

ORDINANCE NO. 2014-_____

**AN ORDINANCE TO AMEND CHAPTER 158 OF THE MILTON TOWN CODE,
ENTITLED “PROPERTY MAINTENANCE”.**

WHEREAS, Section 29(a)(1) of the Town Charter of the Town of Milton vests power in the Town Council to provide for and preserve the health, peace, safety, cleanliness, ornament, good order and public welfare of the Town and its inhabitants; and

WHEREAS, the Town Council of Town of Milton has previously found it necessary for the aforementioned purposes to enact an ordinance as Chapter 158 of the Town Code, entitled “Property Maintenance”;

NOW THEREFORE, BE IT ENACTED AND ORDAINED, by the Town Council of the Town of Milton, a majority thereof concurring, that the following amendments to Chapter 158, with additions shown by underlining and deletions shown by strike-through, are hereby incorporated into the Town Code as follows:

§158-1. Unregulated weed, grass or vegetation growth or accumulation prohibited.

No owner or occupant of any lot, place or area within the corporate limits of the Town, nor any agent of such owner or occupier, shall permit on such lot, place or area or upon any sidewalk abutting such lot any unregulated growth of weeds, grass or other vegetation. It shall also be unlawful for the owner or occupant of any property to permit grass clippings or debris to accumulate on the sidewalk or the street. When cutting the grass as part of yard maintenance, all grass clippings, weeds and debris shall be removed immediately upon completion from the sidewalk and street.

§158-2. Notification to cut weeds.

The ~~Town Manager~~ Code Enforcement Officer or designee is authorized and directed to notify, in writing by certified or registered mail with return receipt requested, by postage prepaid, the owner or occupier of any lot, place or area within the corporate limits of the Town or the agent of the owner or occupier to cut, destroy and remove any unregulated growth found growing, lying or located on such owner’s or occupier’s property or upon the sidewalk abutting the same.

§158-3. Effect of notice.

The owner or occupier or agent of the owner or occupier of any lot, place or area having in any calendar year received notice, pursuant to the provisions of 158-1, shall be deemed to have received notice for the remainder of the year, ~~that on the first day of each month thereafter, commencing May 1 thru October 1, both dates inclusive, the Town may, without further notice, cut, destroy and remove all unregulated growth growing, lying or located on such owner’s or occupier’s property or upon the sidewalk abutting the same and that the cost of such removal shall be charged and collected in accordance with the provisions of this article. and no further notification shall be necessary for the Town to take any further corrective action on any~~

subsequent violations for that calendar year. The Town may cut, destroy or remove all unregulated growth growing, lying or located on such owner's or occupier's property or upon the sidewalk abutting the same and the cost of such cutting, destruction or removal shall be charged and collected in accordance with the provisions of this article.

§158-4. Removal by Town

Upon failure, neglect or refusal of any owner or occupier or the agent of such owner or occupier to cut, destroy and remove any unregulated growth growing, lying or located on such owner's or occupier's property or upon the sidewalk abutting the same within five days after receipt of such written notice or within 10 days of the mailing of such notice, in the event of the inability to make delivery thereof, the ~~Town Clerk~~ Code Enforcement Officer or designee is authorized to remove and pay for the cutting, destroying or removal of such unregulated growth.

§158-5. Cost of removal by Town; payment by owner.

Whenever the ~~Town Manager or designee~~ Code Enforcement Officer or designee has effected the removal of any unregulated growth by Town employees or contractor, the owner or occupier shall be charged a fee at the relevant rate as established in the currently effective Town of Milton Fee Schedule. That rate may be based upon both the actual and administrative costs. The Fee Schedule shall also set out an interest rate, with interest accruing from the date of removal. Such charge shall be due and payable by the owner or occupier with 30 days of the date of removal. The Town shall send notice and any invoices via regular mail to the owner or occupier.

I, MARION JONES, Mayor of the Town of Milton, hereby certify that the foregoing is a true and correct copy of the Ordinance adopted by the Town Council of the Town of Milton at its meeting held on the _____ day of _____, **2014**, at which a quorum was present and voting throughout and that the same is still in full force and effect.

MAYOR
