HIGH GRASS – WEEDS

CHAPTER 14: NUISANCES
ARTICLE IV. WEEDS

Sec. 14-116. Growth limitations.

Except as otherwise provided in section 14-118 it shall be unlawful for any person owning, claiming, occupying or having supervision or control of any real property, occupied or unoccupied, within the city to permit grass, weeds, Johnson grass, brush or any objectionable or unsightly matter to grow to a greater height than 12 inches upon any such real property within 150 feet of any property line which abuts street rights-of-way, alleys, utility easements, subdivided additions, developed property or any buildings or other structures.

(Code 1966, § 11-19; Ord. No. 3191-A, § 1, 9-14-98)

Sec. 14-117. Certain areas to be kept free and clear.

It shall be the duty of any person owning, claiming, occupying or having supervision or control of any real property, occupied or unoccupied, within the city, to keep the area adjacent to his property line, including the front or side parkway between the property line or sidewalk and the curb and the rear or side parkway between the property line and the alley pavement or traveled way, or if there is no curb, then within ten feet outside such property, free and clear of the matter referred to in section 14-116. Provided, however, that where the alleyway is not open to traffic, that the parkway in such cases shall be deemed to be between the property line and the centerline of the alley. All vegetation not regularly cultivated and which exceeds 12 inches in height shall be presumed to be objectionable and unsightly, except that regularly cultivated crops shall not be allowed to grow within the right-of-way of any public street or easement, but shall be kept mowed. It shall be unlawful for any person described in this article to fail to cut and remove the matter referred to in section 14-116 from the areas described in this article, and such failure shall constitute a violation hereof upon the terms and conditions of this section.

(Code 1966, § 11-20)

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Sec. 14-118. Duty to cut and remove.

It shall be the duty of any person owning, claiming, occupying or having supervision or control of any real property:

(1) To cut and remove all such weeds, brush and other objectionable or unsightly matter as often as may be necessary; and

(2) To use every precaution to prevent weeds, brush and other objectionable or unsightly matter on such property from becoming a nuisance.

(3) Which abuts developed or occupied property on less than two sides to cut and remove grass, weeds, brush and other objectionable or unsightly matter on the

entire property at least once each year during the month of June, July or August.

(4) Which abuts developed or occupied property on two or more sides to not permit weeds, grass, brush, or any objectionable or unsightly matter to grow to a greater height than 12 inches upon any portion of such property.

(5) Which is undeveloped and adjacent to public right-of-way to cut and remove grass, weeds, brush and other objectionable or unsightly matter within the right-of-way.

(Code 1966, § 11-21; Ord. No. 2951-A, § 1, 9-27-93; Ord. No. 3191-A, § 1, 9-14-98)

Sec. 14-119. Notice to cut and remove.

(a) Upon the failure of the owner, occupant, or property manager in control of any real property, occupied or unoccupied within the city, to comply with sections 14-116, 14-117, and 14-118, the health director or designee shall notify the owner of the premises to bring the premises into compliance within seven days. The notice must be in writing and given to the owner in person or by letter addressed to the owner at the owner's post office address, or if personal service cannot be obtained or the owner's post office address is unknown, then the owner may be notified by:

(1) Publication at least two times within ten consecutive days;

(2) Posting notice on or near the front door of each building on the premises to which the violation relates; or

(3) Posting notice on a placard attached to a stake driven into the ground on the premises to which the violation relates, if the premises contains no buildings.

(b) If the owner, occupant, or property manager in control of any real property, occupied or unoccupied within the city fails to correct the violation in the notification specified in section 14-199(a), and the property has a previous record of noncompliance requiring city notifications, the health director or designee may inform the owner by certified mail, return receipt requested, that if another violation of the same kind or nature poses a danger to the public health and safety on or before the first anniversary of the date of the notice, then the city may without further notice correct the violation at the owner's expense and assess the expenses against the property. If a property manager has been assigned responsibility for maintenance of the property, and the health director or designee has been notified in writing of this assignment, then the city will additionally notify the property manager by certified mail. If a violation covered by such notice occurs within the one-year period, and the city has not been informed in writing by the owner of an ownership change, then the city without further notice may do the work or make the improvements required and pay for the work done or improvements made, and then charge the expenses to the owner and assess the expenses against the property.

(c) The health director, or designee, may issue citations and prosecute persons for violating sections 14-116, 14-117, and 14-118 regardless of whether a notice is issued under this section.

(Code 1966, § 11-22; Ord. No. 2951-A, § 2, 9-27-93; Ord. No. 3450, § 1, 1-26-04)

Sec. 14-120. Cutting and removal by city.

(a) Upon the failure of the owner, occupant, or property manager in control of any real property, occupied or unoccupied, within the city to comply with this article, or to keep the property free from weeds, rubbish, brush and any other objectionable, unsightly or unsanitary matter of whatever nature, the city, after notice has been given to the owner as provided in section 14-119, may do the work or make the improvements required, or pay for the work done or improvements made, and charge the expenses in doing or having such work done or improvements made to the owner of such property and assess the expenses against the property on which the work is done or improvements made.

(b) A statement by the city manager or his designated representative of such expenses shall be filed with the county clerk of the county in which the property is situated, and on such filing the city will have a privileged lien on such property, second only to tax liens and liens for street improvements, to secure the expenditures so made. The amount of such expenditures shall bear ten percent per annum interest from the date of payment by the city until paid by the property owner. For any such expenditures and interest, as aforesaid, suit may be instituted and foreclosure had in the name of the city, and the statement so made as aforesaid, or a certified copy thereof, shall be prima facie proof of the amount expended in any such work or improvements.

(Code 1966, § 11-23; Ord. No. 2951-A, § 3, 9-27-93)