



City of Muscatine



MUSCATINE CITY COUNCIL

Agenda Item Summary – Regular Meeting

Date May 19, 2022

STAFF

Andrew Fangman, Assistant Community Development Director

SUBJECT

Third and final reading of an ordinance revising weed and vegetation management regulations

EXECUTIVE SUMMARY

A proposed revision to weeds and vegetation management regulations with the intent make them easier to understand and enforce. Regulations regarding weeds and vegetation management are currently spread across multiple chapters in Title 3 and Tile 9 of City Code. The proposed revised regulations would relocate and centralize weed and vegetation into a single new chapter in Title 16. Weed and vegetation management regulations would be made more understandable through the addition of more detailed definitions and the inclusion of diagrams. Improvement would be made by the inclusion of regulations more specifically tailored to the specific scenarios in which these regulations would be applied, such undeveloped areas, wooded areas, native prairie planting areas, etc.

At the first reading of this ordinance City Council directed that language regarding required buffering for native prairie landscaped areas (Section 10-8-6(G)) be changed; these changes are reflected in the regulations attached as "Attachment A".

STAFF RECOMMENDATION

Staff recommends approval of the attached Ordinance.

BACKGROUND/DISCUSSION

The intent of the proposed rewrite of weeds and vegetation management regulations are to make them easier to understand and enforce.

Title 16 was created in 2020 as a single location in City Code for regulations relating to required maintenance, upkeep, and conditions of property. Regulations regarding weeds and vegetation management are currently spread across multiple chapters in Title 3 and Tile 9 of City Code. The attached draft regulations would relocate and centralize weed and vegetation into a single new chapter in Title 16.

Many weeds and vegetation management regulations are easier to understand when they are accompanied with diagrams and pictures which illustrate key points. The proposed rewrite includes the addition of such diagrams and pictures where needed.

Agenda Item 11D

Improvement to current regulations would be made by the inclusion of regulations more specifically tailored to the specific scenarios in which these regulations would be applied, such undeveloped areas, wooded areas, native prairie planting areas, etc. Currently Chapter 5 of Title 9 requires that the owner to cut or remove, and to keep cut or removed, all any weeds, grass, or plants other than trees, bushes, flowers, or other ornamental plants, in excess of eight inches (8") in heights from his, her, or its property and from all adjacent property between the property line and the improved street and/or alley line(s).

The proposed regulations would provide more specific direction as to how vegetation and weeds are required to be managed in wetlands, wooded areas, agricultural areas, undeveloped areas, and areas planted with native prairie grasses. With the regulations for each type of area being specifically calibrated for the unique issues of each type of area. In many cases this represents the codifying long standing administrative interpretations of current regulations. Doing so would remove ambiguity and the potential for misunderstanding to what is required by City Code.

Regulations for areas planted in native prairie grasses are also included in the proposed regulations. The proposed regulations are based on best practices found in other midwestern communities. Currently plantings exist in the gray area of City Code. While the planting of such grasses is allowed, current code could be reasonably interpreted as requiring that such native be grasses be kept cut to a height shorter than 8 inches. There is a growing desire by many to restore certain areas to the native tallgrass prairie, the proposed regulations are designed with the intent to allow for this to occur in a manner that does not have a negative impact.

At the first reading of this ordinance City Council directed that language regarding required buffering for native prairie landscaped areas (Section 10-8-6(G)) be changed to following, which is reflected in the regulations attached as "Attachment A"

G. Required Setbacks and Buffering

Shall be set back not less than forty-two (42) inches from the edge of the sidewalk that is furthest from the street; or if no sidewalk is present, shall be set back not less than forty-two (42) inches from the edge of the pavement.

CITY FINANCIAL IMPACT

None.

ATTACHMENTS

1. Ordinance
2. Proposed Weed and Vegetation Regulations

ORDINANCE NO. 2022-0163

**AN ORDINANCE REVISING WEED AND VEGETATION
MANAGEMENT REGULATIONS**

WHEREAS, Regulations regarding weeds and vegetation management are currently spread across multiple chapters in Title 3 and Tile 9 of City Code;

WHEREAS, The proposed revised regulations would relocate and centralize weed and vegetation into a single new chapter in Title 16, in order to make easier to locate;

WHEREAS, Weed and vegetation management regulations would be made more understandable through the addition of more detailed definitions and the inclusion of diagrams;

WHEREAS, Currently Chapter 5 of Title 9 requires that he owner to cut or remove, and to keep cut or removed, all any weeds, grass, or plants other than trees, bushes, flowers, or other ornamental plants, in excess of eight inches (8") in heights from his, her, or its property and from all adjacent property between the property line and the improved street and/or alley line(s);

WHEREAS, The proposed regulations would provide more specific direction as to how vegetation and weeds are required to be managed in wetlands, wooded areas, agricultural area, undeveloped areas, and areas planted with native prairie grasses;

WHEREAS, Regulations for each type of area being specifically calibrated for the unique issues of each type of area and re based on best practices found in other midwestern communities; and

WHEREAS, a public hearing, April 21, 2022, was conducted by the City Council of Muscatine prior to the adoption of this ordinance.

