
IN THE MATTER

Of

**LOCAL LAW 2023 - ___ TO CREATE A NEW
CHAPTER 60 OF THE TOWN OF MANLIUS
CODE REGULATING LANDSCAPING AND
LAWNMaintenance AND SETTING
CERTAIN ENFORCEMENT OF SAME**

**RESOLUTION FOR
REFERRAL TO THE
PLANNING BOARD AND
SETTING DATE FOR PUBLIC
HEARING**

The **TOWN BOARD OF THE TOWN OF MANLIUS**, in the County of Onondaga, State of New York, met in regular session at the Town Hall in the Town of Manlius, located at 301 Brooklea Drive in the Village of Fayetteville, County of Onondaga, State of New York, and virtually on the platform commonly referred to as Zoom, the Town Facebook page and YouTube on the 24th of May, 2023, at 6:30 p.m.

The meeting was called to order by John T. Deer, Supervisor, and the following were present, namely:

John T. Deer	Supervisor
Sara Bollinger	Councilor
Elaine Denton	Councilor
Alissa Italiano	Councilor
Katelyn M. Kriesel	Councilor
William Nicholson	Councilor
Heather Allison Waters	Councilor

The following resolution was moved, seconded and adopted:

WHEREAS, the Director of Planning and Development has requested the Town Board to provide guidelines to ensure the proper upkeep and maintenance of properties in the Town;

WHEREAS, while the New York State Building and Fire Code, which has been adopted by the Town of Manlius, does have a property maintenance provision, the Town Board desires to create a more specific code for the Town;

WHEREAS, properties that are not properly maintained can have a deleterious impact on a neighborhood and could threaten the health, welfare and safety of Town residents;

WHEREAS, a Local Law has been introduced before the Board, to wit: Local Law No. 2023- ____, amending Chapter 127 of the Town Code entitled “Subdivision” as follows:

LOCAL LAW 2023-___, A LOCAL LAW CREATING A NEW CHAPTER 60 ENTITLED “LANDSCAPING AND MAINTENANCE”, TO WIT:

Be it enacted by the Town Board of the Town of Manlius, Onondaga County, New York as follows :

Section 1. A new Chapter 60 of the Town Code shall be adopted as follows:

Chapter 60

Landscaping and Lawn Maintenance

§ 60-1. Landscaping and Lawn Maintenance

Definitions.

For the purpose of this chapter, the terms used herein are defined as follows:

BUILDING OFFICIAL. The Code Enforcement Officer as defined in Section 59-3 of this Code, or any duly authorized representative.

CULTIVATE. To plant, water, grow, tend, improve, care for, fertilize, till or harvest plants and/or crops.

DEVELOPED AREA – Land area that was disturbed to create the building, the parking areas, driveways, landscaped areas, and all associated utilities and infrastructure.

UNDEVELOPED AREA – Land area that is not developed and off limits to occupants or the public or are not intended to be used by occupants or the public.

MANAGED NATURAL LANDSCAPE - A planned, intentional, and maintained planting of native or non-native grasses, wildflowers, forbs, ferns, shrubs, or trees, including but not limited to rain gardens, meadow vegetation, ornamental plantings and woods or forests. Meadow

vegetation means grasses and flowering broad-leaf plants that are native to, or adapted to the area in which they grow, and that are commonly found in meadow and prairie plant communities in that area. "Native" as used in the paragraph means any vegetation listed in the NY Floral Atlas (<https://newyork.plantatlas.usf.edu/>) as being "native" to New York State.

NOXIOUS WEEDS - Any plant listed by the U.S. federal government or N.Y. State government as an invasive species or noxious weed, including but not limited to those set forth in §2814 of 7 U.S.C. 360 and 6 NYCRR Part 575 or any revisions to those laws (e.g.:

https://www.aphis.usda.gov/plant_health/plant_pest_info/weeds/downloads/weedlist.pdf and <https://nyis.info/wp-content/uploads/2018/07/Part-575-list-of-regulated-and-prohibited-species-and-FAQ.pdf>

OWNER. Any person, agent, operator, firm or corporation having legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

WEEDS. Uncultivated vegetation and noxious weeds such as grasses, brush, briars, and annual plants, excluding trees and cultivated vegetation, such as shrubs, flowers, gardens, and vegetation used for agricultural or habitat purposes.

§ 60-2. Compliance Required

No property owner in the Town of Manlius, shall permit or maintain any growth of grass or weeds, unless it is managed natural landscape, to a height more than 10 inches (254 mm) within the developed area of said real property owned by them, whether occupied or unoccupied or on the area between the property line of an adjacent public highway or sidewalk and the pavement edge of the road.

