Chapter 8.20 Vegetation

Sections:

8.20.010 Nuisance vegetation–Defined

8.20.020 Nuisance vegetation–Deemed a nuisance

8.20.030 Violation–Director of Operations to serve notice

8.20.040 Responsibility for streets and alleys

8.20.050 Violation–Notice procedure

8.20.060 Assessing delinquent charges

8.20.010 Nuisance Vegetation - Defined

“Nuisance vegetation” are all weeds, grass and uncared for vegetation growing to a height in excess of eight inches on premises located within the City.

Enc Ord 371 June 17, 1993, Amended Ord 409 July 20, 2005

8.20.020 Nuisance Vegetation - Deemed a Nuisance

It is a public offense punishable under the general penalty provided in Chapter 1.24.010, and it is a nuisance, for any person, firm or corporation to maintain, cause, permit or suffer any growth of nuisance vegetation as defined in Section 8.20.010 to exist in or upon any premises in the City owned by such person, firm, or corporation, or upon the boulevards or the one-half of any public roads, streets, or alleys adjacent thereto.

Enc Ord 371 June 17, 1993, Amended Ord 409 July 20, 2005

8.20.030 Violation Public Works Director to Serve Notice

1. It shall be the duty of the Director of Operations or the Director’s authorized representative to enforce the provisions of this chapter, and upon a determination that a violation of this chapter exists, shall ascertain the name and mailing address of the owner of the premises and the description of the premises where the violation exists. The name and mailing address of the owner may be obtained from the current assessment list maintained by the office of the Beaverhead County branch of the Department of Revenue. Written notice of violation shall be served upon the owner directing that the nuisance vegetation shall be controlled and removed from the premises within seven days or the City will cause the nuisance vegetation to be controlled and/or removed, with the cost thereof shall be charged against the owner.
2. Notice shall be given by posting a copy of the notice on the effected property or by written notice mailed to the owner by first class United States mail. If the mailed notice is not responded to and the nuisance not corrected, a second notice by first class mail shall be given, and if the nuisance is not controlled within three days thereafter the City will cause the nuisance vegetation to be removed with the cost thereof to be charged against the owner.
3. All control or removal will be by mechanical means and without chemical application.
4. The cost of removal shall be commercial cost or a minimum of One Hundred and no/100 Dollars ($100.00). In addition to the cost assessment the owner shall be assessed an administrative penalty of Fifty and no/100 Dollars ($50.00) or one half the commercial cost whichever is greater.
5. Payment shall be made at the City Office within fifteen days after the billing date. If payment is not made, such costs can be assessed against the property.

Enc Ord 371 June 17, 1993 Amended Ord 409 July 20, 2005

8.20.040 Responsibility for Streets and Alleys

The owner, his representative, contract purchaser, or any occupant of real property within the city shall control nuisance vegetation growing on their real property including one-half of any street, road or alley lying next to their property or public boulevard abutting their property by controlling such nuisance vegetation.

Enc Ord 371 June 17, 1993, Amended Ord 409 July 20, 2005

8.20.050 Violation-Notice Procedure

Notice of violation shall be made by either:

1. Posting a copy of the notice on the affected property or,
2. By written notice(s) mailed to the owner by first-class United State mail. The notice(s) shall be deemed complete on the day the notice(s) is/are posted or mailed.

Enc Ord 371 June 17, 1993, Amended Ord 409 July 20, 2005

8.20.060 Assessing Delinquent Charges

The City may include vegetation removal as part of the annual resolution assessing delinquent accounts. The resolution shall provide the property owners name; property owners mailing address, street address; legal description; and parcel number of the property in question.

Enc Ord 371 June 17, 1993, Amended Ord 409 July 20, 2005