

COUNCIL ACTION FORM

SUBJECT: **ENFORCEMENT OF WEED AND GRASS COMPLAINTS**

BACKGROUND:

Noxious Weed Control

State law governs weed control within the state. Noxious weeds are defined and listed in Iowa Code 317.1A. (See attachment) Under the provisions of the Iowa Code, each county appoints a weed commissioner who is responsible for developing and enforcing a county noxious weed control program.

Some Iowa cities have also adopted ordinances which make noxious weeds a public nuisance. Ames does have a municipal ordinance prohibiting weeds and lawn grasses over 12 inches in height for rental housing properties, but there are no provisions applicable for other types of properties within the city. (See attachment) Currently City staff members responding to noxious weed complaints rely primarily on requests for voluntary compliance. Although the county weed commissioner and deputies appointed by the County do have authority to enforce violations within the City of Ames, they have not historically done so.

In order provide for better response to our citizens who complain about noxious weeds, and to provide a clearer understanding of weed prohibitions, it would be advisable to adopt a City ordinance that would make the presence noxious weeds a public nuisance enforceable as a municipal infraction. Under such an ordinance, the City Manager could designate the City's neighborhoods inspector as the official who is authorized to enforce violations of the weed prohibitions.

General Vegetation Maintenance

The City Council should be aware that the staff receives numerous complaints regarding ground cover that has not been mowed or maintained. If the property has noxious weeds or the vegetation obstructs the public right of way, the Municipal Code grants the staff some authority to address these citizen complaints. In addition, if the property is a rental unit, Chapter 13 addresses the issues of lawn height (see attached).

Many times, however, staff receives complaints about non-rental properties that have both noxious weeds and overgrown yards. While staff may have some authority to address noxious weeds, the complainant is still unsatisfied since grass height is not enforceable.

The issue of vegetation control has been discussed by previous City Councils. This is a controversial topic upon which it is difficult to reach consensus. However, since we are discussing improvements to noxious weed enforcement to improve our responsiveness

to our customers, staff thought it was appropriate time to determine if this Council has any interest in exploring regulations for grass heights on owner-occupied properties.

ALTERNATIVES:

1. Direct staff to prepare an ordinance defining noxious weeds as specified in Iowa Code, declaring noxious weeds a public nuisance enforceable as a municipal infraction, and publishing notice of public hearing.
2. Direct staff to prepare an ordinance defining noxious weeds as specified in Iowa Code, declaring noxious weeds public nuisance enforceable as a municipal infraction, and publishing notice of public hearing.

In addition, direct staff to prepare a future presentation to the City Council regarding grass height enforcement options.

3. Make no changes to the current program for weed enforcement.

MANAGER'S RECOMMENDED ACTION:

Adoption of the State's noxious weed definition should help our customers better understand the City's long-standing enforcement effort. Additionally, designation of the Neighborhoods Inspector as the City's weed official should be logical for our customers and efficient for City staff. **Therefore, it is the recommendation of the City Manager that the City Council approve Alternative #1 and direct staff to prepare an ordinance that defines noxious adopts by reference to the Iowa Code, declares noxious weeds a public nuisance enforceable as a municipal infraction, and directing publication of notice and setting of a public hearing.**

The discussion of maximum grass height has proven to be a controversial and complex issue. However, the lack of such regulation appears to be frustrating some of our customers. If the City Council believes that this issue should be revisited, then Alternative #2 should be pursued thereby requesting a future staff presentation regarding various options related to this issue.

ATTACHMENT I

Ames Municipal Code Chapter 13 Rental Housing, Section 13.406 (9)

(9) Tall grass and weed control. (a) General:

Owners are responsible to mow grasses, trim shrubs and trees, manage cultivated plants, and control weeds throughout their properties in a neat and orderly condition, comparable to other properties in the neighborhood. Lawn grasses shall not exceed 12 inches in height.

(b) Weeds:

Owners are responsible to control all vines, brush, bushes, volunteer trees less than 3 inches in diameter, and noxious weeds which, in the judgment of the Building Official, constitute a health, safety or fire hazard. Weeds, as used in this section, means all vegetation which is not purposefully planted, cultivated, and managed, and/or that which is purposefully planted, but which has been allowed to proliferate in an uncontrolled manner. This includes, but is not limited to the specific list of plants identified by State Code Chapter 317. All vegetation in this category shall not exceed 12 inches in height. Upon failure of the owner or agent having charge of a property to cut and destroy weeds after posting of a notice of violation or service of a notice of violation, any duly authorized employee of the City of Ames or contractor hired by the City of Ames shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, and the costs of such removal shall be charged against the property in the manner of a special assessment.

Noxious Weeds, Iowa Code Section 317.1A(1): The following weeds are hereby declared to be noxious and shall be divided into two classes, namely:

a. Primary noxious weeds, which shall include quack grass (*Agropyron repens*), perennial sow thistle (*Sonchus arvensis*), Canada thistle (*Cirsium arvense*), bull thistle (*Cirsium lanceolatum*), European morning glory or field bindweed (*Convolvulus arvensis*), horse nettle (*Solanum carolinense*), leafy spurge (*Euphorbia esula*), perennial pepper-grass (*Lepidium draba*), Russian knapweed (*Centaurea repens*), buckthorn (*Rhamnus*, not to include *Rhamnus frangula*), and all other species of thistles belonging in genera of *Cirsium* and *Carduus*.

b. Secondary noxious weeds, which shall include butterprint (*Abutilon theophrasti*) annual, cocklebur (*Xanthium commune*) annual, wild mustard (*Brassica arvensis*) annual, wild carrot (*Daucus carota*) biennial, buckhorn (*Plantago lanceolata*) perennial, sheep sorrel (*Rumex acetosella*) perennial, sour dock (*Rumex crispus*) perennial, smooth dock (*Rumex altissimus*) perennial, poison hemlock (*Conium maculatum*), multiflora rose (*Rosa multiflora*), wild sunflower (wild strain of *Helianthus annus* L.) annual, puncture vine (*Tribulus terrestris*) annual, teasel (*Dipsacus*) biennial, and shattercane (*Sorghum bicolor*) annual.

The multiflora rose (*Rosa multiflora*) shall not be considered a secondary noxious weed when cultivated for or used as understock for cultivated roses or as ornamental shrubs in gardens, or in any county whose board of supervisors has by resolution declared it not to be a noxious weed. Shattercane (*Sorghum bicolor*) shall not be considered a secondary noxious weed when cultivated or in any county whose board of supervisors has by resolution declared it not to be a noxious weed.