

## ORDINANCE NO. 2025-04

### AN ORDINANCE REPEALING AND REPLACING CHAPTER 162 “WEEDS, VINES AND BRUSH” OF THE CODE OF ORDINANCES OF THE CITY OF RIVERSIDE, IOWA

**SECTION I. PURPOSE.** The purpose of this ordinance is to update the City’s process for addressing weed, vines, brush and grass control within the City of Riverside, Iowa and to ensure the process is as efficient as possible within the bounds of Iowa Law.

**SECTION II. CHAPTER REPEALED AND REPLACED.** Chapter 162 is repealed and replaced in its entirety as follows.

#### CHAPTER 162 WEEDS, VINES AND BRUSH

##### 162.01 DEFINITIONS.

1. Chemical control: The application of herbicide (weed killer) in strict accordance with the directions on the product and the regulations of the Code of Iowa and the Iowa Administrative Code, as amended.
2. Developed area: An area, except for one designated as an agricultural district, under one of the city's zoning districts upon which there exists one or more houses, businesses or industrial plants.
3. Hazard: Any weed, grasses or other herbaceous vegetation which interferes with any sidewalk or the traveled portion of any roadway or alley or with visibility at any intersection, or traffic control light or site or constitutes a reasonable health, safety or fire hazard or otherwise endangers life or property.
4. Parking: The property between a property owner's lot or property line and the curb, or the traveled portion of the public street, or the centerline of the public right of way depending on the absence of a curb or traveled portion.
5. Property owner: Contract purchaser, if there is one of record, otherwise the record holder of legal title.
6. Urban street: The area from curb to curb, or in the absence of curbing, the traveled portion of the street, of a public highway, street, road, lane, alley, or similar public way within the jurisdiction of the city which is generally used for vehicular traffic.
7. Weeds: Any plants growing uncultivated and out of context with the surrounding plant life when such plant has a seed head formed or forming and with a height of eight (8) inches or more, except as otherwise provided in this chapter. “Weeds” as used in this chapter also includes “Noxious weeds” as defined by the Code of Iowa or the Iowa Administrative Code, as amended.

8. Weed official: The City Administrator or their designee hereby given the authority to enforce the provisions of this chapter.

**162.02 ANNUAL NOTICE.** The Weed Official or their designee shall give notice by publication prior to the 15th of April in a daily newspaper of general circulation of the City, notifying property owners or occupants in possession or control of lands, including railroad lands within the City of Riverside, Iowa, of the duty to maintain all weeds, vines, brush, bushes, non-purposefully planted trees less than 3 inches in diameter and noxious weeds, or other growths as required under this chapter. The notice will further state that the city will cut or destroy such weeds, vines, brush, bushes, non-purposefully planted trees less than 3 inches in diameter, and noxious weeds as defined by the State Code, or other growths, and bill or assess the cost thereof to the property owner or occupant in possession or control of lands, including railroad lands within the City of Riverside, Iowa and that the costs will be assessed against the property in accordance with this chapter.

Once the annual notice is published, the City may, but is not required to, provide additional notice to the property owner, or occupant in possession or control of any land in the form of a door hanger or letter sent via regular mail notifying the person of violations of this Chapter. If the City elects to provide additional written notice, said notice shall include the following:

1. That the property owner or occupant in possession or control of the land is in violation of the City weed control ordinance;
2. That the property owner or occupant in possession or control of the land is ordered to cut weeds within three (3) days of the date of the letter;
3. That if the property owner or occupant in possession or control of the land does not cut the weeds, that the City or its authorized agent will cut the weeds and assess the cost of the cutting, including a reasonable administrative fee, against the owner or occupant in possession or control of the land;
4. That the property owner or occupant in possession or control of the land will be given an opportunity to pay the assessment, but if it is not paid, will be assessed against the property for collection in the same manner as property tax;
5. That no further notice shall be given prior to removal of weeds during the current calendar year;
6. That the property owner or occupant in possession or control of the land may request a hearing before the Riverside City Council or its designated representative within 4 days of the receipt of notice.

**162.03 MAINTENANCE OF PARKING AND PRIVATE PROPERTY.** All property owners shall maintain their property and the abutting parking according to the following standards:

1. In developed areas and other areas, which lie within one hundred feet of a developed area or urban street, except for those otherwise hereinafter regulated, all vines, brush, bushes, non-purposefully planted trees less than 3 inches in diameter and noxious weeds as defined by the State Code, (Chapter 317) or other growth, shall be cut or destroyed by the property owners or occupants in possession or control of lands, including railroad lands within the

City of Riverside, Iowa to a height comparable to or lower than the groundcover in the surrounding area or when such growth exceeds eight (8) inches in height.

