

ORDINANCE NO. 532

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF JEFFERSON, IOWA, 2008, BY AMENDING AND ADDING PROVISIONS PERTAINING TO NUISANCES, WEEDS AND GRASSES

Be It Enacted by the City Council of Jefferson, Iowa:

SECTION 1. Subsection Modified. Subsection 9 of Section 50.02 of the Code of Ordinances of the City of Jefferson, Iowa, 2008, is repealed and the following adopted in lieu thereof:

**50.02 NUISANCES ENUMERATED. . . .**

. . . .

9. Weeds, Brush. Dense growth of all weeds, vines, brush or other vegetation in the City so as to constitute a health, safety or fire hazard, including without limitation the failure to cut, maintain and control weeds, brush and grass as required under Chapter 52.

SECTION 2. New Chapter. The Code of Ordinances of the City of Jefferson, Iowa, 2008, is amended by adding a new Chapter 52, entitled WEEDS AND GRASS, which is hereby adopted to read as follows:

**CHAPTER 52**

**WEEDS AND GRASS**

52.01 Purpose

52.02 Definitions

52.03 Requirement to Cut and Maintain Grass and Weeds

52.04 Uniform Height Specifications

52.05 Noxious Weeds

52.06 Declaration of Nuisance

52.07- Repeat Notices Not Required

**52.01 PURPOSE.** The purpose of this chapter is to preserve and promote the health and safety and 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.

**52.02 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 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.

**52.03 REQUIREMENT TO CUT AND MAINTAIN GRASS AND WEEDS.**

Every owner shall cut, mow and maintain all grass, weeds and brush upon the owner's property and upon the parking area abutting the owner's property to a uniform height as defined in Section 52.04.

**52.04 UNIFORM HEIGHT SPECIFICATIONS.**

1. Grass, weeds and brush shall be cut, mowed and maintained at a height not to exceed eight (8) inches upon all property used for residential uses in the HD (Holding District), any RS (Residential Single-Family District), any RM (Residential Multi-Family District), the MH (Manufactured Housing District), the HC (Highway Commercial District), the CBC (Central Business Commercial District) and the LI (Light Industrial District) Districts as established by the zoning regulations and Official Zoning Map of the City of Jefferson.
2. The owner of an undeveloped tract or combination of tracts consisting of a contiguous area of more than one acre in any of the districts described in Subsection 1 above will not be required to maintain the mowing height provided in Subsection 1 if such owner obtains from the Building and Zoning Official of the City of Jefferson a permit to plant such area to alfalfa or grass hay, which area shall nonetheless be maintained in a neat and weed free condition. Such permit must be obtained in advance of planting such area to hay each year and will be effective for only one growing season at a time.

**52.05 NOXIOUS WEEDS.**

1. Every owner shall cut and control noxious weeds upon the owner's property and on the parking area abutting the owner's property by cutting noxious weeds to ground level or by 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 and regulations or by the Code of Iowa.

**52.06 DECLARATION OF NUISANCE.** A violation of this chapter is declared to be a nuisance in the City, and upon discovery of any violation of this chapter the City may proceed with nuisance abatement procedures as specified in Chapter 50 of this Code of Ordinances.

**52.07 REPEAT NOTICES NOT REQUIRED.** The notice to abate a nuisance as described in this chapter may contain a notice that instructs the owner that the notice constitutes notice for the balance of the summer and that further action will be taken by the City to remedy the problem if it occurs again on the same property without additional written notice being given. Any property owner who violates the provisions of this chapter may be given one (1) notice per summer and the City will be authorized to respond to additional violations without additional written notice being given.

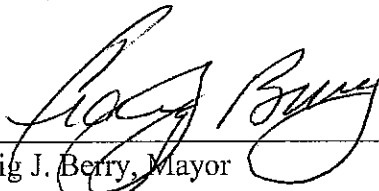
SECTION 3. Section Amended. Section 135.10 of the Code of Ordinances of the City of Jefferson, Iowa, 2008, is repealed and the following adopted in lieu thereof:

**135.10 MAINTENANCE OF PARKING OR TERRACE.** It shall be the responsibility of the abutting property owner to maintain all property outside the lot and property lines and inside the curb lines upon the public streets, except that the abutting property owner shall not be required to remove diseased trees or dead wood on the publicly owned property or right-of-way. Maintenance includes timely mowing, trimming trees and shrubs and picking up litter.

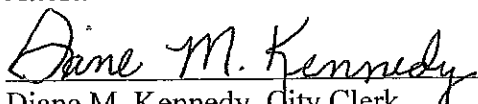
SECTION 4. Severability. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

SECTION 5. When effective. This ordinance shall be in effect after its final passage, approval and publication as provided by law.

Finally passed by the Council on August 9, 2011, and approved on August 9, 2011.

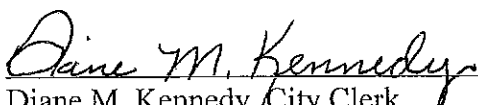
  
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Craig J. Berry, Mayor

Attest:

  
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Diane M. Kennedy, City Clerk

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I hereby certify that the foregoing ordinance was published in The Jefferson Herald on August 11, 2011.

  
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Diane M. Kennedy, City Clerk