

**ORDINANCE 3118**

**AN ORDINANCE AMENDING TITLE 8, CHAPTER 52 OF THE OFFICIAL CODE OF THE CITY OF GREAT FALLS (OCCGF) PERTAINING TO ABATEMENT OF DISEASED VEGETATION**

\* \* \* \* \*

**WHEREAS**, the City of Great Falls endeavors to ensure that trees and other vegetation within its boundaries are free from disease, fungus or harmful insects; and

**WHEREAS**, the City of Great Falls endeavors to ensure that diseased vegetation is properly removed or treated by owners of the property where diseased vegetation exists; and

**WHEREAS**, the City of Great Falls intends to remove inconsistencies in the OCCGF as to the responsibilities for the removal or treatment of diseased vegetation by amending the OCCGF in pertinent part.

**NOW, THEREFORE**, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA:

- Section 1. That Title 8, Chapter 52 of the OCCGF be amended as depicted in Exhibit "A" attached hereto, which removes any language indicated by a strike-out and adds language which is bolded;
- Section 2. This ordinance shall be in full force and effect thirty (30) days after second reading and final adoption by the City Commission.

APPROVED by the City Commission on first reading February 18, 2014.

ADOPTED by the City Commission of the City of Great Falls, Montana on second reading March 4, 2014.

\_\_\_\_\_  
Michael J. Winters, Mayor

ATTEST:

\_\_\_\_\_  
Lisa Kunz, City Clerk

(Seal of the City)

APPROVED FOR LEGAL CONTENT:

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Sara R. Sexe, City Attorney

State of Montana     )  
County of Cascade   : ss  
City of Great Falls   )

I, Lisa Kunz, City Clerk of the City of Great Falls, Montana, do hereby certify that I did post, as required by law and as prescribed and directed by the City Commission, Ordinance 3118 in three places within the limits of said City to-wit:

- On the Bulletin Board, first floor, Civic Center Building;
- On the Bulletin Board, first floor, Cascade County Court House;
- On the Bulletin Board, Great Falls Public Library

(Seal of the City)

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Lisa Kunz, City Clerk

EXHIBIT "A"

Title 8 - HEALTH AND SAFETY

Chapter 52 - ABATEMENT OF DISEASED TREESVEGETATION

**Chapter 52 - ABATEMENT OF DISEASED TREESVEGETATION**

Sections:

~~8.52.040 - Abatement of nuisances on public property.~~

~~8.52.0540 - Abatement of nuisances.~~

~~8.52.050 - Exception.~~

~~8.52.040 - Abatement of nuisances on public property.~~

~~In abating the nuisance of public streets, alleys, boulevards or public ways as defined in [Section 8.52.010](#) hereof, the Park Superintendent shall cause the infected tree or wood to be removed or otherwise effectively treated so as to destroy and prevent as fully as possible any tree disease, fungus or harmful insect.~~

~~(Ord. 3118, 2014; Ord. 2491 §2(Exh. B(part)), 1988).~~

~~8.52.0540 - Abatement of nuisances. of private or governmental property.~~

~~Whenever the Park Superintendent **City Forester** or such other person as may be designated by the City Manager finds with reasonable certainty that any ~~tree~~**nuisance** disease, fungus or harmful insect exists in any tree, shrub, or wood **or other vegetation** located on private property outside any public way within the City limits, or upon property owned and controlled by a governmental unit other than the City, the owner or person in control of such property shall be notified in writing by certified mail, or by personal delivery, of the existence of the nuisance and direct that the nuisance be removed, burned, buried or otherwise effectively treated in the approved manner within twenty (20) days after mailing of such notice. The notice shall state that if such nuisance shall not be abated by the owner within the time provided, the Park and Recreation Department shall proceed to have such nuisance properly abated or eliminated. The notice shall further contain:~~

- ~~A. The address or other description sufficient to identify the premises where such nuisance is located;~~
- ~~B. A statement that certain vegetation or other property has been found to be a nuisance as herein defined and a description of the conditions constituting such nuisance;~~
- ~~C. A statement of the action to be taken as determined by the ~~Park Superintendent~~ **City Forester**;~~
- ~~D. The office, address, phone number of an authorized representative of the City empowered to review the ~~order~~ **notice** of the ~~Park Superintendent~~ **City Forester** and the days and hours the same may be contacted:
  - ~~1. Such requests for review must be made within ten (10) days of the date of notice or further review will thereafter be barred;~~~~
- ~~E. A statement that if the owner does not ~~effect~~ **comply with** the ~~order~~ **notice** of the ~~Park Superintendent~~ within twenty (20) days of the date of such notice, the Park and Recreation Department shall have the nuisance abated and the costs shall be levied as a special assessment lien ofn the premises.~~

~~(Ord. 3118, 2014; Ord. 3057, § 1, 2010; Ord. 2491 §2(Exh. B(part)), 1988).~~

EXHIBIT "A"

Title 8 - HEALTH AND SAFETY

Chapter 52 - ABATEMENT OF DISEASED TREES ~~TREES~~ **VEGETATION**

**8.52.050 – Exception**

Section 8.52.040 shall not apply to maintaining boulevards within the General Boulevard Maintenance District as previously established and defined by City Resolution.

**(Ord. 3118, 2014)**