

## Title 7

### NUISANCE, GARBAGE, TRASH, WEED AND DECAY

#### Chapters:

- 7.01 Definitions
- 7.02 Nuisances
- 7.03 Garbage and Waste
- 7.04 Miscellaneous Provisions
- 7.05 Weeds and/or Offending Vegetation
- 7.06 Community Decay

Title 7  
NUISANCE, GARBAGE, TRASH, WEEDS AND DECAY

Chapters:

- 7.02.010 through 7.02.140** (Repealed, Ordinance No. 83, December 7, 2005)
- 7.03.010 through 7.03.050** (Repealed, Ordinance No. 83, December 7, 2005)
- 7.04.010 through 7.04.070** (Repealed, Ordinance No. 83, December 7, 2005)
- 7.06.010 through 7.06.050** (Repealed, Ordinance No. 83, December 7, 2005)
- 7.01.010 Definitions** (Enacted Ordinance No. 83, December 7, 2005)
- 7.02.010 Nuisances** (Enacted Ordinance No. 83, December 7, 2005)
- 7.02.020. Sanitary condition required.** (Enacted Ordinance No. 83, December 7, 2005)
- 7.02.030. Dead animals-collection.** (Enacted Ordinance No. 83, December 7, 2005)
- 7.02.040. Slaughter house and meat processing businesses.** (Enacted Ordinance 83, December 7, 2005)
- 7.03.010. Garbage and waste accumulation.** (Enacted Ordinance 83, December 7, 2005)
- 7.03.020. Garbage and waste wrapping requirements.** (Enacted Ordinance 83, December 7, 2005)
- 7.03.030. Combustible rubbish storage.** (Enacted Ordinance 83, December 7, 2005)
- 7.03.040. Garbage and waste accumulation.** (Enacted Ordinance 83, December 7, 2005)
- 7.03.050. Commercial or business garbage and refuse storage.** (Enacted Ordinance 83, December 7, 2005)
- 7. 03.060. Contagious, hazardous or dangerous material accumulation.** (Enacted Ordinance 83, December 7, 2005)
- 7.03.070. Dumpsters.** (Enacted Ordinance 83, December, 2005)
- 7.03.080. Maintenance-violation-notice.** (Enacted Ordinance 83, December 7, 2005)
- 7.03.090. Alley maintenance.** (Enacted Ordinance 83, December 7, 2005)
- 7.03.100. Container placement-parks and public areas.** (Enacted Ordinance 83, December, 2005)
- 7.03.110. Removal of garbage and waste.** (Enacted Ordinance 83, December 7, 2005)
- 7. 04.010. Littering-rodent harborage-deposit in unauthorized area-prohibition.** (Enacted Ordinance 83, December 7, 2005)
- 7.04.020 Fill material-authorized when.** (Enacted Ordinance 83, December 7, 2005)
- 7.04.030. Burning.**(Enacted Ordinance 83, December 7, 2005)
- 7.04.040. Construction-waste removal regulations.** (Enacted Ordinance 83, December 7, 2005)

**7.04.050. Salvaging prohibited—exception with contract or permit.** (Enacted Ordinance 83, December 7, 2005)

**7.04.060. Accumulations on vacant lot prohibited.** (Enacted Ordinance 83, December 7, 2005)

**7.04.070. Manure accumulations.** (Enacted Ordinance 83, December 7, 2005)

**7.04.080. County to take all waste, garbage or refuse.** (Enacted Ordinance 83, December 7, 2005)

**7.05.010. Definitions.** (Enacted Ordinance 83, December 7, 2005)

**7.05.020. Duty to remove weeds, vegetation or plants on developed and undeveloped lots-interference with visibility at alleys, intersections, streets and drive approaches.** (Enacted Ordinance 83, December 7, 2005)

