

CHAPTER 52

GRASS AND WEEDS

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52.01 PURPOSE. The purpose of this chapter is to beautify and preserve the appearance of the City by requiring property owners and occupants to maintain grass lawns at a uniform height within the boundaries of their property and on abutting street right-of-way in order to prevent unsightly, offensive, or nuisance conditions.

52.02 DEFINITIONS. For use in this chapter, the following terms are defined:

1. “Curb,” “curb line” or “curbing” means the outer boundaries of a street at the edge of that portion of the street usually traveled by vehicular traffic.
2. “Cut” or “mow” means to mechanically maintain the growth of grass, weeds or brush at a uniform height.
3. “Owner” means a person owning private property in the City and any person occupying private property in the City.
4. “Parking” means that part of a street, avenue, or highway in the City not covered by a sidewalk and lying between the lot line or property line and the curb line or, on unpaved streets, that part of the street lying between the lot line or property line and that portion of the street usually traveled by vehicular traffic.

52.03 CUTTING SPECIFICATIONS AND STANDARDS OF PRACTICE.

1. Every owner shall cut, mow, and maintain all grass, weeds, and brush upon the owner’s property and adjacent to the curb line or outer boundary of any street, which shall include the parking area abutting the owner’s property, to a uniform height as defined in Section 52.04.
2. Every owner shall cut, mow, and maintain grass, weeds, and brush adjacent to the curb line, including the parking area abutting the owner’s property, in such a manner so as to be in conformity with and at an even height with all other grass, weeds or brush growing on the remainder of the owner’s property.

52.04 UNIFORM HEIGHT SPECIFICATIONS. Grass, weeds, and brush shall be cut, mowed, and maintained so as not to exceed the following height specifications:

1. Developed residential, business, and industrial areas — not to exceed eight inches (8”).
2. Infill residential lots — not to exceed eight inches (8”).
3. Undeveloped residential areas — not to exceed ten inches (10”).

4. Agriculture Areas — not to exceed fifteen inches (15").
(*Ord. 588 – Jan. 19 Supp.*)

52.05 NOXIOUS WEEDS.

1. Every property owner shall cut and control noxious weeds upon the owner's property and adjacent to the curb line or outer boundary of any street, which shall include the parking area abutting the owner's property, by cutting noxious weeds to ground level. The use of herbicides to eliminate or eradicate such weeds shall not appropriately abate the nuisance if the subject vegetation is in violation of the height limit.
(*Ord. 588 – Jan. 19 Supp.*)
2. Noxious weeds include any weed growth or plant designated as noxious by the State Department of Natural Resources rules and regulations or by the *Code of Iowa*.

52.06 ABATEMENT NOTICE AND PROCEDURE. Annual publication of Chapter 52 of this Code in an official newspaper shall serve as notice to property owners.

1. Upon discovery of the first violation of this chapter per subdivided lot within a mowing year, a notice shall be posted upon the property and shall include the following information:
- A. A description of what constitutes the nuisance;
 - B. The location of the nuisance;
 - C. Act(s) necessary to abate the nuisance;
 - D. A reasonable time within which to complete the abatement, not to exceed five (5) calendar days; and
 - E. A statement that if the nuisance or condition is not abated as directed and within the time prescribed, the City will abate it and assess the costs against the property owner.
2. After the reasonable time period for the initial violation has passed, the City shall abate the nuisance without further notice.
3. Subsequent violations per subdivided lot in a mowing year shall not require notice prior to the City's abatement of the nuisance.
4. The City may abate the nuisance itself or by hiring an independent contractor. Independent contractors shall be paid upon their completion and submission of an invoice, regardless of whether the cost has been received from the property owner. If the City itself abates the nuisance, the property owner shall be charged \$125 per subdivided lot for the first abatement, and \$225 per subdivided lot for subsequent abatements in the same mowing year. If the City uses an independent contractor, the property owner shall be charged incurred costs plus a \$75 administrative fee for the first abatement in a mowing year, and incurred costs plus a \$125 administrative fee for subsequent violations.
5. Collection of Costs. The Clerk shall send a statement of the total expense incurred by certified mail to the property owner who has failed to abide by the notice to abate, and if the amount shown by the statement has not been paid within one month, the Clerk shall certify the costs to the County Treasurer and such costs shall then be collected with, and in the same manner as, general property taxes. Revenues,

other than independent contractor costs, shall be deposited 50% in a revenue account for the Police Department, and 50% to a revenue account for the Parks Department.

