

**TOWN OF OWENS CROSS ROADS
ORDINANCE 20-009**

REPLACES ORDINANCE: 02-03

THE TOWN COUNCIL OF OWENS CROSS ROADS HEREBY ORDAINS:

SECTION 1. Title and Applicable Seasons.

This ordinance shall be known and cited as the Owens Cross Roads Tall Grass and Weed Ordinance, and shall be applicable and in full force and effect year-round.

SECTION 2. Purpose

The Town hereby finds that tall grass and weeds can have a blighting effect on neighborhoods and can provide a refuge for vermin and insects. The purpose of this ordinance is to secure the public health, safety and general welfare of the residents and property owners of Owens Cross Roads by regulating the height grass and weeds are allowed to grow in certain areas of the town in which more people reside in close proximity.

SECTION 3. Definitions

- A. Grass:** any type of grass or weed, but not including crops grown as a source of income, including but not limited to corn, oats or barley.
- B. Weeds:** "weeds" shall include but not limited to 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 alyssurn (*Berteroa incana*), ragweed (*ambrosia elatior 1*) and poison ivy (*rhus toxicodendron*), poison sumac (*toxicodendron vernix*) or other plant, any of which is in the opinion of the Town Council, comes under the provisions of the Alabama Department of Agriculture and Industries Administrative Code Chapter 801014 Noxious Weed Rule: Section 2-25-4 including grass over eight (8) inches in height, other than that part of a vegetable or flower garden, is regarded as a common nuisance.
- C. Owner:** any person holding an ownership interest in land in the Town of Owens Cross Roads upon which there is tall grass growing. For the purposes of this Ordinance, the name and address listed on the Town tax assessment roll shall indicate ownership interest in such land.

- D. Occupant:** any person who has the right to occupy a parcel of property due to being an owner or pursuant to a verbal or written lease or rental agreement with the owner or agent thereof
- E. Land Used for Agriculture:** the use of land for tilling of the soil, the raising of field or tree crops or animal husbandry, as a source of income.

SECTION 4. Land Subject to Regulations

- A.** This ordinance applies to the following:
 1. Lots in a platted subdivision with a structure.
 2. Vacant lots within platted residential subdivisions in which buildings have been erected upon 60 percent or more of the lots, or
 3. All parcels of land considered as yards/lawns for homes or businesses within the township, to a depth of one hundred sixty-five (165) feet or the depth of the ownership, whichever is the lesser.
- B.** This ordinance does not apply to:
 1. Land used for agricultural purposes including weeds in fields devoted to growing any small grain crops such as wheat, oats, barley, or rye.
 2. Portions of lots used for flower gardens, shrubbery or vegetable gardens.
 3. Naturally wooded areas, regulated wetlands or meadows.
 4. Areas designated as undeveloped open space.

SECTION 5. Duty to Cut Grass

The owner and/or occupants of land to which this ordinance applies shall not allow tall grass or weeds to grow over eight inches (8") in height throughout the growing season, including grass and weeds in the right-of-way. It shall be the duty of all owners and/or occupants of land located in the Town of Owens Cross Roads either to cut or otherwise destroy by lawful means all tall grass and weeds, as defined in this ordinance. On an undeveloped lot, tall grass and weeds must be cut back at a distance of at least thirty (30) feet from the roadway, to include ditches and ditch banks, so as to allow a clear line of site.

SECTION 6. Unlawful Acts

It shall be unlawful for the owner and/or occupant of any parcel of land to allow the deposit or accumulation of any brush, yard debris, dead vegetation, or cut grass or weeds so as to create a nuisance due to unsightliness, an unhealthy or unsafe condition, or traffic hazard, or fire hazard. Grass or debris blown on the roadway (street, highway, road) is unlawful as it causes a hazard for traffic and water drainage.

