



Weed Ordinance

The City Council passed a new weed ordinance on April 16, 2019. The following is the information of the Ordinance No. 1359.

BE IT ORDAINED BY THE MAYOR AND
COUNCIL OF THE CITY OF BURLEY:

SECTION 1. Chapter 8 of the Title 10 of the Burley City Code is hereby amended as follows:

10-8-1: DESTRUCTION OF WEEDS REQUIRED:

- (A) Every person or entity, either as owner, tenant, lessee or occupant of any lot, land or premises within the corporate limits of the City shall, at all times and continuously during each year, destroy, cut down, weed out and obliterate all noxious weeds, growing or starting to grow, and shall not allow any area of lawn to become overgrown or weed infested, on any such lot, land or premises. Said lot, land or premises shall include any publicly maintained easement or right of way located within the lot, land or premises.
- (B) Every person or entity, either as owner, tenant, lessee or occupant of any lot, land or premises within the corporate limits of the city shall maintain, mow and cut any weeds, grass and any other plant growths on the lot, land or premises to keep the weeds, grass and plant growths to no more than six inches (6") high.
- (C) Noxious weeds shall include, but not be limited to, the following: Buffalo bur, Canada Thistle, Diffuse Knapweed, Dyer's Woad, Field Bindweed, Hoary Cress, Leafy Spurge, Mush Thistle, Perennial Pepper weed, Perennial Sow thistle, Poison Hemlock, Puncture vine, Rush Skeleton weed, Russian Knapweed, Scotch Thistle, Spotted Knapweed, Yellow Star thistle, Yellow Toadflax.
- (D) The terms "weed," "grass" and "plant growth" in this section do not include vegetation that constitutes an agricultural crop, cultivated

vegetable garden plants, or cultivated decorative landscaping and trees, unless that vegetation is a fire, health, or traffic hazard.

- (E) The failure to cut, weed out, destroy, and obliterate weeds, grass and plant growths as provided for in this chapter, is declared to be a public nuisance, detrimental to the public health, safety and welfare.

10-8-2: DESTRUCTION BY CITY, CHARGES:

In case of failure or neglect of any such owner, tenant lessee or occupant to destroy, cut down, destroy and obliterate noxious weeds, or to maintain, mow and cut any weeds, grasses and plant growths in or on any and all such lots, lands or premises so owned, leased or occupied by such person in the manner prescribed by and in accordance with the provisions of section 10-8-1 of this chapter, the City mayor or administrator shall cause to be served on such agent, owner, tenant, lessee and/or occupant a notice, describing the property with convenient certainty by its legal description or by the street number of the house, requiring such owner, lessee, tenant and/or occupant to destroy any noxious weeds and/or cut said weeds, grass, an/or plant growths within seven (7) days from the service thereof, or that the City will require the same to be done and the cost thereof charged as a lien against said property.

Such notice shall be served upon such owner, lessee, tenant and/or occupant in person if found upon said premises or within the City, and in case said owner, agent, and/or occupant cannot be found in person within the City after reasonable diligence and inquiry, such notice shall be posted in a conspicuous place upon said premises, and a copy thereof mailed to the last known post office address of such owner, lessee, tenant, or occupant, as shown on the records of the Cassia County Assessor's office, by certified mail; and if at the end of seven (7) days from the giving of such notice, such owner, lessee, tenant, and/or occupant has failed and neglected to cut and/or destroy such vegetation, the City Administrator or other officer of the City shall cause the same to be done and shall file

with the Council a statement of the expenditure occasioned thereby.

In the event that such weeds, noxious weeds, grasses and plant growths are not so continuously maintained, cut, mowed, destroyed, weeded out, cut down and/or obliterated within seven (7) days of service or posting and mailing as provided above, the mayor or administrator may cause through its duly authorized personnel, such weeds, noxious weeds, grasses and plant growths to be cut down, weeded out and/or destroyed at the expense of the owner. The costs and expenses of cutting down, weeding out and obliteration the same shall in the event of nonpayment for thirty (30) days be assessed against such property, as general taxes, and collectable as other general state, county and municipal taxes as provided by Idaho Code sections 50-317 and 50-1008. Such fees may be certified by the city treasurer to the county treasurer under the provisions of Idaho Code sections 50-317 and 50-1008. The remedies provided for in this Section 10-8-2 shall be in addition to, and not a prerequisite for, all other remedies available to the City.

10-8-3: AUTHORITY TO EMPLOY LABOR:

The mayor and city council are hereby given the power and authority to employ such labor or contract for such labor as is necessary to carry out the provisions of this chapter.

10-8-4: PENALTY:

A. In the event any owner, tenant, lessee or occupant of a lot, land or premises within the limits of the City fails to comply with the requirements of this Section 10-8-1 of this Code, the City shall first serve upon an owner, tenant, lessee or occupant of said property a notice of violation and opportunity to correct. Said notice shall be personally served or posted and mailed as described in Section 10-8-2 of this Code, and shall provide said owner, tenant or occupant seven (7) days to correct the violation of this chapter. The City is not required to provide an owner, tenant, lessee or occupant of said property in violation of this chapter more than one notice of violation and opportunity to correct in any calendar year. In the event the violation is not corrected within said seven (7) day period, the owner, tenant or

occupant upon which a notice of violation and opportunity to correct has been served shall be guilty of an infraction and shall be guilty of a separate additional infraction for each day thereafter that violation continues. In the event that the violation is not corrected within said seven (7) days and service was made by posting and mailing, the owner of the property shall be guilty of an infraction and shall be guilty of a separate infraction for each day thereafter that the violation continues. The fines for said infractions are as follows:

1. The first violation in any calendar year shall result in a fine of one hundred dollars (\$100.00);
2. The second violation in any calendar year shall result in a fine of one hundred fifty dollars (\$150.00); and
3. The third violation and each violation thereafter in any calendar year shall result in a fine of two hundred dollars (\$250.00).



Burley Pride Day

May 18th will be the City Clean-Up day. Sponsored by BAAT (Burley Area Action Team). Meet at City Hall at 9:00 AM. Direction will be given to clean different sections of the City. Meet back at City Hall at 11:30 AM for hotdogs, chips and water.



Spring Cleaning

Sanitation has scheduled its annual cleaning this year for May 4 and May 18. The Service Center (2020 Parke Avenue) will be open on these dates from 8:00 AM to 4:00 PM. You may bring your garbage in trash bags to the service center during these times. NO BATTERIES, NO TIRES