

CHAPTER 3

WEEDS

SECTION:

- 3-3-1: Removal Required
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3-3-1: **REMOVAL REQUIRED:** All weeds, grasses and growths which are deleterious, unsightly and injurious to the public or to the residents or owners of adjacent property within the city shall, at all times, continuously be kept weeded out, cut down, obliterated and destroyed between June 1 and October 1 of each year. (Ord. 161, 3-9-1982; amd. 2010 Code)

3-3-2: **RESPONSIBILITY FOR REMOVAL:** Every person, residing or doing business within the incorporated limits of the city, either as owner, tenant, lessee or merely as occupant of any such lots, lands or premises as well, and all persons, whether resident or nonresident owners or owners of any lots, lands or premises within such corporate limits of the city, shall, at all times and continuously after being given five (5) days' notice, during the time and dates hereinafter stated, destroy, cut down, weed out, and obliterate all such weeds, grasses and growths growing on any such lot, lands or premises, and also, such person, between June 1 and October 1 of each year, shall keep continuously cut down, weeded out, destroyed and obliterated, all such weeds, grasses and growths from all that part or portion of said lots, lands and premises which lie and are situated between the property line of such respective lots, lands or premises, so owned, used or occupied by such person, and the street curb line or any street or alley running or lying immediately adjacent or contiguous to such lots, lands, or premises; that portion of land or premises herein referred to, being the sidewalk ground, as well as the parking ground

fronting, adjacent or contiguous to any such lots, lands or premises. (Ord. 161, 3-9-1982; amd. 2010 Code)

3-3-3: **REMOVAL BY CITY:** Every person owning or occupying any lots, lands or premises situated within the incorporated limits of the city, shall within the time fixed and after the notice as provided in section 3-3-2 of this chapter, keep continuously destroyed, weeded out, cut down and obliterated all such deleterious, unsightly and injurious weeds, grasses and growths in or on any and all such lots, lands or premises so owned or in accordance with the provisions of 3-3-2 of this chapter; and, in the event that such deleterious, unsightly and injurious weeds, grasses and growths are not so continuously destroyed, weeded out, cut down and obliterated, the city may cause such deleterious, unsightly and injurious weeds, grasses and growths to be cut down, weeded out and destroyed, and the costs and charges, plus a service charge to be set by resolution of the council duly adopted, shall be collected from the owner, tenant, lessee or occupant of said lots, lands or premises. Such costs and expenses shall be collected directly by the city from the owner, tenant, lessee or occupant, or shall be collected from the owner or reputed owner of the lots, lands, or premises by action in the name of the municipal corporation before any court of competent jurisdiction as is provided by law; and said judgment therefor shall be levied directly against the real estate involved or any other property belonging to any of said parties; or, in the discretion of the council when notice has been given to the owner or reputed owner of the premises, shall require the city clerk to keep an accurate account of the costs and expenses for destroying, cutting down, weeding out or obliterating and shall make a return of the same to the city council before passage of the annual appropriation bill and levy of taxes for such year, the mayor and city council shall, at the time of levying the taxes for general city purposes for the following year, levy the amount of such costs and expenses made hereunder and then unpaid, to each lot, land or premises where said costs and expenses were incurred as a special tax against said lot, land or premises, and the special assessments shall be certified to the county auditor, and the same shall be levied and collected in all respects like any other city taxes upon real estate. No lot, land or premises shall be exempt from the payment of such special tax. (Ord. 161, 3-9-1982)

3-3-4: **LABOR AUTHORIZED:** The mayor and city council are hereby given the power and authority to employ such labor as is necessary to carry out the provisions of this chapter and allow the bills therefor. (Ord. 161, 3-9-1982)

3-3-5: VIOLATION; PENALTY:

- A. Misdemeanor: Any person, company or corporation owning or occupying any lots, lands or premises within such incorporated limits of the city, who shall fail, refuse or neglect to continuously keep weeded out, cut down, obliterated or destroyed all such deleterious, unsightly and injurious weeds, grasses and growths above named, in the manner prescribed, and according to the provision of section 3-3-2 of this chapter, and during the time provided for in section 3-3-2 of this chapter after five (5) days' notice as provided in section 3-3-2 of this chapter shall be deemed guilty of a misdemeanor.
- B. Separate Offense: Each and every five (5) days any such person, company or corporation, mentioned and described in section 3-3-2 of this chapter, after five (5) days' notice as provided in section 3-3-2 of this chapter shall fail, refuse or neglect to comply with the provision of this chapter, shall constitute a separate and distinct offense against the provisions of this chapter, and each of such separate offenses shall be punishable as provided by the provisions of subsection A of this section. (Ord. 161, 3-9-1982)