

ARTICLE 6.03
STAGNANT WATER, WEEDS AND RUBBISH

§ 6.03.001. Unwholesome conditions specified; unlawful to maintain.

- (a) It shall be unlawful for the owner, lessee, or occupant of any land, tract, or lot or any portion thereof, regardless of size, within the corporate limits of the city, to fail to maintain said property free of weeds, grass and undergrowth over twelve (12) inches tall, or to fail to maintain said property free from household trash, garbage, used building materials and supplies, used and/or discarded household fixtures or appliances, toxic materials, dead animals, brush piles, debris, rubbish, materials which constitute a fire hazard, or any other matter which may be detrimental to the health, safety and welfare of the citizens of the city, nor shall such person accumulate or permit the accumulation of such matter on the sidewalks, parkways, street gutters or alleys abutting such property.
- (b) It shall be unlawful for the owner of any lot or other premises in the city to allow or permit holes or places where water may accumulate and become stagnant to be or remain on such lot or premises, or to allow or permit the accumulation of stagnant water.
- (c) It shall be unlawful to allow for the drainage of water from washing machines, sinks, any appliance inside the house, septic tanks, wells or irrigation systems into the yard or into the alley or street, or to permit the same to remain thereon.

(Ordinance 599 adopted 6/20/22)

§ 6.03.002. Notice.

- (a) In the event that any owner or any person(s) having supervision or control of the property violates the provisions of this article, the city code enforcement officer, or their designee, shall give notice to the aforementioned persons setting forth the noncompliance and ordering these persons to abate or remove the violation described in such notice, within such time as may be specified in the order.
- (b) The city, in the notice of a violation, shall inform the aforementioned persons that if another violation of the same kind or nature that poses a danger to the public health and safety occurs on or before the first anniversary of the date of the notice, the city without further notice will correct the violation at the owner's expense and assess the expenses against the property. If a violation covered by a notice under this subsection occurs within a one-year period, and the municipality has not been informed in writing by the owner of an ownership change, then the municipality without notice may take any action permitted and assess its expenses.
- (c) The notification in accordance section [sic] shall be conducted by using one of the following methods:
 - (1) Certified mail, return receipt requested;
 - (2) Regular mail and a posting on the property; or
 - (3) Personally delivering notice.
- (d) Notices mailed to the owner of the property shall be addressed to the owner's address as

recorded in the appraisal district records of the appraisal district in which the property is located. If the city mails a notice in accordance with this subsection and subsection (c) and the United States Postal Service returns the notice as “refused” or “unclaimed,” the validity of the notice is not affected, and the notice is considered as delivered.

(Ordinance 583 adopted 10/18/21)

§ 6.03.003. Abatement.

- (a) If such owner or any person(s) having supervision or control of the property in question fails or refuses to comply with the demand for compliance in the notice within seven (7) days of such notice or publication, the city may do such work or cause the work to be done to bring the real property into compliance with this article. The costs, charges, and expenses incurred in doing or having such work done or improvements made to the real property shall be a charge to and personal liability of such person.
- (b) A statement of the cost incurred by the city shall be mailed to the owner or any person(s) having supervision or control of the premises, which statement shall be paid within thirty (30) days of the date of the mailing thereof. In the event that the statement has not been paid within the thirty-day period of time provided, the city has the right to exhaust the remedies available found in section 6.03.004 of this article.
- (c) In addition to collecting the costs and expenses incurred by correcting the violations under this article, upon abatement by the city, the city shall charge the sum of two hundred dollars (\$200.00) per occurrence, which sum is hereby found to be the cost to the city of administering the terms of this article. The administrative fee will be charged per lot, tract, or parcel of land.

(Ordinance 583 adopted 10/18/21)

§ 6.03.004. Filing of lien statement.

The mayor, health officer or municipal official designated by the mayor shall file a statement of expenses incurred under section 6.03.003 with the county clerk. The lien statement shall state the name of the owner, if known, the legal description of the property, a description of the work performed, and the amounts claimed. The lien attaches upon the filing of the lien statement with the county clerk. The lien shall accrue interest at a rate of 10% per annum from the date the city pays for the work or improvements. The lien is inferior only to tax liens and liens for street improvements. The city may bring a suit for foreclosure to recover the expenditures and interest due. The statement of expenses or a certified copy of the statement is prima facie proof of the expenses incurred by the municipality in doing the work or making the improvements.

(Ordinance 583 adopted 10/18/21)

§ 6.03.005. Emergency abatement.

- (a) The city may abate, without notice, weeds that:
 - (1) Have grown higher than 48 inches; and
 - (2) Are an immediate danger to the health, life, or safety of any person.

- (b) Not later than the 10th day after the date the city abates weeds under this section, notice shall be given to the property owner in the manner required by section 6.03.002.
- (c) The notice shall contain:
 - (1) An identification, which is not required to be a legal description, of the property;
 - (2) A description of the violations of this article that occurred on the property;
 - (3) A statement that the municipality abated the weeds; and
 - (4) An explanation of the property owner's right to request an administrative hearing about the municipality's abatement of the weeds before the city zoning board of adjustment.
- (d) The city shall conduct the hearing on the abatement of weeds under this section if, not later than the 30th day after the date of the abatement of the weeds, the property owner files with the city secretary a written request for a hearing.
- (e) The administrative hearing conducted under this section shall be conducted not later than the 20th day after the date a request for a hearing is filed. The owner may testify or present any witnesses or written information relating to the municipality's abatement of the weeds.
- (f) The city may assess expenses and create liens under this section as it assesses expenses and creates liens under section 6.03.004. A lien created under this section is subject to the same conditions as a lien created under section 6.03.004.

(Ordinance 260 adopted 11/17/03)

§ 6.03.006. Penalty.

Any person, firm or individual who shall violate any of the provisions of this article shall be guilty of a misdemeanor, and upon conviction shall be fined in accordance with the general penalty provision set forth in section 1.01.009 of this code. Each and every day the violation continues shall constitute a separate and distinct offense.

(Ordinance 260 adopted 11/17/03)