

ORDINANCE NO. 211

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF VAN METER, IOWA, 2007, BY ADDING A NEW CHAPTER PERTAINING TO WEEDS AND BRUSH

BE IT ENACTED by the City Council of the City of Van Meter, Iowa:

SECTION 1. NEW CHAPTER. The Code of Ordinances of the City of Van Meter, Iowa, 2007 is amended by adding a new Chapter 53, entitled WEEDS AND BRUSH, which is hereby adopted to read as follows:

CHAPTER 53

WEEDS AND BRUSH

53.01 Weeds and Brush
53.02 Mowing of Properties
53.03 City Mowing Charge

53.04 Method of Notice
53.05 Method of Billing
53.06 Variance Procedure

53.01 WEEDS AND BRUSH. Dense growth of all weeds, vines, brush or other vegetation in the City can constitute a health, safety or fire hazard. Unless a variance is allowed by resolution of the Council pursuant to 53.05, weeds, brush, or other uncultivated plants, except trees, shall be cut, mowed and maintained so as to not exceed the heights set forth specifically in this Chapter.

53.02 MOWING OF PROPERTIES. Any property within the City, other than property used and taxed as Agricultural, whether vacated or non-vacated, is required to be mowed prior to the vegetation reaching a height of ten inches (10"). Once the vegetation has reached the height of ten inches (10") or twenty-four inches (24"), the City will arrange to mow the property at the property owner's expense.

Property used and taxed as Agricultural is exempt from this chapter's height and mowing requirements.

53.03 CITY MOWING CHARGE. Any property which is not mowed may be mowed by the City or their agents, and a charge of \$75.00 per hour, (with a minimum of one (1) hour, and any additional time over the first hour will be billed in half-hour increments), for such mowing, plus an administrative surcharge of \$100.00, will be charged to the property owner. Any property owner who fails to mow their property, 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.

53.04 METHOD OF NOTICE. Annual publication of this ordinance will serve as notice to property owners.

53.05 METHOD OF BILLING. Any billings for mowing done by the City or their agents are to be sent by regular mail and are payable within 30 days of the billing date.

53.06 NON-ZONING VARIANCE PROCEDURE. A non-zoning variance is a case-by-case deviation from this chapter only, when it is demonstrated that compliance with this Chapter would be a practical impossibility and/or upon showing of good cause, an alternative to this Chapter is provided that conforms to the general intent and spirit of this Chapter.

The Grounds Official shall be the Public Works Director, or appropriate designee. Any individual may apply to the Grounds Official for a non-zoning variance from this Chapter only. Procedures for granting variances from this section are as follows:

(1) Application. Any individual seeking a non-zoning variance shall submit a written application to the Grounds Official. The application shall be submitted at the time the applicant becomes aware of the reason necessitating the non-zoning variance, but under no circumstances shall an application be considered after a violation under this Chapter has occurred. The application shall state the provision from which a non-zoning variance is being sought, the period of time it is to apply, the reason for which the non-zoning variance is sought and any other supporting information which the Grounds Official may reasonably require.

(2) The Grounds Official shall decide, on the basis of the application, whether to grant or deny the non-zoning variance, and what conditions or terms, if any shall be attached. The decision of the Grounds Official shall be final, unless appealed within five days (5) of the Grounds Official's decision to the City Council.

(3) Review Considerations. The Grounds Official, for an initial decision, and the Council, on review, shall consider:

(a) The character and nature of the property under consideration.

(b) Whether the public health, safety or welfare is endangered by granting the non-zoning variance.

(c) Whether compliance with the provision would produce no benefit to the public.

(d) Whether a previous non-zoning variance has been previously issued and the applicant's record of compliance.

(4) Time Duration of Non-Zoning Variance. A non-zoning variance may be granted for a specific time interval only.

(5) Council's Action. At the next regularly scheduled meeting, the Council shall, by resolution deny the non-zoning variance, approve it, or approve it subject to conditions. The Council's decision shall be final for purposes of any right to review under applicable law when that decision is reduced to writing and signed.

(5) Revocation. The Council may at any time before or during the operation of a non-zoning variance granted by the Council or the Grounds Official revoke the variance for good cause.

SECTION 2. REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed, including Section 50.02(9), pertaining to Weeds and Brush.

SECTION 3. SEVERABILITY CLAUSE. If any section, provision or part of this ordinance shall be adjudged invalid 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 or unconstitutional.

SECTION 4. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

Passed by the Council the 10th day of May, 2010, and approved this 10th day of May, 2010.