

Grass Ordinance A3B

Sponsor: CARL Peters
First Reading: June 3, 2008
Second Reading: Waived

ORDINANCE TO AMEND "AN ORDINANCE DECLARING THE GROWTH OF CERTAIN GRASS, WEEDS AND OTHER VEGETATION, TO BE A COMMON AND PUBLIC NUISANCE PRESCRIBING PENALTIES AND REMEDIES FOR VIOLATION THEREOF AND REPEALING INCONSISTENT ORDINANCE."

WHEREAS, it is, in the opinion of the members of the Town Council of the Town of Greenwood, necessary and in the best interest of property owners and residents of the Town of Greenwood to amend the current ordinance regarding the growth of certain grass, weeds and other vegetation to further protect the health, safety and general welfare of the property owners and residents of the Town of Greenwood.

BE IT HEREBY ENACTED by the Town Council of the Town of Greenwood, a majority thereof concurring in Council duly met, that the following ordinance be enacted:

The Ordinance entitled "AN ORDINANCE DECLARING THE GROWTH OF CERTAIN GRASS, WEEDS AND OTHER VEGETATION TO BE A COMMON AND PUBLIC NUISANCE PRESCRIBING PENALTIES AND REMEDIES FOR VIOLATION THEREOF AND REPEALING INCONSISTENT ORDINANCE" shall be amended as follows:

Section 1. It is the purpose of this Ordinance to have all grass cut and maintained to a height of eight (8) inches and to eliminate noxious weeds and other vegetation in order to protect the public health, safety and general welfare of the property owners and residents of the Town of Greenwood.

Section 2. This Ordinance is declared to be remedial and shall be construed to secure the beneficial intent and purposes thereof which are to eliminate dangerous conditions detrimental to the public good and to protect the public health, safety and general welfare of the property owners and residents of the Town of Greenwood.

Section 3. For the purpose of this Ordinance, the following definitions shall be applicable unless the context clearly indicates to the contrary:

- (a) The term "Noxious Weeds" shall mean and include, but not be limited to, such weeds as Johnson grass, Jimson grass, Burdock, Ragweed, Thistle, Cocklebur, White Mustard and Foxtail.

Section 4. It shall be unlawful for the owner of any property or the tenant of any owner to permit or maintain the growth of any grass more than eight (8)

inches in height anywhere in the Town of Greenwood and the growth of grass higher than eight (8) inches is hereby declared detrimental to the public health, safety, and general welfare of the property owners and residents of the Town of Greenwood and a common and public nuisance.

Section 5. It shall be unlawful for the owner of any property or the tenant of any owner to permit or maintain the growth of noxious weeds anywhere in the Town of Greenwood and the growth of noxious weeds anywhere in the Town of Greenwood is hereby declared to be detrimental to the public health, safety, and general welfare of the property owners and residents of The Town of Greenwood and a common and public nuisance.

Section 6. It shall be unlawful for the owner of any property or the tenant of any owner to permit grass clippings, discarded weeds or any other yard waste to accumulate, be blown, swept, raked, or otherwise placed on any streets or sidewalks in the Town of Greenwood and such accumulation of yard waste is hereby declared to be detrimental to the public health, safety and general welfare of the property owners and residents of the Town of Greenwood and a common and public nuisance. Excluded from this ordinance is yard waste properly stored in a can, bag, or other container that is sufficient to prevent the yard waste from blowing or spilling from the container which is otherwise permitted to be temporarily placed on the street or sidewalk in the Town for pickup for disposal or recycling.

Section 7. **Interference with visibility prohibited.**

No hedges, bushes, shrubs, trees, or other vegetation shall be permitted to grow in such a manner as to inhibit the visibility or the free passage of any motor vehicle on any street, alleyway, or passageway.

Section 8. **Extension over public ways.**

No hedges, bushes, shrubs, trees, or other vegetation shall be permitted to grow in such manner as to extend over the edge of any street, alleyway, walkways, or passageway, except at a height which will not inhibit the free passage of pedestrians or normal motor vehicle traffic.

Section 9. The Code Enforcement Officer of the Town of Greenwood, upon complaint from two (2) or more residents of The Town of Greenwood, or upon his own observation, shall investigate to determine whether there is a growth of grass, noxious weeds or other vegetation on property located within the corporate limits of the Town of Greenwood in violation of the provisions of this Ordinance.

Section 10. If the Code Enforcement Officer, following his investigation, determines that there is a violation of this Ordinance on property located within the corporate limits of The Town of Greenwood, the Code Enforcement Officer shall issue a summons to be served personally or by certified mail upon the owner, occupant or tenant of the premises, or any agent caring for or in charge of the premises.

Section 11. Upon the failure of the property owner or tenant to comply with Section 1-8 of this Ordinance within seven (7) days from the date of mailing of summons by certified mail, the Town shall cause the violation to be corrected and the cost thereof, plus an administration cost of \$250 per tax parcel, shall be billed to the property owner.

Section 12. If the bill so presented by the Code Enforcement Officer on behalf of the Town of Greenwood shall not be paid within thirty (30) days following delivery thereof by mail, the Code Enforcement Officer of The Town of Greenwood may institute an action in the corporate name in any court of competent jurisdiction in the State of Delaware for the collection of the debt to collect the same in a manner now or hereafter provided for the collection of judgments in the State of Delaware or he may proceed by any other method provided in the Charter of the Town of Greenwood for the collection of debts due The Town of Greenwood.

Section 13. In addition to any other remedy provided for in this Ordinance and because the purpose of this Ordinance is to safeguard and protect the public health, safety and general welfare of the property owners and residents of the Town of Greenwood, the Code Enforcement Officer is hereby authorized to bring an action in a court of competent jurisdiction to enjoin any violation of the provisions of Sections 1-8 of this Ordinance.

Section 14. The provisions of this ordinance shall be enforceable from January 1 through December 31 of each year. The owner of any property within the Town of Greenwood or the tenant of said owner having in any one year received notice pursuant to the provisions of this Ordinance shall be deemed to have received notice for the remainder of the year that on the first day of each month commencing January 1 through December 31, both dates inclusive, the Town may, without further notice, cut, destroy and remove at the expense of the owner of said property any growth being maintained on said property in violation of the provisions of the Ordinance.

Section 15. Any ordinance inconsistent with the provisions of this Ordinance be and the same is hereby repealed to the extent of such inconsistency.

Synopsis

This Ordinance amends the current Town of Greenwood ordinance governing the maintenance of grass, weeds and other vegetation in the Town by deleting the wording "Except Trees, Ornamental Flowers and Shrubbery". In order to ensure the safety and general welfare of the property owners and residents of the Town of Greenwood the following provisions have been added - **Interference with Visibility Prohibited, and Extension over Public Ways**. In order to expeditiously maintain the aesthetic look of the Town Section 10 states notice will be given personally and/or certified mail and Section 11 has been changed to read compliance is required within 7 days from date of mailing of a certified letter. It also includes an administration fee of \$250.00 per tax parcel. Other provisions of the ordinance are renumbered accordingly.

This shall certify that this is a true and correct copy of the ordinance duly adopted by the Town Council of the Town of Greenwood at a duly-noticed and convened meeting at which a quorum was present on June 3, 2008.

Attest: Doris Calkins
Town Manager

So Certifies:
Willard Russell
Mayor

This shall certify that a copy of this Ordinance was posted at the Town Hall on June 4, 2008.

6-4-08
Date

So Certifies:
Doris Calkins