

ORDINANCE #825

An ordinance to amend the Milbank Municipal Code regarding weed notices and exemptions from mowing requirements

BE IT ORDAINED BY THE CITY COUNCIL of the City of Milbank, Grant County, South Dakota, THAT Chapter 11.22.045 be amended to read as follows:

11.22.045 Weed Notices and exemptions from mowing requirements. When notices for violations of any overgrown vegetation, etc (Section 11.20 item 4) have been sent by certified mail, the owner or persons responsible shall be given 10 days from date of notice to comply or the city will abate and charge the property owner.

Subsequent notices – After receiving the initial notice for violations of any overgrown vegetation, the owner or persons responsible shall be given five (5) days from date of notice to comply or the city will abate and charge the property owner.

An owner or persons responsible for property, consisting of a contiguous area of one acre or more within the City of Milbank, may apply to the City Council for an exemption from the mowing requirements of Section 11.20 item 4, based on the size, location and use of the property. If the City Council finds that mowing should not be required for such a parcel, the City Council may issue an exemption to the owner or persons responsible for the property subject to conditions imposed by the City Council. Any exemption granted pursuant to this section may be revoked by the City Council at any time without notice.

Passed and adopted this _____ day of _____, _____.

Aye: _____ Nay: _____ Absent: _____

Pat Raffety, Mayor

ATTEST:

Cynthia Schumacher, Finance Officer

First Reading: _____

Second Reading: _____
Adopted & Approved: _____
Published: _____
Effective: _____

CURRENT CODE

Chapter 11.22

NOTICES AND ORDERS

Sections:

- 11.22.010 Notice to owner or to person or persons responsible
- 11.22.020 Form
- 11.22.030 Method of service
- 11.22.040 Penalties
- 11.22.045 Weed notices.
- 11.22.050 Transfer of ownership

11.22.010 Notice to owner or to person or persons responsible. Whenever the code official(s) determine that there has been a violation of this code or has grounds to believe that a violation has occurred, notice shall be given to the owner or the person(s) responsible as prescribed below. (Ord. 669, Sec. 2, 2000)

11.22.020 Form. Such notice shall:

1. Be in writing
 2. Include a legal description of the real estate sufficient for identification as well as the street address.
 3. Include a statement of the violation or violations and why the notice is being issued.
 4. Include a statement of response to the finance officer within 10 days of issuance of letter. Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the structure or premises into compliance with the provisions of this code; and
 5. Inform the property owner of the right to appeal.
- (Ord. 669, Sec. 2, 2000)

11.22.030 Method of service. Such notice shall be deemed to be properly served if a copy thereof is:

1. Delivered personally; or

2. Sent by certified or first-class mail addressed to the last known address; or
3. If the notice is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by the notice. (Ord. 669, Sec. 2, 2000)

11.22.040 Penalties. Penalties for noncompliance with orders and notices shall be as set forth in Chapter 11.17. (Ord. 669, Sec. 2, 2000)

11.22.045 Weed Notices and exemptions from mowing requirements. When notices for violations of any overgrown vegetation, etc (Section 11.20 item 4) have been sent by certified mail, the owner or persons responsible shall be given 10 days from date of notice to comply or the city will abate and charge the homeowner. **insert new* An owner or persons responsible for property, consisting of a contiguous area of one acre or more within the City of Milbank, may apply to the City Council for an exemption from the mowing requirements of Section 11.20 item 4, based on the size, location and use of the property. If the City Council finds that mowing should not be required for such a parcel, the City Council may issue an exemption to the owner or persons responsible for the property subject to conditions imposed by the City Council. Any exemption granted pursuant to this section may be revoked by the City Council at any time without notice. (Ord. 669, Sec. 2, 2000; Ord. 703, Sec. 1, 2003)

11.22.050 Transfer of ownership. It shall be unlawful for the owner of any structure or premises who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, leave or otherwise dispose of until the provisions of the compliance order or notice violation have been complied with, or until such owner shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order of violation issued by the code official(s) and shall furnish to the code official(s) a signed and notarized statement from them fully accepting responsibility without condition for making the correction required by the notice. (Ord. 669, Sec. 2, 2000)