

## CHAPTER 52

### WEEDS

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#### **52.01 OWNER TO CUT WEED HAZARD.**

1. All weeds, vines, brush, bushes, non-purposefully planted trees less than three (3) inches in diameter, grass, and other growths which exceed a height of twelve (12) inches and all noxious weeds of any dimension as defined by the *Code of Iowa*, growing on lots and parcels of ground within the corporate limits of the City, after May 1 of each year are declared to be a weed hazard and constitute a health, safety and fire hazard and a public nuisance. Exceptions to this section are listed in Section 52.05.
2. Owners or occupants of all lots and parcels of ground within the City shall cut or otherwise destroy such growths on their respective lots or parcels of ground not later than May 15 of each year and thereafter as needed.
3. In cases of subsequent growth of such materials which exceed a height of twelve (12) inches on such lots or parcels of ground, such owners or occupants shall cut or otherwise destroy the growth as soon as it exceed a height of 12 inches.
4. In the event of failure to cut or destroy such weeds, vines, brush, bushes, non-purposefully planted trees less than three inches in diameter, other growths which exceed a height of 12 inches and noxious weeds as defined by the *Code of Iowa*, it shall be the duty of the Mayor to cause the same to be done.

**52.02 NOTICE TO PROPERTY OWNERS.** At least seven days prior to the abatement of the growth as authorized by this chapter, the Mayor shall give notice of the proposed action in the following manner:

1. By publication in a daily newspaper of general circulation in the City, notifying such property owners that unless such weeds, vines, brush, bushes, non-purposefully planted trees less than three (3) inches in diameter and noxious weeds as defined by the *Code of Iowa*, or other growths are cut or destroyed before the dates stated in the notice, the City will cut or destroy such weeds, vines, brush, bushes, non-purposefully planted trees less than three inches in diameter and noxious weeds or other growths and assess the cost thereof to the owner of the lot or parcel of ground. The Clerk shall cause the notice to be published.
2. By causing a dated and signed placard to be posted in a conspicuous place on each parcel of property found to be in violation of this chapter the placard to state that the parcel is in violation of this chapter, and that failure of the owner to abate the growths within seven days of the date stated on the placard will result in the City abating the weeds and assessing the actual cost and an administrative fee against the property.
3. By certified mail to the owner of the property as shown by the records of the County Auditor, the notice to state that the referred parcel of land is in violation of this chapter, and that failure of the owner to abate the growth within seven days of the date

of the notice will result in the City abating the weeds and assessing the actual cost and an administrative fee against the property.

**52.03 PAYMENT OR ASSESSMENT OF COSTS.** Upon the completion of the abatement of a weed hazard under the authority of this chapter, the property owner shall be charged a fee to cover the costs of abatement. The fee shall be as set forth in the prevailing schedule of fees of the City as most recently adopted by the Council and shall be based on the square footage of the lot upon which the weeds were abated. The Mayor shall demand payment of such fee from the property owner by mailing a statement of the fee to the last known address of the owner and/or person in possession by ordinary mail. Such statement shall be due and payable upon mailing and shall be delinquent if not paid within seven days of mailing. Any fees for the abatement of a weed hazard which are delinquent may be assessed against the property for collection in the same manner as a property tax, pursuant to the provisions of Section 364.12 of the *Code of Iowa*. An additional administrative fee shall be added to each delinquent account if it is certified for collection by the County Auditor. The additional administrative fee shall be as set forth in the prevailing schedule of fees of the City as most recently adopted by the Council.

**52.04 DUTY OF PROPERTY OWNER.** It is unlawful for any owner or person in possession of any lot, place, area or tract of ground situated within the City to permit a weed hazard to grow thereon or upon the abutting public right- of-way. It is the duty of the property owner or person in possession of property which abuts public rights-of-way to maintain all property outside the lot and property lines and inside the curb lines upon the public streets and to the center of alleyways, and to keep such property free from weed hazards.

**52.05 EXCEPTIONS.** The following are exceptions to this chapter:

1. Vegetable and Flower Gardens. Purposefully planted vegetable and/or flower gardens shall be permitted to exceed 12 inches in height if they are maintained free of weeds.
2. Wood Perennials. Purposefully planted wood perennials shall be permitted to exceed 12 inches in height if they are planted and maintained in compliance with this Code of Ordinances.
3. Weeds and other growth shall be permitted to exceed 12 inches in height upon those properties or portions of properties within the City upon which development has never occurred, which due to terrain and the natural growth of trees are not amenable to weed control by any practicable means, and which are not located in such proximity to developed areas that uncontrolled weed growth thereon will constitute a nuisance or hazard to developed areas.

This section shall not be construed so as to permit the growing of noxious weeds as defined in Chapter 317 of the *Code of Iowa*.

**52.06 VIOLATION.** Any person who violates any provision of this chapter is guilty of a misdemeanor. Each day that a violation is allowed to continue shall constitute a separate violation.

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