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MUSCATINE, IOWA:

SECTION 1. The currently adopted version of Chapter 9 of Title 3 of the City Code is hereby deleted from City Code.

SECTION 2. The currently adopted version of Chapter 5 of Title 9 of the City Code is hereby deleted from City Code.

SECTION 3. The currently adopted version of Title 16 of the City Code is hereby amended by the adoption of Exhibit A, as attached, as of Chapter 8 of Title 16.

SECTION 4. 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 5. Any Ordinance or part thereof in conflict or inconsistent with the provisions of this Ordinance is repealed.

SECTION 6. This ordinance shall be in effect from and after the passage and approval and publication of this ordinance, as provided by law

PASSED, APPROVED, AND ADOPTED by the City Council for the City of Muscatine, Iowa, on this, the 19th day of May 2022.


Carol Webb (May 23, 2022 15:09 CDT)

Carol Webb
City Clerk

By the City Council of the City of
Muscatine, Iowa


Brad Bark (May 23, 2022 15:08 CDT)

Dr. Brad Bark, Mayor

First Reading: April 21,
Second Reading: May 5, 2022
Third Reading: May 19, 2022
Publication:



Title 16 – Housing, Rental Housing, and Property Maintenance Regulations Chapter 8 – Weeds and Vegetation Management

SECTIONS:

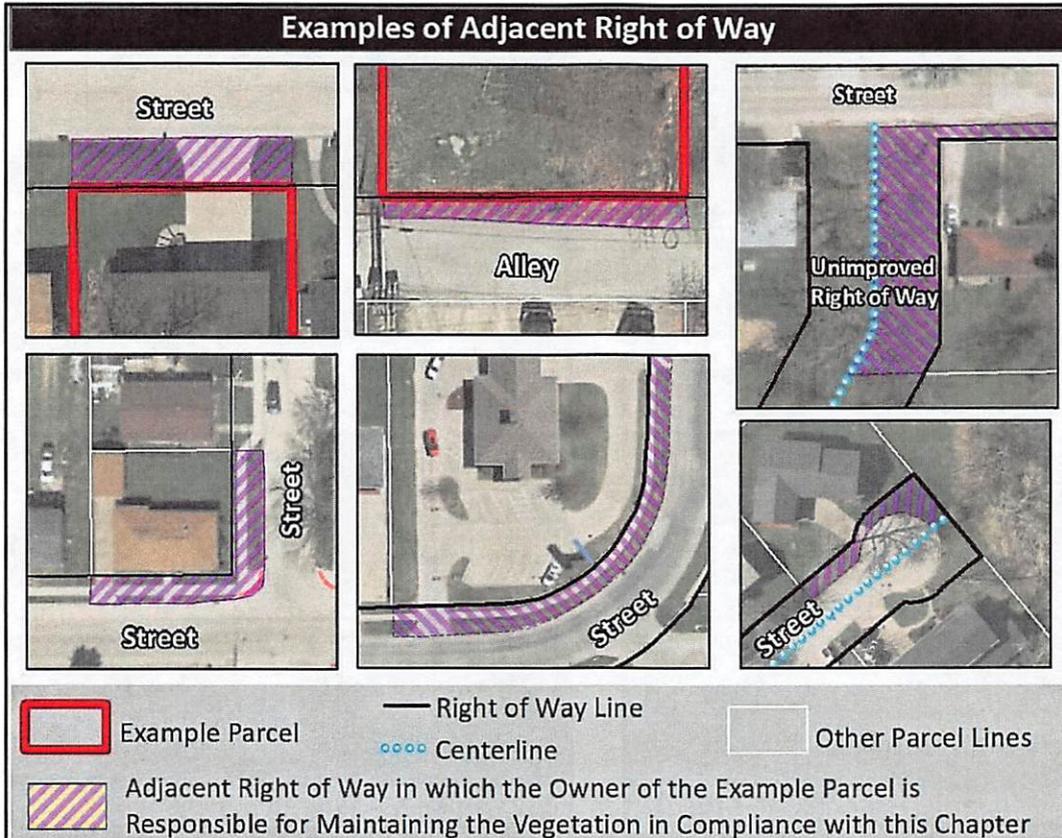
- 16-8-1 Intent
- 16-8-2 Definitions
- 16-8-3 Noxious Weeds
- 16-8-4 Required Trimming of Weeds and Turf Grasses
- 16-8-5 Vegetation Management in Qualifying Undeveloped Areas
- 16-8-6 Native Prairie Landscaped Areas
- 16-8-7 Trees and Shrubs
- 16-8-8 Adjacent Right of Way
- 16-8-9 Failure to Comply
- 16-8-10 Notice
- 16-8-11 Invoicing Property Owner for Cost of Abatement
- 16-8-12 Assessment for the Cost of Abatement

