

Ordinance No. 6200

AN ORDINANCE AMENDING CHAPTER 8.28 OF THE RAPID CITY MUNICIPAL CODE RELATING TO GRASS, WEEDS, AND NOXIOUS MATTER

WHEREAS, the City of Rapid City has adopted provisions concerning grass, weeds, and noxious matter in Chapter 8.28 of the Rapid City Municipal Code, entitled “Weeds and Noxious Matter”; and

WHEREAS, the Common Council of the City of Rapid City deems it to be in the City’s best interests to amend Chapter 8.28 to make necessary exceptions to the grass and weeds height limit and to clarify certain other provisions.

NOW THEREFORE, BE IT ORDAINED by the City of Rapid City that Chapter 8.28 of the Rapid City Municipal Code is hereby amended to read in its entirety as follows:

CHAPTER 8.28: GRASS, WEEDS, AND NOXIOUS MATTER

- 8.28.010 Definitions.
- 8.28.020 Prohibited conditions.
- 8.28.030 Exemptions.
- 8.28.030040 Notice to abate.
- 8.28.040050 Abatement by city–Authority.
- 8.28.050060 Abatement by city–Cost– Assessment.
- 8.28.060070 Abatement by city–Cost collection by suit.
- 8.28.070080 Violation–penalty.

8.28.010 Definitions.

For the purpose of this chapter:

A. ***GRASS AND WEEDS.*** To include, but not limited to, Bermuda grass, centipede grass, fescue, rye grass, blue grass, western wheat species, buffalo grass, gramma grass, big blue stem, little blue stem, Indian grass, needle and thread, green needle and any/all weeds, and any/all volunteer woody plant material, and other noxious or unhealthful vegetation. This does not include trees, shrubs, landscaped ornamental grasses, and flower, fruit, or vegetable gardens.

B. ***NATURAL AREA.*** Uncultivated and unseeded land, still in a state of nature. Any growth on land, once it has been cleared or plowed, is not a natural area, even though it has not been planted or cultivated by anyone.

BC. ***NOXIOUS MATTER.*** Trash, garbage and all other material which has been strewn about or otherwise apparently abandoned, or of no apparent value, which is unsightly, or which may be potentially hazardous as a breeding ground for insects and rodents and other undesirable animals, or which may prove hazardous to individuals using the area upon which these noxious matters exist.

D. *PASTURE.* Land covered with grass or herbage and suitable for grazing by domesticated livestock, such as horses, cattle, sheep, or swine.

€E. *STABILIZE.* The taking of reasonable measures to prevent the erosion, future growth of weeds or the prevention of future collection of noxious matter on the area.

8.28.020 Prohibited conditions.

All grass and weeds having reached a height of 8 inches, and other noxious matter are declared a nuisance and no owner of any lot, place or area within the city, or the agent of the owner or the occupant of the lot, place or area, shall permit on the lot, place or area, or upon any sidewalk abutting the same, any grass and weeds having reached a height of 8 inches, or other noxious matter to grow, lie or be located thereon.

8.28.030 Exemptions.

A. *In general.* The following areas may be exempt from the 8 inch grass and weeds height limit if the area meets one of the following conditions:

1. It is a regional drainage pond or regional drainage ditch which conveys or stores storm water or an irrigation ditch;

2. It is too wet to mow, such as a marsh, wetland, riverbank, or coulee, either natural or manmade;

3. It is within twenty (20) feet of a creek or brook;

4. It has a slope as steep as or steeper than two (2) horizontal feet to one (1) vertical foot, otherwise known as 2:1;

5. It is located in a natural area;

6. It is located in a public park or greenway tract or homeowner's association common area park;

7. It is located in a golf course;

8. It is highly erodible; or

9. It is pasture land.

B. These exemptions are not applicable to any area that is within ten (10) feet of a sidewalk. Chapter 8.28 does not abrogate the provisions applicable to sight triangles in § 17.50.335.

8.28.040 Notice to abate.

A. *Initial notice.* The Community Resources Director, or his or her designee, is authorized and empowered to notify, in writing, the owner of any lot, place or area within the city, or the agent of the owner, or the occupant of the premises, to cut, destroy or remove any grass and weeds or other noxious matter found growing, lying or located on the property or upon the sidewalk abutting same and stabilize the area to prevent future violation of this chapter. The notice shall be hand-delivered or shall be submitted by first-class mail addressed to the owner of record at his or her last known address, and shall notify the owner to cut, destroy or remove any grass and weeds or other noxious matter within 5 days of the date the notice was delivered or mailed.

B. *Subsequent notices.* Upon any subsequent violation of this chapter in the same calendar year after notice has been given as provided above, notice of a second or subsequent violation shall require the owner to remedy the nuisance within 3 days of delivery or mailing.

8.28.050 Abatement by city-Authority.

Upon the failure, neglect or refusal of any owner to comply with the notice provided for in § 8.28.030, the Community Resources Director or his or her designee is authorized and empowered to provide for the cutting, destroying or removal of the grass and weeds or other noxious matter and stabilize the soil if necessary. The city may defray the cost of the work, including administrative costs, by special assessment against the property as set out in § 8.28.050.

8.28.060 Abatement by city-Cost-Assessment.

The Community Resources Director or his or her designee shall cause an account to be kept against each lot upon which work is done pursuant to § 8.28.040 and have the same certified to the Finance Officer or his or her designee upon the completion of the work. The Finance Officer shall thereupon certify the account, showing the amount, the description of the property, and the owner thereof, to the City Assessor, who shall thereupon add the assessment to the general assessment against the property and certify the special assessment, together with the regular assessment, to the County Auditor to be collected as municipal taxes for general purposes. The assessment shall be subject to review and equalization the same as assessments for taxes for general purposes.

8.28.070 Abatement by city-Cost collection by suit.

In lieu of the procedure prescribed in § 8.28.050, the costs incurred by the city under this chapter may, in the discretion of the Common Council, be recovered in a civil action against the owner or occupant of the property.

8.28.080 Violation-penalty.

In addition to the remedies provided in this chapter, any person violating any provision of this chapter shall be subject to the general penalty provision as set forth in § 1.12.010 of the Code.

CITY OF RAPID CITY

Mayor

ATTEST

Finance Officer

(seal)

First Reading:

Second Reading:

Published:

Effective: