

**ORDINANCE No. 5540**

**AN ORDINANCE AMENDING CHAPTER 8.28 OF THE RAPID CITY MUNICIPAL CODE RELATING TO GRASS AND WEEDS**

WHEREAS, the City of Rapid City has adopted Chapter 8.28 of the Rapid City Municipal Code, entitled “Weeds and Noxious Matter”; and

WHEREAS, the Common Council of the City of Rapid City deems it to be in the City’s best interests to amend Chapter 8.28.

NOW THEREFORE, BE IT ORDAINED by the City of Rapid City that Chapter 8.28 of the Rapid City Municipal Code be amended to read in its entirety as follows:

**8.28.010 Definitions.**

For the purpose of this chapter:

- A. **GRASS AND WEEDS:** To include, but not limited to, blue grass, western wheat species, buffalo grass, gramma grass, big blue stem, little blue stem, Indian grass, needle and thread, green needle and any/all weeds, and any/all volunteer woody plant material, and other noxious or unhealthful vegetation.
- B. **NOXIOUS MATTER.** Trash, garbage and all other material which has been strewn about or otherwise apparently abandoned, or of no apparent value, which is unsightly, or which may be potentially hazardous as a breeding ground for insects and rodents and other undesirable animals, or which may prove hazardous to individuals using the area upon which these noxious matters exist.
- C. **STABILIZE.** The taking of reasonable measures to prevent the erosion, future growth of weeds or the prevention of future collection of noxious matter on the area.

**8.28.020 Prohibited conditions.**

All grass and weeds having reached a height of eight (8) inches, and other noxious matter are declared a nuisance and no owner of any lot, place or area within the city, or the agent of the owner or the occupant of the lot, place or area, shall permit on the lot, place or area, or upon any sidewalk abutting the same, any grass and weeds having reached a height of eight (8) inches, or other noxious matter to grow, lie or be located thereon.

**8.28.030 Notice to abate.**

**Initial Notice:** ~~The Public Works Director,~~ Community Resources Director or his or her designee, is authorized and empowered to notify, in writing, the owner of any lot, place or area within the city, or the agent of the owner, or the occupant of the premises, to cut, destroy or remove any grass and weeds or other noxious matter found growing, lying or located on the property or upon the sidewalk abutting same and stabilize the area to prevent future violation of this chapter. The notice shall be hand delivered or shall be submitted by first-class mail addressed to the owner ~~of record agent or occupant~~ at his or her last known address, and shall notify the owner ~~agent or occupant~~ to cut, destroy or remove any grass and weeds or other noxious matter within 10 days ~~of after the service date of~~ the notice was delivered or mailed.

**Subsequent Notices:** Upon any subsequent violation of this chapter in the same calendar year after notice has been given as provided above, notice of a second or subsequent violation shall require the owner to remedy the nuisance within three (3) days of delivery or mailing.

**8.28.040 Abatement by city–Authority.**

Upon the failure, neglect or refusal of any owner, ~~agent or occupant~~ to comply with the notice provided for in § 8.28.030, ~~within 10 days after the mailing thereof,~~ the ~~Public Works Division~~ Community Resources Director or his or her designee is authorized and empowered to provide for the cutting, destroying or removal of the grass and weeds or other noxious matter and stabilize the soil if necessary. The city may defray the cost of the work, including administrative costs, by special assessment against the property as set out in § 8.28.050.

**8.28.050 Abatement by city–Cost–Assessment.**

The ~~Public Works Division~~ Community Resources Director or his or her designee shall cause an account to be kept against each lot upon which work is done pursuant to § 8.28.040 and have the same certified to the Finance Officer or his or her designee upon the completion of the work. The Finance Officer shall thereupon certify the account, showing the amount, the description of the property, and the owner thereof, to the City Assessor, who shall thereupon add the assessment to the general assessment against the property and certify the special assessment, together with the regular assessment, to the County Auditor to be collected as municipal taxes for general purposes. The assessment shall be subject to review and equalization the same as assessments for taxes for general purposes.

**8.28.060 Abatement by city–Cost collection by suit.**

~~In lieu of~~ In addition to the procedure prescribed in § 8.28.050, the costs incurred by the city under this chapter may, in the discretion of the Common Council, be recovered in a civil action against the owner or occupant of the property.

**8.28.070 Violation–Penalty.**

In addition to the remedies provided in this chapter, any person violating any provision of this chapter shall be subject to the general penalty provision as set forth in § 1.12.010 of the Code.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

CITY OF RAPID CITY

ATTEST:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Finance Officer  
(seal)

First Reading:  
Second Reading:  
Published:  
Effective: