

ORDINANCE NO. 89-16

AMENDMENT OF ORDINANCE 431 AND ORDINANCE 83-7,  
ORDINANCES PROVIDING FOR THE CONTROL OF UNHEALTHFUL  
OR NOXIOUS GROWTH AND OTHER MATTER ON PROPERTY.

SECTION 1. UNHEALTHFUL OR NOXIOUS GROWTH AND OTHER MATTER  
ON PROPERTY PROHIBITED.

No owner of any lot, place, or area within the city, or the agent of such owner, shall permit such lot, place or area, or upon any sidewalk abutting the same, any weeds, grass, or deleterious, unhealthful growths, or other noxious matter that may be growing lying or located thereon.

SECTION 2. NOTICE TO REMOVE

The sanitarian, or any police officer, is hereby authorized and empowered to notify, in writing, the owner of any such lot, place or area within the city, or the agent of such owner, to cut, destroy and/or remove any such weeds, grass, deleterious, unhealthful growths, or other noxious matter found growing, lying, or located on such owner's property, or upon the sidewalk abutting same. Such notice shall be by registered mail, addressed to said owner or agent of said owner, at his last known address.

SECTION 3. REMOVAL BY CITY AUTHORIZED IF OWNER FAILS

Any failure, neglect, or refusal of any owner or agent notified pursuant to Section 2 hereof to cut, destroy, and/or remove weeds, grass, or deleterious, unhealthful growths, or other noxious matter growing, lying or located upon such owner's property, or upon the sidewalk abutting same within seven (7) days after the notice provided for herein shall be unlawful and shall be considered a violation of this ordinance.

If said growth or noxious matter is not removed or the condition corrected within ten (10) days after the notice provided for herein then the sanitarian or any police officer is hereby authorized and empowered to order the removal of same by the city street department employees.

SECTION 4. COLLECTION FROM OWNER OF COST OR REMOVAL

When the city, through its employees and equipment, has effected the removal of such noxious growth, or has paid for its removal, the actual cost thereof, plus \$25.00 plus accrued interest at the rate of twenty percent (20%) per annum from the date of the completion of the work, if not paid by such owner prior thereto, shall be charged to the owner of such property on the next regular tax bill forwarded to such owner at the time of payment of such tax bill.

SECTION 5. LIEN FOR COST OF REMOVAL, PENALTY FOR DELINQUENCY

Where the full amount due the city is not paid by such owner within thirty (30) days after the cutting, destroying, and/or removal of such weeds, grass, or deleterious, unhealthful growths, or other noxious matter, as set forth in Section 3 and 4 above, then and in that case, the city clerk shall cause to be recorded in the office of the Clerk of Pulaski County Court, a sworn statement showing the cost and expense and penalty incurred for the work and the date, place, or property on which said work was done, and the recordation of such sworn statement shall constitute a lien upon the property, and shall remain in full force and effect for the amount due in principal and interest, plus costs of court, if any, for collection, until final payment has been made; said costs and expenses and penalty shall be collected in the manner fixed by law for the collection of taxes, and further shall be subject to a delinquent penalty of twenty-five percent (25%) in the event same is not paid in full on or before the date the tax bill upon which said charge appears becomes delinquent; sworn statements recorded in accordance with the provisions hereof shall be prima facie evidence that all legal formalities have been complied with and that the work has been done properly and satisfactorily, and shall be full notice to every person concerned that the amount of the statement, plus interest, constitutes a lien against the property designated or described in the statement, and that the same is due and collectible as provided by law.

It is provided, however, that said cost and expense and penalty may be collected regardless of whether or not any statement has been filed in the Pulaski County Court Clerk's Office.

SECTION 6.

All ordinances or part of ordinances in conflict herewith are hereby repealed.

SECTION 7.

This ordinance shall be in full force and effect upon its passage, approval and publication, according to law.

SECTION 8. CONTINUED REMOVAL.

In the event the owner or his agent allows the nuisance to continue and does not make a reasonable effort to correct the problem, then the notice provided for herein shall be sufficient to authorize and empower the sanitarian or any police officer to continue to correct the nuisance by reasonable methods without further notice. The costs of the continued removal by the city shall be paid by the owner and collected in accordance with the provision hereinabove set forth and each removal shall constitute a separate violation of this ordinance for which the owner will be subject to the penalties in Section 9 hereof.

SECTION 9. VIOLATION - PENALTY.

Any person convicted of violating any provision of this ordinance shall be punished by a fine of not less than \$25.00 nor more than \$100.00.

FIRST READING: July 10, 1989  
SECOND READING: July 24, 1989

APPROVED:

Smith Vanhook  
SMITH VANHOOK, MAYOR  
CITY OF SOMERSET

ATTEST:

Orin Hodson  
CITY CLERK