

Municipal Codes of Missoula-Vegetation: Hazardous

Public Works Department

Program specialist @552-6351

http://www.ci.missoula.mt.us/publicworks/Weed_Program.htm

ftp://www.ci.missoula.mt.us/Documents/MissoulaMunicipalCode/08-HEALTH&SAFETY.htm#Chapter_8_40

<ftp://www.ci.missoula.mt.us/Documents/Ordinance/3384.pdf>

Chapter 8.40

HAZARDOUS VEGETATION AND NUISANCE WEEDS

Sections:

[8.40.010 Definitions.](#)

[8.40.020 Weed removal--Property owner duty--By city.](#)

[8.40.030 Weed removal--Collection of charges.](#)

[8.40.040 Weed removal--Fee for removal by city.](#)

[8.40.050 Violation--Penalty.](#)

8.40.010 Definitions.

A. The following shall be considered hazardous vegetation pursuant to this chapter:

1. Any weeds and any grasses in excess of twenty-four inches in height if they exist within the city limits and abut a street or alley intersection or are within one hundred feet of a developed property located within the city limits or,
2. Accumulations of vegetation in excess of twenty-four inches in height that pose a fire hazard, as determined by the City Fire Department.

B. Nuisance weeds shall be defined as hazardous vegetation as defined pursuant to this chapter. (Ord. 3210, 2002; Ord. 3155, 2000; Ord. 2932 §1, 1995; prior code §3110.1).

8.40.020 Hazardous Vegetation cutting, removal or extermination--Property owner's duty--By City.

A. The owner, his representative, contract purchaser or any occupant of real property within the city shall cut hazardous vegetation growing on their real property including one-half of any street, road or alley lying next to their property or public boulevard abutting their property, by cutting such hazardous vegetation.

B. The owner, his representative, contract purchaser or any occupant of real property within the City shall remove or exterminate hazardous vegetation that poses a fire hazard as determined by the City Fire Department.

C. In case of their failure to do so, they shall be subject to the punishment provided in Section 8.40.050. In the case of hazardous vegetation, the City may cause the vegetation to be cut 10 calendar days from the date the notice of non-compliance is received and the expense incurred shall be charged against the property. In the case of accumulation of hazardous vegetation as determined by the City Fire Department, the City Fire Department may cause the accumulated hazardous vegetation to be removed or exterminated and the expense incurred may be charged against the property or against the owner as provided by law. It shall be the duty of such persons to maintain their property so that it shall not be considered a fire hazard, a public safety visibility hazard at street or alley intersections, a public health hazard or a public or a private nuisance.

D. In lieu of cutting all weeds and grasses on the total parcel, the property owner is permitted to mow or cut a twenty-five foot (25') swath on the property along the border of any adjacent rights-of-way or any adjacent developed property with buildings, and is required to cut a twenty-five foot (25') swath next to any structures located on the parcel itself.

In situations involving parcels of land that are maintained and designated or designed as natural parks/gardens, the owners may request exemption from the Director of Public Works or designated representative. The exemption will be in the form of a Managed Natural Garden/Park Agreement. The purpose is to recognize that private owners may have managed naturalized, less water intensive gardens and lawns. It shall be the duty of such persons to maintain their property so that it shall not be considered a fire hazard, a public safety visibility hazard at street or alley intersections, a public health hazard or a public/private nuisance. Parcels of land designated or designed as natural parks/gardens may lose the designation of exempt, under this ordinance, if the property is not managed as stated in the management agreement.

E. In situations involving parcels of land used for agricultural purposes such as growing crops, that are fully irrigated, the owners may request exemption from the Director of Public Works or designated representative. The exemption will be in the form of an Agricultural Property Management Agreement. It shall be the duty of such persons to maintain their property so that it shall not be considered a fire hazard, a public safety visibility hazard at street or alley intersections, a public health hazard or a public or a private nuisance. Parcels of land used for

agricultural purposes may lose the designation of exempt, under this ordinance, if the property is not managed as stated in the management agreement.

F. It shall be unlawful for a property owner or their tenant or designated property manager to violate any of the duties set forth in the provisions of this section. (Ord. 3210, 2002; Ord. 3155, 2000; Ord. 2932 §2, 1995; prior code §31-11).

8.40.030 Hazardous Vegetation cutting, removal or extermination--Collection of charges.

In the event the owner, representative of the owner, contract purchaser or occupant of any property required by Section 8.40.020 to cut hazardous vegetation fails to do so, the City may at any time, cause such vegetation to be cut. In the case of accumulation of hazardous vegetation as determined by the City Fire Department, the City Fire Department may cause the accumulated hazardous vegetation to be removed or exterminated and the expense incurred may be charged against the property or against the owner as provided by law. The cost of such cutting, removal, or exterminating shall be based upon charges as set forth in Section 8.40.040 and collected as a special tax against the property, in accordance with the provisions of MCA Section 7-22-4101. (Ord. 3210, 2002; Ord. 3155, 2000; Ord. 2932 §3, 1995; Ord. 2014 §1, 1979; prior code §31-12).

8.40.040 Hazardous Vegetation cutting, removal or extermination--Fee for cutting, removal or exterminating by the City.

A. A minimum hazardous vegetation cutting, removal or exterminating fee of eighty-one dollars (\$81.00) per hour or eighty-one dollars (\$81.00) per lot plus a City administrative fee shall be charged for the cutting, removal or exterminating of hazardous vegetation. The work will be performed by a City assigned cut contractor at the direction of the City. Fees are intended to pay for labor, fuel, equipment and administrative costs and may exceed the minimum fee in instances where actual costs exceed the minimum fees.

B. A City administrative fee of two hundred thirty-three dollars (\$233.00) shall be assessed for each weed and grass cutting, removal or exterminating work order that is processed. **(This is being changed to \$291.00 fine plus cutting charge)**

C. If a fire originates in the grasses or weeds on a property, the property owner may be assessed costs for fighting that fire if the City Fire Chief deems it appropriate to do so after conducting an investigation of the cause of the fire. (Ord. 3350, §1 2007; Ord. 3323 §1, 2006; Ord. 3227, 2003; Ord 3210, 2002; Ord. 3155, 2000; Ord. 2932 §4, 1995; Ord. 2680 §1, 1989; prior code §31-13).

8.40.050 Violation--Penalty. Any owner, representative, contract purchaser or occupant of the property violating the provisions of Section 8.40.020 shall be fined not less than fifty dollars nor more than five hundred dollars. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violation within a reasonable time. Each day that prohibited conditions are maintained or allowed to exist shall constitute a separate offense. The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions. (Ord. 3210, 2002; Ord. 3155, 2000; Ord. 2932 §5, 1995; prior code §31-15).