

CHAPTER 93

Weeds, Offensive Vegetation and Other Materials

§93-1 Responsibility of owners, etc.

No person, partnership, corporation or other entity, being the owner or in control of or charged with the control or management of any premises in the City of Norwich, shall suffer or permit the growth, accumulation, deposit or storage thereon of any idle, wild, uncultivated or obnoxious grass, weeds, thistles, brush, briars, brambles, leaves, materials or objects of any kind, rubbish, garbage, dirt, waste or waste materials, whereby said premises are or may become, unsanitary, or whereby the fire hazard, danger or risk is or may be increased, or whereby the premises of another or the enjoyment thereof are or may be injured, damaged, interfered with or prejudiced.

§93-2 Enforcement Officials

a.) It shall be the duty and responsibility of the City Engineer or the City Building Inspector or their delegatee to enforce the provisions of this ordinance.

b.) Upon the receipt of a request, complaint or becoming aware that any premises within the City boundaries may be in violation of this ordinance, the City Engineer, Building Inspector or their delegatee shall inspect the said premises for compliance with §93-1 herein.

c.) No inspection of any lands within the City for compliance with this ordinance shall be conducted where to do so would constitute a trespass upon the premises or the neighboring premises. All inspections shall be conducted from the vantage of a public sidewalk, street or other public lands, or shall be with the consent of the person, partnership, corporation or other entity being the owner or in control of or charged with the control or management of any such premises, or with the consent of the owner or occupant of the premises adjoining the subject premises and affording a vantage of the subject premises.

§93-3 Notice of Violation

a.) Upon a determination by the City Engineer, City Building Inspector or their delegatee that a premises is in violation of §93-1 herein, the City Engineer or Building Inspector or their delegatee shall cause a written notice of violation to be given to the person, partnership, corporation or other entity, being the owner or in control of or charged with the control or management of the premises.

b.) Notice shall be given by personal service upon the person, partnership, corporation or other entity being the owner or in control of or charged with the control or management of the premises or by return receipt requested United States mail addressed to the owner of said premises at the address listed upon the latest City of Norwich Real Property Tax Roll for said premises. If notice cannot be effectuated by personal service or return receipt mail, the City Engineer or City

Building Inspector shall make application to the Judge of the City of Norwich Court for an order directing the manner of giving notice most likely to notify the person, partnership, corporation or other entity being the owner, or in control of or charged with the control or management of the premises of the violation.

§93-4. Contents of notice.

The notice of violation shall contain:

- a.) a statement that the premises was inspected on a specified date and found to be in violation of §93-1 of the ordinance.
- b.) a recitation of §93-1 of the ordinance.
- c.) a specific date on which the premises will be reinspected for compliance with §93-1 herein. The specific date shall not be less than 15 days computed from the date of mailing said notice.
- d.) a statement that failing compliance by the specified date the City, without further notice to the addressee, shall cause the premises to be cleared and cleaned of the offensive vegetation and material and that the cost thereof will be billed to the addressee for payment within thirty days of receipt and that failure to timely pay the cost thereof will result in the cost being added to the City real property taxes to be levied and collected against the premises.
- e.) a statement that unless the addressee, the person, partnership, corporation or other entity being the owner or in control of or charged with the control or management of the premises notifies the City Engineer or City Building Inspector on or before the said specified date in the notice of violation for compliance that the addressee or the person, partnership, corporation or other entity does not consent to the entering upon the premises by City Personnel and equipment or the City's independent contractor for the purpose of clearing and cleaning same, it shall be presumed that the addressee does consent and gives permission to the entering upon the premises by the City or its independent contractor and the payment of the costs of the addressee of the clearing and cleaning work performed.
- f.) a statement of the estimated cost to be charged for the clearing and cleaning if performed by the City and a statement that if performed by an independent contractor the cost may vary from the City estimate.
- g.) a statement that failure to comply by the specified date or authorized extension thereof and failure to consent to entering upon the premises for the purpose of clearing and cleaning by the City or its independent contractor may result in the issuance of an appearance ticket or other legal process to appear in the City of Norwich Court and upon conviction may subject the addressee to a penalty, the maximum of which is imprisonment for a term of fifteen days or a fine not more than \$250 or both such imprisonment and fine.