6. The Mayor or his/her designee(s) shall be responsible for the enforcement of this chapter. Additionally, all sworn officers in the Police Department are authorized to post notices and submit abatement work orders to the Director of Public Works, who shall direct his department or an independent contractor to abate the nuisance within four (4) calendar days of the discovery of the violation, or for initial violations within 4 (four) calendar days of the expiration of the reasonable period of time as posted.

7. Insurance for Independent Contractors. Any independent contractor shall carry general liability and commercial auto insurance with per occurrence limits of not less than \$1,000,000. The general liability policy shall endorse the City of Clarion as additional insured including a non-waiver of governmental immunity form. Such independent contractor(s) shall agree to indemnify and hold harmless the City of Clarion and its employees for any and all damages and claims related to its services rendered to the City of Clarion to the extent allowed by the *Code of Iowa*. The independent contractor(s) shall furnish current certificates of insurance showing these requirements at least annually.

(Section 52.06 – Ord. 588 – Jan. 19 Supp.)

52.07 MOWING IN THE STREET. No property owner shall cut, mow, or deposit in any fashion any grass, weeds, brush, or leaves upon a City street. Property owners found to be in violation of this section shall be fined \$30 for the first occurrence in a mowing year, and \$60 for subsequent violations.
(Ord. 588 – Jan. 19 Supp.)

52.08 PROCEDURES AND REQUIREMENTS. Allowable exceptions may be permitted to the uniform height specifications of this chapter in accordance with the rules and procedures as adopted by the Council for the establishment and maintenance of a native grass area. The Council may grant or deny an exception in accordance with the standards set forth herein and within the intent and purpose of this chapter. In granting an exception, the Council may prescribe and impose appropriate conditions, safeguards, and a specific time for the performance for which the exception will be permitted.

52.09 APPLICATION FOR EXCEPTION PERMIT. An application for an exception permit may be initiated by a property owner or the property owner's authorized agent by filing an application with the City Clerk upon the forms prescribed for this purpose. The application shall be accompanied by a site plan and such other plans and data showing the dimensions, descriptive data, seed content, and other materials constituting a record essential to and understanding of the proposed use of the area in question. The application shall also be accompanied by a fee as determined by resolution of the City Council.

52.10 PROCEDURES. The special permit shall not be granted by the City Council until the following procedures have been fulfilled.

1. Applications shall only be received from organizations that are organized and operated exclusively for charitable, religious, educational, scientific or literary purposes and that are organized or created in the United States and whose net earnings do not inure to the benefit of any private shareholder or individual.
2. The application shall be completed as set out and shall provide that the permitted area be at least 1.9 acres in a single tract.

3. The City Council shall schedule a public hearing in relation to the exception request. Notice shall be given to the public hearing as required by State statute by publication in a newspaper of general circulation in the City. If feasible, notice of the public hearing shall be mailed to property owners within 200 feet of the accepted area.

4. In granting a permit, the Council may prescribe appropriate conditions and safeguards in conformity with this chapter and other chapters of this Code of Ordinances. Violation of such conditions and safeguards, when made a part of the terms under which the exception is granted, shall be deemed a violation of this chapter.

5. The concurring vote of a majority of the members of the City Council grants an exception to this chapter. The special exception permit shall be valid for no longer than six months from the date of the approval, unless seeding has commenced or the Council specifically grants a longer period of time.

52.11 STANDARDS. No exception permit shall be granted by the City Council unless the Council finds that:

1. The grant of the exception will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare of the community;

2. The exception use will not be injurious to the use and enjoyment of other property in the immediate vicinity, nor substantially diminish and impair property values with the neighborhood;

3. The establishment of the exception use will not impede the normal and orderly development and improvement of the surrounding property;

4. Adequate arrangements have been made to protect the immediate vicinity from an unnatural accumulation of insects and varmints; and

5. The special use will not be in major conflict with the Comprehensive City Plan.

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