

ORDINANCE NO. 948

**AN ORDINANCE AMENDING SECTION 96.05 OF THE
MOUNT PLEASANT CITY CODE**

IT IS HEREBY ORDAINED BY THE PEOPLE OF THE CITY OF MOUNT PLEASANT:

Section 1. Amendment. Section 96.05 of Chapter 96, "Nuisances," of the Mount Pleasant City Code is amended to read as follows:

§ 96.05. Lawn Maintenance; Height; Removal of Noxious Weeds.

(A) Except for properly approved and constructed driveways, walkways and parking areas, the required front yard set back and required front yard green area of any improved parcel shall be cultivated with vegetation and/or other landscaping ground cover.

(B) It shall be unlawful for the owner, or his/her agent, of any occupied or unoccupied property located within the city to:

(1) Permit or maintain weeds or grass on any exterior property area in excess of 12 inches in height. For purposes of this section weeds shall be defined as all vegetation other than agricultural crops, cultivated flowers, cultivated trees or cultivated shrubs.

(2) Permit the growing or placement on any exterior property area of any deleterious, unhealthful growths or other noxious matter. For purposes of this section deleterious, unhealthful growths or other noxious matter shall include Canada thistle (*Cirsium arvense*), dodders (any species of *Cuscuta*), mustards (charlock, black mustard and Indian mustard, species of *Brassica* or *Sinapis*), wild carrot (*Daucus carota*), bindweed (*Convolvulus arvensis*), perennial sowthistle (*Sonchus arvensis*), hoary alyssum (*Berteroa incana*), ragweed (*Ambrosia elatior*), 1) poison ivy (*Rhus toxicodendron*), poison sumac (*Toxicodendron vernix*) or other plant which in the opinion of the City Manager constitutes a public nuisance.

(C) The City Manager or the City Manager's designee is authorized to publish a notice in the newspaper of general circulation in the city by March 31 of each year that any weeds or grass higher than 12 inches in height at any time after May 1 shall be cut and maintained at a height less than 12 inches and that any deleterious, unhealthful growths or other noxious matter shall be destroyed and removed.

(D) Any weeds or grass higher than 12 inches in height after May 1 may be cut by a representative of the city after notice is first provided in accordance with subsection (E) below. The city may cause a property to be mowed as many times as is necessary in order to meet the standards of this section. Any deleterious, unhealthful growths or other noxious matter may be destroyed and removed by a representative of the city after notice is first provided in accordance with subsection (E) below. Provided, however, notice need only be given once in any calendar year for the conditions on any parcel in the city.

(E) If any weeds or grass on any parcel of property in the city reach a height of 9 inches after May 1 or there exists on any parcel of property in the city any deleterious, unhealthful or other noxious plants as defined in subsection (B)(2) above, the City Manager or the City Manager's designee is authorized to notify, in writing, the owner and/or tenant(s) of any premises to cut such weeds or grass or remove such deleterious,

unhealthful or other noxious plants so as to comply with this Section, providing at least two days after the receipt of that notice in which to comply with it. Such notice shall be by hand delivery or certified mail, addressed to said owner and/or tenant(s). If the owner and/or tenant(s) cannot be located, or if the notice is returned as undeliverable, the notice shall be posted upon the premises addressed to the last known owner.

(F) When the city cuts, destroys or removes weeds, grass or deleterious, unhealthful growths, or other noxious matter in violation of this section, or has paid for its removal, the actual cost, plus accrued interest at the rate of 1% per month from the date of the completion of the work, if not paid by such owner, shall be charged to the owner of such property on the next regular tax bill forwarded to such owner by the city. The charge shall be due and payable by the owner at the time of payment of the tax bill.

(G) Where the full amount due the city is not paid by such owner within 60 days after the cutting, destroying and/or removal of such weeds, grass or deleterious, unhealthful growths, or other noxious matter, as set forth in divisions (D) through (F) above, then, and in that case, the City Manager shall cause to be recorded in the Treasurer's office of the city a sworn statement showing the cost and expense 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 on 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. The costs and expenses shall be collected in the manner fixed by law for the collection of taxes, and, further, shall be subject to a delinquent penalty of 1% per month in the event it 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 properly and satisfactorily done, and shall be full notice that the amount of the statement, plus interest, constitutes a charge against the property designated or described in the statement and is due and collectible as provided by law.

(G) Compliance with the requirements of this section shall be conducted in a manner that controls stormwater runoff and prevents erosion, siltation and dust.

Section 2. Publication and Effective Date. The City Clerk shall cause to be published a notice of adoption of this ordinance within 10 days of the date of its adoption. This ordinance shall take effect 30 days after its adoption.

Introduced and read the 23rd day of March, 2009.

Passed, ordained and ordered published the 11th day of May, 2009.

James Holton, Mayor

Jeremy Howard, City Clerk