

CHAPTER 53

PLANT GROWTH, REMOVAL OF

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[HISTORY: Adopted by the Common Council of the City of Dunkirk 2-3-1970 as Chapter XXX of the Ordinances of the City of Dunkirk. Amendments noted where applicable.]

§ 53-1. Short Title.

This chapter shall be known as the “Removal of Plant Growth Ordinance”.

§ 53-2. Purpose and Intent.

The purpose and intent of this chapter shall be to promote the general welfare in the City by prohibiting heavy undergrowths and accumulations of plant growth which may be noxious or detrimental to health, or which may tend to create a fire, health or public safety hazard.

§ 53-3. Weeds, Tall Grass and Brush Declared a Nuisance.

- A. Any weeds such as jimson, burdock, ragweed, thistle, cocklebur, poison ivy or other weeds or wild growth of a like kind are hereby declared to be a nuisance.
- B. Any plants other than trees, flowers or ornamental bushes and plants are hereby declared to be a nuisance.
- C. Any grasses over twelve (12) inches in height, except cereal grasses, grain or fodder, are hereby declared to be a nuisance.
- D. It shall be unlawful for any owner of real property in the City to permit any weeds, plants or grasses herein declared to be a nuisance to grow or remain anywhere in the City.

§ 53-4. Duty of Owner to Cut and Remove.

It shall be the duty of the owner of any real property in the City of Dunkirk to cut and remove such weeds, grasses or brush.

§ 53-5. Notice to Remove.

It shall be the duty of the Building Inspector to serve a notice to remove weeds, grasses or brush herein declared a nuisance, upon the owner of any property on which said plants are permitted to grow in violation of this chapter, and to demand abatement of the nuisance within ten (10) days. Notice shall be given either personally or in writing by certified mail addressed to the owner at his address as it appears on the current tax assessment roll of the City of Dunkirk.

§ 53-6. Abatement by City; Unpaid Costs a Lien.

If the owner so notified does not abate the nuisance within ten (10) days the Building Inspector shall order the removal of such nuisance and shall cause removal either by private contractor or the City of Dunkirk. All costs and expenses incurred by the City of Dunkirk in connection with said removal shall be assessed against the land and, if unpaid for thirty (30) days after billing, shall become a lien on the real property, and the City Treasurer shall be directed to file same as a special assessment to be levied, collected and enforced in the same manner, by the same proceedings and with the same penalties and having the same lien upon the property as special assessments.

[Editor's Note: The Common Council adopted on 6-20-1972 the following resolution: That the City establish a firm policy which includes a minimum charge of Ten Dollars (\$10.00) per lot to cover the cost of mobilizing certain pieces of equipment and manpower, with the addition of the cost of manpower plus overhead, together with equipment rental, the sum of which becomes the charge to be made against the private property owner for the purpose of covering City costs for cutting grass and weeds.]

§ 53-7. Effective date.

This chapter shall take effect March 1, 1970.