16-8-1 Intent

It is the purpose of this Chapter to prohibit the uncontrolled growth of vegetation, while permitting the planting and maintenance of landscaping which promotes resiliency, diversity and a richness to the quality of life. It is in the public's interests to provide standards regarding the maintenance of vegetation because uncontrolled vegetation growth may threaten public health, safety, order, and may decrease adjacent property values. It is also in the public's interests to encourage diverse landscaping, particularly that which restores native vegetation. Native vegetation requires fewer inputs of water, fertilizers, and herbicides. It also supports pollinators and birds. The City enacts this Chapter to balance these competing interests.

16-8-2 Definitions

Adjacent Right of Way – The portion of public right of way located between a given parcel and the improved street and/or alley, or if the right of way adjoining a given parcel is unimproved, the portion of said unimproved right of way between a parcel and the centerline of said unimproved right of way.



Agricultural Area – Areas being used for the cultivation of crops or pastures that are fenced and contain grazing animals.

Destroy – The complete killing of weeds or the killing of weed plants above the surface of the ground by the use of chemicals, cutting, tillage, cropping system, or any or all of these in effective combination, at a time and in a manner which will effectively prevent the weed plants from maturing to bloom or flower stage.

Developed Lot – A lot or parcel, except for one meeting the definition of an Agricultural Area, upon which there exists one or more houses, businesses, or other structures.

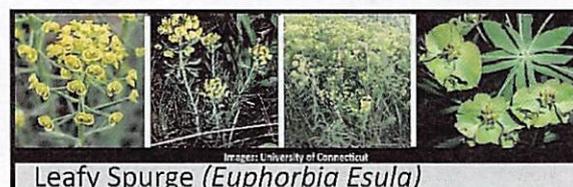
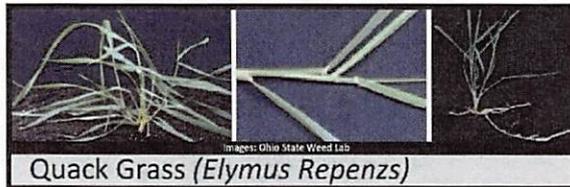
Front Building Line – A line running parallel to the front of a parcel at a distance equal to the shortest distance that can be measured from the main structure on a parcel and the front line of said parcel.

Garden – Well defined areas dedicated to growing fruits or vegetables or to growing flowers, native plants, ornamental grasses, ground covers, shrubs, and similar plants which are cultivated and/or mulched to remain free of weeds, grassy weeds, or volunteer plants.

Attachment A

Native Prairie Plants – Those grasses (including prairie grasses), sedges (solid, triangular-stemmed plants resembling grasses), rushes, and forbs (flowering broadleaf plants), species native to the state of Iowa prior to European settlement.

Noxious Weeds – Primary and secondary classes of weeds as defined by the Code of Iowa and the Iowa Administrative Code, as amended, specifically including, but not limited to the following:



Attachment A



Images: Ohio State Weed Lab

Buckhorn (*Plantago Lanceolata*)



Images: Leslie J. Mehrhoff, University of Connecticut

Sheep Sorrel (*Rumex acetosella*)



Images: Cornell University

Sour Dock (*Rumex Crispus*)



Images: North Dakota State University Extension

Palmer Amaranth (*Amaranthus Palmeri*)



Images: Chris Evans, University of Illinois

Buckthorn (*Rhamnus Spp.* not to include *Frangula Alnus*, syn. *Rhamnus Frangula*)