2. All weeds, vines, brush, bushes, non-purposefully planted trees less than 3 inches in diameter and noxious weeds or other growth, which occurs within the public right of way of an urban street, including any drainage ditch located therein, shall be cut or destroyed by the property owners or occupants in possession or control of the abutting lands to a height comparable to or lower than the groundcover in the surrounding area or when such growth exceeds eight (8) inches in height.
3. In all other areas of the city, all weeds, vines, brush, bushes, non-purposefully planted trees less than 3 inches in diameter and noxious weeds or other growth, shall be cut or destroyed when such growth eighteen (18) inches in height.
4. In the event such weeds, vines, brush, bushes, non-purposefully planted trees less than 3 inches, and noxious weeds, cannot be destroyed by the usual and ordinary methods because of the terrain or rough surface of the property, then the Weed Official may direct the grading or otherwise leveling of said property, such that a proper destruction of said weeds, vines, brush, or other growth can be accomplished. These costs to grade or otherwise level said property will be billed or assessed as provided in this chapter.
5. In the event the City destroys such weeds, vines, brush, bushes, non-purposefully planted trees less than 3 inches in diameter or other growth, any loss or damage to crops growing on the property, or other damage caused to the property shall be borne by the owners or occupants of said property and not by the City of Riverside or its employees or agents.
6. These requirements as outlined above for the maintenance of parking and private property are in effect no later than May 1st of each year, and thereafter, through and including October 31st of each year.
7. The property owner shall keep the abutting parking in repair, free of holes, excavations, protrusions, or other obstacles, which could cause injury to the public.
8. If the Weed Official determines that a clear and compelling emergency exists, the weed official may cause the necessary maintenance required under this chapter to be done immediately without prior notification the property owner. The cost for the maintenance of the emergency may be assessed as provided with this code.

**162.04 FAILURE TO COMPLY.** In the event any property owner, or occupant in possession or control of lands, including railroad lands within the City of Riverside, Iowa, fails to cut or destroy such weeds, vines, brush, bushes, non-purposefully planted trees less than 3 inches in diameter and noxious weeds or other growth as above described, the Weed Official shall destroy such weeds, vines, brush, bushes, non-purposefully planted trees less than 3 inches in diameter and noxious weeds or other growth as above described by cutting or such other method including chemical control, as may be necessary to make such destruction.

**162.05 COSTS.** Upon completion of the weed abatement, the Weed Official or the duly designated person shall certify the contracted cost and expenses as provided by law against the property to be paid as required by law and bill the costs plus applicable administrative fees set by the City Council to cover the costs for inspection, notice preparation/ mailing, tracking, billing and any required services to execute the abatement thereof to the property owner or occupant in possession or control of lands, including railroad lands within the City of Riverside, Iowa. On invoices not paid within 30 days, there will be an additional fee for assessment against the property.

**162.07 EXEMPTIONS.** The following are exempt from the requirements of section 162.03:

1. Vegetable and/or flower gardens, purposefully planted, so long as they are maintained so as not to create a nuisance.
2. Permitted pollinator gardens subject to the following:
  - a. Built and planted pursuant to a free natural planting area permit issued by the City Clerk’s office or their designee, the application for which shall include:
    - i. A legibly hand-drawn or computer-generated site plan showing the proposed planting plan.
    - ii. A maintenance plan outlining how the natural area will be managed to ensure the area will not become a nuisance. Maintenance plans must include intended actions to be taken to prevent invasive species, either through lawful chemical applications or weeding, general weeding, and fall mowing.
    - iii. Natural planting area signage with the permit number must be prominently displayed adjacent to the pollinator garden.
  - b. All applicants, including circumstances where rental property or being sold on contract, shall sign written verification that the applicant understands all code requirements and that applicant agrees to abide by all code requirements. Written verification must be signed by the property owner.
  - c. Pollinator gardens must use plants native to Iowa or to the Midwest and recommended by the Iowa Department of Natural Resources, such as:

Black-eyed Susan	Coneflower, pale purple	Marigold
Blue flag iris	Cow parsnip	Milkweed and butterfly milkweed
Borage aka Starflower	Dahlia	Prairie dropseed
Bottle brush	Daisy	Snapdragon
Butterfly bush	Foxglove Beardtongue	Spiderwort
Cardinal flower	Goldenrod	Wild Ginger
Columbine	Indian grass	Lavender

- d. Planting of any portion of a pollinator garden in the parking is prohibited.
- e. Location requirements:
  - i. Five-foot buffer strip between property lines.

- ii. Five-foot buffer strip from the right-of-way.
- iii. Two-foot buffer strip from a public sidewalk.
- iv. Three-foot buffer strip from a fire hydrant.
- v. Three-foot buffer strip from a transformer.
- vi. Three-foot buffer strip from a gas riser.
- vii. Plantings over three feet in height are not permitted.
- viii. A ten-inch height must be maintained for the two feet adjacent to the buffer strips along the public right-of-way and public sidewalk.
- ix. Plantings shall not encroach across property lines, into public sidewalks, or public streets or alleyways.

- f. Appropriate pollinator gardens will re-seed themselves from year to year. It is expected that pollinator gardens will require two or more years to establish. However, if a pollinator garden is found to be out of compliance, i.e. noxious weeds, improper maintenance, overgrowth across property lines, etc. more than three times, the natural planting area permit shall be revoked and the pollinator garden shall be removed within 30 days thereafter.

**162.07 MUNICIPAL INFRACTION.** In addition to the costs in Section 162.05, nothing in this chapter shall prohibit the City from pursuing a municipal infraction against the property owner or occupant in possession or control of lands for a violation of this Chapter.

**SECTION III. REPEALER.** All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

**SECTION IV. SEVERABILITY.** If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of this ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

**SECTION V. EFFECTIVE DATE.** This ordinance shall be effective after its passage and publication as required by law.

PASSED AND APPROVED this 15<sup>th</sup> day of September, 2025.

ATTEST:

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Stephanie Thomann, City Clerk

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Allen Schneider, Mayor

First Reading: August 18<sup>th</sup>, 2025

Second Reading: September 15<sup>th</sup>, 2025

Third Reading: Waived pursuant to Iowa Code Sec. 380.3

Final Approval Given: September 15<sup>th</sup>, 2025

I certify that the foregoing was published as Ordinance No. 2025-04 on October 30<sup>th</sup>, 2025.

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Stephanie Thomann, City Clerk