

**ORDINANCE B-107**  
**AN ORDINANCE PROVIDING FOR THE CONTROL OF NOXIOUS WEEDS  
WITHIN THE CITY OF MAX, NORTH DAKOTA**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MAX:

Section 1: Nuisance

Noxious weeds are hereby declared to be a nuisance when located within the City Limits or the jurisdiction of the City of Max.

Section 2: Definition

Whenever used in this ordinance, the term "noxious weeds" shall mean and include specifically 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 *Hymenophyllum pubescens*), dodder, or any similar vegetation over eight (8) inches in height.

Section 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.

Section 4: Notice to Destroy

The City Council 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 shall be sent by regular mail addressed to said owner or agent of said owner at his last known address and shall give such owner or his agent a minimum of five (5) days to cut or destroy said noxious weeds.

Section 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 after receipt of the written notice provided for in Section 4 above or within five (5) days after the date of such notice in the event the same is returned to the City Post Office Department because of inability to make delivery thereof, provided the same was properly addressed to the last known address of such owner or agent, the

governing body 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.

Section 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, which will be charged at a rate of \$75.00 per hour, one hour minimum per lot, 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 cost against each 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 seven (7%) 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.

Section 7: Effective Date

This Ordinance shall be in force and take effect immediately upon its final passage and publication.

  
Jody Gullickson, Mayor

Attest:

  
Tonya Balaban, Auditor

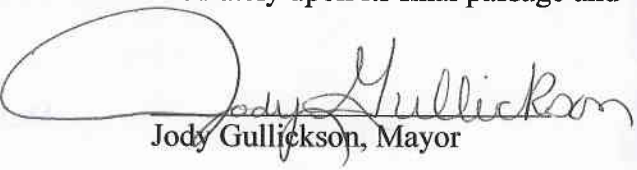
Introduction and First Reading: 7-12-2007  
Second Reading and Final Passage: 8-6-2007  
Publication Date:

**ORDINANCE B-107 AMENDMENT**  
**AN ORDINANCE PROVIDING FOR THE CONTROL OF NOXIOUS WEEDS**  
**WITHIN THE CITY OF MAX, NORTH DAKOTA**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MAX  
Ordinance No. B-107, section 6, Cost Assessed to Property, amended as follows:

When the City has effected the removal of such noxious weeds or has paid for their removal, the actual cost thereof, which will be charged at a rate of \$100.00 per hour, one hour minimum per lot, 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. Additionally, if upon removal of noxious weeds by the City or its agent, there is any damage to the equipment used, the cost to repair or replace said equipment, 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 cost against each 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 seven percent (7%). 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.

This Amendment shall be in force and take effect immediately upon its final passage and publication.

  
Jody Gullickson, Mayor

Attest:

  
Tonya Balaban, Auditor

Introduction and First Reading: 9-8-2008

Second Reading and Final Passage: 10-6-2008

Publication Date: 10/16/2010

