

Sec. 87-21. - Weeds prohibited.

- (a) *Prohibited conditions.* It shall be unlawful for any person owning or occupying any lot, parcel or property abutting, or within 200 feet of any public street within the city to permit weeds, grass, brush or other undesirable vegetation to grow to a height in excess of 12 inches. If found to be in excess of 12 inches by enforcement personnel, a citation can be issued. Violations of this section shall be punished in accordance with chapter 1, General Provisions, Section 1-8, General Penalties, Continuing Violation; Abatement of Nuisances, Continuing Violations.
- (b) *Adjudication of uncleanness.* To determine whether property or parcel of land within a municipality is in such a state of uncleanness as to be a menace to the public health, safety and welfare of the community, the board of aldermen shall conduct a hearing, on its own motion or upon the receipt of a petition signed by the majority of the residents within 300 feet of any property or parcel of land alleged to be in need of the cleaning. Notice shall be provided to the property owner by:
 - (1) United States mail two weeks before the date of the hearing mailed to the address of the subject property and to the address where the ad valorem tax notice for such property is sent by the office charged with collecting ad valorem tax; and
 - (2) Posting notice for at least two weeks before the date of a hearing on the property or parcel of land alleged to be in need of cleaning and at city hall.
- (c) *Notice to owner; hearing abatement; costs adjudicated.* Any notice required by this section shall include language that informs the property owner that an adjudication at the hearing that the property or parcel of land is in need of cleaning will authorize the municipality to reenter the property or parcel of land for a period of one year after the hearing without any further hearing if notice is posted on the property or parcel and at city hall at least seven days before the property or parcel of land is reentered for cleaning. A copy of the required notice mailed and posted as required by this section shall be recorded in the minutes of the governing authority in conjunction with the hearing required by this section.

If, at such hearing the mayor and board of aldermen shall, in its resolution, adjudicate such parcel of land in its then condition to be a menace to the public health and safety of the community, the mayor and board of aldermen, shall, if the owner does not do so himself, proceed to clean the land, by the use of municipal employees or by contract, by cutting weeds; removing rubbish, dilapidated fences, dilapidated buildings and other debris; and draining cesspools and standing water therefrom. Thereafter, the mayor and board of aldermen may by resolution adjudicate the actual cost of cleaning the property and may also impose a penalty not to exceed \$1,500.00 or 50 percent of the actual cost, whichever is more. The cost and any penalty may become a civil debt against the property owner, or, at the option of the governing authority an assessment against the property. The "cost assessed against the property" means either the cost to the municipality of using its own employees to do the work or the cost of any contract executed by the municipality to have the work done, and administrative costs and legal cost of the municipality.

For subsequent cleaning within one-year period after the date of the hearing at which the property or parcel of land was adjudicated in need of cleaning, upon seven days notice posted both on the property or parcel of land adjudicated in need of cleaning and at city hall as authorized in subsection (b) a municipality may reenter the property or parcel of land to maintain cleanliness without further notice or hearing no more than six times in any 12-month period with respect to removing dilapidated buildings, dilapidated fences and no more than 12 times in any 24-month period with respect to cutting grass and weeds and removing rubbish, personal property and other debris on the land, and the expense of cleaning the property shall not exceed an aggregate amount of \$20,000.00 per year or fair market value of the property subsequent to cleaning, whichever is less. The city may assess the same penalty for each time the property or land is cleared as otherwise provided this section.

- (d) *Civil debt; institution of suit.* If the board of aldermen declares by resolution, that the cost and any penalty shall be collected as a civil debt, the board of aldermen may authorize the institution of a suit on open account against the owner of the property in a court of competent jurisdiction in the manner provided by law for the cost and any penalty, plus court costs, reasonable attorney's fees and interest from the date the property was cleaned.

- (e) *Lien; assessment enrolled.* If the board of aldermen does not declare that the cost and any penalty shall be collected as a civil debt, then the assessment provided for in subsection (c) of this section shall be a lien against the property and may be enrolled in the office of the circuit clerk of the court as other judgments are enrolled, and the tax collector of the city shall, upon order of the board of aldermen, proceed to sell the land to satisfy the lien as now provided by law for the sale of lands for delinquent municipal taxes.

(Ord. No. 2015-19, § II.1, 5-5-2015)