

ORDINANCE NO. 2004-1

AN ORDINANCE PROVIDING FOR THE CONTROL OF NOXIOUS WEEDS AND TALL GRASS IN THE CITY OF TURTLE LAKE, NORTH DAKOTA.

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF TURTLE LAKE ,
MCLEAN COUNTY, NORTH DAKOTA, AS FOLLOWS:

1. **Noxious Weeds** are hereby declared to be a nuisance when located within the City Limits or the Jurisdiction of the City of Turtle Lake.

2. **Definition:** Whenever used in this ordinance, the term “noxious weeds” shall mean and include exclusively long grass and all weeds of the kind known as Canada Thistle, sow thistle, quack grass, leavy spurge (Euphorbia esula or Euphorbia virgata), field bindweed, Russian knapweed, (Centaurea picris), hoary cress (Lepidium draba, Lepidium repens, and Humenophysa pubescens), dodder, or any grass, weeds or vegetation over eight inches in height.

3. **Weeds Prohibited:** No owner of any lot, place or area within the city or the agent of such owner, shall permit on such lot, place or area and the one-half of any road or street lying next to the lands or boulevards abutting thereon noxious weeds, grass, or vegetation in excess of eight (8) inches in height or other deleterious, unhealthful growths.

4. **Authority to Abate Nuisance; No Notice to Destroy:**

a) In the event of violation of Section 3 above, the City Auditor is hereby authorized and empowered without notice, to enter upon the premises and take whatever steps as might reasonably be required to abate the nuisance.

b) Actions taken by the City, if reasonable in nature and undertaken in good faith shall not constitute a trespass or conversion..

c) No prior individualized notice whatsoever of a claimed nuisance under this

ordinance need be provided to the owner of the land involved in the claim at any time before the City enters upon the land and proceeds to abate the nuisance. However, nothing in this subsection shall be construed as prohibiting the City Auditor from informally requesting or directing the landowner or person in charge of the land, to take the measures necessary to abate the claimed nuisance.

d) In order to reduce violations of the existence of noxious weeds or grasses, weeds or vegetation growing over eight (8) inches in height, the City Auditor shall from time to time take such steps as in his discretion seems sufficient and necessary to advise the public and landowners of the restrictions imposed by that provision of the law, and of the consequences which may result from a failure to observe such restrictions. The means of such communication may include, but are not limited to notices published in the newspaper or public service announcements in the broadcast media. A claimed failure of or insufficiency of notice under this subsection shall not constitute a defense to any monetary imposition which the City may seek to impose on the provisions of this chapter or any other enforcement activity.

5. **Cost Assessed to Property:** When the City has effected the removal of such noxious weeds or cutting of grasses, weeds or vegetation in excess of eight (8) inches in height, or has paid for their removal or cutting, the actual cost thereof, if not paid by said owner prior thereto, shall be charged and assessed against the property upon which the noxious weeds or grasses, weeds or vegetation in excess of eight (8) inches in height, were cut or destroyed. An assessment list showing the lots or tracts to be assessed with the costs against such lot or tract shall be prepared as are other special assessment lists, and shall be approved by the governing body and shall bear interest at eight percent. Such assessments shall be subject to the same procedure for certification to the

county auditor, payment and collection as are other special assessments under state law.

6. **Hearing on the Necessity of Abatement:** In the event the City proceeds to abate without notice a claimed nuisance under this ordinance and the City seeks to specially assess the costs of such abatement work against the land where it was performed, then in addition to or in lieu of, disputing the amount of special assessments to be levied, the effected landowner may contest whether in fact at the time of the abatement land in question harbored weeds or grasses in excess of 8 inches high. If the landowner chooses to raise that issue, then the City shall bear both the burden of going forward with the evidence and the burden of persuasion.

7. **Effective Date:** This Ordinance shall be in force and effect from and after its final passage and approval and the publication of its title and penalty clause.

8. **Repeal:** All ordinances or parts of ordinances in conflict herewith, are hereby rescinded and repealed.

9. **Savings Clause:** If any provision of this Ordinance or its application to any person or circumstance is held invalid, the remainder of the Ordinance or the application of the provision to other persons or circumstances is not affected.

DATED this 20TH day of JULY, 2004.



Donald Coy, President City Commission

ATTEST:



Darwin Saari, City Auditor

Introduction and First Reading: JUNE 29TH, 2004
Second Reading and Final Passage: JULY 19TH, 2004
Publication Date: JULY 29TH, 2004