

ORDINANCE NO. 967

AN ORDINANCE AMENDING HARRISBURG MUNICIPAL CODE SECTION 8.05.060

WHEREAS, the Harrisburg City Council has had a Nuisance Ordinance for many years, and from time to time will amend the ordinance; and,

WHEREAS, the Harrisburg City Council desires to amend the *Trees, Shrubs and Weeds* section of the Nuisance Ordinance to clarify enforcement roles, and eliminate redundant language; and,

WHEREAS, the City Council held a public meeting concerning the proposed amendment to the Harrisburg Municipal Code on October 9, 2018, and interested persons and the general public were given an opportunity to be heard.

NOW THEREFORE, THE CITY OF HARRISBURG ORDAINS AS FOLLOWS:

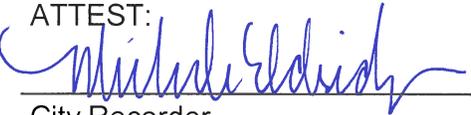
**Section 1.** The Harrisburg Municipal Code 8.05.060 is amended as shown by the provisions contained in **Exhibit A.**

PASSED by the Council this 9<sup>th</sup> Day of October, 2018.

APPROVED by the Mayor this 9<sup>th</sup> Day of October, 2018.

EFFECTIVE the 8<sup>th</sup> Day of November, 2018.

  
\_\_\_\_\_  
Mayor Duncan

ATTEST:  
  
\_\_\_\_\_  
City Recorder

# EXHIBIT A

## 8.05.010 Definitions.

“City Administrator” means the City Administrator of the City of Harrisburg or his/her designee.

“Noxious vegetation” means grass over 10 inches high, berry vines that cross a property boundary or are not grown for produce, poison oak, or other weeds or vegetation prohibited by the Harrisburg Municipal Code, including vegetation interfering with pedestrian and vehicular traffic.

“Person” means a natural person, firm, partnership, association or corporation.

“Person in charge of property” means an agent, occupant, lessee, contract purchaser, or other person having possession or control of property or supervision of a construction project.

“Person responsible” means the person responsible for abating a nuisance, and includes:

- a. The owner.
- b. The person in charge of property, as defined in this section.
- c. The person who caused a nuisance, as defined in this chapter or another ordinance of the City, to come into or continue in existence.

“Public place” means a building, way, place or accommodation, publicly or privately owned, open and available to the general public.

“Responsible person” means the same as “person responsible.”

“Trash” shall include garbage, rubbish, debris and recyclable materials that need to be removed from real property and properly disposed of or recycled so that it does not mar the appearance of the property, create a stench, attract rodents or other animals, create an unhealthy or unsanitary situation, or cause a fire hazard. [Ord. 935 § 1, 2015; Ord. 906 § 1, 2012; Ord. 686 § 1, 1995.]

## 8.05.060 Trees and Noxious Vegetation.

1. No person responsible shall allow a dead or decaying tree to stand if it is a hazard to the public or to persons or property on or near the property of the dead or decaying tree.
2. No person responsible shall allow noxious vegetation to remain on property less than one acre in size, or permit noxious vegetation to encroach onto a public right-of-way.

- a. In the event a property owner fails to remove noxious vegetation, the City Administrator will cause written notice to be mailed to the property owner that s/he is in violation of this section and the property owner will be given 10 days within which to bring the property into compliance with this chapter.
  - b. In the event that it becomes necessary for the City to undertake the cutting and removal of the noxious vegetation from any private property without consent from the property owner, the City may do so following the issuance of a warrant.
  - c. Upon completion of the removal of noxious vegetation from private property under the provisions of this section, the City Administrator shall file with the City Recorder itemized statement of the cost as herein specified. The City Recorder shall notify the person responsible that the costs as indicated will become a lien against the property if not paid within 10 days from the date of the notice.
  - d. In the event the person responsible does not pay the costs of removing the vegetation, the City Council shall thereafter by ordinance determine the reasonableness of the statement of costs and adjust the same if need be and thereupon the amount of the statement as approved by the City Council shall be an obligation owed to the City by the owner of real property involved, and the City shall have a lien upon the real property for such sum and the lien shall be entered in the lien docket and enforced against the property in the manner provided for enforcement of City liens.
  - e. The procedure provided for in this section is not exclusive, but is in addition to the abatement procedure provided by other ordinances.
3. Nothing in this section shall be construed to prohibit lawns containing grass of less than 10 inches in height, or bushes, trees and other shrubbery grown or maintained for ornamental purposes; nor shall it prohibit the growth or maintenance of any vegetation designed for food or fuel purposes, except that the owner, occupant or agent in charge of any real property shall not permit the limbs of any shrub, tree or other vegetation projecting into or extending over a public right-of-way to interfere with the use of a sidewalk or roadway, or to obstruct a driver's view of an intersection or traffic upon streets approaching an intersection or otherwise to constitute a hazard to the public. Trees shall be trimmed so that the minimum clearance of any overhanging portion thereof shall be eight feet above a walkway area and 12 feet above the roadway. Hedges and other shrubbery shall not overhang the sidewalk or roadway areas.