§93-5 City Empowered to Clear and Clean

a.) In the event the addressee, the person, partnership, corporation or other entity being the owner or in control of or charged with the control or management of the premises does not comply with this ordinance on or before the date so specified in the notice of violation provided for in Sections 93-3 and 93-4 herein, or any extension thereof, the City Engineer or Building Inspector or their delegatee shall without further notice to said addressee, person, partnership, corporation or other entity cause the premises to be cleared and cleaned of the offensive vegetation or other materials and the cost thereof to be charged to the said person, partnership, corporation or other entity. In clearing and cleaning the premises, the City Engineer may cause the work to be performed by City manpower and equipment or may contract for the performance of the work with an independent contractor.

b.) In the event the addressee, the person, partnership, corporation or other entity being the owner or in control of or charged with the control or management of the premises notifies the City Engineer or Building Inspector or the delegatee in accordance with §93-4(c), that consent for entering upon the premises is denied, neither the City nor its independent contractor shall enter upon the premises and this ordinance may be enforced in accordance with §93-8 herein.

§93-6 Costs of Clearing and Cleaning

The following costs are hereby established to be imposed when the City or its independent contractor clears and cleans a noncomplying premises in accordance with §93-5 (a) herein:

a.) First occurrence within a 3-year period : \$100 plus the actual cost of the work.

Second occurrence within a 3-year period: \$200 plus the actual cost of the work.

Third or more occurrence within a 3-year period: \$300 plus the actual cost of the work.

b.) For the purposes of this ordinance, the actual cost of the work is defined as follows: In the case of an independent contractor, the total agreed upon contract consideration. In the case of the City performing the work, the sum total of man-hours expended multiplied by the hourly wage plus fringe benefits paid each City employee utilized plus the sum total of equipment hours utilized multiplied by an hourly rental charge therefor.

§ 93-7. Payment of costs.

a.) A statement of costs incurred for clearing and cleaning in accordance with Section 93-5(A) and Section 93-6 herein and a demand for payment of same upon completion of work shall be mailed to the addressee, person, partnership,

corporation or other entity being the owner or in control of or charged with the control or management of the premises by United States Postal return receipt requested mail. Such statement of costs shall require payment to the Director of Finance not later than 30 days from receipt. Such statement shall contain a statement that in the event the costs are not timely paid the costs will be without further notice to the addressee added to the City real property taxes to be levied and collected against the premises and subject to the same penalty and interest charges and enforcement proceedings as applied to unpaid taxes.

b.) In the event the said costs are not timely paid, the Director of Finance shall cause same to be added to the City real property taxes to be levied and collected against the premises and same shall be subject to the same penalty and interest charges and enforcement proceedings, including tax sale as applied to unpaid City real property taxes.

c.) If the addressee from whom payment is demanded and not paid is exempt from the payment of real property taxes, the Common Council of the City of Norwich, may direct the City Attorney to bring civil proceedings in a court of competent jurisdiction for its collection and thereafter to proceed to enforce such judgment by lawful process.

§ 93-8. Criminal proceedings and penalties.

a.) In any instance involving a violation of this Ordinance and the failure of the person, partnership, corporation or other entity being the owner or in control of or charged with the control or management of premises to comply with this Ordinance before or on the date specified for compliance in the notice provided for herein or any extension thereof and upon such person, partnership, corporation or other entity's denial of consent to the City or its independent contractor for entry upon said premises for the purpose of clearing and cleaning offensive vegetation and materials therefrom as required herein, the City Engineer or City Building Inspector or their designee may cause to be issued to said offending person, partnership, corporation or other entity an appearance ticket based upon a misdemeanor information charging a violation of this Ordinance. Such misdemeanor information shall be returnable in the City Court, City of Norwich, where the matter shall be adjudicated.

b.) Any person, partnership, corporation or other entity violating any of the provisions of this ordinance shall upon conviction be guilty of a violation and shall be liable upon conviction to a fine of not more than \$250 or imprisonment not exceeding fifteen days, or both fine and imprisonment.

§93-9 Separability

If any section of this ordinance, or any portion thereof, shall be adjudged invalid by a court of competent jurisdiction, such judgment shall not affect or alter the validity of the remaining sections of this ordinance.