

ARTICLE 4: WEEDS

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§ 8-401 WEEDS TO BE REMOVED.

It shall be unlawful for any owner, agent, lessee, tenant or other person occupying or having charge or control of any premises to permit weeds to remain upon said premises or any area between the property lines of said premises and the centerline of any adjacent street or alley, including, but not specifically limited to, sidewalks, streets, alleys, easements, rights-of-way and all other areas, public or private. All weeds as hereinafter defined are hereby declared a nuisance and are subject to abatement as hereinafter provided.

§ 8-402 DEFINITIONS.

For the purpose of this article, the following definition shall apply unless the context clearly indicates or requires a different meaning.

WEEDS. As used herein, means any of the following:

- (1) Brush and woody vines shall be classified as weeds;
- (2) Weeds and grasses that may attain such large growth as to become, when dry, a fire menace to adjacent improved property;
- (3) Weeds that bear or may bear seeds of a downy or wingy nature;
- (4) Weeds that are located in an area that harbors rats, insects, animals, reptiles or any other creature that either may or does constitute a menace to health, public safety or welfare; and

(5) Weeds and grasses on or about residential property that, because of its height, has a blighting influence on the neighborhood. Any such weeds and indigenous grasses shall be presumed to be blighting if they exceed 12 inches in height.

§ 8-403 PUBLIC OFFICER; NOTICE TO REMOVE.

(a) (1) The Mayor, with the consent of the Council, shall designate a public officer to be charged with the administration and enforcement of this section.

(2) The public officer or an authorized assistant shall notify in writing the owner, occupant or agent in charge of any premises in the city upon which weeds exist in violation of this section, by mail or by personal service, once per calendar year.

(b) Such notice shall include the following:

(1) The owner, occupant or agent in charge of the property is in violation of the city weed control law;

(2) The owner, occupant or agent in charge of the property is ordered to cut the weeds within ten days of the receipt of notice;

(3) The owner, occupant or agent in charge of the property may request a hearing before the governing body or its designated representative within five days of the receipt of notice;

(4) If the owner, occupant or agent in charge of the property does not cut the weeds, the city or its authorized agent will cut the weeds and assess the cost of the cutting, including a reasonable administrative fee, against the owner, occupant or agent in charge of the property;

(5) The owner, occupant or agent in charge of the property will be given an opportunity to pay the assessment, and, if it is not paid, it will be added to the property tax as a special assessment;

(6) No further notice shall be given prior to removal of weeds during the current calendar year; and

(7) The public officer should be contacted if there are any questions regarding the order.

(c) (1) If there is a change in the record owner of title to property subsequent to the giving of notice pursuant to this division (c), the city may not recover any costs or levy an assessment for the costs incurred by the cutting or destruction of weeds on such property unless the new record owner of title to such property is provided notice as required by this section.

(2) The cost of mowing shall be \$150 per hour, with a two-hour minimum.

(1999 Code, § 8-403) (Ord. 444, passed - -; Ord. 535, passed 7-8-2008)