

**AN ORDINANCE DEFINING WEEDS AS A NUISANCE, SETTING PROCEDURES FOR NOTIFICATION OF EXISTENCE OF SUCH NUISANCE AND FOR THE REMOVAL OF SAME AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF.**

**SECTION 1. Unlawful Vegetation.**

It shall be unlawful for any property owner, lessee, or occupant having control of any property within the City of Braham to permit or maintain on any property, or on or along the sidewalk, street or alley adjacent to the property, between the property line and the curb or middle of the alley, any uncultivated, or uncontrolled growth of weeds, grass, brush or other vegetation, which is not part of an orderly landscape design, to a greater height than 6" (six inches) or any accumulations of dead weeds, grass, or brush. It shall also be unlawful for any such person or persons to cause or allow noxious weeds as defined by the statutes of the State of Minnesota to exist on any property within the City limits of Braham. Vegetation declared unlawful by this section is a public nuisance.

**SECTION 2. Duty of Owner.**

**Lessee or Occupant.**

It shall be the duty of every owner, lessee, or occupant of any property within the City of Braham to cut, destroy, remove or eradicate all nuisance vegetation as often as may be necessary to comply with the provisions of this Ordinance and whenever the Weed Inspector or his assistants notify such owner, lessee or other occupant of the nuisance; however, cutting and removing such weeds, grass and vegetation at least once every ten days, between May 15th and September 15th shall be deemed to comply with this Ordinance.

**SECTION 3. Permitting a Nuisance.**

**(a) Notice.**

When an owner, lessee, or occupant permits a nuisance to exist in violation of this Ordinance; the Weed Inspector may serve, by certified mail or hand delivery, written notice upon the owner, lessee or occupant of said property ordering compliance within ten (10) days after receipt of such notice. The notice also shall state that in the event of non-compliance the Weed Inspector may order the work to be done by the Inspector or his assistants at the property owner's expense and further that the person has the right to appeal the order as provided herein.

**(b) Non-compliance with Notice.**

If such person fails to comply with the notice, the Weed Inspector or his assistants shall take such action as is necessary to abate the nuisance. All costs (including administration, inspections, and work, whether contractual or other) may be recovered by the City Council, at its direction, either by billing the person directly or by extending the cost of such work as special assessment against the property which assessment shall be certified to the County Auditor for collection as other special taxes in the following year.

**(c) Appeal.**

Any person aggrieved by an order of the Weed Inspector, or his assistants, may appeal that order to the City Council by filing a written request with the Weed Inspector within five (5) days of service of the notice provided herein. The Weed Inspector shall within five (5) days cause the appeal to be placed on the next regular City Council agenda and notify the appellant of the date, time, and place of such meeting. The City Council shall have authority to affirm, amend, or reject the order of the Weed Inspector, or his assistants.

**SECTION 4. Obstructing City Employees.**

No person shall obstruct the Weed Inspector, or his assistants, in the cutting, removal, or eradication of weeds or grass.

**SECTION 5. Penalty.**

Any person who shall not abate the nuisance as directed in this Ordinance, or who shall fail to comply with the provisions of any notice provided herein, or who shall resist or obstruct the City Clerk or his authorized representative in the abatement of a nuisance, shall be guilty of a petty misdemeanor and, upon conviction continues shall constitute a separate offense.

**SECTION 6. Separability.**

If any section, subsection, sentence clause or phrase of this Ordinance is for any reason held to be invalid by a Court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

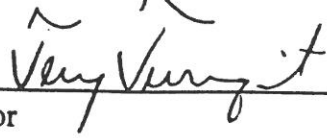
**SECTION 7. Repeal.**

This ordinance repeals previous Ordinance No. 100 dated August 3, 1981.

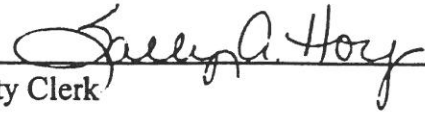
**SECTION 8. Effective Date.**

This Ordinance shall be in full force and effect upon its passage and publication.

Passed by the City Council this 1st day of November, 1999.

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Clerk

{pj:\townroad\nuisance.ord}