

ORDINANCE NO. # 5

AN ORDINANCE AMENDING ARTICLES 12.0503 AND 12.0504 OF THE ORDINANCES FOR THE CITY OF WISHEK, NORTH DAKOTA REGARDING THE ACTIONS UPON FAILURE OF A PROPERTY OWNER TO CONTROL NOXIOUS WEEDS AND GRASS HEIGHT

WHEREAS, the City Council of the City of Wishek, North Dakota ("City Council") finds and declares it has a substantial interest in ensuring that the properties within the City of Wishek, North Dakota ("City") are maintained in a manner consistent with the needs and welfare of the community, stabilization of land values and investments, consistent with environmental needs, and harmonious with the historic and present aesthetic of the City;

WHEREAS, the City Council further finds that in many cases the individuals who fail to cut, destroy and/or remove noxious weeds or grass over 6 inches growing, lying or located upon the owner's property do so chronically throughout the year.

WHEREAS, the City Council finds, based on the appraisal of the City Auditor, that substantial man-hours are spent by the City to providing notice for each instance of non-compliance as currently required by statute and, additionally, the City incurs a non-negligible cost in sending certified mail to recipients of said notices.

WHEREAS, the City Council finds that providing property-owners repeated notice for non-compliance with noxious weeds and grass requirements as required by Article 12.0503 of the Ordinances of the City of Wishek, North Dakota serves no reasonable purpose.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF WISHEK, NORTH DAKOTA DOES HEREBY ORDAIN AS FOLLOWS:

Section 12.0503 and 12.0504 of the Ordinances of the City of Wishek, North Dakota are amended to read as follows:

12.0503 Notice to Destroy

The City health officer, an employee of the City, or a person designated by the City is hereby authorized and empowered to cut, destroy, and/or remove any noxious weeds or grass that is over 6 inches which found growing, lying, or located upon an owner's property or upon the one-half of any road or street lying next to the lands or boulevards abutting thereon after the expiration of the notice period provided herein. Prior to any action by the City, the City must provide the owner of the property with notice of the non-compliance with this chapter. Notice may be delivered by any of the following means: in person, a phone call, or registered or certified mail addressed to said owner or agent of said owner at their last known address. The City must provide upon first notice to such owner or agent

a minimum five days after receipt of the notice to cut or destroy the noxious weeds or to cut grass which is over 6 inches. If notice is returned to the City because of inability to make delivery thereof, the City may cut or destroy the noxious weeds or to cut grass which is over 6 inches five days after the notice is returned. Notice which has been provided in accordance herewith is effective for an entire calendar year; the City is not obligated to provide additional notice or a period to cure non-compliance for any subsequent noncompliance by the owner within the calendar year. After notice and expiration of the notice period, the City may cause the cutting or destruction of noxious weeds and/or grass as many times within the calendar year as necessary to bring the property into compliance with ordinance and assess the cost of each instance against the property. Notice must include the following: (a) a statement that the owner is allowed five days from the date of receipt the notice to remedy the violation; (b) failure of the owner to cut or destroy noxious weeds or cut grass that is over than 6 inches entitles the City cut and/or destroy said noxious weeds and/or grass, and assess the cost thereof against the property, and (c) the notice applies to all future violations within the calendar year and that for the remainder of the calendar year the City may cut and/or destroy said noxious weeds and/or grass without providing any additional notice or period in which to bring the property into compliance with ordinance.

12.0504 Action Upon Non-Compliance

Upon the failure, neglect, or refusal of any owner or agent to cut, destroy and/or remove noxious weeds or grass over 6 inches growing, lying or located upon the owner's property or upon the one-half of any road or street lying next to the lands or boulevards abutting thereon, and expiration of the time provided for in 12.0503, the health officer, and employee of the City, or a person designated by the City is hereby authorized and empowered to cut, destroy, and/or removal of such noxious weeds or to order their removal by the City.

PASSED by the City Council for the City of Wishek, North Dakota on the 28th day of JUNE, 2022 by a vote of:

4 voting for the ordinance,

0 voting against the ordinance,

2 absent from the vote, and

0 abstaining from the vote.

Brenda Dohn
Brenda Dohn, Mayor

ATTEST:

Mary Vickers
Mary Vickers, City Auditor

First Reading: June 6th, 2022
Second Reading: June 28th 2022