**7.05.030. Notice to destroy.** (Enacted Ordinance 83, December 7, 2005)

**7.05.040 Failure to comply.** (Enacted Ordinance 83, December 7, 2005)

**7.05.050 Notice.** (Enacted Ordinance 83, December 7, 2005)

**7.05.060. Failure to comply, a misdemeanor.** (Enacted Ordinance 83, December 7, 2005)

**7.05.070. Assessment.** (Enacted Ordinance 83, December 7, 2005)

**7.06.010. Definitions.** (Enacted Ordinance 83, December 7, 2005)

**7.06.020. Administration and enforcement.** (Enacted Ordinance 83, December 7, 2005)

**7.06.030. Community decay standards.** (Enacted Ordinance 83, December 7, 2005)

**7.06.040. Shielding standards.** (Enacted Ordinance 83, December 7, 2005)

## **CHAPTER 7.01**

### **DEFINITIONS**

#### **7.01.010. Definitions.**

The following definitions of terms shall apply unless elsewhere expressly stated for specific applications:

A. "Apartment" means two or more rooms which are occupied or which are intended or designed to be occupied by one family for living and sleeping purposes.

B. "Apartment house" means any building or portion thereof which is designed, built, rented, leased, let or hired out to be occupied, or which is occupied as the home or residence of three or more families living independently of each other and doing their own cooking in the building, and shall include flats and apartments.

C. "Compost" means the product resulting from the decomposition of leaves, straw, grasses and other such vegetable matter mixed or unmixed with well-rotted manure, and mixed or unmixed with inorganic materials ordinarily forming a part of the soil, such as sand or lime, loam, and used, and usable or intended to be used as fertilizer and soil conditioner.

D. "Disposal area" means any site, location, tract of land, area, building, structure or premises used or intended to be used for refuse disposal. This is limited to Park County's landfill or green box collection area as of September 1, 2005.

E. "Garbage" means every accumulation of animal, vegetable or other matter that attends the preparation, consumption, decay, dealing in or storage of meats, fish, fowl, birds, fruit or vegetables, including the cans, containers, or wrappers wasted along with such materials.

F. "Guest room" means a room in a building occupied or which is intended and designed to be occupied, let or hired out to any person for living and sleeping purposes, and shall include one room apartments, housekeeping rooms, tourist cabins and other rooms of a like nature.

G. "Manure" means the accumulation of animal or fowl droppings with or without added decomposable materials such as straw, grasses, or leaves, and exclusive of human excrement.

H. "Owner/occupant" means the person occupying a dwelling or unit, or the person owning, operating, managing or keeping any hotel, apartment house, rental unit, mobile home, boardinghouse, trailer camp, auto court, restaurant, food establishment, industrial establishment, commercial establishment, business establishment, school, church, or institution or premises wherein or whereon refuse accumulates or is likely to accumulate.

I. "Private collection" means collection by individuals or companies of refuse materials from private properties, pursuant to arrangements made directly between the owner or occupant of the premises and the collector, or where the owner/occupant removes his own refuse from such private properties.

J. "Rack" means any type of support which will hold refuse containers upright and protect the contents from being scattered by animals or the wind.

K. "Refuse" means any waste products solid or having the character of solids rather than liquid in that it will not flow readily without additional liquid and which is composed wholly or partly of such materials as garbage, trash, rubbish, litter, industrial solid wastes or domestic solid wastes; organic wastes or residue of animals sold as meat, fruit or other vegetables or animal matter from kitchens, dining rooms, markets, food establishments or any places dealing in or handling meat, fowl, fruits, grain or vegetables, offal, animal excreta or the carcasses of animals, tree or shrub trimmings, grass clippings; brick, plaster or other waste matter resulting from the demolition, alteration or construction of buildings or structures; accumulated waste material, cans, containers, tires, junk, or other such substances which may become a nuisance.

L. "Refuse collector" means the person, firm, agency or public body or employee or agent thereof who is or intends to be engaged in the collection and/or transportation of refuse in any part of the Town.

