

## TITLE III COMMUNITY PROTECTION

### CHAPTER 10 WEEDS

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3-10-1 PURPOSE. The purpose of the this chapter is to designate responsibility for the removal of weeds and cutting of grasses within the City, to define the same nuisances and to provide for their abatement in order to provide for the safety and preserve the health and welfare of the citizens of the City.

3-10-2 DEFINITIONS. For the purposes of this chapter, the following terms, phrases, words, and their derivations shall have the meanings herein.

1. "Conservation area" means an area that is planted with ground cover plants of a size and texture compatible with the environment and maintained accordingly.
2. "Developed lot or area" means an improved or commercial lot.
3. "Ground cover" means plants with the growth and root capacity to cover and stabilize an area of soil and to prevent erosion.
4. "Natural Area" means an area allowed to retain native plant material in a natural state and municipal water ways, water detention, and retention basins wherein plant materials help to maintain soil conservation and/or prevent erosion.
5. "Noxious weeds" means primary and secondary classes of weeds as defined by the Cod of Iowa and all additions to this list as so declared by the State Secretary of Agriculture.
6. "Parking" means that part of the street, avenue, or highway in the City not covered by sidewalk and lying between the lot line and the curb line; on unpaved streets, the parking is that part of the street, avenue, or highway lying between the lot lines and that portion of the street usually traveled by vehicular traffic.
7. "Right-of-way" means the entire width of a platted street or alley in use or underdeveloped.
8. "'Soil erosion control" means a method of planting and cultivation, or lack of same, designed to retain soil and prevent soil movement caused by natural or manmade causes.
- 9 "Underdeveloped lot or area" means an unimproved lot or area.

10. "Unmowed or unattended area" means an area allowed to grow without care and supervision where weeds and grasses are more than the allowed height.

11. "Weed Official" means the person designated by the Mayor to enforce this chapter.

12. "Weeds" means any plants growing uncultivated and out of context with the surrounding plant life when such plant has a seed head formed or forming and with a height of seven (7) inches or more, except as otherwise provided in this chapter.

3-10-3 **AUTHORITY FOR ENFORCEMENT.** The Mayor or person designated by the Mayor is responsible for the enforcement of this chapter and shall have all the necessary authority to carry out the enforcement of this chapter. Said designee shall be known as the Weed Official.

3-10-4 **INTERFERENCE WITH WEED OFFICIAL.** No persons shall interfere with the Weed Official or any appointed assistant while engaged in the enforcement of this chapter.

3-10-5 **NUISANCES.** Except as provided elsewhere in this chapter, the following provisions shall apply:

1. Each owner and each person in the possession or control of any land shall cut or otherwise destroy, in whatever manner prescribed by the Weed Official, all noxious weeds thereon and shall keep said lands free of such growth.

2. Each owner and each person in possession or control of any property shall be responsible to keep said lot, along with parking adjacent thereto, alleys, public ways or areas up to the centerline of said ways free of any noxious weeds and to keep grasses and weeds on said lot mowed so that grass and weeds are less than 7 inches in height. However, except for any property dedicated to the raising of recognized farm crops, grass and weeds located on undeveloped and unplatted property located more than 100 feet from developed or platted property shall be mowed so that grass and weeds are less than 18 inches in height.

3. Each owner and each person in the possession or control of any lands shall not allow any plant growth of any sort to remain in such a manner as to render the streets, alleys, or public ways adjoining said land unsafe for public travel or in any manner so as to impede pedestrian or vehicular traffic upon any public place or way.

4. Where waterways or watercourses are found upon any developed or underdeveloped lot, the owner or person in possession or control shall keep the flat or level part of the bank of said waterway free of any weeds and grasses more than 18 inches in height. Should such waterways or watercourses be found within the right-of-way of a street or alley, the adjacent property owner or person in possession or control shall be responsible to keep the flat or accessible portion of creek bank free of any weeds or grasses more than 18 inches in height.

