

**ORDINANCE 123
LAWN CARE MAINTENANCE**

WHEREAS, it is deemed necessary by the Town Council of the Town of Franklin to establish an ordinance for the maintenance of lawns.

It shall be the duty of every person owning any lot, land, or property, whether vacant or occupied, within the Town of Franklin to keep the same free from and to remove therefrom any dirt, rubbish, debris, weeds, brush, poison ivy, filth, including grass or weeds attaining a height of twelve (12) inches or more or any other deleterious material which may endanger or injure neighboring property to the health, safety, or welfare of the residents of the Town of Franklin, nor shall any such person suffer or permit the growth of any weeds or grass on any part of any sidewalk abutting upon such premises, and it shall be the duty of every person owning any lot, land, or property to keep the same free from any such dirt, rubbish, debris, weeds, brush, poison ivy, filth or any other deleterious material which may endanger or injure neighboring property or the health, safety, or welfare of the residents of the Town of Franklin, and to cut and remove the same.

All such premises shall be maintained by the person owning any lot, land, or property, whether vacant or occupied, within the Town of Franklin, to keep free of vegetation which affords a breeding place for insects, reptiles, rodents, or varmint, and upon all premises not devoted to agricultural uses the grass thereon shall be kept trimmed to a height of not more than twelve (12) inches.

In the event that any person owning any lot, land or property within the Town of Franklin fails to perform its duty to cut and remove dirt, rubbish, debris, weeds, brush, poison ivy, filth or any other deleterious material therefrom, as required and upon written notice to the owner thereof by the Town of Franklin that such lot, land or property be cleared, in accordance with the provisions of this article, then same shall be forthwith complied with.

The notice provided shall be addressed to the owner of such lot, land, or property, shall describe by lot and address or otherwise the location of such lot, land or property, shall describe briefly the dirt, rubbish, debris, weeds, brush, poison ivy, filth or any other deleterious material to be cut and removed therefrom, shall fix a time within which such cutting and removal shall be accomplished, shall specify a date thereon and shall be signed by a representative of the Town of Franklin.

Any such notice shall be given or served upon any such offending person in the following manner: by any of the methods prescribed for the service of process issued by the Clerk of the Circuit Court of the State, or by posting a copy of such notice in a conspicuous place on the lot, land or property upon which such dirt, rubbish, debris, weeds, brush, poison ivy, filth or any other deleterious material is found, or by publication of such notice once a week for two successive weeks in a newspaper published in and of general circulation with the Town of Franklin or by mailing a copy of such notice addressed to such person at their last known address. Any of the above methods of service of such notice shall be deemed sufficient notice to such person of the contents thereof.

No error in the name of the property owner, the description of the property nor in the materials designated to be cut and removed shall affect the validity of any such notice; provided that from the description to such lot, land, or property the identity thereof may be established with reasonable certainty.

Unless within ten (10) days from the date of the posting, serving, mailing or publication of the notice provided the dirt, rubbish, debris, weeds, brush, poison ivy, filth or any other deleterious material is removed from such lot, land or property as directed by such notice, the Town of Franklin, shall thereupon cause the same to be removed whether by the agents or employees of the Town of Franklin, or otherwise as may be

decided or directed, and the Town of Franklin shall report the cost of cutting and removing thereof to the Town of Franklin and the Town of Franklin shall forthwith mail a bill, voucher or statement of such cost in the United States Mail to such person owning such lot, land, or property, the same to be addressed to the last known address of such person. If such bill, voucher, statement shall not be paid to the Town of Franklin within ten days, then the Town of Franklin or its authorized representative shall prepare a notice of lien against such lot, land, or property for the total amount of the actual cost of the cutting and removing of such dirt, rubbish, debris, weeds, brush, poison ivy, filth or any other deleterious material, which lien shall be duly verified by the City or other authorized representative of the Town of Franklin. Such statement of lien shall be addressed to the person owning such lot, land, or property with the Town of Franklin. Such notice of lien shall briefly describe the property upon which such lien to be taken, shall briefly describe the work done thereon in cutting and removing such material and shall show the cost of such work. Such lien shall also include a fee for the clerical cost and a fee for the search of the records to ascertain the owners of such property. Such notice shall include a statement of the cost of the recordation of such lien and such notice of lien when so prepared, as aforesaid, shall thereupon be recorded in the trust lien book in the office of the Clerk of the County Court. The interest rate on said lien shall be set at the yearly rate set by the Supreme Court of Appeals of West Virginia.

The notice of lien shall be sufficient if it shall be in substantially the following form:

NOTICE OF LIEN

To: _____

Notice is hereby given that in accordance with the provisions of the code of the Town of Franklin, West Virginia, the Town of Franklin, West Virginia claims a lien to secure the payment of the total sum of \$ _____, upon your interest in the following described property, situated at _____ and being described as follows: _____

_____.

You are further notified that the items of said lien are as follows:

Cost of cutting and removal: \$ _____

Costs of Research and Preparation of Lien and Notice: \$ _____

Title Report: \$ _____

Service of Notice: \$ _____

Recordation of Lien: \$ _____

Total Amount Due: \$ _____

This lien on said lot, tract, or parcel of land shall bear interest at the rate of _____ per annum from the date hereof until paid.

You are further notified that said lien may be paid and release thereof at the Town of Franklin.

In witness whereof, the City of Franklin, West Virginia has caused its name to be signed hereto by _____ and its corporate seal hereto affixed, this the _____ day of 20 ____.

The Town of Franklin, West Virginia

By: _____

Its: _____

Any ordinance in conflict with this ordinance or any part thereof is hereby repealed, with any other provisions not in conflict shall remain effective.

The above ordinance will come before the Town Council of the Municipality of Franklin on September 14, 2021 at 6:00pm at the Town Hall for a final vote. Copies of the Ordinance can be requested at the Town Office Monday-Friday 8:00am-4:30pm. Interested parties may appear at the meeting and be heard with respect to the proposed ordinance. 1c