

ORDINANCE NO. 103

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF SHERIDAN, MONTANA, REQUIRING THE REMOVAL OF NOXIOUS WEEDS OR OTHER VEGETATION FROM PRIVATE PROPERTY DEEMED BY THE TOWN FIRE CHIEF TO BE A FIRE HAZARD; PROVIDING FOR THE ABATEMENT AND RECOVERY OF COSTS OF ABATEMENT OF THE HAZARD; AND PROVIDING A PENALTY FOR VIOLATION.

BE IT ORDAINED by the Town Council of the Town of Sheridan, Montana, that:

Section 1. It shall be the responsibility of the owner or owners of any private property within the jurisdictional limits of the Town of Sheridan to remove from any occupied or unoccupied land noxious weeds or other vegetation deemed by the Town Fire Chief to be a fire hazard. The owners or owners of the property shall remove such vegetation to the extent necessary to eliminate the fire hazard that otherwise may result from the uncontrolled growth of such vegetation.

Section 2. In the event that the property owner or owners fail to remove within ten days from the property such vegetation to the extent necessary to abate the fire hazard, the Mayor of the Town of Sheridan may order the abatement of the fire hazard by ordering the removal of the vegetation by employees of the Town or by contract for private services. The cost of such removal and abatement shall be payable to the Town by the property owner or owners and, if unpaid after 60 days from the date of billing, the cost shall be included with interest on the property tax bill of the owner or owners, pursuant to law.

Section 3. Failure by the property owner or owners to remove from the premises noxious weeds or other vegetation within 10 days of written notice given by the Town Fire Chief that the uncontrolled growth of such vegetation on the property is a fire hazard is guilty of a misdemeanor and, in addition to the costs of abatement of the hazard, shall be fined not less than \$25 nor more than \$500.

Absolute Liability

Section 4. It is the legislative purpose of the Sheridan Town Council, pursuant to the provisions of 45-2-104, M.C.A., to impose absolute liability for the misdemeanor offenses(s) enacted by and set forth in this ordinance. Those offenses shall not require proof of the mental status described in 45-2-101, M.C.A.

Repealer

Section 5. All resolutions, ordinances and sections of the Sheridan Municipal Code and parts thereof in conflict herewith are hereby repealed.

Severability

Section 6. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect the other provisions of this ordinance which may be given effect without the invalid provision or application and, to this end, the provisions of this ordinance are declared to be severable.

Effective Date

Section 7. This ordinance shall be in full force and effect thirty (30) days after passage on second reading.

References:

7-22-4101, M.C.A.

PASSED AND ADOPTED by the Town Council of the Town of Sheridan, Montana at a regular session thereof held on the 13th day of August, 2007.

ATTEST:

Dean Derryberry, Mayor

Gail Leary, Town Clerk

PASSED, ADOPTED AND FINALLY APPROVED by the Town Council of the Town of Sheridan, Montana at a regular session thereof held on the 27th day of August, 2007.

ATTEST:

Dean Derryberry, Mayor

Gail Leary, Town Clerk

APPROVED AS TO FORM:

Douglas Smith, City Attorney