5. No owner or person in possession or control of any developed or underdeveloped lot shall allow plant growth or the accumulation of plant materials on such lot to remain in such a state so as to constitute a fire hazard. In no instance shall cut plant material accumulation be located within 150 feet of a building structure, recreation area (not including the width of any intervening street) or within 125 feet of a street right-of-way.

### 3-10-6 NATURAL AREAS.

1. Designation. The Weed Official, upon application of the owner or person in possession or control of any lot, may designate such lot or portion thereof or any adjacent undeveloped public way as a natural or conservation area. Prior to designating such area, the Weed Official shall consider the following factors: grade or incline of said tract, the difficulty to control or maintain said tract, whether said tract is being maintained as either or soil erosion control area or a conservation area. Any person affected by the designation, or lack thereof, may appeal said determination to the City Council.

2. Natural or Conservation Areas. Natural or Conservation areas need not be mowed and shall be left in their natural state except that noxious weeds shall be removed or controlled.

3. Public Ways. Sidewalks or other public ways that lie adjacent to or extend through a natural conservation area must be open and free from any obstructions to pedestrians or vehicular traffic.

3-10-7 ENFORCEMENT. It shall be the duty of the Weed Official to inspect all areas of complaint and, in the case of legitimate complaint, to notify the last known owner or person in possession (or control) of the area of violation of this chapter. Said notice shall be by certified mail and allow five (5) days after mailing said notice as a period of time to eliminate said violations. Return receipt with signature is not required for said notice. The Weed official shall charge an administrative fee in the amount of twenty-five (\$25.00) for each legitimate complaint. Upon failure of the owner or person in possession or control to act within the prescribed five-day period, the City may preformed the required action and assess costs against the property for collection in the same manner as a property tax. In the event such action is taken, the Weed Official may obtain competitive quotes to have the required action performed. If no quotes are obtained, the City may have the City personnel perform the required action at rates which shall be established by resolution of the Council from time to time, which rates shall constitute costs that may be assessed against the property as provided herein and shall be an obligation owing to the City that may be collected by the City in any other lawful manner. In addition to the foregoing remedy and their remedies by the law, the Weed Official may file misdemeanor charges against such individual.

3-10-8 EMERGENCY CONTROL MEASURES. Notwithstanding any other provisions of this chapter, whenever in the judgement of the Weed Official or the Fire Chief an emergency exists creating a health safety or fire hazard which may require weed or grass control without prior notice, control measures shall be taken and costs assessed against the property for collection in the same manner as property tax. However, prior to such assessment, the City shall give the property owner notice by certified mail and an opportunity for a hearing before the Council.

3-10-9 CONTROL OF WEEDS OR OTHER VEGETATION. The Clerk shall annually, on or before April 1<sup>st</sup> of each year, publish a Notice to Property owners generally setting forth the duty to control weeds and other vegetation which might be a nuisance in violation of this Code of Ordinances. The Weed Official may cause a Notice to Abate Nuisance to be served upon any property owner who fails to comply with the published notice or any person who, at any other time, has weeds or other vegetation in violation of this Code of Ordinances and shall submit the cost fo the Council for assessment as provided in Section 364.12 of the Code of Iowa. In the event of emergency as set forth in Section 364.12, the notice requirement may be dispensed with. In abating a nuisance under this Code of Ordinances, the Weed Official is hereby authorized and directed to employ such persons and rent any and all equipment necessary for the abatement of the nuisance; and the costs thereof shall be assessed.

3-10-10 HABITUAL VIOLATORS. If the owner or person in control of any land has previously received a notice to abate nuisance relating to weeds within the preceding 24 months, then , the notice to abate nuisance may include notice that such owner or person in control of said property will be considered to be an habitual violator of this chapter and that if the nuisance is not abated within the allowed time, the City will consider the property to be subject to having a contract let by the City for mowing property as needed up to a weekly basis for the next following 24-month period of time and that the full cost of said contract together with an administrative fee of two hundred fifty dollars (\$250.00) will be assessed against the property.