

Chapter 9.16

WEEDS AND CLEARING OF PROPERTY

9.16.010: PURPOSE OF PROVISIONS:

It shall be the purpose of this article to provide for the cleaning of real property and the control of weeds in a way that will:

- A. Prevent fire hazards;

- B. Prevent insect and rodent harborages;

- C. Prevent the induction of hazardous pollens in the air;

- D. Prevent further spreading of vegetation that threatens the public health, safety or welfare;

- E. Abate the existence of objects, structures or solid waste that threaten the public health, safety and welfare;

- F. Protect and promote the public health and safety of the community by preventing and/or abating conditions of real property or the structures thereon which create or maintain public nuisances. (Prior code § 18-29-1)

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9.16.030: REAL PROPERTY TO BE KEPT CLEAN AND SECURED:

It is unlawful for any person, corporation, partnership or other legal entity owning or occupying real property in the city to fail to maintain the height of weeds, as provided in section [9.16.040](#) of this chapter, or its successor, on such property; or to fail to remove from the property any cuttings from such weeds, or any solid waste, unsightly or deleterious objects or structures, or to fail to effectively secure any vacant structure after having been given written notice from the department or inspector. (Prior code § 18-29-3)

9.16.040: WEED CONTROL SPECIFICATIONS:

A. Weeds shall be maintained at a height of not more than six inches (6") (15.2 cm) at all times, and the cuttings shall be promptly cleared and removed from the premises.

B. Weeds which are eradicated by chemicals must be done so before their height exceeds six inches (6") (15.2 cm), or they must be cut at a level not exceeding six inches (6") (15.2 cm) in height.

C. Weeds which are rototilled or removed by the root must be buried under the soil or removed from the property.

D. When, in the opinion of the inspector, the large size of property makes the cutting of all weeds impractical, the inspector may, by written order, allow and limit the required cutting of weeds to a firebreak of not less than fifteen feet (15') (4.6 m) in width cut around the complete perimeter of the property and around any structures existing upon the property. (Prior code § 18-29-4)

9.16.050: NOTICE OF VIOLATION AND CORRECTIVE MEASURES:

A. Owners or occupants of the property upon which a violation exists shall be served a written notice stating the violation, location of violation, date of notice, corrective measures to be taken, a reasonable time period to comply, which shall be not less than ten (10) days from the date of the service of the order, and the department's power to cause, at the property owner's expense, the cutting or eradicating of weeds, the cleaning and removing of weeds, unsightly or deleterious objects or structures, or flammable material, or the securing of any vacant structures.

B. Any administrative appeal to such notice must be filed with the issuing department within ten (10) days of service of the notice, and is subject to review as other department administrative appeals. Once notice has been served during any calendar year directing the cutting and removing of weeds, no further notice need be served upon the same owner or occupant to compel such weed cutting and removing during such calendar year.

C. Such written notice issued by the inspector shall be deemed sufficient and complete when served upon the owner or occupant:

1. Personally by the inspector or his or her representative; or
2. Mailing, postage prepaid, addressed to the owner or occupant at the last known post office address appearing on the records of the county assessor.

D. The inspector shall make proof of service of such notice under oath, and file the same in the office of the county treasurer. (Prior code § 18-29-5)

9.16.060: CITY TO CLEAN OR SECURE PROPERTY WHEN; COSTS:

- A. Upon the owner's or occupant's failure to cut or eradicate the weeds, remove the cuttings, solid waste, unsightly or deleterious objects or structures or flammable material, or failure to secure any vacant structure in accordance with the notice issued, the department shall have the authority to cause such cutting, removing or securing, including the power to enter on the property in violation for such cutting, removing or securing, or to authorize others to enter on such property and cause such cutting, removing or securing.
- B. The inspector, upon approved completion of the work, shall prepare an itemized statement of all costs, including administrative expenses incurred by the department, which shall be a minimum of not less than one hundred dollars (\$100.00), plus the cost of cutting, eradicating, removing or securing the property. The inspector shall mail a copy of such statement to the owner or occupant demanding reimbursement to the department of such costs by payment to the city treasurer within twenty (20) days of the date of mailing. Such notice shall be deemed delivered when mailed by registered mail addressed to the last known address of the property owner or occupant according to the records of the county assessor.
- C. Notwithstanding any other provision in this chapter to the contrary, where the owner of the property in question presents evidence demonstrating that his/her combined family income is at or below the level established for very low income households, to the satisfaction of the inspector, the city shall waive all administrative fees and the actual cost of removing weeds or the clearing of property at the owner's principal place of residence. (Ord. 36-99 § 2, 1999: prior code § 18-29-6)

9.16.070: COSTS; COLLECTION METHODS AUTHORIZED:

If within twenty (20) days of the date of mailing the owner fails to make payment of the amount set forth in such statement to the city treasurer, the inspector may either cause suit to be brought in an appropriate court of law, or refer the matter to the county treasurer, as provided in this chapter. (Prior code § 18-29-7)

9.16.080: COSTS; COLLECTION BY LAWSUIT:

