

CHAPTER 25

NUISANCES

ARTICLE I - WEEDS

25-1-1 **DEFINITION.** "Weeds" as used in this Code shall include, but not be limited to the following: Burdock, Ragweed (giant), Ragweed (Common), Thistle, Cocklebur, Jimson, Blue Vervain, Common Milk Weed, Wild Carrot, Poison Ivy, Wild Mustard, Rough Pigweed, Lambsquarter, Wild Lettuce, Curled Dock, Smartweeds (all varieties), Poison Hemlock, Wild Hemp and Johnson Grass and all other grass or noxious weeds.

25-1-2 **DECLARED NUISANCE.** It is hereby declared to be a nuisance for the owner or owners of subdivision lots in residential areas in the unincorporated areas of the County or any part thereof, to refuse or neglect to cut weeds, as defined in **Section 25-1-1** when such weeds have reached a height in excess of **eight (8) inches**.

25-1-3 **NOTICE OF NUISANCE.** The Building and Zoning Department Director or any other person so designated by the County Board Chairman may issue a written notice for removal of weeds or grass. The owner or owners shall cut such weeds or grass within **ten (10) days** after such notice has been duly served.

25-1-4 **SERVICE OF NOTICE.** Service of notice provided for herein shall be effected by mailing certified a written copy of such notice to the last known address of each owner or owners.

25-1-5 **ABATEMENT.** If the owner or owners so notified does not abate the nuisance within **ten (10) days**, the County Building and Zoning Department Office may proceed to abate such nuisance, keeping an account of the expense of the abatement, and such expense shall be charged and paid by such owner or owners.

25-1-6 **LIEN IMPOSED.** The cost of abatement of said nuisance shall be considered a lien upon the subdivision lot affected, superior to all other liens and encumbrances, except tax liens; provided that within **sixty (60) days** after such cost and expense has been incurred, the County or person performing the service by authority of the County in his or its own name files notice of lien in the County Recorder of Deed's Office in the County in which such subdivision lot is located. The notice shall consist of a sworn statement setting the following:

- (A) A description of the subdivision lot sufficient for identification thereof,
- (B) The amount of money representing the cost and expense incurred or payable for the service, and
- (C) The date or dates when said cost and expense was incurred by the County. However, the lien shall not be valid as to any purchaser whose rights in and to such subdivision lot have arisen subsequent to the weed cutting and prior to the filing of such notice, and the lien of the County shall not be valid as to any mortgagee, judgment creditor or other lienor whose rights in and to such subdivision lot arise prior to the filing of such notice.

25-1-7 **PAYMENT.** Notice of such lien claim shall be mailed to the owner of the premises if his address is known. Upon payment of the cost and expense by the owner or persons interested in such property after notice of lien has been filed, the lien shall be released by the County or person in whose name the lien has been filed and release shall be filed or record in the same manner as filing notice of the lien.

25-1-8 **FORECLOSURE OF LIEN.** Property subject to a lien for unpaid weed cutting charges shall be sold for non-payment of the same and the proceeds of such sale shall be applied to pay the charges after deducting costs, as is the case in the foreclosure of statutory liens. Such foreclosure shall be in the name of the County after lien is in effect for **sixty (60) days**.

25-1-9 **PENALTY.** Any person violating this Ordinance shall, upon conviction, be fined according to the provisions of **Chapter 1** of the "Code of Ordinances".

(Ord. No. 99-672; 05-24-99)