§ 60.3. Removal by owner or occupant.

It shall be the duty of every property owner of such aforesaid property or any portion thereof in the Town of Manlius, New York, to cut and remove or cause to be cut and removed from said property all grass or weeds as often as may be necessary to comply with the provisions of § 60.2

§60.4 Managed Natural Landscape

A. An owner, authorized agent, or authorized occupant of any privately owned lands or premises may, consistent with Manlius Code and all other applicable laws, statutes, rules, and ordinances, install and maintain a managed natural landscape within the developed areas of the property.

B. Managed natural landscapes shall not include noxious weeds. Managed natural landscapes may include plants and grasses of any height and which have gone to seed. Managed natural landscapes shall not include plants that, due to location and/or manner of growth, constitute a hazard to the public.

C. The managed landscape cannot interfere with line of sight for ingress and egress of properties or public roads. The managed landscape must be set back from property lines by at least 3 feet. The setback is not required where the defined landscape area abuts another similar

private or public landscape area, a wetland, pond, lake, woodlands, or stream or if a fully opaque fence at least four feet in height is installed along the lot line adjoining the planned landscape area.

§ 60.5. Service of notice.

Whenever the building official, serves notice in the manner required hereinafter, requiring the owner(s) of land to cut, trim, destroy or remove grass or weeds or other noxious growth upon their premises or lands or to otherwise remove any of the conditions specified in of this Chapter, such notice shall specify the place, manner and time (not less than 10 days from postmark of said notice) within which such work shall be completed, and such work shall be completed within the time allotted in the notice. Notice shall be served upon such owner or owners by registered or certified mail, addressed to their last known address, and/or posting of said notice on the premises and mailing a copy of said notice to the owner at the address or addresses as recorded in the Receiver of Taxes, on the same date as posted. Any extension of the time within which the work shall be completed may be granted at the discretion of the Code Enforcement Officer.

§ 60.6. Notice to remove; inspection; removal by Town.

Ten days after the service of the notice in the manner required, the Code Enforcement Officer shall make an inspection, and if such inspection discloses that the owner or occupant has not complied with said notice, then the Code Enforcement Officer shall cause weeds, grass and other vegetation on such lands or portions thereof to be cut and removed, together with the removal of any trash or the moving of materials that would otherwise prohibit cleaning of the entire property. The actual cost of such cutting and removal shall be certified by the 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 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.

§ 60.7. Penalties

In addition to the actions authorized to be taken by the Code Enforcement Officer under Section 60.6 above, all of the provisions of Chapter 59 of the Town Code shall apply to this Chapter 60, including, but not limited to §59-17 (Remedies; appearance tickets; penalties for offenses; injunctive relief.)

Section 2. This law shall take effect upon filing with the New York State Department of State.

WHEREAS, the Town Board desires to hear from the public on the local law and refer Local Law 2023-___ and to the Planning Board for their review and comment;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Manlius, County of Onondaga, State of New York, shall hold a Public Hearing on said proposed Local Law 2023-____, and that such Hearing shall be held in persona and virtually on the Internet platform commonly referred to as ZOOM, directions for attendance which will be on the Town's Website and such hearing shall take place on the ____th day of _____ 2023 at approximately 6:35 p.m. and be it further

RESOLVED, that the Town Clerk shall give notice of such Public Hearing by the publication of a notice in at least one newspaper circulated in the Town, specifying the time when and the place where such Public Hearing will be held and the instructions by which the public can access the virtual meeting, and in general terms, describing the proposed Local Law. Such notice shall be published once at least five (5) days prior to the Public Hearing, and be it further

RESOLVED, that the Town Clerk shall refer Local Law 2023-____ to the Planning Board for their review and recommendation.

I, ALLISON WEBER, Town Clerk of the Town of Manlius, **DO HEREBY CERTIFY** that the preceding Resolution was duly adopted by the Town Board of the Town of Manlius at a regular meeting of the Board duly called and held on the 24th day of May 2023; that said Resolution was entered in the minutes of said meeting; that I have compared the foregoing copy with the original thereof now on file in my office; and that the same is a true and correct transcript of said Resolution and of the whole thereof.

I FURTHER CERTIFY that all members of said Board had due notice of said meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town of Manlius, this 24th day of May, 2023.

DATED: May 24, 2023
Fayetteville, New York

Allison Weber
Town Clerk of the Town of Manlius
Onondaga County, New York