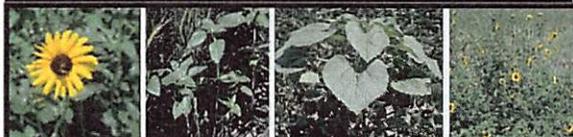
Images: Ohio State Weed Lab

European Morning Glory or Field Bindweed (*Convolvulus Arvensis*)



Images: Utah State University

Puncture Vine (*Tribulus Terrestris*) annual



Images: Howard F. Schwartz, Colorado State University

Wild Sunflower (wild strain of *Helianthus Annuus*)



Images: Ohio State University, University of Illinois, University of Missouri, University of Minnesota, & Missouri State University

Shattercane (*Sorghum Bicolor*) annual



Images: Minnesota Department of Agriculture

Teasel (*Dipsacus Spp.*) biennial



Images: Minnesota Department of Natural Resources

Poison hemlock (*Conium maculatum*)



Images: James Van Kley, Pineywood Plants Digital Gallery

Smooth Dock (*Rumex altissimus*)



Images: Utah State, University of Illinois, USDA Forest Service, Smalt College

All other species of thistles belonging in the genera of *Cirsium* and *Carduus*



Images: Leslie J. Mehrhoff, University of Connecticut

Multiflora Rose (*Rosa multiflora*), however the Multiflora Rose shall not be considered a noxious weed when cultivated for or used as understock for cultivated roses or as ornamental shrubs in garden

Ornamental Grass – Any grass purposefully planted and maintained for aesthetic reasons that is of a variety not developed, sold, or intended to be used as a grain, or as a manicured or semi-manicured lawn grass or ground cover that is normally intended to be maintained at a lower height by regular cutting. Ornamental grasses do not include turf grasses.

Ornamental Plants – Ornamental grasses, groundcovers, flowering annual, biennial, and perennial plants, shrubs, trees, and vines that may not be native to Iowa but are adapted, purposefully planted and maintained for aesthetic reasons.

Owner – A record holder of legal title as shown on the records of the Muscatine County Assessor.

Turf Grass – Grasses commonly used in regularly cut lawns or play areas (such as but not limited to bluegrass, fescue, and ryegrass blends), intended to be maintained at a height of no more than eight inches (8”).

Undeveloped Parcel – A lot or parcel, except for one meeting the definition of an Agricultural Area, upon which there are no houses, businesses, or other structure.

Volunteer Tree – Any tree located outside a wooded area, which is less than three inches (3”) in caliber, and was not deliberately planted or cultivated.

Weeds – Shall include any of the following:

- Any vegetation, of at least eight inches (8”) in height, growing uncultivated and out of context with the surrounding plant life, including volunteer trees.
- Vegetation that may have not been intentionally planted or which may have spread through natural means into unsuitable or unsightly areas, such as in cracks or crevices

along building foundations, driveways, retaining walls, sidewalks, or other similar improvements.

- However, this definition shall exclude trees that do not meet the definition of volunteer trees, shrubs, ornamental plants, and/or cultivated flowers and gardens.

Wetlands – Those areas inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances, do support a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs, ponds, lakes, and similar areas, and in which soils are typically too wet to allow for the use of a push mower to keep vegetation down.

Wooded Area – An area of coniferous or deciduous trees, in which tree species are dominant or co-dominant and the branches of the trees form a complete, or nearly complete aerial canopy; and the density of the trees is such that the growth of turf grass is inhibited and the distance between trees effectively prevents using a push mower to keep vegetation down.

16-8-3 Noxious Weeds

It shall be the duty of the owner to destroy all noxious weeds on their property and on all adjacent right of way.

16-8-4 Required Trimming of Weeds and Turf Grasses

It shall be the duty of the owner to keep below eight inches (8") all weeds and turf grasses on their property and on all adjacent right of way. The following areas are exempt from this requirement.

A. Agricultural Areas

1. Cultivated cropland.
2. Pastures that are fenced and contain grazing animals.

B. Wetlands

C. Wooded Areas

D. Native Prairie Landscaped Areas

16-8-5 Vegetation Management in Qualifying Undeveloped Area

A. Definition

Areas meeting the following criteria shall be deemed Qualifying Undeveloped Areas:

1. A contiguous area of at least two (2) acres in size, that is under common ownership.
2. On parcels containing a structure or building is present, the area located behind the front building line.

