

ORDINANCE NO. _____

AN ORDINANCE ADDING CHAPTER 52 TO THE CODE OF ORDINANCES OF THE CITY OF BLOOMFIELD, IOWA

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BLOOMFIELD, IOWA:

Section 1. The following is hereby added as Chapter 52 of the Code of Ordinances of the City of Bloomfield, Iowa (the "Code"):

CHAPTER 52

GRASS AND WEEDS

52.01	Purpose
52.02	Definitions
52.03	Cutting Specifications and Standards of Practice
52.04	Uniform Height Specifications
52.05	Noxious Weeds
52.06	Abatement Notice and Procedure
52.07	Mowing in the Street
52.08	Procedures and Requirements
52.09	Application for Exception Permit
52.10	Procedures
52.11	Standards

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").

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.

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 mailed by regular mail to the address of the property owner on file in the county records 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. 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.

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.

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.

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.

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. The Council reserves the right to declare any parcel or lot exempt from this chapter if it involves an agricultural purpose, conservation or other natural grass, flower or wildlife area, such exemption to be approved by the Council by motion and filed in writing with the Clerk. 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.

Section 2. All Ordinances or parts of Ordinances in conflict with provisions of this Ordinance are hereby repealed.

Section 3. If any section, provisions, or parts of this Ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the Ordinance as a whole, or any section, provision, or part thereof not adjudged invalid or unconstitutional.

Section 4. This ordinance shall become effective upon its passage, approval and publication/posting as provided by law.

First Reading: _____
Second Reading: _____
Third Reading: _____

PASSED AND APPROVED this _____ day of _____, 2021.