

ORDINANCE NO. 234

AN ORDINANCE TO COMPEL THE OWNERS AND OCCUPANTS OF LOTS AND PARCELS OF LAND WITHIN THE CORPORATE LIMITS OF DRAIN CITY TO CUT AND REMOVE WEEDS, GRASS, BUSHES, AND SHRUBBERY, EXCEPT ORNAMENTAL BUSHES AND SHRUBBERY, GROWING THEREON OR ON THE STREETS, AVENUES, AND ALLEYS ADJACENT THERETO AND ABUTTING UPON SAID PROPERTY; DECLARING A GROWTH OF WEEDS, BUSHES, AND SHRUBBERY, EXCEPT ORNAMENTAL BUSHES AND SHRUBBERY UPON LOTS AND PARCELS OF LAND WITHIN THE CORPORATE LIMITS OF DRAIN CITY TO BE A FIRE HAZARD AND NUISANCE; FIXING A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; AND IN CASE OF FAILURE TO COMPLY WITH ITS PROVISIONS BY THE OWNER OR OCCUPANT OF LOTS AND PARCELS OF LAND IN DRAIN CITY TO CHARGE THE EXPENSE OF REMOVING OF SUCH GRASS, WEEDS, BUSHES, AND SHRUBBERY AS A LIEN UPON SUCH LOT OR PARCEL OF LAND, AND REPEALING OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH.

The people of Drain City do ordain as follows:

Section 1. The growth of grass, weeds, shrubbery, and vegetation upon vacant and other lots and parcels of land and the streets and alleys abutting thereon in the city of Drain during the summer season constitutes a fire menace and greatly increases the fire hazard in said city and also when allowed to go to seed causes such weeds, bushes, shrubbery, and vegetation to spread to adjacent areas and is hereby declared to be a nuisance.

Section 2. That the owner, agent of the owner, and/or occupant of any lot or parcel of land within the limits of Drain City, shall cut and remove the weeds, bushes, shrubbery, and other vegetation, except ornamental bushes and shrubbery, growing thereon or upon adjacent and abutting streets, avenues and alleys, at least twice in each calendar year, to wit: once during the month of June and once during the month of August in each year, and in case of failure so to do, shall be subject to fine or imprisonment as hereinafter provided.

Section 3. That any owner, agent of the owner, or occupant of any real premises, lot or parcel of land violating any of the provisions of this ordinance shall, without notice, be subject to a fine of not more than \$50.00, and in case of failure to pay such fine, shall be imprisoned in the city jail one day for each \$5.00 of said fine.

Section 4. In case of failure or neglect of any such agent, owner, or occupant to cut weeds and grass and shrubbery as herein provided, the city recorder shall cause to be served on such owner, agent of owner, and/or occupant a notice,

describing the property with convenient certainty by its legal description or by the street number of the house, requiring such owner or agent of owner and/or occupant to cut said weeds, grass, and shrubbery within 10 days from the service thereof, or that the city will require the same to be done, and the cost thereof charged as a lien against said property.

Section 5. Such notice shall be served upon such owner, agent of owner, and/or occupant in person if he shall be found upon said premises or within the city of Drain, and in case said owner, agent of owner, and/or occupant cannot be found in person within the city after reasonable diligence and inquiry, such notice shall be posted in a conspicuous place upon said premises, and a copy thereof mailed to the last known post office address of such owner, agent of owner, or occupant, if any such address is known, and return of service shall be filed with the recorder; and if at the end of 10 days from the giving of such notice such owner, agent of owner, and/or occupant shall have failed and neglected to cut and remove such vegetation, the city recorder of Drain shall cause the same to be done and shall file with the council a verified itemized statement of the expenditure occasioned thereby, and the recorder shall cause notice to be served upon the owner, agent of owner, or occupant in the manner hereinbefore described; that such statement will be considered and determined by the council and a lien declared upon the property involved, the time of which meeting shall be specified in the notice, more than 10 days from the giving of the same, and the council shall at such meeting hear any objections to such statement, and by ordinance determine the correctness of the same, and declare such corrected amount a lien upon the property benefited and instruct the recorder to enter the same upon the city docket of liens in the same manner and with the same effect that street improvement liens and sewer liens are entered, and said lien shall have the same force and effect as such street improvement and sewer liens, and shall be foreclosed in the same manner.

Section 6. That all ordinances and parts of ordinances in conflict herewith are hereby repealed.

Section 7. NOW, THEREFORE, an emergency is hereby declared to exist and it is hereby declared to be necessary for the immediate preservation of the peace, health and safety of the City of Drain that this ordinance shall take effect immediately upon its passage by the council and approval by the mayor.

PASSED by the Common Council this 8th day of July, 1975.

APPROVED by the Mayor this 8th day of July, 1975

FILED with the Recorder this 8th day of July, 1975.

APPROVED:

A.B. Giovanini

Mayor

ATTEST:

V.R. Thomas

City Recorder