

CITY OF MELBOURNE

RESOLUTION NO. 19-03-02

Setting the height of vegetative matter in the City of Melbourne.

WHEREAS, Section 50.04 of the Code of Ordinances of the City of Melbourne allows the council to control the height of vegetative matter growing within the City, and

WHEREAS, Section 50.09 of the Code of Ordinances of the City of Melbourne allows the Council to determine that a nuisance exists by the reason of the continuing maintenance of **a nuisance such as the growth of vegetative matter in excess of six inches** allowed by this resolution, and

WHEREAS, any property within the City of Melbourne, whether vacated or non-vacated, is required to be mowed any time the vegetation reaches a height of more than 6 inches, and

WHEREAS, the excessive growth or height of certain vegetative matter constitutes a health and safety hazard and is injurious to health, unreasonably offensive to the senses and obstruction to the free use of property so as to unreasonably interfere essentially with the comfortable enjoyment of life and property, and

WHEREAS, the City Council of the City of Melbourne desires to protect the public health and safety of the citizens of Melbourne.

NOW THEREFORE BE IT HEREBY RESOLVED, that the presence of vegetative matter going to seed is in violation of Section 50.02 (9) of the Code of Ordinances of the City of Melbourne and not allowed under the variance granted by this resolution and is hereby declared to be a nuisance, and

BE IT FURTHER RESOLVED, that a variance to the requirements of Section 50.02 (9) is hereby granted for private household vegetable and flower gardens, provided that these gardens are kept reasonably weed free and do not become a fire hazard or habitat for vermin, conceal dangerous materials or obstruct vision for traffic or pedestrians, and

BE IT FURTHER RESOLVED, that **any property which is not mowed starting the 15th day of the month of April, and continuing for the months of May, June, July, August, September and October of each year may be mowed by the City of Melbourne or their agents, and a charge of \$100 per hour, per person for such mowing, with a minimum charge of \$200. Any property owners who fail to mow their properties, thus allowing the same to be mowed by the City or their agents, and who do not provide payments for the mowing as required, will be assessed by the City for such costs, which will be collected in the same manner as general property taxes, or by the State Income Offset Program.**

BE IT FURTHER RESOLVED, that this resolution hereby constitutes a determination by the City Council that an emergency exists by reason of any person failing to comply with the requirements of Section 50.02 (9) of the Code of Ordinances of the City of Melbourne and this resolution so the City, under the provisions of Section 50.09 of the Code of Ordinances of the City of Melbourne, may perform any action necessary to abate the nuisance without further notice and shall assess the cost of the abatement to the property owner under the provisions of Chapter 50 of the Code of Ordinances of the City of Melbourne, and

BE IT FURTHER RESOLVED, that **annual publication of this resolution will serve as notice to citizens and property owners for the duration of the growing season. Notice will be posted at the Melbourne Post Office, Melbourne bank, City Hall and the Melbourne Library. No warnings will be mailed individually. Any billings for mowing done by the city or their agents are to be sent by regular mail and are payable within 30 days of billing date.**