

## CHAPTER 52

# MOWING OF PROPERTIES

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**52.01 PURPOSE.** The purpose of this chapter is to facilitate the health, safety, and welfare of the residents of North English by requiring yards and properties to be properly mowed.

**52.02 DENSE GROWTH.** Dense growth of all weeds, vines, brush, or other vegetation in the City constitutes a health, safety, and/or fire hazard. For purposes of this chapter, “dense growth” is defined as any vegetation exceeding eight inches in height.

**52.03 MOWING OF PROPERTIES.** Any property within the City, whether vacated or non-vacated, is required to be mowed anytime the vegetation reaches a height of more than eight inches by the fifteenth day of the month in May, June, July, August, September, and October of each year, unless excepted pursuant to Section 52.04 of this chapter.

**52.04 EXCEPTIONS.** The following are excepted from the provisions of this chapter:

1. Waterways (and ground within two feet of the same), except that any growth of weeds, vines, or brush shall be cut or destroyed when such growth exceeds two feet in height.
2. Farm crops, pasture, vineyards, orchards, and garden plants grown or located on private property may exceed the requirements of this chapter. However, weeds and brush in such areas shall be cut when the height of such weeds or brush exceeds two feet in height.
3. The owner of a hillside, waterway, or gully located on private property may make an application to the City Council to exceed the requirements of this chapter for the hillside, waterway, or gully located on private property. Upon receipt of such an application, the City Council shall make a finding whether or not the hillside, waterway, or gully located on private property may be maintained at a level that exceeds the requirements of this chapter but does not create a public health, safety, or fire hazard. If the Council finds that such property may be so maintained that it does not create a public health, safety, or fire hazard, the Council may, by motion, grant relief to the property owner from the requirements of this chapter and may establish a level of maintenance for the property that does not constitute a health, safety, or fire hazard.
4. A copy of the application to exceed the requirements of this chapter shall be mailed by regular U.S. Mail by the City Clerk to all property owners whose property abuts the property that is the subject of the application not less than seven days prior to the City Council meeting at which the application is acted on by the Council.

**52.05 APPEAL PROCESS.** A property owner or abutting property owner who is aggrieved by the action of the City Council under this chapter shall have the right to appeal the

action of the Council to the District Courts if that appeal is made within 30 days of the action of the Council upon the application. If the appeal is not filed within 30 days of the action of the Council, then the applicant and the abutting property owner shall have waived all right of appeal of the action of the Council.

**52.06 PENALTY.** Any property that is not mowed by the above dates may be mowed by the City or their agents, and a charge of \$75.00 per hour (with a minimum of one hour and any additional time over the first hour will be billed in half hour increments), plus a surcharge of \$100.00 for such mowing will be charged to the property owner. Any billings for mowing done by the City or its agents are to be sent by regular mail and are payable within 30 days of the billing date. Any property owner who does 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.

**52.07 NOTICE.** Annual publication of this chapter will serve as notice to property owners.

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