
CHAPTER 53

GRASS AND WEEDS

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53.01 PURPOSE.

The purpose of this chapter is to beautify and preserve the appearance of the City by requiring property owners and occupants to maintain grass lawns at a uniform height within the boundaries of their property and on abutting street right-of-way in order to prevent unsightly, offensive or nuisance conditions.

53.02 DEFINITIONS.

For use in this chapter, the following terms are defined:

1. "Curb," "curb line," or "curbing" means the outer boundaries of a street at the edge of that portion of the street usually traveled by vehicular traffic.
2. "Cut" or "mow" means to mechanically maintain the growth of grass, weeds or brush at a uniform height.
3. "Owner" means a person owning private property in the City and any person occupying private property in the City.
4. "Parking" means that part of a street, avenue or highway in the City not covered by a sidewalk and lying between the lot line or property line and the curb line; or on unpaved streets, that part of the street lying between the lot line or property line and that portion of the street usually traveled by vehicular traffic.

53.03 CUTTING SPECIFICATIONS AND STANDARDS OF PRACTICE.

1. Every property owner shall cut, mow, and maintain all grass, weeds, and brush upon the owner's property and adjacent to the curb line or outer boundary of any street, which shall include the parking area abutting the owner's property, to a uniform height as defined in Section 53.04.
2. Every property owner shall cut, mow, and maintain grass, weeds, and brush adjacent to the curb line, including the parking area abutting the owner's property in such a manner so as to be in conformity with and at an even height with all other grass, weeds, or brush growing on the remainder of the owner's property.
3. Vacant and undeveloped property are exempted from subsections 1 and 2, except for the area within 100 feet of the property line where adjoining an improved street, alley, or developed property including all areas between the property line and the centerline of a street, alley, or easement.

53.04 UNIFORM HEIGHT SPECIFICATIONS.

Grass, weeds, or brush shall be cut, mowed, and maintained so as not to exceed the following height specifications.

1. Developed residential areas – not to exceed six inches (6").
2. Undeveloped residential areas – not to exceed six inches (6").
3. Business and industrial areas – not to exceed six inches (6").
4. Agriculture areas not exempted by Section 53.03(3) – not to exceed fifteen inches (15").

Grass, weeds, and brush which are allowed to grow in excess of the above specified limitations shall be deemed to be a violation of this chapter.

53.05 NOXIOUS WEEDS.

1. Every property owner shall cut and control noxious weeds upon the owner's property and adjacent to the curb line or outer boundary of any street, which shall include the parking area abutting the owner's property, by cutting noxious weeds to ground level or use of herbicides to eliminate or eradicate such weeds.
2. Noxious weeds include any weed growth or plant designated as noxious by the State Department of Natural Resources rules or regulations or by the *Code of Iowa*.

53.06 ABATEMENT PROCEDURE.

Upon discovery of any violation of this chapter by the Mayor, Building Inspector, or other authorized municipal officer, such officer shall cause to be served upon the property owner a written notice to abate the nuisance within seven (7) days.

53.07 NOTIFICATION.

Notification may be in the form of an ordinance or sent by regular mail to the recorded property owner as listed in the records of the Des Moines County Assessor, Des Moines County, Iowa. Notification in the form of an ordinance means formal notice will be given to all residents, by publication in the City's official newspaper that if a violation of Chapter 53 exists on their property the City will proceed with abatement procedures immediately upon discovery of such violation. When the nuisance exists on a property occupied by a

structure the City will attempt to post a notice to abate on or near the front entrance of the residence or business forty-eight (48) hours prior to the City abating it and assessing the costs against the property owner. If the nuisance exists on an empty lot, notice to abate will be issued only in the form of a certified letter to the property owner as listed in the records of the Des Moines County Assessor.

53.08 NOTICE TO ABATE: CONTENTS. The notice to abate shall contain:

1. A description of what constitutes the nuisance.
2. The location of the nuisance.
3. A statement of the act or acts necessary to abate the nuisance.
4. A reasonable time within which to complete the abatement.
5. A statement that if the nuisance or condition is not abated as directed and no request for hearing is made within the time prescribed, the City will abate it and assess the costs against such person.

53.09 REQUEST FOR HEARING.

Any person ordered to abate a nuisance may have a hearing with the City Administrator as to whether a nuisance exists. A request for a hearing must be made in writing and delivered to the City Clerk within the time stated in the notice, or it will be conclusively presumed that a nuisance exists and it must be abated as ordered.

53.10 ABATEMENT IN EMERGENCY.

If it is determined that an emergency exists by reason of the continuing the nuisance or condition, the City may perform any action which may be required under this chapter without prior notice. The City may assess the costs as provided in Chapter 50 of this Code of Ordinances.