

ORDINANCE NO. 134

AN ORDINANCE PROVIDING FOR THE CONTROL OF NOXIOUS WEEDS WITHIN THE CITY OF WASHBURN, NORTH DAKOTA.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WASHBURN, 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 Washburn.

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, leafy spurge (*Euphorbia esula* or *Euphorbia virgata*), field bindweed, Russian knapweed, (*Centaurea picris*), hoary cress (*Lepidium draba*, *Lepidium repens*, and *Humerophysa pubescens*), dodder, or any 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 or other deleterious, unhealthful growths.

4. **Notice to Destroy:** The City Auditor is hereby authorized and empowered to notify in writing the owner of any such lot, place or area within the City or the agent of such owner, to cut, destroy, and/or remove any such noxious weeds found growing, lying or located on such owner's property or upon the one-half of any

road or street lying next to the lands or boulevards abutting thereon. Such notice may be sent by regular mail addressed to said owner or agent of said owner at his last reasonably ascertainable known address and shall give such owner or his agent a minimum of five days to cut or destroy said noxious weeds.

5. Action Upon Non-Compliance: Upon the failure, neglect, or refusal of any owner or agent so notified to cut, destroy and/or remove noxious weeds 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, within five (5) days after mailing of the written notice provided in Section 4 above, the City Auditor is hereby authorized and empowered to pay for the cutting, destroying, and/or removal of such noxious weeds or to order their removal by the City.

6. Cost Assessed to Property: When the City has effected the removal of such noxious weeds or has paid for their removal, 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 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.


7. **Penalty Section:** Any person who violates or fails to comply with any provision of the Ordinance shall be subject to a fine of not more than Five Hundred Dollars (\$500.00), or by imprisonment for more than thirty (30) days, or by both such fine and imprisonment.

8. **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.

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 **Repeal:** All ordinances or parts of ordinances in conflict herewith, are hereby rescinded and repealed.

10. **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 7th day of June, 1999.


Richard Huschka, Mayor

ATTEST:


Jeneen Loe, City Auditor

Introduction and First Reading: May 17-1999

Second Reading and Final Passage: June 7-1999

Publication Date: June 17, 1999

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The title and penalty section to the above ordinance are published pursuant to North Dakota Statute. The complete ordinance may be reviewed at the City Auditor's Office, City of Washburn.

DATED this 7th day of June, 1999.



Jeneen Loe, City Auditor

Ordinance No. 134

An ordinance providing for the control of noxious weeds within the city of Washburn, North Dakota.

Penalty Section: Any person who violates or fails to comply with any provision of the Ordinance shall be subject to a fine of not more than Five Hundred Dollars (\$500.00), or by imprisonment for more than thirty (30) days, or by both such fine and imprisonment.

The title and penalty section to the above ordinance are published pursuant to North Dakota Statute. The complete ordinance may be reviewed at the city Auditor's Office, City of Washburn.

Dated this 7th day of June, 1999.

Richard Huschka, Mayor
Jeneen Loe, City Auditor

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