

CITY ORDINANCE OF THE CITY OF POWERS LAKE, NORTH DAKOTA
REGULATING JUNK, WEEDS AND GRASS
WITHIN THE CITY OF POWERS LAKE

BE IT ORDAINED BY CITY COUNCIL OF THE CITY OF POWERS LAKE, NORTH DAKOTA

An ordinance pertaining to storage of junk, building material and other items and to tall grass and weeds and the disposal of such items;

Section 1: **JUNK, RUBBISH, TRASH, BUILDING MATERIALS and BLIGHTED STRUCTURES:**

- A. Definitions. The following words or terms when used herein shall be deemed to have the meanings set forth below
1. **JUNK** shall include, without limitation, parts of machinery, more than two (2) unlicensed motor vehicles, unused furniture, stoves, refrigerators or other appliances, remnants of wood, metal or any other castoff matter of any kind, whether or not the same could be put to any reasonable use.
 2. **BLIGHTED STRUCTURE** shall include without limitations, any dwelling, garage or outbuilding, nay factory, shop, store, warehouse or any other structure which because of fire, wind or other natural disaster, or physical deterioration, is no longer habitable as a dwelling nor useful for the purpose for which it may have been intended.
 3. **BUILDING MATERIALS** shall include, without limitations, lumber, bricks, concrete or cinder blocks, plumbing materials, electric wiring or equipment, shingle, mortar, cement nails, screws or any other materials used in constructing any structure.
 4. **PERSON** shall include all natural persons, firms co-partnerships, and all associations of natural persons, incorporated or unincorporated , whether acting by themselves or by a servant, agent or employee. All persons who violate any of the provisions of this article, whether as owner, occupant, lessee, agent, or employee shall, except as herein otherwise provided, be equally liable as principals.
 5. **TRASH & RUBBISH** shall include any and all forms of debris not herein otherwise classified.
- B. It is hereby determined that the storage or accumulation of trash, rubbish, junk, building materials, and the maintenance of blighted structures upon any private property within the City of Powers Lake tends to result in blighted and deteriorated neighborhoods, the increase in criminal activity, the spread of vermin and disease, and is contrary to the public peace, health, safety and general welfare of the community.
- C. It shall be unlawful for any person to store, or permit the storage or accumulation of trash, rubbish or junk on any private property in the City of Powers Lake except within a completely enclosed building, or upon the business premises of a duly licensed junk dealer, junk buyer, dealer in used auto parts, dealer in secondhand goods.

- D. It shall be unlawful for any person to dismantle, cut up, remove parts from, or otherwise disassemble any automobile, whether or not the same be a junk automobile, abandoned vehicle or otherwise, or any appliance or machinery, except in a completely enclosed building, or upon the business premises of a duly licensed junk dealer, junk buyer, dealer in used auto parts, dealer in secondhand goods.
- E. It shall be unlawful for any person to keep or maintain any blighted or vacant structure, dwelling, garage, outbuilding, factory, shop, store or warehouse unless the same is kept securely locked, the windows kept glazed or neatly boarded up, and otherwise protected to prevent entrance thereto by unauthorized person or unless such structure is in the course of construction in accordance with a valid building permit issued by the City of Powers Lake and unless such construction is completed within a reasonable time.
- F. It shall be unlawful for any person to store or permit storage or accumulation of building materials on any private property except in a completely enclosed building or except where such building materials are part of the stock in trade of a business located on said property or except when such materials are being used in the construction of a structure on the property in accordance with a valid building permit issued by the City of Powers Lake, provided however, it shall be unlawful to allow any trash, construction waste or discarded materials to accumulate in such a manner so as to create an unsanitary condition, become a harborage of insects or rodents or become a nuisance to adjacent properties due to blowing or scattering debris.
- G. The police department may remove or cause to be removed any junk, trash rubbish, from any private property visible to the public after being notified, in writing, the owner or occupant of such property of its intention to do so at least forty-eight (48) hours prior to such removal. Such notice shall be served personally upon the owner or occupant of the property if occupied, or may be posted in a conspicuous place upon vacant or unoccupied property. Such junk shall be removed to the landfill and disposed of in accordance with law. Such removal by the police department shall not excuse or relieve any person of the obligation imposed by this article to keep their property free from storage or accumulation of junk, trash, or rubbish nor format the penalties for violation thereof.
- H. Any junk, trash, rubbish, removed from private property visible to the public as provided in sub-section G, or coming into the possession of the City of Powers Lake police department by abandonment on public property in the City of Powers Lake which is determined by the city council to be of no value other than as scrap metal shall be disposed of by the manner as to eliminate the unsightly accumulation of such worthless hulks and hazards to public health attendant thereto with the least practicable day.
- I. The cost of removal shall include but is not limited to equipment use, labor and disposal fees. The cost of removal of such, junk, trash, or rubbish under and was abated. The Chief of Police shall certify to the City Auditor the description of the property on which the junk was abated, the date and method of removal, and such other information as may be deemed necessary and the City Auditor shall bill the costs to the owner or owners of the property involved, and such bills shall be due and payable immediately, and cost remaining unpaid after October 15th of the year in which billed shall be certified by the City Auditor to the County Auditor, who shall spread the same against the lots or parcels of land in the same manner as other special assessments are spread, and such assessments shall be collected at the same time and in the same manner as special taxes are collected.

