

## ORDINANCE NO. 2024-

### AN ORDINANCE AMENDING CHAPTER 52 “MOWING OF PROPERTIES” OF THE CODE OF ORDINANCES OF THE CITY OF INDEPENDENCE, IOWA

**SECTION I. PURPOSE.** The purpose of this ordinance is to protect the public health and safety of the citizens of Independence, Iowa by ensuring grass and noxious weeds in the community are kept at a manageable level so as not to become a harborage for vermin or other nuisances.

**SECTION II. SECTION ADDED.** Chapter 52 “Mowing of Properties” of the City Code is hereby amended as follows with underlined text indicating additions and struck-through text indicating removals:

#### CHAPTER 52

**52.06 PUBLICATION OF NOTICE.** Annual spring publication of the ordinance codified in this chapter in an official newspaper shall serve as notice to property owners. The notice shall state that failure to comply after publication of the notice will result in the City causing the work to be done, and the costs incurred by the City shall be assessed against the property in the manner provided by law and this Code of Ordinances. The City will be authorized to respond to violations without additional written notice being given.

**52.07 FAILURE TO COMPLY; ABATEMENT BY CITY.** If the property owner fails to comply with this chapter, the Council or its appointee shall cause the property to be mowed. The fee for this work shall be set at a minimum of \$250, which includes a base cost of \$175 for mowing the property and a \$75 administrative fee. If the work is performed by the City or an outside Contractor and exceeds \$175 in labor and materials charges, all additional fees will be included in the total to be assessed. The fee shall be paid by the property owner. Failure to pay shall result in these costs being assessed against the property for collection in the same manner as a property tax. The fee for this service will be set by resolution and will be assessed against the property.

**52.08 ABATEMENT BY CITY.** ~~If the property owner neglects or fails to abate as directed by this chapter, the City may perform the required action to abate. The fee for the abatement will be set by the City Council.~~

**52.09 COLLECTION OF COSTS.** ~~The City Clerk shall send a statement of the total expense incurred to the property owner who has failed to abide by the publication notice. 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.~~

**52.10 FAILURE TO ABATE.** ~~Any person causing or maintaining a nuisance who shall fail or refuse to abate or remove the same is in violation of this Code of Ordinances.~~

**52.08 MUNICIPAL INFRACTION.** Nothing in this chapter shall be construed so as to preclude the City from filing a municipal infraction citation pursuant to Chapter 4 of this Code of Ordinances against a violator, whether such citation is filed in lieu of, or in addition to, any other procedures outlined herein.

**SECTION III. REPEALER.** All ordinances, parts of ordinances, resolutions or parts of resolutions in conflict with the provisions of this ordinance are hereby repealed.

**SECTION IV. SEVERABILITY.** If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of this

ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

**SECTION V. EFFECTIVE DATE.** This ordinance shall be effective after its passage and publication as required by law.

**PASSED AND APPROVED** by the City Council of Independence, Iowa, on this \_\_\_\_\_ day of \_\_\_\_\_ 2024.

\_\_\_\_\_  
Brad Bleichner, Mayor of the City of Independence, IA

ATTEST:

\_\_\_\_\_  
Susi Lampe, IaCMC, IaCFO, City Clerk/Treasurer of the City of Independence, IA

First Reading: \_\_\_\_\_  
Second Reading: \_\_\_\_\_  
Third Reading: \_\_\_\_\_

I certify that the foregoing was published as Ordinance No. 2024-\_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ 202\_\_\_\_.

\_\_\_\_\_  
Susi Lampe, IaCMC, IaCFO, City Clerk/Treasurer of the City of Independence, IA