M. "Refuse container" means any container used by refuse generators or dumpster containers. Residential containers are normally thirty (30) gallon garbage cans.

N. "Refuse disposal" means the complete process required for the disposal of any refuse and includes all tools, equipment, treatment spaces, buildings, structures, appurtenances and materials required to take refuse from a refuse collector and bury, incinerate, destroy or otherwise dispose of such refuse.

O. "Rubbish" means wood, leaves, trimmings from shrubs, dead trees or branches thereof, shavings, sawdust, excelsior, woodenware, printed matter, paper, paperboard, pasteboard, packing crates and pasteboard boxes, grass, roots, straw, wearing apparel, soil, earth, sand, clay, gravel, loam, stone, bricks, plaster, crockery, glass, glassware, ashes, cinders, shell, metals, and all other materials not included under the term "garbage."

P. "Salvage operation" means any operation carried on by a person, firm or corporation for the express purpose of reclaiming for value a portion of a substance, material, or goods prior to or as a part of the refuse disposal process by sorting, segregation, or other manual or mechanical means.

Q. "Senior citizen" means, for the purpose of this chapter, the owner and occupant, at least sixty-five (65) years of age, of residential property.

R. "Special refuse" means any refuse which due to its large volume or due to its special health problems requires special handling at the landfill site or county green boxes or dumpsters. Such special refuse includes but is not limited to the following:

1. Volumes of Materials.

- a. Construction and demolition material,
- b. Large appliances and auto bodies,
- c. Tire casings,
- d. Trees and limbs not otherwise chipped or ground;

2. Materials Posing Special Health Problems.

- a. Institutional and hospital waste,
- b. Dead animals,
- c. Water or wastewater sludge,
- d. Fly ash,
- e. Pesticide containers,

f. Animal manure,

g. Hazardous waste as defined by CERCLA and RECRA.

S. "Tire" means the old tire casing from three (3) or more wheeled vehicles.

T. "Transportation of refuse" means the hauling in bulk or in refuse containers to the designated disposal area or possible transfer station. (Enacted Ordinance No. 83, December 7, 2005)

## CHAPTER 7.02

### NUISANCES

- 7.02.010 Nuisances
- 7.02.020 Sanitary condition required
- 7.02.030 Dead animals-collection
- 7.02.040 Slaughter house and meat processing businesses

#### 7.02.010. Nuisances.

It is unlawful for any person or entity to create or maintain a nuisance in the corporate limits. (Enacted Ordinance 83, December 7, 2005)

#### 7.02.020. Sanitary condition required.

It shall be the duty of every owner or occupant as defined in this chapter to keep the premises under his control, where refuse is stored pending collection, in a clean and sanitary condition at all times, and commensurate with good sanitary practice, to provide and keep suitable and sufficient containers, garbage cans or dumpsters, as required in this chapter and of sufficient number and size to handle the accumulation of refuse on the premises. (Enacted Ordinance 83, December 7, 2005)

7.02.030. Dead animals-collection. Every person who is the owner or custodian of any animals, fowl, livestock or game which have died other than by slaughter for food or butchered for private use, or any animal offal from slaughterhouses, slaughterpens; or any offal or putrescible waste from any place where meat, fish, poultry, game, or fowl are sold or handled or discarded as unfit for food, or spoiled, or condemned shall dispose of the remains, carcasses, or parts of entrails thereof within the next available period of daylight after such death or accumulation in an approved manner as required by the Community Service Officer. (Enacted Ordinance 83, December 7, 2005)

7.02.040. Slaughter house and meat processing businesses. Any business engaged in the business of slaughter animals and/or processing meat of any animals must comply with any state and federal regulations and statutes. The Community Service Officer is to report any violations of said statutes or regulations to the appropriate state or federal agency. (Enacted Ordinance 83, December 7, 2005)