Section 2: **WEEDS & GRASS**

A. Weeds and Long Grass Declared to be a Nuisance

The presence of weeds, long grass or harmful, unhealthful growths, or other noxious matter upon property within the City of Powers Lake is declared to be a nuisance and not in keeping with the general welfare, public health, fire protection and public safety of the community.

B. Weeds and Long Grass Prohibited

No owner of any lot, place or area within the City of Powers Lake, or the agent of such owner, shall permit on such lot, place or area, any weeds, long grass, or harmful, unhealthful growths, or other noxious matter, to be growing, lying or located thereon. Any weeds, long grass, or harmful, unhealthy growths, or other noxious matter shall not exceed eight (8) inches in height.

C. Notice to Destroy

The City of Powers Lake Police Department 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 remove any such weeds, long grass, or harmful, unhealthy growths, or other noxious matter, found growing, lying or located on such owner's property. Such notice shall be by certified mail, addressed to said owner, or the agent of said owner, at his last known address, or by personal service.

D. Action Upon Non-Compliance

Upon the failure, neglect, or refusal of any owner or agent so notified, to cut, destroy and remove weeds, long grass, or harmful, unhealthful growths, or other noxious matter, growing, lying or located upon such owner's property, within three (3) days after receipt of the written provided for in Section 2, subsection C; the City of Powers Lake Police Department is hereby authorized and empowered to pay for the cutting destroying and removal of such weeds, long grass, or harmful, unhealthful growths or other noxious matter or to order the removal of the same by the City. The City Auditor shall bill the costs to the owner or owners of the property involved, and such bills shall be due and payable immediately.

E. Cost to be Assessed Against Property

When the City has effectuated the removal of such weeds, grass, or harmful, unhealthful growths, or other noxious matter, or has paid for its removal, the actual cost thereof, if not paid by said owner prior thereto, shall be charged and assessed against the real property upon which the weeds, long grass, or harmful, unhealthful growths, or other noxious matter were cut and destroyed. An assessment list showing the lots or tracts to be assessed with the cost against each lot or tract shall be prepared as are other special assessments lists. Such assessments shall be subject to the same procedure for certification to the County Auditor for payment and collection as are other special assessments under the Statutes of North Dakota and NCCC40-05-01.1.0

Section 3: Penalty

In addition to cost assessments as provided in this ordinance, the owner or agent of such owner shall be subject to a fine not to exceed \$500.00 for any violation of this ordinance or failure to comply.

APPROVED by the City Council, City of Powers Lake, this 12 day of August, 2013

APPROVED:
John Albertson, Mayor

ATTEST:
Jennifer Titus, City Auditor

First Reading: Monday, July 1st

Second Reading: Monday, August 12th

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