

CHAPTER 8.08 WEED ABATEMENT

8.08.020: WEEDS, BUSHES, TREES, WASTE MATTER AND OVERGROWN CONDITIONS UNLAWFUL:

- A. It is unlawful to allow, permit or maintain the unmanaged growth or accumulation of noxious weeds (Idaho Code section 22-2407), grass or weeds over eight inches (8") in height, waste matter, nuisance trees or bushes, whether dead or living or the accumulation or overgrowth of brush or vegetative litter, with the exception of an actively operated compost pile not generating nuisance odors.

The owner of real property is ultimately responsible for compliance with the requirements of this chapter.

- B. Any tree, bush or other plant material, waste matter, or any dead or dying tree or bush located on private property in the city, which overhangs or intrudes over or upon any public street, alley, avenue, roadway, sidewalk, traffic intersection visibility triangle (see section [12.36.425](#), visibility triangle, of this code) or traffic sign to such an extent that it interferes with the safety of the traveling public or is a hazard or hindrance to public safety or use of public property is declared to be a violation of this chapter.
- C. Pursuant to authority vested by Idaho Code section 50-317 or its successor and article XII, section 2 of the Idaho constitution, any owner, lessee, occupant, agent or representative of any such owner, lessee or occupant having control of any parcel of land shall be responsible for immediately remedying any conditions that violate the requirements of this chapter. Upon notice to the owner, the city is empowered to abate such violation by causing the cutting and removal of trees, weeds, and/or grasses, the removal of waste matter upon and from private property or the public right of way, and to assess the cost thereof against the private property so cleared, and against the property abutting the property, sidewalks and alleys so cleaned, pursuant to Idaho Code section 50-317 or its successor. Notwithstanding the provisions of this chapter, nothing addressed hereby shall preclude the city from acting upon conditions that constitute a nuisance pursuant to provisions of Idaho Code and pursuing abatement as provided thereby. (Ord. 3151 §4, 2003)

8.08.050: OWNER/AGENT OR OCCUPANT TO ABATE VIOLATION:

It shall be the duty of the owner/agent or occupant of private property to cut, trim or remove such accumulations or growth within five (5) days after the receipt of

notice from the city, unless the city grants an extension, upon reasonable grounds. (Ord. 3151 §7, 2003)

8.08.080: ABATEMENT OF VIOLATIONS BY CITY AND COLLECTION OF COSTS:

In any case where a person required under this chapter does not abate the violation, the city, through its own personnel, contractor and/or agents, may enter upon the premises to cut, trim or remove weeds, brush piles, vegetative litter, waste matter or nuisance tree or bush growth, to abate such violation. The total cost of the abatement shall be billed to the owner of the property for payment. In the event payment is not made within sixty (60) days, or if the owner or whereabouts of the owner is not known, the cost of abatement bill may be certified by the city clerk and forwarded to the county treasurer for inclusion in the county property tax assessment pursuant to Idaho Code section 50-1008. Pursuit of abatement by the city shall not preclude prosecution of violations of this chapter. (Ord. 3151 §10, 2003)