## **CHAPTER 7.03**

### **GARBAGE AND WASTE**

- 7.03.010 Garbage and waste accumulation
- 7.03.020 Garbage and waste wrapping requirements
- 7.03.030 Combustible rubbish storage
- 7.03.040 Garbage and waste accumulation
- 7.03.050 Commercial or business garbage and refuse storage
- 7.03.060 Contagious, hazardous or dangerous material accumulation
- 7.03.070 Dumpsters
- 7.03.080 Maintenance-violation-notice
- 7.03.090 Alley or right of way maintenance
- 7.03.100 Container placement-parks and public areas
- 7.03.110 Removal of garbage and waste

#### **7.03.010. Garbage and waste accumulation.**

A. Refuse containers and racks shall be provided by the owner or occupant of the premises. Refuse containers and racks shall be maintained in good condition.

B. Containers shall be made of metal, or plastic equipped with suitable handles and tight fitting covers, and shall be watertight. Garbage containers shall have a capacity of not more than thirty (30) gallons and shall be kept in a clean, neat and sanitary condition at all times.  
(Enacted Ordinance 83, December 7, 2005)

#### **7.03.020. Garbage and waste wrapping requirements.**

All garbage and waste placed in refuse containers shall be enclosed in bags, securely fastened at the top.(Enacted Ordinance 83, December 7, 2005)

#### **7.03.030. Combustible rubbish storage.**

Whenever combustible rubbish is held and stored within any industrial, commercial, or business structure, it must be stored in a manner acceptable to the Fire Department. (Enacted Ordinance 83, December 7, 2005)

#### **7.03.040. Garbage and waste accumulation.**

Ordinary accumulations of garbage and waste between removal by the premise's owner to the County collection area may be placed in any container, such as a 30 gallon garbage container. Extraordinary accumulations of garbage and waste shall be placed in appropriate containers. Tree trimmings and grass shall be placed in substantial containers or placed in neat bundles. Wetted down ashes shall be placed in metal containers with covers. (Enacted Ordinance 83, December 7, 2005)

**7.03.050. Commercial or business garbage and refuse storage.** The owner or occupant of any industrial, commercial or business establishment shall make such provisions as required for the sanitary and safe storage and collection of such refuse as may be produced in



quantity, and such will be subject to review and approval by the Community Service Officer. (Enacted Ordinance 83, December 7, 2005)

**7.03.060. Contagious, hazardous or dangerous material accumulation.**

A. No refuse which may carry infectious or contagious substances or communicable diseases shall be placed for collection. Disposal at a proper disposal site for the material is the sole responsibility of property owner.

B. Discarded fluorescent lighting tubes, mercury vapor lamps, incandescent bulbs and vacuum tubes shall be wrapped or boxed in an approved manner so as to be inaccessible to children. Old medicine shall be securely wrapped and kept inaccessible to children. (Enacted Ordinance 83, December 7, 2005)

**7.03.070. Dumpsters.** For multifamily dwellings containing three or more separate dwelling units, dumpsters of minimum two (2) cubic-yard capacity may be required. For commercial or industrial establishments, dumpsters shall be required except small commercial establishments generating three (3) cans or less of refuse per week. Dumpsters or garbage cans, as deemed necessary by the City, shall be supplied by the owner or occupant. All decisions on necessity of dumpsters under this chapter shall be made by the Community Service Officer. (Enacted Ordinance 83, December 7, 2005)

**7.03.080. Maintenance-violation-notice.**

A. It shall be the duty of every owner/occupant as defined in this chapter to maintain the premises, equipment, containers, and disposal areas owned or used by him or under his supervision in compliance with all the requirements of this chapter and all of the applicable provisions of this Code, and any violation thereof shall constitute a misdemeanor and shall be punishable under the general penalty of this Code.