Attachment A

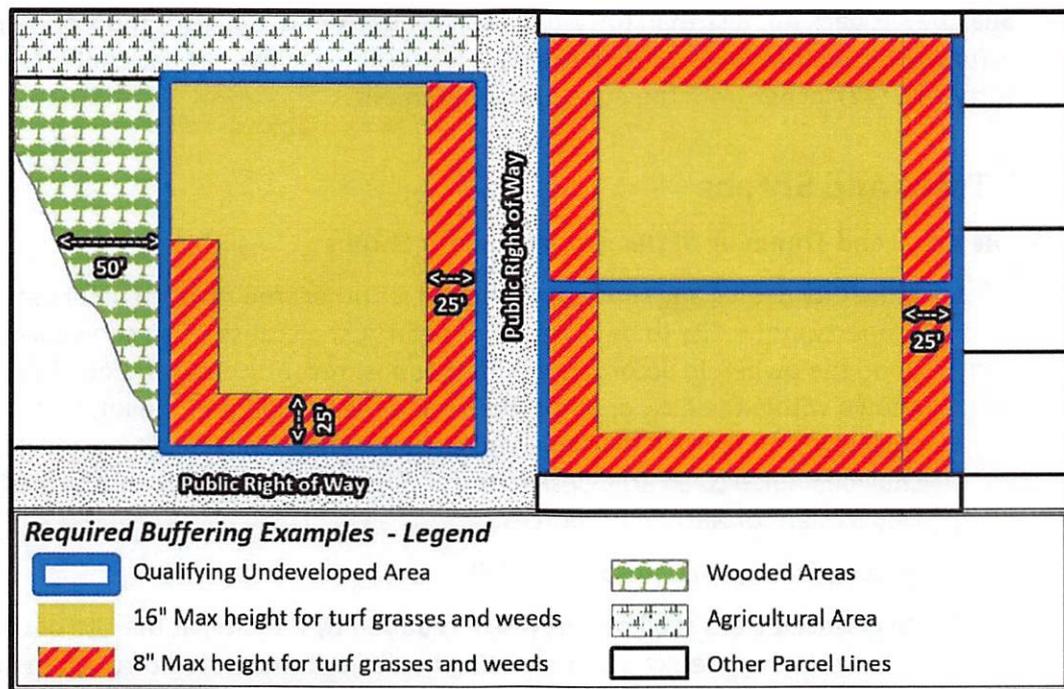
3. Located at twenty-five feet (25') from all:

- a. Buildings or structures**
- b. Parking areas**
- c. Driveways**
- d. Sidewalks or walkways (public or private)**
- e. Outdoor storage areas**
- f. Parcels lines, unless the adjoining parcel**
 - i. Is under common ownership**
 - ii. The nearest fifty feet (50) of the adjoining parcel meets the definition of a:**
 - 1. Wooded area**
 - 2. Agricultural area**
 - 3. Qualifying undeveloped area under this Section**
 - 4. Wetland or pond**

B. Vegetation Maintenance Standards for Qualifying Undeveloped Areas

It shall be the duty of the owner to keep below sixteen inches (16") all weeds and turf grasses on their property

- C. The provisions of Section 16-8-5 do not apply to any areas meeting the definition of a wooded area, wetland, agricultural area, or native prairie landscaped area.**



16-8-6 Native Prairie Landscaped Areas

- A. Are defined as areas in which the vegetation is comprised of native prairie plants.
- B. Shall not include turf-grass lawns left unattended for the purpose of returning to a natural state.
- C. Shall be maintained in a healthy and vigorous condition, as opposed to one of impairment and decline. Properties shall not be unmanaged or overgrown in ways that may adversely affect human health or safety.
- D. Turf grass shall be eliminated prior to establishment as a native prairie landscaped and the native plants, trees and shrubs are planted through transplanting or seed by human or mechanical means. Soil erosion should be controlled while the ground is bare of plant growth.
- E. All vegetation, other than trees and shrubs, must be cut at least once annually to a height no greater than eight inches (8"). As an alternative to cutting, native prairie landscaped areas may be maintained by controlled burning with an approved permit from the City's fire department.
- F. A sign shall be posted on the property in a location likely to be seen by the public, advising that the area is native prairie landscaped areas. This sign is required only if the planting is likely to be seen by the public.
- G. **Required Setbacks and Buffering**

Shall be set back not less than forty-two (42) inches from the edge of the sidewalk that is furthest from the street; or if no sidewalk is present, shall be set back not less than forty-two (42) inches from the edge of the pavement.

