Chapter 5
NUISANCE VEGETATION

7-5-1: TITLE:
This chapter shall be known and cited as the NUISANCE VEGETATION ORDINANCE FOR THE CITY OF EAST HELENA.

7-5-2: INTENT:
To declare and determine what vegetation within the City shall be nuisance weeds and provide the manner in which they shall be exterminated and controlled.

It is not the intent of this section to require the control or maintenance of native plant communities in areas not disturbed by development or in undisturbed areas to which equipment access is restricted by topography unless those areas pose an imminent physical danger to people or property, or visual obstruction for pedestrians or vehicles.

7-5-3: DEFINITIONS:
For purposes of this chapter, the following terms, phrases, words, and their derivations shall have the meanings given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural include the singular, and words in the singular include the plural. The words "shall" and "must" are mandatory and not merely directory.

BOARD: Lewis and Clark County weed district board.

DEPARTMENT: City of East Helena public works department.

NOXIOUS WEEDS: Any weed defined and designated as a noxious weed under title 7, chapter 22, part 21, Montana Code Annotated.

NUISANCE VEGETATION: All grass, dandelions, weeds (other than noxious weeds) and other uncared for vegetation growing in excess of eight inches (8") in height of every kind and nature. All vegetation that constitutes an imminent physical danger to people or property or visual obstruction for pedestrians or vehicles.

7-5-4: NUISANCE VEGETATION TO BE CUT:
All property owners shall cut nuisance vegetation on their premises and the one-half (1/2) of any alley or street lying next to their property, and the boulevard abutting thereon. When cutting of nuisance vegetation is not sufficient to prevent physical danger to people or property the nuisance vegetation must be removed.

7-5-5: NOXIOUS WEEDS PROHIBITED:
A. Noxious weeds are prohibited on all property within the corporate limits of the city.
B. The department, upon determination that a property within the corporate limits of the city contains noxious weeds, shall forward the name and mailing address of the property owner and the description of the property where the violation exists to the board.

7-5-6: NOTICE OF VIOLATION:

When nuisance vegetation is found on property or the adjacent alley, street, or boulevard in violation of this chapter, the city will send a written notice of violation to the property owner informing the owner of the violation and advising the owner that the nuisance vegetation must be cut, or removed if necessary, within ten (10) days from the date of the notice.

If the nuisance vegetation is not cut or removed within that period, the property owner is subject to the penalties in this chapter.

7-5-7: VIOLATION:

Violations of this chapter may subject the property owner to a fine not to exceed five hundred dollars ($500.00), or imprisonment in the county jail for a period no more than thirty (30) days, or both such fine and imprisonment.

7-5-8: ENFORCEMENT BY CITY; COSTS:

If the property owner does not cut or remove the nuisance vegetation following a conviction, the city may take whatever reasonable action is necessary to cut or remove the offending vegetation. The actual costs of such cutting or removal, together with a reasonable charge for administration and supervision, shall be billed to the owner of the property. If the charges are not paid forthwith, the public works director shall certify the same to the city council, which shall pass a resolution assessing such charges as a special tax against the property involved.