B. Whenever an offense is observed pertaining to these requirements, the owner/occupant shall be served notice citing the violation and requiring abatement of such offense within twenty-four (24) hours. Such notice may be served by verbal notification to the responsible party, written notice delivered to any adult found on such premises, by affixing the same securely to the handle of the front door of the premises, and/or by mailing such notice to the owner/occupant of the premises. If the violator, upon receiving the notice of violation, does not abate the problem within twenty-four (24) hours, a complaint may be filed in the City Court. This procedure will be for first time offenders; these procedures will not apply to any further violations for the same and/or similar ordinance infractions. (Enacted Ordinance 83, December 7, 2005)

**7.03.090. Alley or right of way maintenance.**

All persons owning, occupying or being in control of property fronting on any alley of this Town shall keep the portion of the alley between the centerline thereof and the property line of such property and fronting on such property, free from garbage, rubbish, weeds, trash, paper, or any other combustible material. Failure to carry out such duties in this section or elsewhere required for the accumulation, collection, transportation, and disposal of refuse in any place or in any condition not meeting the requirements of this Code is a misdemeanor. (Enacted Ordinance 83, December 7, 2005)

**7.03.100. Container placement-parks and public areas.**

Containers shall be placed by the owner/occupant in a place or manner approved by the Community Service Officer. (Enacted Ordinance 83, December 7, 2005)

**7.03.110. Removal of garbage and waste.**

Every Tenant, lessee, occupant, keeper or owner of the places or occupancies referred to in this chapter shall be responsible for the regular removal of garbage or waste. (Enacted Ordinance 83, December 7, 2005)

## CHAPTER 7.04

### MISCELLANEOUS PROVISIONS

- 7.04.010 Littering-rodent harborage-deposit in unauthorized area-prohibition
- 7.04.020 Fill material-authorized when
- 7.04.030 Burning
- 7.04.040 Construction-waste removal regulations
- 7.04.050 Salvaging prohibited—exception with contract or permit
- 7.04.060 Accumulations on vacant lot prohibited
- 7.04.070 Manure accumulation
- 7.04.080 County to take all waste, garbage or refuse

#### 7. 04.010. Littering-rodent harborage-deposit in unauthorized area-prohibition.

No person shall throw or deposit any refuse or cause the same to be thrown or deposited upon any street, boulevard, alley, gutter, park or other public way or throw or deposit the same in or upon any premises or vacant lot or in any water or waterway thereto, or store or keep the same except in containers required by this chapter and such offense is punishable under State law. No person shall store, deposit, or keep refuse in any place or in any manner where rodents can have access to or feed thereon, or can cause such refuse as a harborage, nest or breeding place. No person shall deposit or cause to be deposited any refuse in any place other than specified in this chapter. (Enacted Ordinance 83, December 7, 2005)

#### 7.04.020 Fill material-authorized when.

When approved by the Community Service Officer, the owner of a premises may place rubbish in low areas or low lots as a fill material when such is leveled and covered and when such practice will not create an unsanitary condition or nuisance. The owner of the property receiving such filling shall be responsible for any unsanitary condition or nuisance resulting therefrom. Permission for such placement of refuse must be obtained from the Community Service Officer. (Enacted Ordinance 83, December 7, 2005)

#### 7.04.030. Burning.

No person shall burn refuse in the Town. (Enacted Ordinance 83, December 7, 2005)

#### 7.04.040. Construction-waste removal regulations.

Each person, building contractor, construction contractor, or subcontractor, engaged in the construction or repair or demolition of any building or structure or part thereof, shall remove and dispose of in an authorized manner from any street, alley, gutter, park, sidewalk curbing, curb space, any public way or any premises not owned by him all waste matter or rubbish deposited thereon in connection with that portion of the repair, construction, or demolition work under his special or

**7.04.050. Salvaging prohibited—exception with contract or permit.**

No person shall pick over, sort, segregate or salvage any refuse deposited in any authorized disposal area, refuse container or refuse pile except as authorized by contract or permit. (Enacted Ordinance 83, December 7, 2005)

