

City of Harrisville - Noxious Vegetation Ordinance 2017-01

ARTICLE 1 – NOXIOUS VEGETATION

Sec. A - Duty of property owners and occupants to destroy and remove noxious vegetation.

No person who is owner, possessor, or occupier of developed land within the city shall fail to cut, destroy, remove, and keep free from all weeds, plant material, grass, leaves, or vegetation growing thereon or along the sidewalk or between the property line and the streets edge, when such weeds, plant material, grass, leaves, or vegetation are noxious, unsightly, or detrimental to the public health and welfare, at least once before each of the following dates: June 1, July 1, August 1, September 1, October 1 and November 1 and as many other times as may be necessary to prevent such land from becoming noxious, unsightly, or detrimental to the public health and welfare. For the purposes of this section, when said weeds, plant material, grass or vegetation reach 8 inches in height in all residential, office service and commercial zones or 12 inches in height in all industrial zones, it shall be deemed noxious, unsightly, or detrimental to the public health and welfare. Developed land is defined as land, lot or parcel that is cleared of forest allowing for potential buildings to be developed or land, lot or parcel that currently possesses a building.

No owner or occupant of any premises, their agents or employees, shall push, place or deposit any weeds, plant material, grass, leaves, or vegetation from any private or public land into the right-of-way of any street or highway within the city. When any such weeds, plant material, grass, leaves, or vegetation shall be found to have been pushed, placed or deposited in such right-of-way of any street or highway, it shall be prima facie evidence; that the owner or occupant of the premises bordering such street or highway caused such weed, plant material, grass, leaves, or vegetation to be placed there. Further, the owner or occupant of premises adjacent to the right-of-way of any street or highway onto which weeds, plant material, grass, leaves, or vegetation has been pushed, placed or deposited shall be liable for violating the provisions of this section, regardless of whether the owner or occupant pushed, placed or deposited such weeds, plant material, grass, leaves, or vegetation themselves or whether such weeds, plant material, grass, leaves, or vegetation was pushed, placed or deposited in such right-of-way by an agent or employee of such owner or occupant. The only exception to this is when weeds, plant material, grass, leaves, or vegetation have been properly bagged and placed curb side for pickup by the city on scheduled pickup dates.

Sec. B - Service of notice of noncompliance.

In the event that any person who is the owner, possessor, or occupier of any of the land described in section B shall fail to comply with the provisions of this article, the city manager or their designee shall, through the proper department or agency of the city, cause the owner, lessee or occupant or any person having the care and control of the land, to be served, either by certified mail or personally, a written notice to comply with the provisions of this article within seven days of receipt of such notice. Such notice may be attached to the residence on a door hanger department form, of an occupied address. If the property in question is not actively occupied, a

letter will be mailed to the property owner's address with a response required to the city within 14 days of mailing.

Sec. C – Action by the city upon failure to comply with notice; assessment of costs.

In the event the owner, occupant or possessor or person upon whom the notice has been served pursuant to this article shall fail, neglect or refuse to comply with the provisions of this article within 7 days after receipt of such notice, the city manager or their designee may, through the proper department or agency of the city, cause the vegetation to be cut, destroyed or removed as the case may be, and all expenses incurred in such cutting, destruction or removal shall be paid by the owner of the land and the city shall have a lien against such lands for such expenses or the city manager or their designee may cause a citation to be issued in accordance with section C through the proper department or agency of the city, or both.

In the event the owner of such property shall fail to pay such costs or expense, the city may add the costs on the tax rolls relative to this property, such costs, and expenses to become a lien in the same vein as the regular taxes applied to such premises, until such expenses and costs are paid.

Sec. D - Penalty for violation of article.

Any owner, possessor, or occupier of land within the city, or person having charge of such land who shall fail to conform with any of the provisions of sections A, B or C shall be responsible for a civil infraction and shall be assessed a civil fine not to exceed \$500.00 for residential or \$1000.00 for commercial or industrial. It is the intent of the city that the remedies provided in this article shall be cumulative and may be imposed at the discretion of the city and its officials.