

CITY OF DOVER ORDINANCE #2012-22

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF DOVER, IN COUNCIL MET:

That Chapter 114 - Vegetation, Article II - Weeds, Section 114-33 - Failure to Maintain Proper Height; Abatement by City; Costs and Lien, be amended to read as follows:

Sec. 114-33. - Failure to maintain proper height; abatement by city; costs and lien.

- (a) *Summons; action by city.* In the event that any owner, occupant or tenant of any premises within the city, or any agent caring for or in charge of the premises, shall permit any grass, weeds, underbrush, deleterious or unhealthful growths or other noxious matter to grow to a height of eight inches or more as prohibited by this article, then the code enforcement officer or fire marshal or his authorized agents shall issue a summons showing a violation of section 114-32, said summons to be served personally or by mail evidenced by certificate of mailing upon the owner, occupant, or tenant of the premises, or any agent caring for or in charge of the premises. The summons shall cite the violation of this article and shall be accompanied by a letter or a copy of the relevant provisions of this article stating what corrective action must be taken and shall state the consequences for failure to take such corrective action. If the violation is not corrected within three days from the date of personal service of the summons or within seven days from the date of mailing of the summons evidenced by certificate of mailing, then the city, at the direction of the code enforcement officer or the fire marshal, may remove the weeds, grass, underbrush, deleterious or other unhealthful growths or other noxious matter growing to a height in excess of eight inches or more in violation of section 114-32 and charge the responsible person as provided for in Appendix F—Fees and Fines for such work that must be done to render the property in compliance with this article. When the owner, occupant, or tenant of any premises, or any agent caring for or in charge of the premises, has received summonses, or been issued a summons evidenced by certificate of mailing, and fails to take corrective action, and the city has corrected the violation in accordance with this subsection, then no further notification shall be necessary for the city to take any further corrective action on any subsequent violations within the following 12-month period starting from the date of the first corrective action by the city.
- (b) *Failure to pay charges.* In the event that the owner of record is deemed to be in violation of section 114-32, and in the event that the violation is corrected in compliance with subsection (a) of this section, and if the charges assessed by the city for correcting said deficiency are not paid, then the city, after having corrected the deficiency and violation, shall place its charges and expenses as specified in the municipal lien docket as a lien against said property, and add the charges and expenses as specified to the tax duplicate for the tax year said services were provided by the city and invoiced as part of the annual property tax bill for said property and collected as part of the city property tax collection process. In addition to the methods directed herein, the city solicitor shall be directed to enforce said lien or to collect the charges imposed by the city by any other means that he may deem desirable and most advantageous to the city. The violator shall be responsible for all collection costs and expenses, including attorneys' fees.

BE IT FURTHER ORDAINED THAT Section 114-34 - Fines, be amended to read as follows:

Sec. 114-34. - Fines.

- (a) *Generally.* Any person convicted of a violation of section 114-32, regardless of corrective actions taken, shall be punished for that violation by a fine as provided for in Appendix F—Fees and Fines. Any such fine shall be in addition to any charges or assessments imposed upon the violator pursuant to section 114-33(a). All fines imposed shall be in accordance with the minimum fine schedule set out in subsection (c) herein.
- (b) *Each day.* Every day that a violation of section 114-32 continues shall be considered a separate offense, for which the violator may be tried and convicted without necessity of further notice.
- (c) *Minimums.*
 - (1) Any fine assessed pursuant to subsection (a) of this section shall be no less than the minimum amount as provided for in Appendix F—Fees and Fines.
 - (2) In determining the applicable minimum fine, an offense shall be considered a recurring offense only if the defendant has previously pleaded, or been found guilty of causing or permitting the same nuisance at the same location within the past 18 months, or for every day that the violation of section 114-32 continues as per subsection (b) of this section.
- (d) *Lien.* Any fines imposed pursuant to subsection (a) of this section which remain unpaid shall:
 - (1) be added to the tax duplicate for the tax year said services were provided by the city and invoiced as part of the annual property tax bill for said property and collected as part of the city property tax collection process, and
 - (2) be placed by the city as specified in the municipal lien docket as a lien against the property on which the violation occurred, and the procedures for enforcement or collection of said lien shall be as set out in section 114-33(b).
- (e) *When not paid.* Fines not paid within 14 days of the day the fine was issued, including the day the fine was issued, shall be automatically doubled in amount.

ADOPTED: NOVEMBER 13, 2012

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SYNOPSIS

The proposed ordinance amendment adds unpaid fines for grass cutting to the tax duplicate to be invoiced as part of the annual property tax bill and collected as part of the city property tax collection process and holds the violator responsible for collection costs and attorney's fees.

(SPONSORS: PERZA, BONAR, LYNN)

Actions History

11/13/2012 - Final Reading at Council
10/22/2012 - First Reading at Council
10/08/2012 - Introduced at Legislative, Finance, and Administration Committee