

**ORDINANCE #2022-09****BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF DOVER, IN COUNCIL MET:**

That Chapter 114 –Vegetation, Article II-Weeds, Section 114-34- Fines be amended to read as follows:

**Sec. 114-34. Fines.**

- (a) *Generally.* Any person convicted of a violation of section 114-32, regardless of corrective actions taken, shall be punished for that violation by a fine as provided for in Appendix F— Fees and Fines. Any such fine shall be in addition to any charges or assessments imposed upon the violator pursuant to section 114-33(a). All fines imposed shall be in accordance with the minimum fine schedule set out in subsection (c) herein.
- (b) *Each day.* Every day that a violation of section 114-32 continues shall be considered a separate offense, for which the violator may be tried and convicted without necessity of further notice.
- (c) *Minimums.*
  - (1) Any fine assessed pursuant to subsection (a) of this section shall be no less than the minimum amount as provided for in Appendix F—Fees and Fines.
  - (2) In determining the applicable minimum fine, an offense shall be considered a recurring offense only if the defendant has previously pleaded or been found guilty of causing or permitting the same nuisance at the same location within the past 12 months, or for every day that the violation of section 114-32 continues as per subsection (b) of this section.
- (d) *Lien.* Any fines imposed pursuant to subsection (a) of this section which remain unpaid shall:
  - (1) Be added to the tax duplicate for the tax year said services were provided by the city and invoiced as part of the annual property tax bill for said property and collected as part of the city property tax collection process, and
  - (2) Be placed by the city as specified in the municipal lien docket as a lien against the property on which the violation occurred, and the procedures for enforcement or collection of said lien shall be as set out in section 114-33(b).
- (e) *When not paid.* Fines not paid within 14 days of the day the fine was issued, including the day the fine was issued, shall be automatically doubled in amount.

(Code 1981, § 21-19; Ord. of 3-23-1992; Ord. of 7-27-1992; Ord. of 9-22-2003; Ord. No. 2009-09, 6- 22-2009; Ord. No. 2012-22, 11-13-2012)

**BE IT FURTHER ORDAINED:**

That Appendix F be amended by inserting the text indicated in bold, blue font and deleting the text indicated in red strikethrough as follows:

**Chapter 114. Vegetation**

<b>Chapter 114. Vegetation</b>	<b>Fees and Fines</b>
<i>Article II. Weeds</i>	
Every day that a violation of section 114-32 continues shall be considered a separate offense, for which the violator may be tried and convicted without necessity of further notice. Fines not paid within 14 days of the day the fine was issued, including the day the fine was issued, shall be automatically doubled in amount.	
Sec. 114-33. Failure to maintain proper height; abatement by city; costs and lien	
Subsec. (a) Summons; action by city	\$50.00 per hour for such work that must be done to render the property in compliance with this article
Sec. 114-34. Fines	
Subsec. (a) Generally	In addition to charges or assessments imposed, a fine of not less than \$50.00, nor more than \$250.00 in accordance with minimum fine schedule in subsec. (c)(1)
In determining the applicable minimum fine, an offense shall be considered a recurring offense only if the defendant has previously pleaded or been found guilty of causing or permitting the same nuisance at the same location within the past 12 months, or for every day that the violation of section 114-32 continues as per subsection (b) of this section.	
Subsec. (c)(1) Minimums—Any fine assessed pursuant to subsection (a) of this section shall be no less than the following minimum:	
First offense	\$50.00
Second offense	\$100.00
Third and subsequent offenses	\$250.00

ADOPTED: OCTOBER 10, 2022

**SYNOPSIS**

This ordinance raises the fees of grass fines and shortens the duration of the amount of time considered a recurring offense from 18 to 12 months. The fee increase is more in line with what other jurisdictions are charging for high grass violations. As of June 2022, the Code Enforcement office handled 1,022 tall grass and weeds violations. That is more than the entire

year last year where 750 cases were handled, 758 in 2021, 775 in 2020, and 661 in 2019. Fines and violations are meant to be an incentive to keep in compliance with the Code. It is hoped that these fee increases and the decrease in the time considered for a recurring offense will be a deterrent from violations in the future.

(SPONSORS: ANDERSON AND HUGG)

Actions History:

09-13-2022 – Legislative, Finance, and Administration Committee

09-26-2022 – First Reading – City Council

10-10-2022 – Final Reading – City Council