

City Fines Elderly Man \$30,000 Over Uncut Grass, Tries to Steal His Home

A Florida town attracted national attention last week for its efforts to fine a 69-year-old retiree nearly \$30,000 and then foreclose on his home because he was unable to pay – all because he failed to cut his grass.

The *Tampa Bay Times* [reports](#) that the city of Dunedin claims its Code Enforcement Board, which is run by citizens but backed by government authority, fined homeowner Jim Ficken \$500 per day over code violations – an increased fine because he is a “repeat” offender.

Ficken's Follies

In 2015, he committed his first “offense” when he left town to take care of his dying mother in South Carolina and left his grass unattended. He committed his second violation last summer when he had to manage her estate and settle affairs after her passing. This time, his grass was left uncut because the man who cut it died while Ficken was away. Then, the report says, Ficken’s lawnmower broke, and he let the grass on his front lawn continue to grow. The board claims they received complaints about the height of his grass, which grew past the 10-inch limit last summer, though his attorneys say they have seen no evidence of complaints.

Ficken says he had no idea he was racking up the fines until he returned home from South Carolina last August. A city inspector walked past his house and [notified](#) him he’d soon be receiving a “big bill from the city,” at which point he purchased a lawnmower and cut his grass.

Two days later, the city inspector [confirmed](#) that Ficken's lawn was in compliance, but he was still not informed that, at that point, he owed the city \$23,500. The following month, the city fined him for an additional 10 days while he was in South Carolina. Also in September, the city officially declared the grass to be an appropriate height. By that time, his bill was up to \$29,833.50 – and the fines were accruing interest.

Last week the city moved to foreclose Ficken's home over his inability to pay the exorbitant fees, and in return, he [filed](#) a lawsuit. The *Times* reports he is "seeking \$1 in nominal damages, attorneys fees and injunctions that would relieve him of the fines." He is being represented pro bono by the Institute for Justice (IJ), a legal advocacy organization. They are citing the Eighth Amendment's Excessive Fines Clause, [arguing](#) that "a city should not be able to take somebody's house for having tall grass."

"Losing your home because you inadvertently let your grass get too long is the very definition of an excessive fine," [said](#) Ari Bargil, an attorney at the Institute for Justice.

IJ won a similar legal battle that reached the Supreme Court earlier this year. In [Timbs v. Indiana](#), the justices ruled 9-0 that the excessive fines clause applies to local and state governments. This case is relevant to Ficken's. As Bargil says,

No one should face crippling fines, let alone foreclosure, for trivial code violations. Dunedin's Code Enforcement Board operates like a nightmarish homeowners association, but as a public board, it cannot rule with an iron fist. Rather, it must abide by state laws, as well as the state and federal constitution.

Ficken's attorneys are also addressing the government's imposition of these fines on people who do not have the means

to pay them. “Legal tradition maintains that a person’s ability to pay a fine should be considered,” they write, “yet today few government bodies consider the fairness of imposing large fines on Americans of limited means.”

A Nationwide Racket

Ficken is hardly the only victim of the city’s punitive measures, which amount to a revenue-generating scheme. According to IJ, Dunedin went from collecting \$34,000 in 2007 to \$1.3 million last year.

“All over the country, citizens are being fined hundreds or thousands of dollars for minor violations and then threatened with the loss of their property or other serious consequences if they can’t pay up,” said IJ attorney Andrew Ward. “The Founders knew that the government would always be tempted to levy outrageous penalties. It is past time for courts to give meaning to the Eighth Amendment’s prohibition on excessive fines.”

Government’s combination of petty tyranny with a money-making racket is not unique to Dunedin. In Miami Shores, Florida, a couple faced fines for growing vegetables in their front yard, an action banned by the village (this ban was nullified by state legislation earlier this year). Pagedale, Missouri, residents were [forced](#) to pay fines for “offenses” such as “having mismatched curtains” and “having a barbeque in front of a house” until IJ filed a successful class action suit with the city’s residents.


While these instances may have been resolved, individuals should not have to engage in lengthy legal battles to avoid excessive fines and enjoy the liberty to peacefully do as they wish on their own property.

Stories like these ultimately reveal the reality of the state: If government at any level can claim the authority to dictate

what you can and cannot do on land you own – if it can fine you or steal your property for engaging in victimless behavior (including [activities](#) as benign as collecting rainwater), if it can foreclose on your home if you don't comply, or if it can force you to pay taxes on your property lest they seize it, do you even really own it at all?

Further, if the government can imprison you for victimless crimes and claim a right to the money you earn from your own productivity and labor, do you even own yourself?

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[Image Credit: Institute for Justice]