



**ORDINANCE NO. 2020-12**

**AN ORDINANCE AMENDING CHAPTER XXII, SECTIONS 22-6.1, 22-6.2, 22-6.3 AND 22-6.4, TITLED "WEEDS AND OTHER OFFENSIVE MATTER AND ADDING NEW SECTIONS 22-6.6, 22-6.7 AND 22-6.8"**

**WHEREAS**, the City in enforcing the removal of weeds and other offensive matter on properties located within the City is experiencing repeat violations resulting in the requirement of numerous code violation notices to the violator(s) at the additional expense of the City, and

**WHEREAS**, the City wishes to reduce the requirement of repetitive notices to repeat violator(s).

**NOW, THEREFORE, BE IT ORDAINED BY CITY COUNCIL DULY ASSEMBLED**, that Chapter XXII, of the Code of Ordinances of the City, Sections 22-6.1, 22-6.2, 22-6.3 and 22-6.4, are hereby amended and after amendment shall read as follows;

**"Section 22-6.1 Duty of Owner to Remove.** It shall be unlawful for any Owner to maintain or to permit to be maintained on any Premises, including vacant premises or lots, weeds, undergrowth, overgrowth, trash, litter, rubbish, yard rubbish, yard trash, solid waste, garbage, offal, stagnant water, building materials, inoperative, abandoned or wrecked equipment, glass, wood or other matter deleterious to good health and public sanitation which is permitted or caused to accumulate in any manner which is or may become a nuisance causing injury to the health or welfare of residents or the public in the vicinity or causing injury to neighboring property. Upon being notified as set forth hereinbelow in subsection 22-6.2, the Owner of said Premises on which the above described matter is present, shall immediately cut down and remove such matter and abate such other conditions detrimental to public health, welfare and safety, and shall keep such Premises at all times free from the above matter and keep the same in a sanitary condition."

**"Section 22-6.2 Building Official to Notify Owner of Violation; Service of Notice.** It shall be the duty of the building official to give notice to the Owner of the Premises violating this section. Such notice shall be in accordance with all of the following:

1. Be in writing
2. Include a description of the real estate sufficient for identification.
3. Include a statement of the violation or violations and why the notice is being issued.
4. Include a statement of the right to file a lien in accordance with Section 22-6.3.
5. Right to request a hearing before the Building Official.

Such notice shall be deemed to be properly served and received if a copy thereof is either:

1. Delivered personally;
2. Sent by certified mail addressed to the last known address of the Owner; or
3. If the notice is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure or premises affected by such notice.

In addition to said notice requirements, such notice shall warn the Owner that the Premises will be periodically monitored by the City building official for the next twelve (12) calendar months following the date of the notice and no further notices will be given for repeat violations during said following twelve (12) months. If the Owner previously served has a repeat violation within the following twelve (12) months, the City building official without notice to the Owner shall have all authority and remedies to abate or remedy such condition, in accordance with Section 22-6.3 and to issue a Uniform Ordinance Summons for each repeat violation during said following twelve (12) months as authorized by Section 1-12 of this Code.”

“Section 22-6.3 **Failure of Owner to Obey Order; Building Official to Remove; Costs.** If the Owner thus notified neglects for a period of fourteen (14) days after receiving notice or after the posting of such notice to remedy the violation, the building official shall proceed to remedy the violation by removal and abatement of the health hazard or nuisance on the premises. All expenses and costs necessarily incurred by the building official and his subordinates and workmen in the enforcement of this section shall be a lien against the Premises. The lien shall be added to the annual tax levied on the Premises and shall be collected by the City in the same manner as real property taxes.”

“Section 22-6.4 **Unlawful to Refuse to Obey Order to Remove.** It shall be unlawful for the Owner of any Premises to refuse or neglect for a period of fourteen (14) days, after receiving notice or after posting of such notice, to remedy any violation, and to keep such premises free from the conditions described in Section 22-6.1 above detrimental to public health. Each day that a violation continues after due notice has been served shall be deemed a separate offense.”

**BE IT FURTHER ORDAINED THAT** new Sections 22-6.6, 22-6.7 and 22-6.8 are adopted which shall read as follows:

“Section 22-6.6 **Unlawful to tamper with, mutilate, destroy or remove notices.** It shall be unlawful for any person to mutilate, destroy, tamper with or remove any notice posted by the building official in or about the Premises as authorized by Section 22-6.2 of this Ordinance.”

“Section 22-6.7 **Definitions.**

**Garbage:** The animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.

**Litter:** Deposits of solid waste excluding yard trash placed or stored anywhere outside of a building except in approved residential or commercial receptacles.

**Owner:** Any person, agent, operator, firm or corporation having legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

**Person:** An individual, corporation, partnership, limited liability company or any other group acting as a unit.

**Premises:** A lot or parcel of land, including any structure thereon.

