**ORDINANCE NO. 929**

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF PERRY, IOWA, 2001, BY REPEALING CHAPTER 52 AND REPLACING WITH CHAPTER 52 RELATING TO GRASS AND NOXIOUS WEEDS**

 **BE IT ENACTED** by the City Council of the City of Perry, Iowa:

**SECTION 1. SECTION MODIFIED.** Chapter 52 of the Code of Ordinances of the City of Perry, Iowa, 2001, is hereby repealed and the following adopted in lieu thereof:

52.01    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.

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    CUTTING SPECIFICATIONS AND STANDARDS OF PRACTICE.

 1. Every 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 includes the parking area abutting the owner’s property, to a uniform height as defined in Section 52.04.

 2. Every 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. It is unlawful for any person to throw or deposit on any street or alley any grass, leaves, yard waste or any other debris likely to injure any person, animal or vehicle, or which, if washed into the storm sewer could clog the storm sewer.

52.04    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 eight inches (8").

 2. Undeveloped Residential Areas — not to exceed eight inches (8").

 3. Business and Industrial Areas — not to exceed eight inches (8").

 4. Agriculture Areas — not to exceed fifteen inches (15").

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

52.05    NOXIOUS WEEDS.

 1. Every 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 includes 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 designed as noxious by the State Department of Natural Resources rules and regulations or by the Code of Iowa.

52.06    MOWING OF PROPERTIES. Any property within the City of Perry, whether vacated or non-vacated, is required to be mowed any time the vegetation reaches a height of more than the height allowed by Section 52.04 by the first (1st) and the third (3rd) Wednesday of the month in May, June, July, August, September, and October of each year.

52.07 PENALTY. The City or their agents may mow any property, which is mot mowed by the above dates, and will be charged a fee set by Resolution by the Perry City Council to the property owner. 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, which will be collected in the same manner as general property taxes.

52.**08 METHOD OF SERVICE AND BILLING.** Annual publication of a summary of this ordinance codified by this chapter will serve as notice to property owners. 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 the billing date.

 **SECTION 2. REPEALER.** All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

 **SECTION 3. SEVERABILITY CLAUSE.** 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 4. WHEN EFFECTIVE.** This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

 **PASSED AND APPROVED** by the Perry City Council the 4th day of April, 2016.

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 Jay P. Pattee, Mayor

ATTEST:

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Corey Eastman, City Clerk