

ORDINANCE NO. 2007-5

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BELGRADE, MONTANA, AMENDING CHAPTER 7.08 OF THE BELGRADE MUNICIPAL CODE TO ESTABLISH AND CLARIFY THE RESPONSIBILITY OF LANDOWNERS AND OCCUPANTS TO REMOVE WEEDS AND OTHER NUISANCE VEGETATION FROM THE BOULEVARDS AND STREETS ADJACENT TO THEIR PROPERTY.

BE IT ORDAINED by the City Council of the City of Belgrade, Montana, that Chapter 7.08 of the Belgrade Municipal Code be amended as follows:

Chapter 7.08

WEEDS

Sections:

- 7.08.010 Weeds Declared a Nuisance.
- 7.08.020 Duty to Maintain Property.
- 7.08.030 Duty of Director of Public Works to Notify.
- 7.08.040 Notice of Violation.
- 7.08.050 Failure to Remove Weeds.
- 7.08.060 Violations; Penalty.

7.08.010 Weeds Declared a Nuisance. All weeds noxious or otherwise, grass and other wild and uncared for vegetation are hereby declared to be a common nuisance.

7.08.020 Duty to Maintain Property. No noxious or other weeds, grass, or other wild and uncared for vegetation of whatever character, shall be allowed to grow upon any property located in the City of Belgrade, or upon or along any, boulevard, road, street, avenue, or alley adjacent thereto. It shall be the obligation of the owner of property located in the City of Belgrade to remove, cut or cause to be cut and at all times keep down the growth of all noxious or other weeds, grass, or other wild or uncared for vegetation on any such property, and upon and along any boulevard, road, street, avenue or alley adjoining such property.

For the purposes of this section, the owner shall be obligated to maintain one-half of any road, street, avenue, or alley adjoining the property, and to maintain any boulevard adjoining the property.

7.08.030 Duty of Director of Public Works to Notify. It shall be the duty of the director of public works or his 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 Gallatin County Assessor. Written notice of violation shall be served upon said owner directing that said noxious weeds shall be cut and removed from the premises within ten days or the following action will be taken:

(a) The city will cause said noxious weeds to be removed, with cost thereof to be charged against said owner. Charges for weed removal by the city shall be set by resolution of the city council from time to time and communicated to the director of public works. The charge for weed removal shall be up to \$75.00 per hour until modified by resolution of the city council.

7.08.040 Notice of Violation. Notice of violation shall be made either by posting a copy of said notice on the premises, or by mailing a copy of said notice to the owner by first-class United States mail. Said notice shall be deemed complete on the day that notice is posted or mailed.

7.08.050 Failure to Remove Weeds. If the owner shall fail to remove said noxious weeds within the time specified in the notice of violation, the director of public works shall cause said noxious weeds to be cut and removed from the premises, and shall bill the cost thereof, together with a reasonable charge for administration and supervision, to the owner of the premises. If said charges are not paid forthwith, the director of public works shall certify the same to the city council, who shall pass a resolution asserting such charges as special tax against the premises involved.

7.08.060 Violations; Penalty. When a violation of this chapter occurs or is alleged to have occurred, any person may file a written complaint. Such complaint shall state fully the cause and basis thereof and shall be filed with the city office and thereafter an investigation of such allegations shall be made and appropriate action taken as provided by this chapter.

Any person who shall violate the provisions of this chapter shall, upon conviction thereof, be punishable as provided in Section 1.08.010 of this Code.

FINALLY PASSED, ADOPTED AND APPROVED by the City Council of Belgrade, Montana, on second reading at a regular session held on the 6th day of August, 2007.

Tudor W. Gee, Deputy Mayor

Attest:

Marilyn Foltz
Director of Finance and Records