

Village of Phoenix  
**Public Hearing**  
Tuesday, May 3, 2016 at 8:08 PM  
Sweet Memorial Building  
455 Main Street, Phoenix, NY 13135

Present: Mayor Ryan Wood  
Trustee Jennifer Burgess  
Trustee Andrew Bittel  
Trustee David Pendergast  
Trustee Eric Shaffer II  
Attorney Steve Primo  
Clerk Roxanne Demo  
Administrator James Lynch

4 Public in Attendance

PLEASE TAKE NOTICE that a Public Hearing will be held by the Village Board of Trustees of the Village of Phoenix on the 3rd day of May, 2016 at 6:50 P.M., at the Sweet Memorial Building, 455 Main Street, Phoenix, New York to consider the following:

The enactment of proposed Local Law No. 2 for the year 2016, amending Chapter 99 of the Village Code entitled "Property Maintenance" to address concerns relative to the maintenance of any growth of grass or weeds or other obnoxious growth, more specifically the maximum height permitted by the Village of Code.

Copies of the proposed Local Law are on file at the Office of the Village Clerk and may be inspected during regular business hours. Parties may appear at the hearing in person or by agent.

BY ORDER OF THE  
VILLAGE BOARD OF TRUSTEES

s/Roxanne Demo

---

Roxanne Demo  
Village Clerk-Treasurer

Dated: April 21, 2016

Mayor Ryan Wood said if we have no objection from the public I'd like have a motion to waive the reading of the notice and have Attorney Primo explain what the notice is about. Motion was made by Trustee Burgess, seconded by Trustee Pendergast. All ayes. Attorney Primo discuss Local Law #3 with the board members and the residents.

**Village of Phoenix**

Local Law No. Two (2) of the year 2016.

**A local law amending Chapter 99 of the Village of Phoenix Municipal Code entitled "Property Maintenance."**

**To be enacted by the Village Board of the Village of Phoenix as follows:**

**Section One (1). PURPOSE AND INTENT.**

This local law provides for amendment to Chapter 99 of the Village Code entitled “Property Maintenance” to address concerns relative to the maintenance of any growth of grass or weeds or other obnoxious growth, more specifically the maximum height permitted by the Village of Code.

**Section Two (2)** Section 99-4B of the Village Code is hereby deleted in its entirety and replaced with the following:

“No person being the owner of improved real property in the Village of Phoenix shall permit or maintain any growth of grass, weeds or other general lawn areas ground cover growth (e.g. ivy, wildflower, or other special non- grass like cover, and excepting any segregated flowered or landscaped garden, bed or similar areas) to a height more than six (6) inches on any parts of said real property, 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. On vacant unimproved parcels not contiguous to a commonly owned improved parcel, all growths whatsoever (except for trees or bushes, the latter however having minimum branch or shoot width six (6) inches from ground level of not less than one (1) inch) shall be maintained at a maximum height of eight (8) inches.”

**Section Three (3). ILLEGALITY/SEVERABILITY**

If any clause, sentence, paragraph, subdivision, section or part of this local law or the application thereof to any person, individual, corporation, firm, partnership, entity or circumstances is adjudged invalid, illegal or unconstitutional by any court of competent jurisdiction, such order or judgment shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this law or in its application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this local law or the application thereof to other persons or circumstances. Further, in adjudging such invalid provision, the court shall attempt to modify same to a provision which is not invalid, illegal or unconstitutional and which best achieves the intent of the invalid provision.

Motion to close the public hearing at 8:12pm was made by Trustee Burgess, seconded by Trustee Pendergast. All ayes.

Respectfully submitted,

Roxanne Demo  
Village of Phoenix  
Clerk/Treasurer