16-8-7 Trees and Shrubs

A. Removal and Trimming of Dangerous Trees or Shrubs

1. If the City deems any shade, ornamental, or other tree situated on private property in the City to be diseased or dead, it shall cause to be served a notice upon the owner, in accordance with the most recently enacted Code of Iowa, if known within the City, or if not, then upon the occupant of the lot, to cut down such tree and remove the same and all debris therefrom. Said tree and debris shall be hauled to an area designated or approved by the City and/or the Iowa Department of Natural Resources.

(Code of Iowa, Section 364.12[2][c])

2. All diseased trees shall be sprayed, if required by the City, at the site of their cutting down or removal before being hauled or transported through the City to an approved disposal site.
3. The General Manager of any utility shall have the authority to trim any tree which interferes with utility property and equipment, after notification and approval by the City.
4. The City shall have authority to trim any tree, located on private property, which interferes with the proper distribution of light from street lights or signs.

B. Street Trees

1. All existing trees located within the public right-of-way as of the effective date of this Section shall be the responsibility of the adjacent property owner. Except that any street tree which is diseased, dead, or otherwise poses an immediate threat to the public health and welfare shall be the responsibility of the City.

(Code of Iowa, Section 364.12[2][c])

2. It shall be the duty and right of the adjacent property owner to trim, remove, treat, or otherwise maintain all existing street trees in a manner that promotes the public health, safety, and welfare and in accordance with the provisions of this Chapter.
3. Nothing contained in this Chapter shall be construed so as to prevent the immediate removal and/or trimming by officers of the City of any tree from the streets, when in the judgment of the City, such removal or trimming is necessary for the purpose of making street improvements or to eliminate obstructions of public signs which, by design, promote safety of persons or property.
4. **Removal of Street Trees**

Any person or corporation removing any existing street tree shall obtain a permit to do so from the City in accordance with the Schedule of Permit and Licensing Requirements contained in Appendix B to this Code of Ordinances for the purpose of maintaining a citywide inventory. The Tree Removal Permit shall be provided at no charge to the applicant.

5. Planting of Street Trees

- a. All proposals to plant trees in the public right-of-way shall require a permit from the City in accordance the Schedule of Permit and Licensing Requirements contained in Appendix B to this Code of Ordinances
- b. The permit application provided by the City shall state the applicant's name, address, type of tree to be planted, exact location, and any additional information that may be needed by the City to determine whether the application should or should not be approved.
- c. The application shall be recommended for approval or disapproval by the City prior to issuance. Failure to secure a positive recommendation by the City shall constitute a denial of the application.

d. Permit Requirements

- i. The permit shall state that the applicant agrees to plant the street tree(s) in accordance with the requirements of this Chapter.
- ii. The permit shall state that the applicant will plant a specific type of tree which shall be an approved species for street trees; a list of which shall be provided to the applicant upon request.
- iii. The permit shall state that once the street tree is planted, it becomes the property of the City of Muscatine and the applicant agrees to relinquish all interest in said tree. The permit shall state that the owner agrees to donate the tree to the City, at the applicant's expense, and that the applicant agrees to adhere to the provisions of Title 16, Chapter 8, Section 7 of this Code.
- iv. The permit shall include a provision which indemnifies the City from any and all claims for damage to private and public property as a result of the permit to plant a street tree.

e. New Street Trees (City Program)

- i. The City may, at its discretion and with the approval of the City Council, initiate a program for the purpose of planting, maintaining, trimming, and removal of new street trees.
- ii. It shall be the policy of the City to notify abutting property owners before planting any street tree in front of any residential structure in the City.

- iii. The owner of the abutting property shall be required to sign a permit in accordance with this Chapter except the tree will be planted by the City at no expense to the abutting residential property owner.

f. Injuring; Defacing; Removing

Any person who shall willfully, maliciously, or negligently, in any manner, injure, deface, remove, or destroy any street tree or boxing placed around the same, or any shrub upon any public grounds and right of ways shall be deemed guilty of a misdemeanor, and shall reimburse the City for any costs incurred by such action if directed to do so by the Iowa District Court for Muscatine County.

C. Liability Insurance; Tree Removal

All persons and/or corporations engaged in removal of trees within the City right-of-way shall obtain a license therefor. The licensee must pay the fee and present a copy of an insurance policy for liability insurance in the amounts set by resolution of the City Council and listed in the Schedule of Permit and Licensing Requirements contained in Appendix B to this Code of Ordinances.

