

## **5.120 Noxious Vegetation.**

**5.121 Definitions.** For purposes of Section 5.120, except where the context indicates otherwise, noxious vegetation is defined as the following:

- (a) Poison oak.
- (b) Poison ivy.
- (c) Blackberry bushes that extend into a public thoroughfare or across a property line.
- (d) Vegetation that is:
  - (1) A health hazard,
  - (2) A fire hazard,
  - (3) A traffic hazard because it impairs the view of a public thoroughfare or otherwise makes use of the thoroughfare hazardous.
- (e) Weeds or grass more than 12 inches high.
- (f) Weeds or grass going to seed.
- (g) Noxious vegetation does not include an agricultural crop, unless that crop is a health, traffic, or fire hazard.

**5.122 Owner Responsibility.** No owner or person in charge of property may allow noxious vegetation to be on his property or on the public right-of-way abutting his property. It shall be the duty of an owner or person in charge of property to cut down or to destroy noxious vegetation. Exception: For parcels one acre or larger in size, noxious vegetation need only be controlled for a distance of 20 feet from an adjoining property where development has occurred and is not required to be controlled adjoining undeveloped property unless specifically requested by the owner of the undeveloped property.

**5.123 Public Notice of Intent to Abate.** The City Administrator will publish in the April edition of The Bridge or in a newspaper of general circulation after April 1st of each year a notice containing a copy of Section 5.122. The notice shall also state that the City intends to abate noxious vegetation within not less than 10 days of a final notice to abate such vegetation sent to the property owner and that all costs of doing so will be charged to the owner of the property being abated. The notice shall also state that a citation may be issued in lieu of or in addition to abatement action.

## **5.124 Notice to Abate.**

- (a) Upon determination by the City Administrator that noxious vegetation exists on any property, the City Administrator shall cause a notice to be mailed by first class mail to the person in charge and to the property owner of record of the property, if different, where the noxious vegetation exists, directing the owner or person in charge of the property to abate the noxious vegetation.

(b) The notice to abate shall contain:

(1) A description of the real property, by street address or otherwise, on which or adjacent to which the noxious vegetation exists.

(2) A direction to abate the noxious vegetation within ten days from the date of the notice.

(3) A statement that unless the noxious vegetation is removed, the City will issue a citation and may abate the noxious vegetation and the cost of abatement may be placed as a lien against the property until paid in full.

(4) A statement that the owner or person in charge of the property may protest the abatement by giving notice to the City Administrator within seven days from the date of the notice.

(c) An error in the name or address of the owner or person in charge of the property or the use of a name other than that of the owner or other person shall not make the notice void.

#### **5.125 Abatement by the Owner.**

(a) Within the time allowed by the notice as provided in section 5.124, the owner or person in charge of the property shall remove the noxious vegetation or show that no noxious vegetation exists.

(b) The owner or person in charge of property may protest that no noxious vegetation in fact exists by filing with the City Administrator, within seven day of the date of the notice, a written statement which shall specify the basis for so protesting.

(c) The statement shall be referred to the Council as a part of the Council's regular agenda at the next available meeting. At the time set for the consideration of the abatement, the owner or other person may appear and be heard by the Council. The Council shall determine whether or not noxious vegetation in fact exists and such determination shall be entered in the official minutes of the Council. Council determination shall be required only in those cases where a written statement has been filed.

(d) If the Council determines that noxious vegetation does in fact exist, the owner or person in charge of property shall, within five days after the Council determination, abate the noxious vegetation.

#### **5.126 Abatement by the City.**

(a) If, within the time permitted by Section 5.124 or 5.125, the noxious vegetation has not been abated by the owner or person in charge of the property, the City Administrator may cause the noxious vegetation to be abated.

(b) The city employee or contractor personnel charged with abatement shall have the right to enter into or upon any property at reasonable times to investigate or cause the removal of the noxious vegetation.

(c) The charge for abatement shall be the actual cost to abate the property plus administrative fees for processing abatement actions in the amount of \$25.00 or 20% of the actual cost to abate, whichever is greater.

#### **5.127 Assessment of Costs.**

(a) The City Administrator shall forward to the owner or person in charge of the property a notice stating:

(1) The total amount of the cost of abatement.

(2) That the amount as indicated will be assessed to and become a lien against the property unless paid within 30 days from the date of the notice.

(3) That the Council, in the regular course of business, shall hear objections to the cost to be assessed if such objections are made in writing to the City Administrator within 10 days of the notice of assessments being mailed.

(b) If the cost of the assessment is not paid within 30 days from the date of the notice, a lien, adopted by Resolution of the City Council, in the total amount of the assessed costs shall be placed on the property.

(c) An error in the name of the owner or person in charge of the property shall not void the assessment nor will a failure to receive the notice of the proposed assessment render the assessment void.

**5.128 Penalties.**

(a) A violation of a provision of Sections 5.120 to 5.127 is a Class C violation and may be cited as such if noxious vegetation is not removed within 10 days of the date of the Notice of Violation. Each additional day the nuisance is not removed may be a separate violation.

(b) The abatement of a nuisance is not a penalty for violation of Sections 5.120 through 5.129, but is an additional remedy. The imposition of a penalty does not relieve a person of the duty to abate the noxious vegetation.

**5.129 Reserved for Expansion.**