

- **Sec. 6-2012. - Weeds and vegetation.**

(a) *Definitions.* When used in this section, the following words, terms and phrases shall have the meanings ascribed herein:

- (1) *Brush* means the cuttings from trees and/or bushes and shall include fallen branches in excess of two (2) inches thick at the widest point and three (3) feet in length and all stacks of wood, excluding lumber, but including firewood in excess of two (2) neatly stacked cords.
- (2) *Developed property* means property upon which a structure has been constructed or that is used for parking or storage.
- (3) *Property* means the owner or occupant's lot or tract of land, the sidewalk, curb and/or gutter of any street abutting such lot or tract of land and the area from the property line of the lot or tract of land to the center of any alley abutting the lot or tract of land. The term "property" shall not include any city-designated open space or trails.
- (4) *Weed* means any herbaceous plant that, due to height, smell, appearance, or injurious nature, has a blighting influence on the neighborhood.
- (5) *Undeveloped property* means property that is not used for parking or storage and upon which no structure has been constructed.

(b) *Prohibitions.*

- (1) *Weed and grass growth.*
 - a. It shall be unlawful for the owner or occupant of any developed property to permit weeds or grass to grow to a height of more than eight (8) inches anywhere on or within the property.
 - b. It shall be unlawful for the owner or occupant of any undeveloped property less than one (1) acre in size to permit weeds or grass to grow to a height of more than eight (8) inches anywhere on or within the property.
 - c. It shall be unlawful for the owner or occupant of any undeveloped property, the size of which is at least one (1) acre and not greater than five (5) acres, to permit weeds or grass to grow to a height of more than sixteen (16) inches anywhere on or within the property.
 - d. It shall be unlawful for the owner or occupant of any undeveloped property greater than five (5) acres in size to permit weeds or grass to grow to a height of more than sixteen (16) inches on any portion of the property that is within twenty (20) feet of any adjacent developed property, tract or parcel or any adjacent roadway as measured from Right-of-Way boundary.
 - e. Two (2) or more contiguous lots, tracts and/or parcels of undeveloped property under single ownership, whether or not platted, may be aggregated to constitute a single property for the purposes of this section. Lots, tracts and/or parcels of property separated by a public or private roadway or other right-of-way, regardless of ownership, shall not be considered contiguous for the purposes of this section.

f. Exceptions. Notwithstanding the foregoing, the prohibitions set forth in this subsection shall not apply to the following:

1. Ornamental grasses;
2. Native grasses and other native plant materials identified in the city's approved plant species list; or
3. Any property, regardless of city zoning classification, identified by the Adams County Assessor as agricultural, with the exception of any portion of such property within twenty (20) feet of any street or highway classified by the city as an arterial roadway, the weed and grass growth upon which such portion shall not exceed sixteen (16) inches in height.

- (2) *Diseased or dead woody vegetation.* All trees, shrubs, bushes, hedges and other woody vegetation within the city shall be adequately pruned or removed when such trees, shrubs, bushes, hedges or other woody vegetation harbor insects or disease that constitute a threat to other trees, shrubs, bushes, hedges or other woody vegetation or constitute a hazard in general to the public health, safety and welfare. The stump of any tree removed due to disease must be completely removed from the ground unless, in the opinion of a certified arborist, the diseased stump poses no danger to surrounding vegetation. Stumps that do not pose a danger to surrounding vegetation may remain on the property at a height not to exceed twenty-four (24) inches.
- (3) *Poisonous plants.* It shall be unlawful for the owner or occupant of any property to permit the growth of poison ivy, ragweed or other plant that may be detrimental to health upon such property or to allow seed, pollen or other poisonous particles or emanations to be carried from such property into any public place.
- (4) *Brush.* It shall be unlawful for the owner or occupant of any property to permit brush to remain upon such property for more than fourteen (14) days.
- (5) *Encroachment of vegetation on public spaces.* It shall be unlawful for the owner or occupant of any property to fail to cut, trim, prune or remove as necessary any trees and other vegetation located upon such property in accordance with the following requirements:
 - a. Vegetation other than trees shall not encroach upon the plane of a public sidewalk or street.
 - b. Tree branch growth shall be maintained to a height not lower than ten (10) feet above any public sidewalk and not less than fifteen (15) feet above the travel lanes of any street or alley.
 - c. Branches, trees and other vegetation shall not obscure any street name signs, traffic signs, traffic control devices or sight triangles.
 - d. Branches or trees that are broken, hanging, decayed or that otherwise threaten public property or the safe use thereof shall be removed.

(Ord. No. 1895, § 1, 6-4-12)