

Sponsor: Mayor Dale Rife
First Reading: __11/7/11__
Second Reading: __12/5/11__

ORDINANCE #12-11

**AN ORDINANCE REGULATING OVERGROWN GRASS AND WEEDS IN THE
TOWN OF WYOMING**

WHEREAS, the Town of Wyoming is authorized under section 27 of its Town Charter to enact ordinances related to the sanitation, beauty, health, and safety of the public;

WHEREAS, the Town Council of the Town of Wyoming finds that overgrown grass and weeds are detrimental to the sanitation, beauty, health, and safety of the public;

BE IT HEREBY ENACTED by the Town Council of the Town of Wyoming, a majority thereof concurring in council duly met, that Ordinance #12-11 "An Ordinance Regulating Overgrown Grass and Weeds in the Town of Wyoming" be and hereby is enacted, as follows to wit:

Section 1. Unlawful to allow growth above certain height. It shall be unlawful for any person, group of persons, firm, association or corporation to permit any grass or weeds or other vegetation whatsoever other than edible vegetables, edible fruits, trees and flowers to grow higher than eight (8) inches from the ground on any lot or parcel of ground within the corporate limits of the town, owned by such person, group of persons, firm, association or corporation whether the lot or parcel of ground has or has not erected thereon improvements. Yards shall be kept free from trash and debris that interfere with mowing of the area.

Section 2. Unlawful to allow growth in sidewalks, walkways, other areas. It shall be unlawful for any person, group of persons, firm, association or corporation to permit any grass, weeds or other vegetation whatsoever to grow in any sidewalks, walkways, stairs, driveways, parking spaces and similar areas.

Section 3. Abatement of violation by town upon owner's failure; collection of costs. If the owner or responsible party for a lot or parcel of ground permits a violation to occur by failing to maintain said lot or parcel in accordance with the terms of this ordinance, the town shall give five days written notice once each calendar year (January 1 through December 31) that the town shall proceed, without further notice, to abate the violation each time the property is inspected and found to be in violation of this ordinance. The cost thereof, together with any fines and costs, shall constitute claim against the owner or owners of the lot or parcel of ground and may be collected as any other fine or cost is collected.

Section 4. Charge for mowing by town. When the town is required under this ordinance to mow lots or when the town is requested to mow any private property in the town, the following

cost shall be assessed:

- (1) Mowing and/or weed-eating—\$50.00 per hour with a \$50.00 minimum;
- (2) Removal of trash and debris from area (if needed)—\$50.00 per hour with a \$50.00 minimum
- (3) Administrative charge—\$25.00

Section 5. Advertisement. The town shall place a copy of this ordinance in the town newsletter once each calendar year at the beginning of the year. Enforcement will not begin until 15 days after publication of the ordinance.

Section 6. Penalty. Any person or group of persons, firm, association or corporation violating any of the provisions of this ordinance shall be guilty of a civil violation of this ordinance, and upon conviction thereof before any court of competent jurisdiction shall be fined no less than \$50.00 nor more than \$100.00 and costs. Each day that such violation is maintained shall constitute a separate offense.

Section 7. Payment of charges and penalty. The town shall bill the property owner for the charges incurred to abate the ordinance violation, plus the penalty provided for herein. Included with the bill shall be notice of the property owner's right to appeal the Code Enforcement Official's decision and proof of the violation, consisting of a photograph and, when applicable, an approximate measurement of the grass and/or weeds in violation of this article. If not paid when due, the costs for mowing and trimming, plus penalty, will be added to the Town's annual tax bill and as such shall constitute a lien upon the property.

Section 8. Appeals. Any property owner may appeal the decision of the Code Enforcement Officer that the owner's property was in violation of this ordinance by submitting such appeal, in writing, to the Town Council within 10 business days of the date of the bill for the mowing and trimming costs. The Town Council shall review the appeal and take appropriate action by or at the next regularly scheduled Council Meeting.

Synopsis

This ordinance prohibits property owners or other responsible persons from allowing grass, weeds, and other vegetation (not including edible vegetables, edible fruits, trees, and flowers) from growing in excess of eight inches in height. This ordinance prohibits individuals from allowing grass, weeds, and vegetation from growing in spaces or cracks in sidewalks, driveways, and other similar areas. The town must provide 5 days notice prior to taking action to abate a violation, and only one notice is required annually. This ordinance must be published annually in a newspaper in the town, and this ordinance outlines the penalties for violations and the charges for abatement actions taken by the town and allows unpaid penalties and fees to be added to the annual tax bills. Appeals procedures are outlined in this ordinance.

This shall certify that this is a true and correct copy of the ordinance duly adopted by the Town Council of the Town of Wyoming at a duly-noticed and convened meeting at which a quorum was present on December 5, 2011.

Attest: Parvula B. Haddick So Certifies: Frankie Dale Ruff
Town Clerk Mayor

This shall certify that a copy of this Ordinance was posted at the Town Hall on
12/7, 2011.

12/7/11 So Certifies: Parvula B. Haddick
Date