**7.04.060. Accumulations on vacant lot prohibited.**

No person, owner, absentee owner or absentee agent, agent or occupant of a lot or premises whereon a building of any kind may exist or of a vacant lot shall allow any collection of garbage, rubbish, waste matter or filth of any description to remain on such lot or premises. (Enacted Ordinance 83, December 7, 2005)

**7.04.070. Manure accumulations.**

Manure shall be removed from pens, stables, barns, veterinary hospitals and all similar places within the City at the expense of the owner and in an approved manner. Manure which may be well-rotted or classified as compost may be used as fertilizer, but manure having any considerable odor or likely to cause a nuisance shall be prohibited from use. All manure resulting from keeping of animal, fowl, livestock or game in the City shall be accumulated in sanitary flyproof containers and collected and disposed of in an approved manner. The accumulation, collection and disposal of such material in any manner not conforming with the standards and requirements of this chapter is a misdemeanor, and the unsanitary accumulation, collection or disposal of such substance is a nuisance and the chapter shall be enforced by the Community Service Officer. (Enacted Ordinance 83, December 7, 2005)

**7.04.080. County to take all waste, garbage or refuse.**

The ultimate means of disposal for all garbage, waste or refuse allowed for disposal will be the County's landfill, green boxes, or as otherwise directed by the Town or County. (Enacted Ordinance 83, December 7, 2005)

## CHAPTER 7.05

### WEEDS AND/OR OFFENDING VEGETATION

- 7.05.010 Definitions
- 7.05.020 Duty to remove weeds, vegetation or plants on developed and undeveloped lots-interference with visibility at alleys, intersections, streets and drive approaches
- 7.05.030 Notice to destroy
- 7.05.040 Failure to comply
- 7.05.050 Notice
- 7.05.060 Failure to comply, a misdemeanor
- 7.05.070 Assessment

#### **7.05.010. Definitions.**

For the purpose of this article, the following terms, phrases, words and their derivations shall have the meaning given herein:

A. "Developed parcel" means any parcel of land that has been used or is being used for commercial or residential use with a principal structure covering more than five (5) percent of the parcel.

B. "Offending vegetation" means vegetation which violates the sections of this article.

C. "Owner and/or occupant" means any persons who alone, jointly, or severally with others:

1. Has a legal or equitable interest in a dwelling unit, with or without accompanying actual possession thereof,

2. Acts as the agent of a person having a legal or equitable interest in a dwelling or dwelling unit thereof, or

3. Is the general representative or fiduciary of an estate through which a legal or equitable interest in a dwelling unit is administered.

D. "Ownership" means ownership of land which shall be deemed to exist from the edge of any abutting alley, to and including the curb and gutter area of any abutting street of such lot or tract of land.

E. "Undeveloped parcel of land" means any parcel of land zoned for but not currently being used for commercial or residential use.

F. "Weed" means any plant which:

1. Ordinarily grow without cultivation; and,

2. Is not grown for the purposes of landscaping or food production.

G. "Weed cut or removed" means weeds that can normally be cut by the use of a push or ridden mower. (Enacted Ordinance 83, December 7, 2005)

#### **7.05.020. Duty to remove weeds, vegetation or plants on developed and undeveloped lots-interference with visibility at alleys, intersections, streets and drive approaches.**

The existence of weeds or offensive vegetation in violation of this section constitutes a public nuisance.

A. Developed Parcel. It shall be the duty of every owner (occupant) of a developed parcel to cut, destroy or remove, or cause to be cut, destroyed or removed, all weeds in excess of six (6)

inches in height growing thereon and upon one-half (1/2) of any road, street or alley abutting this property to a height of four (4) inches or less.

B. Undeveloped Parcel. It shall be the duty of every owner (occupant) of an undeveloped parcel to cut, destroy or remove, or cause to be cut, destroyed or removed, all weeds in excess of six (6) inches in height growing thereon and upon one-half (1/2) of any road, street or alley abutting this property to a height of four (4) inches or less on property located within thirty (30) feet of any developed parcel.

