

13-420. Clearing of litter from open private property by city. The city may proceed to remove litter from open private property in the following manner:

(1) Notice to remove. The city director of codes enforcement is hereby authorized and empowered to notify the owner of any open or vacant private property within the city, or the agent of the owner, properly to dispose of litter located on the owner's property which is dangerous to public health, safety, or welfare. The notice shall be by registered mail, addressed to the owner at his last known address.

(2) Action upon non-compliance. Upon the failure, neglect, or refusal of any owner or agent so notified properly to dispose of litter dangerous to the public health, safety, or welfare within ten (10) days after receipt of written notice provided for in subsection (1) above, or within fifteen (15) days after the date of the notice in the event it is returned to the city post office department because of the department's inability to make delivery thereof, if it was properly addressed to the last known address of the owner or agent, the city director of codes enforcement is hereby authorized and empowered to pay for the disposing of the litter or to order its disposal by the city.

(3) Charge included in tax bill. When the city has effected the removal of the dangerous litter or has paid for its removal, the actual cost thereof plus accrued interest at the rate of six percent (6%) per annum from the date of the completion of the work, if not paid by the owner prior thereto, shall be charged to the owner of the property on the next regular tax bill forwarded to the owner by the city. The charge shall be due and payable by the owner at the time of payment of the bill.

(4) Recorded statement constitutes lien. Where the full amount due the city is not paid by the owner within ten (10) days after the disposal of the litter, as provided for in subsections (1) and (2) above, then, the city director of codes enforcement shall cause to be recorded in the office of the commissioner of finance and revenue a sworn statement showing the cost and expense incurred for the work, the date the work was done, and the location of the property on which the work was done. The recordation of the sworn statement shall constitute a lien and privilege on the property, and shall remain in full force and effect for the amount due in principal and interest, plus costs of court, if any, for collection, until final payment has been made. The costs and expenses shall be collected in the manner fixed by law for the collection of taxes and further shall be subject to a delinquent penalty of ten percent (10%) in the event it is not paid in full on or before the date the tax bill upon which the charge appears becomes delinquent. Sworn statements recorded in accordance with the provisions hereof shall be prima facie evidence that all legal formalities have been complied with and that the work has been done properly and satisfactorily, and shall be full notice to every person concerned that the amount of the statement, plus interest, constitutes a charge against the property designated or described in the statement and that the attachment is due and collectible as provided by law. (1968 code, § 8-621, as replaced by Ord. #97-1608, June 1997)