



TOWN OF BIG SANDY, MONTANA

WEEDS ORDINANCE #2018-01

CONTROL OF NOXIOUS WEEDS AND NUISANCE WEEDS PURSUANT TO § 7-22-4101, MCA

DEFINITIONS:

For the purpose of this Ordinance, the following words and phrases shall have the meanings respectively ascribed to them by this section:

NOXIOUS WEED: As defined in Montana Code Annotated § 7-22-2101(8).

NUISANCE WEED: Shall mean all weeds, grass, wild vegetation and other unsightly, troublesome, or useless vegetation over twelve inches (12") in height growing within the boundaries of the Town of Big Sandy and any other untended vegetation creating a potential fire hazard, or visual or physical hazard for vehicles or pedestrians, as determined by town employees, council persons, or Mayor.

CUTTING OR REMOVING REQUIRED:

Any person, firm, corporation or other entity (herein referred to as owner) of any lot, place or area within the Town, or agent of such owner, is hereby required to cut or remove or cause to be cut and removed all nuisance weeds from said property under his control or upon one-half (1/2) of any public or private road, street or alley adjacent to such owner's property. It shall be the duty of the owner, or agent of such owner, to maintain the property so that it shall not be considered a fire hazard, or a public or private nuisance.

NOTICE PROCEDURE:

The owner of any property who fails to comply with this Ordinance shall be provided written notice of the violation and shall remove any noxious weeds or nuisance weeds and bring the property into compliance with this Ordinance. Failure to remove the noxious weeds or nuisance weeds within ten (10) calendar days from the time the written notice is sent, will result in the Town removing the weeds and charging the owner the costs of removal.

ABATEMENT BY TOWN: Where a complaint has been made or the Town has reason to believe after inspection and photographic documentation, that noxious weeds or nuisance weeds as defined herein are present upon the owner's land within the Town limits, in violation of the Ordinance, the Town through its designated representative, may direct or hire someone to act as set forth above in order to bring the property into compliance.

If the owner of any property continues to allow noxious weeds or nuisance weeds to grow in violation of this Ordinance after the Town has already cut or removed noxious weeds or nuisance weeds from the same property during the preceding twelve (12) months; the Town at its sole discretion may remove or cut the noxious weeds or nuisance weeds again as needed, without further notice to the Owner. The owner shall be responsible for the costs for cutting or removal of the noxious weeds or nuisance weeds as set forth below.

APPEAL RIGHTS:

If an owner disagrees with a notice of violation, the owner may appeal the violation notice to the Town Council within seven (7) days of receiving the notice. The appeal must be in writing and set forth specific reasons why the violation notice is not appropriate or why the owner is unable to comply with the provisions of this Ordinance. For good cause, or in cases of extreme hardship, the Town Council may make a determination that the provisions of this Ordinance should not apply to this particular property. The decision of the Council is final, subject only to judicial review.

ASSESSMENT:

ASSESSMENT AND COLLECTION OF COSTS: If the Town exercises its right under this Ordinance then the Town shall assess the owner, or agent of such owner, a minimum fee of \$150.00 or actual cost. The assessment must specify the amount due and order payment of the assessment within thirty (30) days from the date the assessment is sent. If the assessed amount is not paid within thirty (30) days, the Town shall proceed in any lawful manner including, but not limited to, assessing a lien against the property to collect the amount of the assessment.

VARIANCE:

If the owner requests a variance, the owner must send a letter to the Town Council prior to an order for removal of the noxious weeds or nuisance weeds, setting forth the reasons for the variance. A variance will only be allowed after a physical visit to the property with the owner. The variance may only be allowed if all noxious weeds and nuisance weeds are under control and no fire hazard exists. If at any time during the growing season the conditions change, the Town retains the right to rescind the variance given to the owner. A variance is only valid for each fiscal year and only after the growing season has started to allow for proper inspection of the property.

DISPOSITION OF MONIES RECEIVED:

All monies received for the costs of cutting or removal of noxious weeds or nuisance weeds by the Town maintenance department shall be deposited into the general fund.

PASSED AND ADOPTED by the Town Council of the Town of Big Sandy, Montana.
Approved by the Mayor of said Town this 10th day of July, 2018.