C. Traffic Hazards. All weeds and offensive vegetation, or any plants, trees, and vegetation in developed and undeveloped areas which interferes with visibility at intersections, alleys, streets, and drive approaches is prohibited. (Enacted Ordinance 83, December 7, 2005)

#### **7.05.030. Notice to destroy.**

The Town Clerk shall give notice to destroy weeds within the Town limits by publishing notice to the public at least once each week for two (2) consecutive weeks at the three locations authorized by the municipal codes. The last publication shall not be less than seven (7) days prior to April 30th. (For the calendar year 2005 these notices shall be published following the second reading of this chapter.) Such notice shall at a minimum advise the public as follows:

A. That all owners of real property or agents having control thereof are responsible for destroying all weeds in prohibited areas by extermination, removal or cutting not later than April 30th of each year and to keep the area free of weeds through November 30th of that year.

B. Failure to remove the offending weeds may cause the City to remove the weeds and charge the cost thereof against the real property together with an administrative cost equal to twenty-five (25) percent of the removal cost and a penalty of one hundred dollars (\$100.00) for each time the City provides the removal. (Enacted Ordinance 83, December 7, 2005)

#### **7.05.040 Failure to comply.**

Upon first failure, neglect or refusal to maintain the prohibited areas free from weeds during the prescribed period, the Community Service Officer or Town Clerk shall give notice to the noncomplying owner, agent or occupant thereof. Such notice shall provide as a minimum:

A. That the noncomplying owner, or agent thereof, is allowed seven (7) days from the date of the first notice of noncompliance to exterminate or remove;

B. That upon failure to comply the Town may by its own work forces or by contract cause the weeds to be exterminated, removed or cut and the cost thereof shall be assessed against the noncomplying real property together with an additional administrative cost equal to twenty-five (25) percent of the cost of removal and a one hundred dollars (\$100.00) penalty;

C. If the owner, or agent of the property continues to neglect to maintain the prohibited areas free from weeds, the Town may at its sole discretion exterminate, remove or cut the weeds again as needed without additional notice of any kind. Charges as in subsection (B), including penalty, will be assessed for each time the City removes the weeds;

D. That the assessed amount together with costs and penalties shall constitute a lien on the noncomplying real property and will be taxed as a special assessment against the real property. The City has the option of sending a monthly billing statement to the owner, agent or occupant of said premises which is due and payable upon receipt. Should this statement remain unpaid, within sixty (60) days all costs will be levied and assessed against the real property. (Enacted Ordinance 83, December 7, 2005)

**7.05.050 Notice.**

Notice under this article is sufficient if served personally or mailed regular mail to the last known address or the last address shown on the tax rolls of the county. Notice shall be deemed given when deposited in a United States Postal Service receptacle. (Enacted Ordinance 83, December 7, 2005)

**7.05.060. Failure to comply, a misdemeanor.**

Any person who willfully fails to comply with the provisions of this article is guilty of a misdemeanor and shall be punished as provided in Section 1.08.010. (Enacted Ordinance 83, December 7, 2005)

**7.05.070. Assessment.**

A. Annually the Town shall prepare a list of all lots, tracts and parcels of real-property within the City from which and adjacent to which weeds were removed or exterminated by the Town and for which such charges and penalties have not yet been paid, the list shall include as a minimum the following:

1. Name as shown by the tax rolls, common address if known;
2. Tax code of the property;
3. Legal description of the lot, tract or parcel;
4. Cost of the weed removal for that property;
5. Administrative costs;
6. Penalty assessed.

