

**ORDINANCE #: 14-04-2016-002**

**AN ORDINANCE REGULATING PROPERTY MAINTENANCE IN THE TOWN OF HARTLY REGARDING GRASS, WEEDS, TREES, AND PLANT GROWTH**

**WHEREAS**, Section 11 (y) of the Charter of Hartly authorizes Town Commissioners to “pass ordinances and rules for the good government and good order of the Town and for all matters relating to the general health, safety, morals, peace, and welfare of the Town”;

**WHEREAS**, Section 16 of the Charter of Hartly authorizes the Town Commissioners “to vote on and enact all ordinances which may be requisite to secure good government to meet the lawful needs of the Town and its residents and for all matters relating to the general health, safety, morals, peace and welfare of the Town”;

**WHEREAS**, in the opinion of the Town Commissioners of the Town of Hartly, an ordinance regulating the maintenance and cutting of grass, weeds, trees, and plant growth is necessary to accomplish the objectives outline in the Town of Hartly Charter and the proposed 2016 Town of Hartly Comprehensive Plan;

**BE IT HEREBY ENACTED** by the Town Commissioners of the Town of Hartly, a majority thereof concurring in council duly met, that all previously adopted ordinances that are inconsistent with this ordinance are hereby repealed and the following ordinance, #14-04-2016-002, “An Ordinance Regulating Property Maintenance in the Town of Hartly Regarding Grass, Weeds, Trees, and Plant Growth” be, and hereby is, adopted as follows:

**Section 1. APPLICABILITY.** This ordinance shall be applicable to all property owners, renters, tenants, and contracted party of real property within the corporate limits of the Town of Hartly.

**Section 2. DEFINITIONS.** As used in this ordinance, the following terms shall have the specified meaning:

**2.1 Owner/s** – shall mean any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the State, County or Municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

**2.2 Renter/Tenant** – shall mean any person/s permitted to occupy a dwelling, dwelling unit, rooming unit, building, premise or structure who is not the legal owner of record thereof, pursuant to a written or unwritten lease, agreement or license, or pursuant to a recorded or unrecorded agreement of contract for the sale of said dwelling, dwelling unit, rooming unit, building, premise, structure or land on which it resides.

**2.3 Contracted Party** – shall mean any person, agent, operator, firm or corporations having an agreement with property owner or renter/tenant to maintain real property within the corporate limits of the Town of Hartly.

**2.4 Exterior Property** – shall mean the open space on the premises and on adjoining property under the control of owners or renter/tenants of such premise.

**2.5 Sidewalk** – shall mean and include any portion of a street between the curb-line and/or the lateral lines of a roadway where there is no curb, and the adjacent property line, intended for the use of pedestrians.

**2.6 Street** – shall include roads, lanes, driveways, roadways, and the approaches thereto and all other public thoroughfares in the Town and shall mean the entire width thereof between abutting property lines; and it shall be construed to include a sidewalk or foot path.

**2.7 Storm Water Drains** – shall mean the grates in which storm water flows from the roadways located within the corporate limits of the Town of Hartly.

### **Section 3. UNLAWFUL ACTION.**

**3.1** - It shall be unlawful for any owner, renter/tenant, or contracted party to permit any grass or weeds to grow higher than six inches (6”) from the ground on property of grounds within the corporate limits of the Town of Hartly.

**3.2** - It shall be unlawful for any owner, renter/tenant, or contracted party to allow any grass or weed growth in any sidewalks, walkways, driveways, parking spaces or similar areas.

**3.2** - It shall be unlawful for any owner, renter/tenant, or contracted party to allow and/or permit trees or other plant growth to obstruct sidewalks, overhead wires, or signage.

**3.3** - It shall be unlawful for any owner, renter/tenant, or contracted party to defer the removal of grass, weeds, and other clippings from the sidewalk, streets, and/or storm water drainage areas immediately surrounding the

property on which grounds have been mowed. That is grass, weeds, and other clippings must be removed from the sidewalk, street, and/or storm water drainage areas on the same day that the grounds are cut.

**3.4** - It shall be unlawful for any owner, renter/tenant, or contracted party to dispose of grass, weeds, trees, or plant growth in storm water drains.

**Section 4. ENFORCEMENT.** The provisions of this ordinance may be enforced by the Town of Hartly Commissioners or by another individual, entity, or agency as approved by a majority of Town of Hartly Commissioners.

**Section 5. PROCESS.**

**5.1** - The notice of a violation of this Ordinance shall be delivered in writing to the *owner* of property, either in person, or via electronic mail, or by U.S. Postal certified mail with a returned receipt requested.

**5.2** - If an *owner* cannot be found, the order may be served by posting it on the property.

**5.3** - The order shall cite the violation and state the corrective action to be taken and shall state the consequences for failure to take said corrective action.

**Section 6. FAILURE TO COMPLY.**

**6.1** – If the violation is not cleared within three (3) days from the receipt of such notice, the town or designee of the Town is authorized to enter upon such premises, or through such persons, firms, or associations under contract to the Town, for the purpose of removing said grass, weeds, trees, and plant growth, and charge the *owner* for the removal of said nuisance as follows:

**Table 6.1a**

Type of Incident	Cost per Incident
Mowing and/or Weed Removal:	\$75.00 per incident
Tree and/or Other Plant Growth Removal:	Actual cost incurred by the Town and/or its designee
Administrative Charge:	\$10.00 per incident

**Section 7. PAYMENT OF CHARGES.** The town shall deliver in person, via electronic mail, or U.S. Postal mail the invoice to the property owner for the charges incurred to abate the ordinance violation. If not paid when due, the costs plus administration fees, will be added to the Town's annual tax assessment invoice and as such shall constitute a lien upon the property.

**Section 8. EFFECTIVE DATE.** This ordinance and the rules, regulations, provisions, requirements, orders, administration and management and matters established and adopted hereby shall take effect and be in full force and effect from May 01, 2016 and after the date of its final passage and adoption.

*This shall certify that this is a true and correct copy of Ordinance # 14-04-2016-002 titled "An Ordinance Regulating Property Maintenance in the Town of Hartly Regarding Grass, Weeds, Trees, and Plant Growth" duly adopted by the Town Council of the Town of Hartly at a duly-noticed and convened meeting at which a quorum was present on April 14, 2016.*

So Certifies:

Attest: Suzanne K. Harris  
Town of Hartly Town Clerk

Christine Oldham  
Town of Hartly President

Dated: April 14, 2016

April 14, 2016