing of snow and ice in such a way that it interfered with public travel. Also prohibited clearing of snow or ice in such a way that caused same to be deposited on a public right-of-way or another person's property.

Second Item: Chapter 240-46.2 & 240-46.3 Sump Pump Discharge

Discussion of this additional wording specifically addressing Sump Pumps. The intent is to prohibit any piping of a sump pump discharge in such a way that it flows toward the road. 46.2 & 46.3 would be new sub-paragraphs.

Third Item: Chapter 85.-1thru 85.6 Brush Grass & Weeds

Discussion of expansion of this chapter to include "Rubbish." The definition of Rubbish would include lumber, junk, trash, debris, building materials, or any other deleterious materials.

Meeting adjourned at 6:41 pm. Next meeting 10/30/2019

Copies of the above referenced chapters are attached with the proposed changes/additions shown in red ink.

Submitted by



Martin F. Kelley, Committee Chairman

10/8,2019

§185-8 Snow, ice and other obstructions prohibited.

~~No owner of any land within the town limits shall allow any accumulation of snow or ice or any obstruction on any sidewalk adjoining said land.~~

A.

No person shall plow, shovel, sweep or pile snow, ice or other such materials in or beyond the right-of-way of any street or public highway or cause such to be done so as to interfere with the safety and convenience of public travel or such as to constitute an obstruction of the sight of persons traveling by vehicle or by foot on public streets or sidewalks or on private driveways.

B.

No person shall plow, shovel or pile snow from a private or public driveway in such a manner as to deposit the same in the public roadway or on a public right-of-way or sidewalk or across the street from said driveway or onto the property of another without that person's consent.

§240-46.2 Sump pump discharge.

A.

No person shall install, modify or extend a sump pump discharge in such a manner that the discharge flows overland toward the road.

B.

Sump pumps shall be discharged into rear yard so it may disperse & dissipate before leaving the parcel, where available, into storm sewer systems.

C.

Where discharges are into swales, there must be a positive grade from the pipe outlet to the swale, and the swale must be in a Town easement which is part of the drainage system.

D.

It is recommended that in all cases where the natural drainage is toward the road, the sump pump's discharge be connected to the storm sewer to avoid excessive costs and the potential for freezing that is associated with piping uphill to a swale.

§ 240-46.3 Notice to correct violation.

A.

If a violation is determined by the Codes Enforcement Officer, such officer shall send a letter to the property owner describing the alleged violation and requesting that the situation be corrected. Under no circumstances will a certificate of occupancy be issued until such alleged violation is corrected.

Chapter 85

Brush, Grass, Rubbish and Weeds

§ 85-1 Definitions.

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

Brush

Uncultivated woody shrubs and immature trees.

GRASS

Herbaceous ornamental plants intended to be periodically cut close to the ground for the establishment of a lawn or ground covering. Grass may also be used for ground covering for the establishment of drainage swales, flood routes or water detention basins.

OWNER

Includes an individual or individuals, society, club, firm, partnership, corporation or any other association of persons or entity of any kind. The singular number shall include the plural number.

PERSON

Includes one or more natural persons, corporations, partnerships, associations, joint-stock companies, societies and all other entities of any kind.

Includes the following:

RUBBISH

A. Includes the following:

(1)

Lumber, junk, trash, debris, building materials, or any other deleterious materials.

(2)

Any abandoned, discarded or unused objects or equipment, such as, but not limited to, automobile parts, furniture, stoves, refrigerators, freezers, appliances, cans, containers or vehicle tires.

(3)

Any compost pile which is of such a nature as to spread or harbor disease, emit unpleasant odors or gas, or attract rodents, vermin or other disease-carrying pests, animals or insects.

(4)

Any unsanitary matter or materials.

(5)

Solid waste and garbage.

(6)

Tree trimmings, brush, or shrubbery trimmings, grass clippings, trees, brush or shrubbery or portions thereof severed from their roots or uprooted trees, brush or shrubbery.

B.

However, for purposes of this chapter, the term "rubbish" shall not include any of the foregoing if stored in containers or plastic container bags.

WEEDS

Wild and useless plants growing at random in inappropriate locations.

§ 85-2 Excessive growth prohibited.

It shall be unlawful for any person having control or ownership of any type of tenancy of occupied or unoccupied land or any part thereof in the Town of Geddes, New York, to permit or maintain on any such land or portion thereof or along the street, road, sidewalk or alley adjacent to the land or portion thereof between the property line and the pavement of the road or middle of an alley any growth of weeds, grass or other rank vegetation to a greater height than ~~12~~ 10 inches on the average or any accumulation of dead weeds, grass, rubbish or brush.

§ 85-3 Duty of owner or occupant.

It shall be the duty of every owner, occupant, tenant or person in control of land or any portion thereof in the Town of Geddes, New York, to cut and remove or cause to be cut or removed from said property all weeds, grass or other rank, poisonous or noxious vegetation and rubbish as often as may be necessary to comply with the provisions of § 85-2.

§ 85-4 Inspection; removal by town.

Within ~~15~~ 5 days after being served written notice by hand or posting on the property, regular mail ~~the~~ and certified mailing of written notice to the last known address of the owner as on file with the receiver of taxes, the Town Code Enforcement Officer shall make an inspection and shall cause weeds, grass, and other vegetation and rubbish on such lands or portion thereof to be cut and removed. The actual cost of cutting and removal, plus a twenty-percent fee for inspection and administrative overhead therewith, shall be certified by the Town Code Enforcement Officer to the Town Clerk and shall thereupon become and be a lien upon the property on which said weeds, grass, and other vegetation and rubbish were located and shall be added to and become and form a part of the taxes next to be assessed and levied upon such lot or land and 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.

§ 85-5 Exceptions. [1]

~~The provisions of this chapter shall not apply to land being used for agrarian purposes.~~

[1]

~~Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. 1).~~

A. The provisions of this chapter related to the growth of brush, grass, weeds or noxious plants shall not apply to:

(1)

Any lot or land which is under cultivation in a good or husbandry-like manner; or

(2)

Any lot or land that is over an acre and vacant (without structures), it will be up to the Code Officers discretion to determine how much or if any of the area needs to comply; or

(3)

Natural open space areas; or

(4)

A portion of a subdivision which is actively under construction and is less than 75% complete.

§ 85-6 Penalties for offenses. [1]

Any such person who shall neglect to cut and remove weeds, grass, or other vegetation and or rubbish as directed in this chapter or who shall fail, neglect or refuse to comply with the provisions of any notice herein provided or who shall resist or obstruct the removing of weeds, grass and other vegetation shall, upon conviction thereof, be subject to a fine of not less than \$250, imprisonment for not to exceed 15 days, or both, and each day on which such violation continues shall constitute a separate offense.

[1]

Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. 1).