

AN ORDINANCE ADOPTING A NEW CHAPTER OF THE ELLSWORTH CITY CODE OF ORDINANCES BY PROVIDING FOR GENERAL REQUIREMENTS REGARDING THE PENALTY FOR THE UNABATED NUISANCE OF MOWING OF PROPERTIES

BE IT ENACTED by the City Council of the City of Ellsworth, Iowa:

SECTION 1. Section Adopted: Chapter 149 of the Ellsworth Code of Ordinances is hereby adopted.

149.01 MOWING OF PROPERTIES. Any property within the City, whether vacated or non-vacated, is required to be mowed at any time the grass and/or weeds reach a height of more than eight (8) inches. If a property is not mowed, notice shall be sent to the property owner that a nuisance exists and that the property owner has forty-eight (48) hours to abate the nuisance or the City may take such steps to abate said nuisance as set forth in Section 149.02.

149.02 PENALTY.

1. The City or its agents may mow any property with the unabated nuisance, and a charge of \$100.00 per man hour for such mowing.
2. All unabated nuisances requiring the City or its agents to mow shall be charged a surcharge of:
 - a. \$100.00 for first mowing within a twelve (12) month period;
 - b. \$200.00 for second mowing within a twelve (12) month period;
 - c. \$300.00 for third mowing within a twelve (12) month period;
 - d. \$400.00 for fourth mowing within a twelve (12) month period;
 - e. \$500.00 for fifth mowing within a twelve (12) month period.
3. Any property owners who fail to mow their properties, thus allowing the same to be mowed by the City or their agents, and who do not provide payment for the mowing as required will be assessed by the City for such costs, which will be collected in the same manner as general property taxes.

SECTION 2. Severability. If any section, provision or part of this ordinance shall be adjudged invalid, preempted, or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid, preempted or unconstitutional.

SECTION 3. When Effective. This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

149.03 METHOD OF SERVICE AND BILLING. Any billing for mowing done by the City or its agents is to be sent by regular mail and is payable within thirty (30) days of billing date.

Passed by the City Council on this _____ day of August, 2021.

Gregory S. Campbell, Mayor

ATTEST:

Amy L. Zeman, City Clerk

I certify that the foregoing was published as Ordinance No. _____ on the _____ day of _____, 2021.

Amy L. Zeman, City Clerk