

**AN ORDINANCE TO FURTHER PUBLIC HEALTH AND SAFETY
AND THE SAFETY OF ADJACENT PROPERTIES BY PRESCRIBING
PRIVATE PROPERTY MAINTENANCE OF
TALL GRASS, WEEDS, LITTER AND OTHER PUBLIC NUISANCES**

BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE
TOWN OF SPRING HILL:

That Title 8, Chapter 1, Section 8-107 of the Spring Hill
Town code be amended to read as follows:

Section 8-107. Maintenance of private property.

Lots, tracts and parcels of land within the Town shall be
maintained and action is to be taken by the Town according to
Section 8-107, sub-sections a-h inclusive.

Section 8-107(a) Prohibition of Weeds:

Every owner or tenant of property shall periodically cut
or mow the grass and other vegetation commonly recognized as weeds
on his property, and it shall be unlawful for any person to fail to
comply with an order by the property codes inspector to cut such
vegetation when it has reached a height of over one (1) foot.

Section 8-107(b) Other public nuisances defined and
prohibited:

The allowing or permitting of debris, rubbish, trash,
cans, bottles, papers or other garbage, dead brush, dense growth of
trees, vines, grass or underbrush, or the containment of stagnant
water, on any lot, tract or parcel of land within the corporate
limits of the Town to such an extent that it constitutes a menace
to life, property, public health, or public welfare or creates a

fire hazard is hereby specifically prohibited and declared to be a public nuisance and also a misdemeanor.

Section 8-107(c) Exceptions:

Excluded from the provisions of Section 8-107(a) are:

1. Cultivation of plants or cover crops for agricultural purposes including pastures.

2. Those portions of properties lying forty (40) feet or more from boundary lines or public rights-of-way on tracts of land containing a minimum of one (1) acre.

Section 8-107(d) Notice of violations.

If the property codes inspector determines that conditions exist in violation of this section he shall notify the recorded owner of the property, by certified mail, sent to his last known address as shown on tax books of the county, of the condition of the property that constitute violation of this section and demand that the owner cause such condition or conditions to be remedied immediately. The delivery of notice by an official of the Town and/or the mailing of such notice shall be sufficient proof of service of notice to the owner. If the mailing address of the owner is not known, and the property is unoccupied and the owner has no agent in the Town, the notice shall be posted upon said property as notice to the owner thereof.

Section 8-107(e) Hearing before the Board of Mayor and Aldermen.

Within ten (10) days after mailing of the notice, or the service thereof, the owner of the property shall have the right to

file a request for a hearing before the Board to show that said condition or conditions do not exist or to show why the debris, rubbish, trash, cans, bottles, papers or other garbage, dead brush or containment of stagnant water; or a dense growth of trees, vines, grass or underbrush that have developed on said lot, tract or parcel of land do not constitute a menace to life, property, the public health, the public welfare and/or create a fire hazard, or why said condition or conditions should not be remedied by the Town at the expense of the owner of the property. At such hearing the Town and the property owner may introduce such witnesses as deemed necessary to show the conditions or conditions existing upon the property. The property owner shall perfect his right to a hearing by certified mail sent within the ten (10) day period to the Mayor or Town Administrator or by a written request delivered to Town Hall and witnessed by a Town employee.

Section 8-107(f) Abatement of nuisances by Town.

If the conditions or conditions described in the notice have not been remedied within ten (10) days after the mailing or service thereof, providing the owner has not served notice to preserve a right of hearing before the Board of Mayor and Aldermen, and further in the event of a hearing as hereinabove provided at which the Board rules against the owner, the property codes inspector shall cause said condition or conditions to be remedied by the Town at the expense of the owner of the property. After causing the conditions or conditions to be remedied, the property

codes inspector shall certify to the Town Recorder the expense incurred in remedying such conditions or conditions together with a copy of the certified notice to the owner as to the condition of the property which necessitated the incurring of the expense, proof of service of notice to the owner, and, if a hearing was conducted, a copy of the results of the hearing before the Board. The expense shall, with the approval of the Board, thereupon become and constitute a lien and charge upon the property which shall be payable with interest at the rate of 6% per annum from the date of such certification, until paid, collectible at the time ad valorem taxes on said property become due and payable to the Town. Such expense and charge shall be a first and prior lien against the property, subject only to the lien for taxes to the county and of the same character as the lien of the city for municipal taxes. Upon failure of the owner of the property to pay the lien, it may be enforced in the same manner as tax liens in favor of the Town and shall be certified by the City Recorder to the Town Attorney along with the certification of ad valorem taxes assessed against the property in the Town and not paid when due. Any property owner shall have the right to have a hearing before the Board of Mayor and Alderman to show cause, if any, why such expense and charge should not constitute a lien against his property. Such owner shall also have the right at this hearing to have determined the reasonableness of the expense or charge made by the Town in remedying the condition or conditions existing upon the property of such owner.

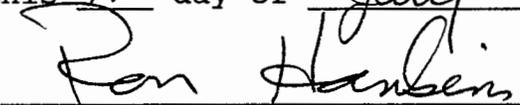
Section 8-107(g) Recorder to keep files and records.

The Town Recorder shall keep a complete set of files and records relating to such liens, and shall include the amounts of such liens in tax statements for ad valorem taxes thereafter submitted to the owners of lots, tracts, or parcels of land subject to such liens.

Section 8-107(h) Authority to include administrative costs.

The Town Administrator shall have the discretion to place an additional charge for administrative expense of not more than one hundred dollars (\$100.00) on each parcel of real estate involved and, with the approval of the Board, the same shall be assessed as a part of the municipal taxes and a lien upon the real estate.

Passed and adopted this 17th day of July, 1995.



RON HANKINS, MAYOR

ATTEST:



JUNE QUIRK, RECORDER

LEGAL FORM APPROVED:



ROBIN S. COURTNEY,
TOWN ATTORNEY

Passed on 1st Reading: 6-19-1995
Passed on 2nd Reading: 7-17-1995