

909.04 NOXIOUS WEEDS.

(a) It is hereby determined that noxious and/or uncultivated weeds and grass growing at a height in excess of eight inches or higher, upon any improved property within the City after the first day of May of each year are a public nuisance. For purposes herein, property which has constructed upon it, or in proximity to it, any building or similar structure used or intended to be used as the domicile of persons or as a place of business where persons reside during working hours, or any property in a residential subdivision to which is extended any improvements required by the Subdivision Regulations, shall be considered improved property.

(b) The Clerk, no later than the first of June of each year, shall cause notice on the City's webpage and cable station of this regulation that requires that all owners of improved property, in the City, to regularly remove the weeds and cut the grass growing upon their properties during the ensuing months of the year, by maintaining the grass and any cultivated weeds below a height of eight inches on the entirety of any improved property and removing any and all large piles or accumulations of cut grass and weeds from said property.

(c) Should any weeds or grass defined above be found on any improved property within the City, after the foregoing notice has been made, the Building Commissioner shall cause a written notice to be served by regular mail or personal delivery upon the owner, lessee, agent or tenant having charge of such land, notifying him that the weeds and grass are growing on such lands and that they must be cut or destroyed within seven (7) days after the service of such notice. If the address of such owner, lessee, agent or tenant having charge of the lands is unknown, it shall be sufficient to publish such notice once in a newspaper of general circulation in the City, and/or on the City's webpage. If the owner, lessee, agent or tenant having charge of the lands fails to comply with the above notice, the Building Commissioner shall cause all weeds herein and grass to be removed and/or cut. Thereupon, the expense of all necessary work, including but not limited to cutting, mowing, raking and applying weed killer, shall be billed to the property owner by regular mail or personal delivery and, upon his failure to reimburse the City this amount within thirty days thereafter, written notice may be made to the County Fiscal Officer advising of the City's action with a statement of the charges for the services, including all services referred to above, the fees of the officers who made the service, the notice and return, and a proper description of the premises, and a request that all such costs and fees be entered upon the tax duplicate and a lien upon such lands from and after the date of the entry which shall be collected as other taxes and be returned to the Municipality according to law. In the alternative, direct legal action may be taken by the Director of Law to recover these expenses.

(d) After two such written notices within the same calendar year are served by the Building Commissioner upon the owner, lessee, agent or tenant having charge of such land, the City will assess a one hundred dollar (\$100.00) fine upon the owner, lessee, agent or tenant having charge of such land for each subsequent infraction. Each day that the improved property is not brought in compliance with this section, following the issuance of the requisite notices to the owner, lessee, agent or tenant, shall constitute a separate infraction.

(e) If the property owner does not pay these fines within a period of thirty (30) days, the City may file a lien against the subject property with the County Fiscal Auditor. Such amount shall be a debt of the person to whom is assessed until paid and, in case of delinquency, may be enforced as delinquent City property taxes or by a suit against such person by the City, County, or subsequent property owner who paid off such lien.

