

§ 244-7. Cutting or removal of vegetation. [Amended 9-9-2003 by Ord. No. 03-25; 6-12-2007 by Ord. No. 07-7; 7-13-2010 by Ord. No. 10-24]

- A. Whenever there exists upon any developed or undeveloped property in the City, whether vacant or occupied, any grass, weeds, or other foreign growth which exceeds 12 inches in height, the owner shall immediately cut such grass, weeds, or other foreign growth. **[Amended 8-13-2013 by Ord. No. 13-15]**
- B. This section shall not apply to wooded areas of land in their natural state.

§ 244-8. Notice to correct dangerous situations. [Amended 9-9-2003 by Ord. No. 03-25; 6-12-2007 by Ord. No. 07-7; 7-13-2010 by Ord. No. 10-24; 8-13-2013 by Ord. No. 13-15]

Whenever it appears to the City Manager, or his designee that there exists upon any property in the City any trash, garbage, refuse, rubbish, litter and other substances which might endanger the health, comfort or general welfare of other residents of the City; or whenever there exists upon any developed or undeveloped property in the City, whether vacant or occupied, any grass, weeds, or other foreign growth which exceeds 12 inches in height, the City Manager or his designee shall notify the owner of such property by written notice which shall set forth the provisions of § 244-6 or 244-7, as applicable, the location of the property, and his order for such owner to comply with the provisions of § 244-6 or 244-7.

§ 244-9. Contents of notice; service. [Amended 9-9-2003 by Ord. No. 03-25; 8-10-2004 by Ord. No. 04-19; 7-13-2010 by Ord. No. 10-24]

- A. The notice referred to in § 244-8 shall specify the time, not less than 10 days, within which such owner shall comply with the order of the City Manager, or his designee, and the provisions of § 244-6 or § 244-7.
- B. For owners of such property who reside in the City, the notice shall be served on them by delivering it to them in person; or if they are not found, by delivering the notice and giving information of its purpose to any family member, other than a temporary sojourner or guest, above the age of 16 years; or if neither the owners nor such a family member is found, by leaving the notice posted on the front door of the owners' usual place of abode. **[Amended 8-13-2013 by Ord. No. 13-15]**
- C. If an owner is not a City resident, service of such violation notice shall occur in one of the following ways: **[Amended 8-13-2013 by Ord. No. 13-15]**
 - (1) By serving the owner personally;
 - (2) By serving the owner by certified mail, return receipt requested, at the owners last known address;
 - (3) By personally serving the agent of the owner. In addition, the owner shall be sent the notice by first-class mail at his last known address; or
 - (4) If service is not obtained pursuant to Subsection C(1), (2) or (3) above, serving

by publishing the notice once in a newspaper having general circulation in the City. In addition, the notice shall be sent by certified mail, return receipt requested, to the owner's test known address. Pursuant to §§ 244-10 and 244-11, the cost of the publication shall be chargeable to and paid by the owner.

- D. As to any property with grass, weeds, or other foreign growth that exceeds 12 inches in height, the service of one written notice per growing season to the property owner of record constitutes reasonable notice; and no further notice need be provided to the owner during the growing season. **[Amended 8-13-2013 by Ord. No. 13-15]**

§ 244-10. Failure to comply; removal by City. [Amended 9-9-2003 by Ord. No. 03-25; 6-12-2007 by Ord. No. 07-7; 7-13-2010 by Ord. No. 10-24]

- A. Upon the failure, neglect or refusal of those so notified as provided in this article to comply within the specified time with the provisions of §§ 244-6, 244-7 and 244-8, the City Manager or his designees may, at his sole discretion, cause such trash, garbage, refuse, rubbish, litter and other like substances which might endanger the health, comfort or general welfare of other residents of the City to be removed by the agents or employees of the City; or he may, at his sole discretion, cause to have removed, or cut and removed, by the agents or employees of the City all grass, weeds, or other foreign growth on developed or undeveloped property, whether vacant or occupied, that exceeds 12 inches in height, in which event the cost and expenses thereof shall be chargeable to and paid by the owners of such property. Upon completion of such removal, or cutting and removal, the City Manager or his designee shall transmit to the Director of Finance a statement of all costs or expenses incurred thereby, which shall be added to the taxes assessed against such property on which such removal, or cutting and removal, was made for the ensuing tax year and shall be collected with such taxes by any manner prescribed by law for the collection of City taxes. **[Amended 6-14-2016 by Ord. No. 16-20]**
- B. The City shall establish by competitive bidding, prior to each growing season, the cost to cut and remove grass, weeds, or other foreign growth that exceeds 12 inches in height. To such cost, the City shall add a \$30 administrative charge for which the responsible property owner is liable. **[Added 7-10-2018 by Ord. No. 18-24¹]**
- C. Instead of engaging in the enforcement action specified in this section, the City Manager or his designee may pursue the criminal penalties provided for in § 244-12 of this Code; or he may simultaneously pursue both the enforcement action specified in this section and the criminal penalties specified in § 244-12.

1. Editor's Note: This ordinance also redesignated former Subsection B as Subsection C.