ORDINANCE 136

AN ORDINANCE PROVIDING FOR THE CONTROL OF VEGETATION AND THE SAFE AND SANITARY MAINTENANCE OF YARDS, TRACTS OF UNDEVELOPED LAND, VEHICLE PARKING AREAS AND OTHER OPEN SPACES; PRESCRIBING PROCEDURES FOR THE ABATEMENT OF SAME; AND FIXING PENALTIES AND TAXES FOR VIOLATION.

WHEREAS, the uncontrolled growth of weeds and grass may cause a fire and/or health hazard.

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF LAKEWOOD, AS FOLLOWS:

Section 1. DEFINITIONS: For the purpose of this ordinance the following terms, phrases, words and their derivation shall have the meaning given therein.

1.1 DIRECTOR. The City Manager of the City of Lakewood, Tennessee or his/her duly authorized representative.

1.2 OWNER. Owner is deemed to mean and include a holder of any legal or equitable estate in the premises, whether alone or jointly with others, and whether in possession or not.

1.3 PARTIES IN INTEREST. Parties in Interest shall mean all individuals, associations, partnerships, corporations, and others who have interest in a dwelling and any who are in possession or control thereof - as legal agent of the owner, as executor, executrix, administrator, administratrix, trustee or guardian of the estate of the owner or as a tenant or lessee. Any such person shall comply with the provisions of this Ordinance to the same extent as if he were the owner, and upon failure shall be subject to penalties herein set out.

SECTION 2. REQUIREMENTS:

1.4 REQUIREMENTS. Every owner, occupant or party in interest of

land within the City of Lakewood, Davidson County, Tennessee shall maintain such land in a safe and sanitary manner in accordance with the following requirements:

1.5 Care of the Premises It shall be the duty of every owner and every occupant to keep open areas under his control clean and to remove all growths of weeds, immature or dead trees, vines, grass, underbrush, trash, and garbage, upon notice from the Director.

1.6 CONTROL OF VEGETATION.

A. It shall be unlawful for the owner or occupant of any property containing one (1) acre or less, with said property having a structure for residential, commericial, or industrial use, to permit weeds or grass to grow to a height in excess of ten (10) inches on the entire property area.

B. It shall be unlawful for the owner or occupant of any property to permit weeds or grass to grow to a height in excess of fifteen (15) inches in the area as set forth below.

(1) The entire grass area of any lot, parcel or tract containing two (2) acres or less.

(2) The grass areas within fifty (50) feet of any street right-of-way, and within fifty (50) feet of any building on any lot, parcel, or tract containing more than two (2) acres.

(3) A property owner owning a lot, tract or parcel regardless of the acreage shall be required to mow fifty (50) feet from the property line.

1.7 COMPOST PILES. Nothing herein shall preclude the maintenance of a neat compost pile covering no more than one hundred (100)

square feet in area as long as it does not emit noxious odor or harbor flies and maggots.

1.8 AGRICULTURAL USES, NATURAL WOODED AREAS AND NATURAL SCREENING. - Exclusions. Nothing herein shall preclude the use of a lot, parcel or tract for agricultural purposes such as gardens, orchards, vineyards, silage or specific domesticated plants which tend to exceed fifteen (15) inches. Also, nothing herein shall preclude the use of a lot, parcel or tract as a natural wooded area or the maintaining of natural screening provided that the health, safety and welfare is not impaired.

1.9 TRIMMING. Nothing herein shall be construed to require trimming of residential lots. Residential lots shall be kept free of tall grass and weeds where they can be cut with a tractor, bush-hog or power lawn mower.

SECTION 3.

2.0 The Director and such other personnel as he/she may designate are charged with the administration and enforcement of this ordinance. However, no investigation or enforcement of this ordinance involving private property shall commence until a complaint is made by lessee or a property owner to City Hall by a resident of the City.

2.1 When the Director is notified of a violation of this ordinance, he/she may cause a warrant to be issued, but he/she must first notify the owner and occupant of the property of the violation by certified mail, return receipt requested, delivered to addressee only, giving them time to abate the nuisance and charge the cost to the property owner.

2.2 The notice shall contain the following elements:

(a) A notice that the property owner is entitled to an administrative hearing before the Director or the City Judge.

(b) That an administrative hearing at City Hall must be requested in writing within five (5) days of the date the notice is received.

(c) Failure to accept notice by certified mail ten (10) days after notification by the U.S. Postal Service through its normal method, shall be deemed a refusal of the notified person or entity to remedy the condition.

2.3 If the notified person or entity fails or refuses to remedy the condition within ten (10) days after notice, the Director may cause the condition to be remedied and the reasonable cost thereof assessed to the owner of the property.

2.4 The costs shall be a lien upon the property in favor of the City and shall be paid by the property owner as a special assessment or tax which shall be placed upon the tax rolls of the City and shall be collected in the same manner as taxes are collected.

2.5 If the property owner, within five (5) days of the date of the notice, requests an administrative hearing, the matter shall be heard by the Director. Failure to make such request within five (5) days shall constitute a waiver of the right to an administrative hearing.

2.6 Nothing herein shall impair other remedies legally available to the City of Lakewood, including the summary abatement of public nuisances.

Section 4. VARIANCES AND MODIFICATIONS. The Director may vary the application of any provision of this ordinance to any particular case when, in his/her opinion, the enforcement thereof would do manifest injustice and would be contrary to the spirit and purpose of this ordinance or public interest.

Section 5 VIOLATIONS - PENALTIES. Violation of the provisions of this ordinance shall be punished by such fines as the City Judge may direct not to exceed a Fifty Dollar ($50.00) fine per offense. Each day the violation continues may be a separate offense.

Section 6 CONFLICT WITH OTHER ORDINANCES. In case of conflict between this ordinance or any part hereof, and the whole or part of any existing or future ordinance of the City, the most restrictive provision shall in all cases apply.

Section 7 VALIDITY (SEVERABILITY) If any section, clause, provision or portion of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, the hold shall not affect any other section, clause, provision or portion of this ordinance which is not of itself invalid or unconstitutional.

Section 8 EXERCISE OF POLICE POWER, ETC. The entire ordinance shall be deemed and construed to be an exercise of the police power of the City of Lakewood for the preservation and protection of the public's health, safety, and general welfare and all of its provisions shall be liberally construed to effect its purposes.

Section 9 EFFECTIVE DATE. This Ordinance shall take effect and be in force after its passage and publication in a newspaper of general circulation in the City of Lakewood, the public welfare requiring it.

First Reading May 16, 1985

Second Reading June 6, 1985

Third Reading June 20, 1985

APPROVED:

Charla Gann
MAYOR

Attest: Jacqueline R. Morris
CITY RECORDER