

Sec. 34-81. - Prohibited; exceptions.

- (a) *Prohibited.* It shall be unlawful to permit offensive accumulations upon any lot, tract or parcel of land within the city, whether improved or unimproved, occupied or unoccupied. An offensive accumulation is defined as the accumulation of stagnant and noxious waters (except in drainage ditches), rubbish, trash, filth, refuse, debris or untended growth of trees, vines, undergrowth, weeds or other noxious plants, or the growth and accumulation of grass in excess of 12 inches of height from the ground, which may cause disease, menace the public health, safety or welfare, create a fire hazard, reasonably create a breeding area for or infestation of mosquitoes, dangerous insects, rodents, poisonous reptiles and other vermin or which is likely to adversely affect the values of neighboring properties.
- (b) *Public right-of-way area.* It shall be unlawful for any owner or occupant of any lot, tract or parcel of land abutting any public right-of-way within the city to allow to exist an offensive accumulation as defined in subsection (a) of this section between the paved or graded surface of any public street intended or designated for vehicular travel and the property line of the abutting lot, tract or parcel of land. Each day during which the owner or occupant allows the offensive accumulation to exist shall constitute a separate offense.
- (c) *Residential areas.* It shall be unlawful to use residential property for the open storage of junk, dilapidated motor vehicles, appliances, building materials or other similar unsightly items out of character with the neighborhood or likely to adversely affect the value of neighboring properties. For purposes of this section, a dilapidated motor vehicle is defined as one that is in a state of disrepair and incapable of being moved under its own power.
- (d) *Exceptions.* The natural growth of vegetation shall be excepted from the requirements of this section for:
 - (1) Land or parcels which are in undeveloped areas of the city;
 - (2) Land or parcels in a subdivision which is less than 15 percent developed; provided that such land or parcels are more than 1,500 feet from any improved property; or
 - (3) Lots that are landscaped to meet approved xeriscape methods and goals.

(Code 1982, § 9-51; Ord. No. 97-19, § 1(9-51), 3-25-97)

Sec. 34-82. - Violations declared nuisance.

Any condition permitted to exist in violation of section 34-81 shall also constitute a public nuisance.

(Code 1982, § 9-52; Ord. No. 97-19, § 1(9-52), 3-25-97)

Sec. 34-83. - Inspections; notice to property owner.

- (a) *Investigations.* A code inspector, so far as necessary to perform his duty, shall have the right to enter lands appearing to contain offensive accumulations or open storage of materials apparently in violation of subsections 34-81(a) and (c).
- (b) *Notice required.* If the city manager or his designee finds an offensive accumulation as described in subsection 34-81(a), or the open storage of materials in violation of subsection 38-81(c), then the city manager or his designee shall:
 - (1) Provide a written notice to the owner of record of such property by hand delivery or certified mail to the owner's address listed by the county tax collector or county property appraiser; and
 - (2) Publish a notice at least once in a newspaper having general circulation in the city or post a notice in or about the building, structure or premises described in the notice.

Evidence that an attempt has been made to hand deliver or mail notice, together with proof of publication or posting, shall be sufficient to show that the notice requirements of this division have been met, without regard to whether or not the owner actually received such notice.

- (c) *Contents of notice.* The notice shall advise the property owner of the violation and that unless the condition is remedied within ten days of posting, publication, hand delivery, or receipt of the mailed notice, whichever is later, then the city shall do the work necessary to remove the violations and shall assess all costs, fees and expenses incident thereto against such property. The notice shall also advise the owner of the right to appeal the proposed abatement. The form of notice shall be prescribed by the city manager, or a city employee so designated. The notice shall specify the conditions found that constitute the Code violation.

(Code 1982, § 9-53; Ord. No. 97-19, § 1(9-53), 3-25-97; Ord. No. 2012-17, § 1, 7-24-12; Ord. No. 2015-09, § 2, 2-24-15)

Sec. 34-84. - Abatement by city.

- (a) *Abatement.* If the property owner fails to correct the violations as directed by the notice, and after the disposition of any appeal, then the city, or its agents and employees, shall have the right and power to enter upon the property and do the necessary work to remove the offensive accumulations or openly stored materials.
- (b) *Notice of proposed assessment; lien for costs of abatement.* The city may assess all costs, fees and expenses incident to the abatement work against the property. Overhead and intangible expenses may be included in the cost determination. The city shall send the owner written notice of the proposed assessment by certified mail or publish the notice at least once in a newspaper having general circulation in the city. The notice shall inform the owner of the proposed assessment and that the assessment, if unpaid, shall become a lien on the property. The notice shall also inform the owner of the right to appeal the proposed assessment. If the assessment remains unpaid for 30 days after notice to the owner and the disposition of any appeal, then the assessment shall become a lien against the property prior to all other liens except taxes and of equal dignity with assessments made for other municipal improvements. The city shall record a notice of assessment lien.

(Code 1982, § 9-54; Ord. No. 97-19, § 1(9-54), 3-25-977; Ord. No. 2012-17, § 2, 7-24-12; Ord. No. 2015-09, § 3, 2-24-15)