In the event collection of expenses of cutting, eradicating, removing of solid waste,

unsightly or deleterious objects or structures or flammable material, or the securing of any vacant structure is pursued through the court, the city shall sue for and receive judgment for all expenses of cutting, eradicating, removing, or securing of any structure, together with reasonable attorney fees, interest and court costs, and shall execute upon such judgment in the manner provided by law. (Prior code § 18-29-8)

9.16.090: COSTS; COLLECTION THROUGH TAXES:

In the event that the inspector elects to refer the expenses of cutting, eradicating, removing of solid waste, unsightly or deleterious objects or structures, flammable material, or the securing of any structure to the county treasurer for inclusion in the tax notice of the property owner, the inspector shall make in triplicate an itemized statement of all expenses, including such administrative expenses incurred, and shall deliver three (3) copies of the statement to the county treasurer within ten (10) days after the completion of the work. (Prior code § 18-29-9)

9.16.100: TAX NOTICE; REMOVAL COSTS TO BE SHOWN:

- A. Upon receipt of the itemized statement of the costs of cutting or eradicating, removing of solid waste, unsightly or deleterious objects, flammable material, or the securing of any structure, the county treasurer shall forthwith mail one copy to the owner of the land from which the same were cut, eradicated, removed or secured, together with a notice that objection in writing to the board of county commissioners may be made within thirty (30) days to the whole or any part of the statement so filed. The county treasurer shall, at the same time, deliver a copy of the statement to the clerk of the board of county commissioners.

- B. If objections to any statement are filed with the board, the board shall set a date for hearing, giving notice thereof, to the party objecting, the inspector, the department and the city attorney's office and, upon the hearing of the matter, determine and fix the actual cost of cutting, eradicating, removing or securing, including administrative expenses, reporting the findings to the county treasurer.

- C. If no objections to the items of the account are made within thirty (30) days of the date of mailing such statement, the county treasurer shall certify and enter the amount of such statement on the assessment rolls of the county in the column prepared for that purpose. Otherwise, the treasurer shall, within ten (10) days of the date of the action of the board of county commissioners, upon any objections filed, enter in the prepared column upon the tax rolls the amount found and certified by the board to be the cost of cutting, eradicating, removing or securing.

D. If current tax notices have been mailed, the taxes so incurred may be carried over the rolls to the following year. After the entry by the county treasurer of the certified costs of such work, the amount so entered shall have the force and effect of a valid judgment of the district court, and shall be a lien upon the lands upon which the work was performed, and shall be collected by the county treasurer at the time of and in the manner provided for the payment of general taxes. The county treasurer shall send a copy of the certification to the city treasurer's office. Thereafter, upon payment, a receipt shall be acknowledged upon the general tax receipt issued by the county treasurer and the collected funds shall be reimbursed to the applicable abatement fund. (Prior code § 18-29-10)

9.16.110: PROPERTY EXAMINATION; ENFORCEMENT AUTHORITY:

The inspector, and his or her delegates, are hereby authorized to make examinations and investigations of all real property in the city to determine whether the owners of such property are complying with the provisions of this chapter, and to enforce the provisions thereof. (Prior code § 18-29-11)

9.16.120: VIOLATION; PENALTY:

Any party who shall fail to do those acts required in this article of this chapter, and any party who shall do or cause those acts prohibited herein to be done shall be guilty of a class B misdemeanor. If the violator shall be a corporation, partnership or entity other than an individual, such violator may be fined up to one thousand dollars (\$1,000.00). Each and every day that a violation of this article continues shall constitute a separate offense. (Amended during 11/88 supplement: prior code § 18-29-13)

Article II. Weed Abatement Along Public Streets

9.16.130: DUTY OF OWNERS, OCCUPANTS OR AGENTS:

It shall be the duty of every owner or occupant, or the agent of the owner or occupant, of land abutting and bordering on any public street in the city, for the distance such land abuts and borders, to remove from alongside the street in front of such land all weeds and noxious vegetation, from the property line to the curb line of the street. (Prior code § 41-9-1)

9.16.140: EXAMINATION OF STREETS:

It shall be the duty of the city inspector, appointed under the provisions of article I of this chapter, and his or her assistants, to make examinations and investigations of the areas of streets referred to in section [9.16.130](#) of this chapter, or its successor, to determine

whether the persons referred to in that section are complying with the provisions of this article. (Prior code § 41-9-2)

9.16.150: NOTICE TO REMOVE WEEDS AND NOXIOUS VEGETATION:

Upon a determination by said inspector that the provisions of section [9.16.130](#) of chapter, or its successor, are not being complied with, the inspector shall ascertain the name of the owner or occupant, or the agent of the owner or occupant, of the land abutting and bordering a public street failing to comply with the provisions of this article, and shall serve notice in writing upon such owner or occupant, or agent of the owner or occupant, either personally or by mail, addressed to the last known post office address as disclosed by the records of the county assessor, requiring such owner or occupant, or agent of the owner or occupant, to remove the weeds and noxious vegetation within such time as the inspector shall designate, which shall be not less than ten (10) days from the date of service of such notice. It shall be the duty of the person so served with notice to comply therewith. (Prior code § 41-9-3)

9.16.160: VIOLATION; PENALTY:

Every person who violates the provisions of this article of this chapter by failure to perform the duties as herein required shall be guilty of a misdemeanor. (Prior code § 41-9-4)