

ORDINANCE NUMBER 137

AN ORDINANCE ESTABLISHING THE WEEDS AND TALL GRASS CONTROLS  
FOR THE CITY OF RUSSELL

BE IT ORDAINED BY THE CITY COUNCIL OF RUSSELL, IOWA:

Section 1. Purpose and Intent. The purpose of this ordinance is to adopt provisions for Title III, Chapter 3 of the Russell Municipal Code (Weeds and Tall Grass) to impose controls on the weeds and tall grass within the city limits.

Section 2. Adoption Of Section. The Russell Municipal Code be and hereby is amended by adopting a new Chapter 3 (Weeds and Tall Grass) of Title III as follows:

ARTICLE 1

*3-3.0101. EXCESS GROWTH PROHIBITED. All owners and persons in possession or control of any lands within the city shall:*

- (1) Cut or destroy all weeds, vines, grass, brush or other growth when such growth exceeds ten inches in height in all developed areas or within two hundred feet of any developed area or urban street. In other areas of the city, all weeds, vines, brush or other growth shall be cut or destroyed when such growth exceeds eighteen inches. Natural areas, including but not limited to waterways or farmland, may exceed these established height limitations.*
- (2) Prevent any growth of weeds, vines, brush or other plant material which constitutes a health, safety or fire hazard regardless of height.*

*3-3.0102. TIME FOR DESTRUCTION AND ASSESSMENT OF COSTS.*

- (1) If a property owner or person in possession of lands within the city fails to destroy the weeds, vines, brush or other growth as set out in this article and after notice is given as provided by this article, the mayor or such person's designee shall order the work to be done.*
- (2) The total cost and expense of destroying the weeds or growth, shall be paid and assessed against the land as provided by law. Costs may be established by the council from time to time by resolution.*

3-3.0103. *NOTICE TO OWNERS.* Notice to the owner or person in control of lands within the city subject to the provision of this article shall be as follows: The city clerk shall cause to be published on or before April 15 of each year in a newspaper of general circulation within the city a notice stating that work of cutting or destroying weeds, vines, brush or other growth is required to be done during the months of May through October, inclusive, and a statement that property owners have five days, not including Saturdays, Sundays, holidays, within which such owners may cause the work to be done. Further, the notice shall state that failure to comply after publication of the notice will result in the work being done by the city, and the costs incurred by the city shall be assessed against the property in the manner provided by law. No further notice shall be required.

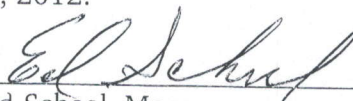
3-3.0104. *BILLING.* Each owner shall be sent by first-class mail to the address noted on the tax rolls of the city a bill for the work performed informing the owner of the cost of such work and the council intent to assess the cost if not paid in ten days to the city clerk. Any bill remaining unpaid after the ten day period may be assessed against the property in the manner provided by law.

Section 3. Repealer. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

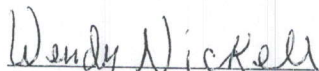
Section 4. Severability. If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

Section 5. Effective Date. This ordinance shall be in effect after its final passage, approval, and publication as provided by law.

Passed by the Council the 2<sup>nd</sup> day of April, 2012, and approved this 2<sup>nd</sup> day of April, 2012.

  
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Ed Scheel, Mayor

Attest:

  
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Wendy Nickell, City Clerk