SECTION 7. Enforcement

- A. Enforcement Officer.** This Ordinance shall be enforced by an Ordinance Enforcement Officer (hereinafter referred to as an OEO) who shall be so designated by the Town Council.

- B. Right of Entry.** The OEO and his or her authorized representatives are hereby empowered to enter upon any premises or land in the Town of Owens Cross Roads for the purpose of inspecting, removing of and/or destroying of tall grass and weeds prohibited under this ordinance. No person shall molest or interfere with such person or persons while they are engaged in carrying out the provisions of this ordinance.
- C. Violation Warning Notice.** After inspection, if any property is determined to be in violation of this ordinance, a Violation Warning Notice will be posted to the front door of said property of said violation. The notice shall give the property owner seven (7) days from the date of the notice to cut the tall grass and weeds.
- D. Failure to Comply.** If the tall grass and weeds are not cut within seven (7) days the OEO shall issue a violation of ordinance citation, subject to payment of a civil fine of not less than \$50.00, plus applicable costs and other sanctions for each violation as authorized by the Town of Owens Cross Roads Municipal Ordinance Violations. This citation will be due within 30 days along with compliance of ordinance violation.
1. Repeat offenses under this ordinance shall be subject to increased fines as provided by this Section. As used in this Section, "repeat offense" means a second (or any subsequent) violation of the same requirement or provision of this Ordinance within any three (3) year period for which the person admits responsibility or is determined to be responsible. The increased fine for a repeat offense under this Ordinance shall be as follows:
 - a. The fine for any offense which is a first repeat offense shall be not less than \$125.00 plus costs.
 - b. The fine for any offense which is a second repeat offense shall be not less than \$250.00 plus costs.
 - c. The fine for any offense which is a third repeat or any subsequent repeat offense, shall be not less than \$400.00 each plus costs.
 2. Each day on which any violation of this Ordinance occurs or continues, constitutes a separate offense subject to separate sanctions.
 3. If there is any evidence of retaliation by any offender against any complainant or witness, such evidence shall be communicated to the District Court. In sentencing any violator, the District Court or Magistrate shall first examine the evidence of retaliation, and if such be shown, shall consider such acts, including the amount of property damage, and sentence the violator accordingly, which sentence may include restitution for any damage.

- E. In addition, the OEO and his or her authorized representatives are hereby have the authority to enter upon the land and/or to cause the lawn to be mowed by an authorized representative of the Town of Owens Cross Roads for the purpose of mowing tall grass and weeds in violation of this ordinance. The Town of Owens Cross Roads, its agents and representatives shall not be responsible for damage to buildings, vehicles, landscape, trees, shrubs, etc., during the mowing of property in violation of this ordinance.
- F. **Assessment of costs.** All expenses pertaining to the cutting &/or removal of debris or other miscellaneous obstructions which would be necessary to carry out the requirements of this Ordinance shall be paid by the owners of such land plus an administrative charge of fifteen (15%) percent per cutting. After having a lot mowed, the Town shall then submit a bill to the property owner for the cost. If the property owner does not pay the bill within sixty (60) days of the date of the invoice the cost of such payment shall be charged against the premises and it shall become a lien on the land or property.

Section 9. Declaration of Nuisance

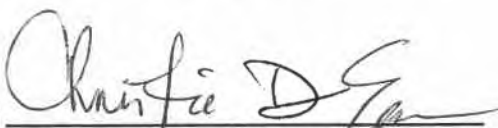
Any violation of this Ordinance is hereby declared to be a nuisance and the Town may seek enforcement of the Ordinance by citation or other appropriate legal action, as against a nuisance, at the expense of the property owner, including reasonable attorney fees.

Section 10. Effective Date

This ordinance shall be published as required by law and shall take effect immediately after its approval and publication.

ADOPTED AND APPROVED THIS 22nd DAY OF SEPTEMBER 2020.

MAYOR: 
 TONY K. CRAIG

ATTEST: 
 CHRISTIE D. EASON, TOWN CLERK