

PUBLIC NOTICE

NOTICE IS HEREBY GIVEN that pursuant to Section 20(5) of the Municipal Home Rule Law, a public hearing will be held by the Village Board of Trustees of the Village of Port Jefferson on the 29th day of May 2024, at 6:00 p.m. at Village Hall located at 121 West Broadway, Port Jefferson, New York 11777, to consider enacting the following proposed Introductory Local Law:

INTRODUCTORY LOCAL LAW # OF 2024
AMENDING CHAPTER 161 (HOUSING) Article VI (PROPERTY MAINTENANCE)
OF THE CODE OF THE VILLAGE OF PORT JEFFERSON

SUMMARY

The proposed Local Law would amend Chapter 161 (Housing) Article VI (Property Maintenance) of the Code of The Village of Port Jefferson.

This is a summary of the proposed Local Law, a full copy of which is on file in the Village Clerk's Office and is available for inspection during regular Village business hours.

At said public hearing, any persons interested shall be given the opportunity to be heard.

By order of the Board of Trustees of the Village of Port Jefferson.

Dated: April 25, 2024
VILLAGE CLERK SYLVIA PIRILLO, RMC
Port Jefferson, New York

VILLAGE OF PORT JEFFERSON
Local Law No. __ of the year 2024
A local law be it enacted by the: Board of Trustees of the
Village of PORT JEFFERSON
as follows:

PURPOSE

A LOCAL LAW AMENDING CHAPTER 161 OF THE CODE OF THE VILLAGE OF PORT JEFFERSON ENTITLED "HOUSING" ARTICLE VI ENTITLED "PROPERTY MAINTENANCE"

Section 1. Legislative Intent. This Local Law would regulate bamboo upon properties in the Village.

Section 2. Text Amendment. The proposed local law would amend Chapter 161 of the Code of the Village of Port Jefferson entitled "Housing" Article VI entitled "Property Maintenance", to read as follows:

§ 161-27 (K) Bamboo Restriction.

- (1) It shall be unlawful for plant species commonly considered to be classified as "running bamboo", hereinafter defined as any tropical or semi-tropical grasses with monopodial (leptomorphic) rhizome (root) systems, including, but not limited to, the following plant genera: Arundinaria, Chimonobambusa, Phyllostichys, Pleioblastus, Pseudosasa, Sasa, Sasaella, and Semiarundinaria, to be planted, installed or maintained upon any property within the Village of Port Jefferson.
- (2) Duty to confine bamboo. In the event any species commonly considered to be classified as "bamboo," hereinafter defined as any tropical or semi-tropical monopodial (sympodial), (pachymorph) grasses, including, but not limited to, Bambusa, Dendrocalamus, and Fargesia, is located upon any property within the Village of Port Jefferson, said species shall be confined to prevent the encroachment, spread, invasion or intrusion of same onto any other property or right-of-way.
- (3) Notice. The incorporated Village of Port Jefferson shall notify the owner or occupant of the property which is in violation of Subsection (1) or (2) above and the notice shall specify a time, not less than 15 days, to comply with the provisions therein. Said notice shall be in writing and served personally or by certified mail. Service shall be deemed complete on the day the delivery or mail is completed.

(4) Removal. In the event that bamboo is situated on property located in the Village of Port Jefferson and said bamboo invades or grows on an adjoining or neighboring property that is owned or held on behalf of the Village of Port Jefferson, the Village shall notify the property owner that said bamboo has invaded Village property, and that the property owner is responsible for the liable for the cost of removal of such bamboo from the Village property. This notice shall be sent by certified mail, return receipt requested, and by regular mail to the latest address of the property owner on file with the Village Clerk.

- a. The Village may remove or arrange for the removal of such bamboo from the Village property after 30 days of the notice. The property owner shall be liable and responsible to the Village for the Village's costs in removing the bamboo from the Village property. Such costs may be assessed against the property of the owner as a tax payable by such property owner in the event that the costs remain unpaid more than 30 days after demand for payment has been made by the Village on the property owner.
- b. The Village nor its employees shall have any liability for damages or other claims to the property owner by reason of the removal of such bamboo. In the event such removal entails or causes damages to the flora or other property of a person other than the property of the property owner, the property owner in violation of this section shall be responsible for such damages.

(5) Replanting prohibited. Any bamboo either planted or caused to be planted or existing on a property prior to the effective date of this section may not be replanted or replaced in kind once such bamboo is or has become, for any reason, dead, destroyed, uprooted or otherwise removed.

§ 161-42 Penalties for offenses.

D. Violations. Any property owner who violates § 161-27(K) shall be guilty of a violation thereof and shall be punishable by a fine not to exceed \$500 for each violation. Each and every day that a violation of this section shall exist shall constitute a separate violation of this section.

Section 3. Severability. If any clause, sentence, paragraph, section, article, chapter or part of this local shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, section, article, chapter or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Section 4. Authority to enact pursuant to Municipal Home Rule Law § 10 and § 20.

Section 5. This local law shall become effective immediately upon filing with the Secretary of State of the State of New York.

Dated: _____, 2024

Sylvia Pirillo, RMC
Port Jefferson Village Clerk
Port Jefferson, NY

