

ORDINANCE NO. 702

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF ALTON, IOWA, BY ADDING TITLE III, CHAPTER 2, ARTICLE 12.

BE IT ENACTED by the City Council of the City of Alton, Iowa:

Section 1. CHAPTER AMENDED. The Code of Ordinances of the City of Alton, Iowa, is amended by adding Title III, Chapter 2, Article 12 and adopting the following:

CHAPTER 2: GRASS AND WEEDS

Article 12 – General Provisions

- 12.01 Purpose
- 12.02 Definitions
- 12.03 Authority for Enforcement
- 12.04 Interference with Enforcement
- 12.05 Provisions
- 12.06 Natural Areas
- 12.07 Penalty
- 12.08 Method of Service and Billing

12.01 PURPOSE. The purpose of this Chapter is to designate responsibility for the removal of weeds and cutting of grasses within the city limits of the City of Alton, Iowa, in order to provide for the safety and preserve the health and welfare of the citizens located therein. The proceedings and remedies set out in this Chapter are in addition to any other procedures or remedies set out elsewhere in City of Alton Code of Ordinances.

12.02 DEFINITIONS. For the purpose of this chapter, the following terms, phrases, words, and their derivations shall have the meanings given herein.

1. “Conservation Area” means an area that is planted with ground cover plants of a size and texture compatible with the environment and maintained accordingly.
2. “Developed lot or land” means an improved residential or commercial lot.
3. “Grass” means any plant of the family Graminea, having jointed stems, sheathing leaves, and seedlike grains.
4. “Ground cover” means plant with the growth and root capacity to cover and stabilize an area of soil and to prevent erosion.
5. “Natural area” means an area allowed to retain native plant material in a natural prairie state.
6. “Noxious weeds” means primary and secondary classes of weeds as defined by the Code of Iowa, and all additions to this list as so declared by the State Secretary of Agriculture.

7. "Parking" means that part of the street, avenue or highway in the City not covered by sidewalk and lying between the lot line and curb line; on unpaved streets, the parking is that part of the street, avenue, or highway lying between lot lines and that portion of the street usually traveled by vehicular traffic.
8. "Right-of-way" means the entire width of a platted street or alley in use or undeveloped.
9. "Soil erosion control" means a method of planting and cultivation, or lack of same, designed to retain soil and to prevent soil movement caused by natural or manmade causes.
10. "Undeveloped lot or land" means an unimproved lot or area.
11. "Weeds" means any plants growing uncultivated and out of context with the surrounding plant life when such plant has a seed head formed or forming and with a height of twelve inches (12") or more, except as otherwise provided in this chapter.

12.03 AUTHORITY FOR ENFORCEMENT. City of Alton staff members or other persons as may be designated by the City Council are responsible for the enforcement of this chapter and shall have all the necessary authority to carry out the enforcement of this chapter.

12.04 INTERFERENCE WITH ENFORCEMENT. No persons shall interfere with the staff member while engaged in the enforcement of this chapter.

12.05 PROVISIONS. Except as provided elsewhere in this chapter, the following provisions shall apply:

1. Each owner and each person in the possession or control of any land within the city limits of the City of Alton, Iowa, shall cut or otherwise destroy, all noxious weeds thereon and shall keep said lands free of such growth.
2. Each owner and each person in possession or control of any property within the city limits of the City of Alton, Iowa, shall be responsible to:
 - A. Keep said property, along with parking adjacent thereto, alleys, public ways or areas up to the centerline of said ways free of any noxious weeds.
 - B. Keep grasses and weeds on said property mowed so that grass and weeds are less than eight inches (8") in height.
 - C. However, grass and weeds located on undeveloped and platted property located more than 100 feet from developed or platted property shall be mowed so that grass and weeds are less than eighteen inches (18") in height.
 - D. Farm crops, pasture, vineyards, orchards, garden plants, and ornamental plants in established planting beds may exceed the requirements of this Ordinance. However, weeds and brush in such areas shall be cut so that such weeds or brush are less than eighteen inches (18") in height.
3. Each owner and each person in the possession or control of any property shall not allow any plant growth of any sort to remain in such a manner as to render the streets,

alley, or public ways adjoining said property unsafe for public travel or in any manner so as to impede pedestrian or vehicular traffic upon any public place or way.

4. Where waterway or watercourses are found upon any developed or undeveloped property, the owner or person in possession or control shall keep the flat or level part of the bank of said waterway free of any weeds and grasses more than eighteen inches (18") in height. Should such waterways or watercourses be found within the right-of-way of a street or alley, the adjacent property owner or person in possession or control shall be responsible to keep the flat or accessible portion of creek bank free of any weeds or grasses more than 18 inches (18") in height.
5. No owner or person in possession or control of any developed or undeveloped property shall allow plant growth or the accumulation of plant materials on such lot to remain in such a state so as to constitute a fire hazard.

12.06 NATURAL AREAS.

1. Designation. The owner or person in possession or control of any property within the city limits of the City of Alton, Iowa, may apply to have such land or portion thereof designated as a natural or conservation area. Prior to designating such areas, the Alton City Council shall consider the following factors: grade or incline of said tract, the difficulty to control or maintain said tract, whether said tract is being maintained as either a soil erosion control area or a conservation area.
2. Natural or Conservation Area. Natural or conservation areas as designated by the Alton City Council, need not be mowed and shall be left in their natural state, except that noxious weeds shall be removed or controlled.
3. Public Ways. Sidewalk or other public ways that lie adjacent to or extend through a natural or conservation area must be open and free from any obstructions to pedestrians or vehicular traffic.

12.07 EXEMPT PROPERTY.

1. Property within the City of Alton, and owned by the State of Iowa is exempt from the provisions of this chapter.
2. Property within the City of Alton which is owned by a railroad company and currently used for the operation of the railroad system is exempt from the provisions of this chapter.

12.08 PENALTY. Any property which is found to be in violation of this chapter may be mowed by the City or their agent. All associated costs for such mowing, plus a surcharge of \$100.00, will be charged to the property owner. The minimum charge will be for one hour of work at a rate of \$75.00 per hour plus the surcharge of \$100.00. Any property owners who fail to mow their properties, thus allowing the same to be mowed by the City or their agents, and who do not provide payment for the mowing as required, will be assessed by the City for such costs.

12.09 METHOD OF SERVICE AND BILLING.

1. Annual publication of this ordinance will serve as notice to property owners.
2. If City of Alton finds a property is in violation of this chapter, a letter and copy of this

chapter will be sent by regular mail or personally delivered to the property owner. Upon receipt of this letter, the property owner shall immediately bring the property into compliance with all regulations of this chapter and continue to keep the property in compliance thereafter. "Receipt" of this letter shall have occurred either upon depositing said letter in the United States Mail or handing same to the property owner.

3. Any billings for mowing done by the city or their agents are to be sent by regular mail and are payable within 30 days of billing date. If the amount owed has not been paid within 30 days of the billing date, the City Clerk shall certify the costs to the County Auditor and said amount owed shall then be collected with and in the same manner as general property taxes.

Passed and approved by the Alton City Council, the 10th day of December, 2013.

1st Reading: October 15, 2013

2nd Reading: November 12, 2013

3rd Reading: December 10, 2013

Ronald L. Minten, Mayor

ATTEST:

Dale Oltmans, City Administrator