

CHAPTER 13-03 (WEED CONTROL)

13-03-01. Authority.

1. The City Forester shall have the duties and authority as provided by this section.

2. All weeds, tall grasses exceeding (8) eight inches in height, and unhealthy vegetation exceeding eight (8) inches in height growing within the limits of the city are hereby declared to be a public nuisance. It shall be the duty of every person owning, occupying, or in charge of any premises, lot or parcel of land in the city to keep that premises, parcel or lot, including the adjacent rights-of-way, berms and boulevards free from all weeds, long grasses and unhealthy vegetation by cutting or destroying them at all times during the growing season. Medians separating street sections shall not be included in the requirements of this section.

3. "Weeds" as used in this chapter shall include all weeds contained in North Dakota Administrative Code Section 7-06-01-02 as it defines "noxious weeds."

4. "Tall grasses" shall mean all weeds not contained in North Dakota Administrative Code Section 7-06-01-02 in excess of eight (8) inches in height and all grasses in excess of eight (8) inches in height. Tall grasses may be used for ornamental plantings subject to the following conditions:

a. Tall grasses may not be used as lawn cover.

b. Tall grasses may not be planted on the public right-of-way without the written permission of the city traffic engineer.

c. Tall grasses may not be planted or maintained within a sight triangle, as defined by Section 14-02-03, in excess of thirty-six (36) inches in height above the adjacent curb level.

d. Plantings of tall grasses must be maintained in a weed free condition.

5. "Unhealthy vegetation" shall include, but not be limited to the following:

a. Volunteer trees capable of being cut with mowing equipment.

b. Ornamental plantings overgrown with weeds.  
(Ord. 5487, 03-14-06; Ord. 5715, 04-28-09); (Ord. 6039, 04-08-14; Ord. 6156, 10-13-15; Ord. 6202, 04-26-16)

13-03-02. Control/Duty. It is the duty of every person owning, occupying or in charge of any premises, lot or parcel of land to cut, eradicate or control any weeds, tall grasses exceeding (8) eight inches in height, and unhealthy vegetation exceeding eight (8) inches in height, to prevent them from becoming a public nuisance.  
(Ord. 6039, 04-08-14)

13-03-03. Notice by Publication of Ordinance. It shall be the duty of the City Forester to cause a notice of the contents of this chapter to be published in the official newspaper of the City once within three days of May 1 and May 15 and once again within three days of June 15 and July 1. These publications shall serve as notice to all landowners, occupants or persons in charge of land of the requirements of this chapter. These publications shall also serve as the official notice to property owners to cut weeds, tall grass and unhealthy vegetation. Other methods of notification, such as the media and City of Bismarck's website may also be used to notify landowner, occupants or persons in charge to control weeds, tall grass and unhealthy vegetation.  
(Ord. 5487, 03-14-06); (Ord. 6039, 04-08-14; Ord. 6156, 10-13-15; Ord. 6202, 04-26-16)

13-03-04. Eradication, Cutting or Control of Weeds, Tall Grasses and Unhealthy Vegetation by the City Forester. At a minimum, all property shall be mowed by June 1, mowed again by July 1, mowed again by August 1 and, if necessary, mowed again by September 1 of each year to comply with the provisions of this chapter. The City Forester may order more frequent cuttings, eradications or controlling of weeds, tall grass and unhealthy vegetation if necessary for compliance with this chapter and such notice may be given in person, via telephone or by letter.

1. Whenever any person, firm or corporation owning, occupying or in charge of any premises, lot, or parcel of land within the city, shall fail, neglect or refuse to mow the property at least once by June 1, again by July 1 and again by August 1 of each year in accordance with the provisions of this section or shall fail to eradicate, cut or control weeds, tall grasses or unhealthy vegetation within 7 days of receipt of notice from the City Forester, the City Forester shall order the nuisance to be abated by eradicating, cutting or controlling the weeds, tall grasses or unhealthy vegetation in a manner as specified by the City Forester, if the City Forester has first complied with the notice requirements of this Section and Section 13-03-03.

A person, firm or corporation notified of impending City action may cause the eradication, cutting or control of the weeds, tall grasses or unhealthy vegetation at any time before the City eradicates, cuts or controls the weeds, tall grasses or unhealthy vegetation located on the property or may appeal the order of the City Forester in writing to the Office of City Administration within five (5) days of receipt of notice or posting of notice from the City Forester to eradicate, cut or control the weeds, tall grasses or unhealthy vegetation. The appeal shall be heard by the Board of City Commissioners at their next scheduled meeting.

*(Ord. 5487, 03-14-06); (Ord. 6039, 04-08-14; Ord. 6156, 10-13-15; Ord. 6202, 04-26-16)*

13-03-04.1. Exemptions From Cutting or Mowing. A property may be exempt from the cutting or mowing requirements listed in this Chapter if such exemption is approved by the City Forester based upon his/her conclusion that an exemption is warranted due to safety concerns, environmental concerns, aesthetic benefits or economic efficiency. Conditions or situations in which such an exemption may be granted shall include but not be limited to property that:

1. Cannot be safely mowed.
2. Is highly erodible.
3. Is undevelopable.
4. Is located in an undisturbed natural area.
5. Is densely wooded.
6. Is too wet to mow, such as marsh, wetland or storm water drainage, pond, or feature, either natural or man-made.
7. Is zoned agricultural or is legally used for bona-fide agricultural practices.

*(Ord. 6039, 04-08-14; Ord. 6156, 10-13-15; Ord. 6202, 04-26-16)*

13-03-05. Costs Assessed Against Property. When the City has affected the eradication, cutting or control of weeds, tall grasses or unhealthy vegetation, or has contracted for and paid for the eradication, cutting or control of the weeds, tall grasses or unhealthy vegetation, the actual cost thereof, including an administrative fee as approved by the city commission, must be charged and assessed against the property upon which the weeds, tall grasses or unhealthy vegetation were eradicated, cut or controlled. An assessment list showing the costs against each lot or tracts to be assessed shall be prepared as are other special assessment lists and shall be

approved by the Board of City Commissioners. All procedures under state law for certification, appeal, payment and collection of special assessments shall apply.  
(Ord. 6039, 04-08-14; Ord. 6374, 04-09-19)

13-03-06. Cooperation. Nothing in this chapter shall in any way affect the City's ability to levy for weed and tall grass control nor prevent the City from contracting with or cooperating with any other board or jurisdiction for the control of weeds, tall grasses or unhealthy vegetation. The City Forester may delegate all or some of the duties required under this section to a member or members of the Public Works staff.  
*Source: Home Rule Charter for the City of Bismarck, Article 3 and NDCC Chapter 63-01.1; (Ord. 6039, 04-08-14; Ord. 6156, 10-13-15; Ord. 6202, 04-26-16)*