

WEEDS, TREES, BUSHES

§ 92.035 WEEDS AND NOXIOUS VEGETATION.

(A) All weeds and plants declared to be dangerous or noxious weeds by the state's Department of Agriculture or the Commission of State Weed Control or the Board of Commissioners, and all other weeds suffered or allowed to grow during the growing season which are declared noxious, dangerous, or unhealthy vegetation, are hereby declared a public nuisance. It shall be the duty of the property owner of any lot within the city to cut such noxious vegetation at such time as necessary to prevent its growth.

(B) No landowner shall allow domestic grass, weeds, or noxious vegetation to grow to a height or length of more than eight inches.

(Ord. 1.90A, passed 5-15-2014; Ord. passed 9-19-2019) Penalty, see § 92.999

§ 92.036 OVERHANGING TREE LIMBS AND BUSHES.

(A) The limbs of trees or bushes hanging less than 12 feet in height above the driving surface of all streets within the city limits shall be declared a public nuisance and shall be removed as stated in §§ 92.052 and/or 92.053.

(B) Due to public safety concerns, the full width of sidewalks shall be kept clear of all vegetation between the walking surface and eight feet above the walking surface.

(C) All limbs of trees or bushes which are hanging less than eight feet in height above the walking surface of all sidewalks within the city shall be declared a public nuisance and shall be removed as stated in §§ 92.052 and/or 92.053.

(D) The Police Chief may declare all trees or bushes which cause or may in the future cause a traffic or visibility problem a public nuisance; in addition, the Police Chief may, because of public safety, order said vegetation removed immediately.

(E) It shall be the duty of all landowners to keep all overhanging trees and bushes herein described cut down and removed on all lots owned or occupied by them, and to the middle of the street abutting the land owned or occupied by them.

(Ord. 1.90A, passed 5-15-2014)

§ 92.037 NOTICE TO CUT VEGETATION.

(A) The Code Enforcement Officer, at any time during the growing season, shall notify landowners in writing by certified mail or in person with a return of service. Upon service, the landowner shall have ten days in which to remove the violation, unless the city determines that a shorter period of time is necessary, in which case the notice shall so state.

(B) This notice shall, in addition, inform the landowner that she or he is required to keep all vegetation cut and in compliance with the city's ordinances throughout the growing season.

(C) After receiving the initial notice to cut any grass, overhanging limbs, weeds, trees, and the like, the landowner shall be required to abate any similar nuisance within five days of written notification. Nothing in this subchapter shall be construed as requiring the city to give subsequent notices and the city may proceed to abate similar nuisances without giving subsequent notices if deemed appropriate in its discretion.

(D) Notices shall include the following information:

- (1) Landowner's name and address;
- (2) Address of property in violation;
- (3) Legal description of property;
- (4) Ordinance section violated;
- (5) Requirements of the ordinance; and
- (6) Required completion date.

(E) The landowner may appeal the case in writing to the Finance Officer within the time frame set for removal of the nuisance. If the landowner fails to make a written appeal within this time frame, the nuisance may be abated as stated in § 92.038.

(Ord. 1.90A, passed 5-15-2014; Ord. 2023-09, passed 7-20-2023)

§ 92.038 REMOVAL.

(A) If the owner of said property fails to remove or cut vegetation within the given time allowed by ordinance, the Code Enforcement Coordinator may cause such vegetation to be removed.

(B) The city or its designee may enter upon the property for the purpose of removing or cutting vegetation which is in violation of this subchapter, with or without notice as determined by the city.

(Ord. 1.90A, passed 5-15-2014)

§ 92.039 DUTY OF OWNER, MANAGER, LESSEE OR TENANT.

(A) It shall be unlawful for any owner, manager, lessee, tenant, or other person occupying or having charge or control of any lot in the city to permit unmaintained vegetation and weeds to remain upon said city lot. This requirement shall apply not only to the lot but also to the area between the lot line and the

street surface within the right-of-way adjoining the lot. All weeds as hereinafter defined are hereby declared a nuisance and are subject to abatement as hereinafter provided.

(B) "Weeds" as used herein, means any of the following:

- (1) Brush and woody vines;
- (2) Vegetation and grasses, categorized as weeds, and any growth of the soil which attains such growth as to become, when dry, a fire menace to adjacent property;
- (3) Any growth or product of the soil which bear or may bear seeds of a down or wing type nature;
- (4) Vegetation which is located in an area which harbors rats, insects, animals, reptiles, or any other creature which either may or does constitute a menace to health, public safety or welfare;
- (5) Vegetation and grasses on or about property which would be categorized as weeds, having a negative appearance on the neighborhood.

(C) "Vegetation" as used herein, means any growth or product of the soil except a vegetable garden, ornamental flowers or shrubs, trees, grain or food crops, if kept and maintained free of weeds and grass.

(Ord. 2023-16, passed 10-5-2023)