D. Obstructing Streets; Barricades

1. Before any street or thoroughfare can be shut off or blocked in any way for tree removal, permission must be granted by the City.
2. Streets when barricaded or shut off must be barricaded by proper barricades appropriately marked and readily seen by all.
3. All persons, and/or corporations barricading any street or thoroughfare for the purpose of trimming or removing any tree shall first notify the City of Muscatine Police and Fire Departments stating the location and time period that such street or thoroughfare will be closed.
4. No street or thoroughfare shall be closed for the purpose of removing any tree unless the required permit is secured as provided in City Code.

E. Removal of Debris

Removal of debris, stumps, logs, etc. shall be made upon or in trucks and no hauling shall be allowed hanging from outside by booms or dragging from such vehicles.

16-8-8 Adjacent Right of Way

- A.** No vegetation shall overhang, encroach, or otherwise obstruct any portion of a public street, alley, or sidewalk, except for tree branches that are:
1. At least ten feet (10') above the surface of a public sidewalk.
 2. At least fourteen feet (14') above the surface of a public street or alley.

3. Not obstructing the light from any street lamp.
- B.** All trees located within the public right of way shall be maintained, planted, and removed in accordance with Section 16-8-7 of City Code.
- C. Gardens**
It is permissible for the adjoining property owner to plant a garden in the public right of way, provided that:
1. All portions of said garden are located within two feet (2') of a mailbox.
 2. The height of vegetation does not exceed three feet (3').
- D.** There shall be no compensation by the City to the property owner for any damage to or the removal of such items placed or plants planted within the public right of way.

16-8-9 Failure to Comply

- A.** In the event any property owner fails to maintain vegetation on their property or adjoining public right of way in compliance with regulations set forth in this Chapter, the City may cause such violations of City Code to be abated, by cutting or such other method including chemical control, as may be necessary to achieve compliance with City Code.
- B.** A second or subsequent violation, by an owner in the same calendar year as the first violation, of this Chapter shall constitute a municipal infraction subject to a fine and/or municipal infraction as provided for in Chapter 3 of Title 1 of City Code.

16-8-10 Notice

A. Annual Published Notice

The City shall give notice to the property owners by one publication in a newspaper of general circulation within the City, stating that all property owners are required to maintain all vegetation on their and the adjacent public right(s)-of-way within a reasonable time but not less than five (5) days from the date of the said publication.

B. Mailed Notice to Correct Violations

1. In addition to the published notice as set out in Section 16-9-8(A), the City shall mail a notice to the property owner believed to be violating the provisions of this chapter. Said notice shall:
 - a. Be in writing;
 - b. Include a description of the real estate sufficient for identification;
 - c. Describe all violation(s) of this Chapter and remedial action(s) required;

Attachment A

- d. State that work to correct all violations and/or all required remedial actions must be completed within five (5) days, ten (10) days for violations of Section 16-8-7, of when said notice was mailed; and
 - e. Advise that failure to abate the identified violations of this Chapter will result in the City abating said violations and assessing the actual costs and administrative fees against the property.
2. Said notice shall be sent by ordinary mail to the last known address of the owner or as shown on the current County Assessor's records.
 3. It shall be presumed that five (5) days is sufficient time for the delivery of mail within ordinary course.
 4. A copy of the publication as required in Section 16-8-10(A), together with a copy of the notice sent by mail as herein set out shall be deemed proof of service.
 5. Such written notice need only be given once per calendar year, after delivery of such a notice no further notice shall be given prior to any additional abatement actions necessary for compliance with this Chapter during the current calendar year.

C. Extensions to Notice to Correct Violations

1. An owner may request an extension of time to complete any action to correct a violation or complete a required remedial action that cannot be completed by the deadline set forth of such a notice under the provision of Section 16-8-9(B) (1)(d) because of circumstances not of the owner's making or are beyond the owner's control.
2. Such a request for an extension shall be made in writing to the Community Development Department no later than one (1) business day prior to the deadline imposed by the order to correct violations.
3. Approval of an extension to an order to correct violations may granted if the Community Development Department finds that:
 - a. Strict compliance with the deadline set by the order to correct violations is impractical;
 - b. That the granting of such an extension does not violate the intent and purpose of City Code
 - c. That the grant of such a request is not detrimental to public health, safety, and welfare.
4. Approval shall be made in writing and state:
 - a. The new deadline to correct said violations(s)
 - b. What specific code violation(s) that the extension applies to.