B. The assessment list shall be incorporated into a special assessment resolution in proper form which resolution shall be presented the Town Council for consideration. From and after passage of the resolution, the assessments stated therein, together with administrative costs and penalty shall constitute a special tax, as provided in MCA 7-22-4101 and a lien on the real property shown on the assessment list. A copy of the resolution after passage shall be certified to the official collecting the Town taxes and assessments. (Enacted Ordinance 83, December 7, 2005)

## CHAPTER 7.06

### COMMUNITY DECAY

#### 7.06.010 Definitions

#### 7.06.020 Administration and enforcements

#### 7.06.030 Community decay standards

#### 7.06.040 Shielding standards

##### **7.06.010. Definitions.**

A. "Abandoned, wrecked, junked or dismantled vehicle, machinery or equipment" means every vehicle, machine or piece of equipment which is not being used for its manufactured or intended purpose and has been discarded, abandoned, wrecked, junked, dismantled or partially dismantled, including parts thereof.

B. "Community decay" means a nuisance created by allowing rubble, debris, junk, abandoned vehicles or refuses to accumulate resulting in conditions that are injurious to health, indecent, offensive to the senses or obstructive to the free use of property so as to interfere with the comfortable enjoyment of life or property.

C. "Person" means an individual, firm, partnership, company, association, corporation or organization of any kind.

D. "Public view" is any point six (6) feet above the surface of the center of any public street, road or alley from which the community decay can be seen.

E. "Shielding" means fencing or other barriers to conceal community decay from public view. Any erected shielding must conform to all zoning, planning, building and protective covenant provisions.

F. "Vehicle" means every device in, upon or by which any person or property may be transported or drawn including but not limited to automobiles, trucks, trailers, machinery, motorbikes, motorcycles, golf carts and tractors. This term does not include mobile homes currently used for human habitation. (Enacted Ordinance 83, December 7, 2005)

##### **7.06.020. Administration and enforcement.**

A. The Community Service Officer shall enforce this chapter and institute appropriate action to insure and correct violations.

B. Violations of this chapter shall be declared a nuisance and shall be punishable as provided in 1.08.010 of this Code or may be enforced pursuant to the public nuisance statutes of the State of Montana (Enacted Ordinance 83, December 7, 2005)

##### **7.06.030. Community decay standards.**

It shall be a violation of this chapter to allow any of the following conditions to exist within public view on any property in the Town:

A. The dumping, piling or stacking of waste wood building materials or similar materials on any property except when such materials are being used for construction not to exceed a one hundred twenty (120) day period.



B. The storage or accumulation of cardboard boxes, broken packing boxes, paper or similar items.

C. The storage or accumulation of iron, metal, vehicle or machine parts, junk vehicles, abandoned vehicles, wrecked vehicles, household appliances or other salvaged materials.

D. The storage and accumulation of any rubble, debris, junk or refuse that is deemed to be a nuisance by the Community Service Officer.

E. This section shall not apply to vehicles enclosed in a building or covered by a cover specifically designed for covering vehicles or to any vehicle held in connection with a lawfully operated business enterprise or to any vehicle retained for antique collection purposes pursuant to Section 61-3-411, MCA.

F. This section shall not be construed to prevent any person from repairing his own vehicles even though exposed to public view provided said person pursues the work to completion with reasonable diligence. (Enacted Ordinance 83, December 7, 2005)

G. The City Council may grant a variance for Subsections A through F provided that the applicant meets the shielding standards set for in Section 7.06.040 of these codes.

#### **7.06.040. Shielding standards.**

A. All plans for shielding shall be approved by the Community Service Officer prior to installation or construction.

B. When fencing is used for shielding, the space between the boards shall not exceed one and one-half (1 -1/2) inches. Chain link fences with standard fiberglass or other inserts are acceptable provided the space between adjacent slats does not exceed one and one-half (1-1/2) inches.

C. Shielding with shrubs and trees shall provide a similar degree of shielding at all times of the year.

D. Other types of fencing may be acceptable.

E. No more than one type of shielding material may be used on any one side of a shielding fence.

F. The fencing is to be maintained by the property owner or occupant in a neat workmanlike manner and shall be replaced when necessary. (Enacted Ordinance 83, December 7, 2005)