

Council Policy 2021-02
Notice of Weeds and Vegetation Violation

Approved July 12, 2021

Purpose.

This policy provides guidance to code enforcement staff members in implementing the provisions of the City's weeds and vegetation ordinance relative to notification of violations given to property owners and occupants.

Authority.

Section 38-104 provides in part that "[a]dditional notice shall be provided as outlined and adopted by the city council policy."

Background.

The weeds and vegetation ordinance provides that notice to the public shall be given annually in March by publication in a newspaper of general circulation of the provisions of City code regarding the responsibility of property owners to control noxious weeds and maintain grass at less than eight inches in height, among other provisions. Failure to comply with the ordinance can result in action by the City to enter onto property to remove weeds and cut grass.

The language of the ordinance requires no additional notice to be given to property owners of violations apart from that which is published in the newspaper. During one of its meetings, City Council provided direction to staff that additional notice of violations were to be given of violations. It does not appear that this direction took the form of a written Council policy.

Implementing this direction has led to multiple notices to property owners, interspersed with multiple inspections, to achieve compliance. Property owners' ignoring the ordinance can lead to issuance of civil infractions and court orders.

It has been determined that this is a poor use of code enforcement and legal staff resources when compared to the results achieved. Further, continuing this practice diverts resources from other tasks code enforcement staff could be undertaking.

This policy was developed to balance the desire to provide notice to property owners who are in violation of the weeds and vegetation ordinance with the need for a more efficient and effective enforcement procedure.

Policy.

1. When a property is found to be in violation of the weeds and vegetation provisions of the Code of Ordinances, the code enforcement officer shall place on the property in a visible location a placard, door hanger, or similar notice advising the occupants:
 - a. that the property has been found to be in violation of the weeds and vegetation ordinance due to the presence of noxious weeds, grass more than eight inches in height, dead bushes, dead trees and stumps and/or bushes and trees infested with dangerous insects and/or infectious diseases;
 - b. that the violations must be corrected by a date determined by the code enforcement officer or other person to be reasonable for correcting the violations but in no case less than seven days following the date on which the placard, door hanger or other notice is placed on the property;
 - c. that failure to correct the violation by the date given for compliance to be achieved will result in the work being performed by the City with the cost paid by the owner of the property;
 - d. that failure to correct the violation by the date given for compliance could also result in the issuance of a municipal civil infraction subjecting the occupant and/or owner to a fine for every day the property remains in violation.

Such placard, door hanger or other notice shall prominently display the name, phone number and email address of the code enforcement officer or other City employee to be contacted for additional information about the violation.

2. In addition to the notice required by subparagraph 1 above, the code enforcement officer shall provide notice by first class mail to the owner and occupant, if different, of the violation of the Code or Ordinances. In addition to information essentially the same as that described in subparagraph 1, this notice shall identify the property by both its street address and its property tax identification number. Notice shall be mailed to the address where the violation exists, if it appears that mail is being delivered to the address, and to the address of the owner listed in the property tax records if different.
3. No additional notice is required to be given prior to the implementation of enforcement actions authorized by the Code and this policy to achieve compliance but additional notice may be given at the discretion of the code enforcement officer. The code enforcement officer shall also have the discretion to extend the time required for compliance if it is determined that such an extension in time is reasonable; provided, however, that such an extension shall be given in writing in a notice mailed to the owner as provided in subparagraph 2 above.

When used in this policy, the term "code enforcement officer" shall be interpreted to mean such City department, employee or contractor assigned by the city manager to enforce the provisions of the weeds and vegetation ordinance.

Report to City Council.

On or about the conclusion of the second year following the effective date of this policy, the city manager shall cause to be prepared a report to the City Council that contains at a minimum the number of properties each year found to have been in violation of the Code, the number for which voluntary compliance was achieved, the number for which the City was required to enter upon the property to achieve compliance and the average number of days required to achieve compliance.

Effective Date.

This policy shall have immediate effect.