16-8-11 Invoicing Property Owner for Cost of Abatement

- A.** Upon completion of the abatement, the property owner shall be sent by first class mail to the address noted on the current County Assessor's records an invoice for all abatement actions performed under this Chapter.
- B.** Said invoice shall include the cost of abatement to include labor, equipment costs, and an administrative fee as set in Appendix D of City Code, and there shall be an additional administrative fee for each succeeding abatement, if more than one abatement for a violation at the same property, by an owner in the same calendar year, of the same section of City Code.
- C.** A notice shall also be included with the invoice, said notice shall inform the owner that any invoice remaining unpaid after a thirty (30) day period may be assessed against the property in the manner provided by the Code of Iowa, and that assessment will result in an additional administrative fee.

16-8-12 Assessment for the Cost of Abatement

- A.** If after thirty (30) days the invoice sent to the owner remains unpaid the City Clerk shall submit an itemized statement to the City Council for all abatement related actions work performed under this Chapter.
- B.** Unpaid invoices that are sent to City Council for collection as a special assessment against the property shall be subject to an administrative fee, as set by resolution of City Council in Appendix D of Code. This administrative fee is in addition to the administrative fee due under Section 16-8-11(B).
- C.** The itemized statement shall include the cost of abatement to include labor, equipment costs, and all applicable administrative fees.
- D.** Upon receipt of the itemized statement, the Council shall audit it, and if allowed, shall by resolution assess the cost as a special assessment against the property.
- E.** The City Clerk shall certify the assessment to the County Treasurer, to be collected as any other special assessment.

***** Proof of Publication *****

The undersigned, being first duly sworn, on oath does say that he/she is an authorized employee of THE MUSCATINE JOURNAL, morning edition, a daily newspaper printed and published by Lee Enterprises, Incorporated, in the City of Davenport, Scott County, Iowa, and that a notice, a printed copy of which is made a part of this affidavit, was published in said THE MUSCATINE JOURNAL, on the dates listed below.

CITY OF MUSCATINE- Legals account

215 Sycamore Street
MUSCATINE, IA 52761

ORDER NUMBER 127555

The affiant further deposes and says that all of the facts set forth in the foregoing affidavit are true as he/she verily believes.



Section: Notices & Legals
Category: 2627 Miscellaneous Notices
PUBLISHED ON: 05/31/2022

TOTAL AD COST: 49.02
FILED ON: 5/31/2022

Subscribed and sworn to before me by said affiant this 31 day of May 2022



Notary Public in and for Scott County, Iowa

NOTICE
ORDINANCE NO. 2022-0163
AN ORDINANCE REVISING WEED AND
VEGETATION MANAGEMENT
REGULATIONS

WHEREAS, Regulations regarding weeds and vegetation management are currently spread across multiple chapters in Title 3 and Title 9 of City Code;

WHEREAS, The proposed revised regulations would relocate and centralize weed and vegetation into a single new chapter in Title 16, in order to make easier to locate;

WHEREAS, Weed and vegetation management regulations would be made more understandable through the addition of more detailed definitions and the inclusion of diagrams;

WHEREAS, Currently Chapter 5 of Title 9 requires that the owner to cut or remove, and to keep cut or removed, all any weeds, grass, or plants other than trees, bushes, flowers, or other ornamental plants, in excess of eight inches (8") in heights from his, her, or its property and from all adjacent property between the property line and the improved street and /or alley line(s);

WHEREAS, The proposed regulations would provide more specific direction as to how vegetation and weeds are required to be managed in wetlands, wooded areas, agricultural area, undeveloped areas, and areas planted with native prairie grasses;

WHEREAS, Regulations for each type of area being specifically calibrated for the unique issues of each type of area and re based on best practices found in other midwestern communities; and

WHEREAS, a public hearing, April 21, 2022, was conducted by the City Council of Muscatine prior to the adoption of this ordinance.

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MUSCATINE, IOWA:

SECTION 1. The currently adopted version of Chapter 9 of Title 3 of the City Code is hereby deleted from City Code.

SECTION 2. The currently adopted version of Chapter 5 of Title 9 of the City Code is hereby deleted from City Code.

SECTION 3. The currently adopted version of Title 16 of the City Code is hereby amended by the adoption of Exhibit A, as attached, as of Chapter 8 of Title 16.

SECTION 4. 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 5. Any Ordinance or part thereof in conflict or inconsistent with the provisions of this Ordinance is repealed.

SECTION 6. This ordinance shall be in effect from and after the passage and approval and publication of this ordinance, as provided by law

PASSED, APPROVED, AND ADOPTED by the City Council for the City of Muscatine, Iowa, on this, the 19th day of May 2022.

Carol Webb
City Clerk
First Reading: April 21,
Second Reading: May 5, 2022
Third Reading: May 19, 2022
Publication:

