

AN ORDINANCE AMENDING THE WILLOW LAKE MUNICIPAL CODE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WILLOW LAKE, CLARK COUNTY, SOUTH DAKOTA, that the following Ordinance be adopted relating to the mowing of property within the City of Willow Lake, South Dakota:

Maintenance of Lawns

1. Duty to Maintain Lawns
2. Requirement of Notice
3. Opt Out Provision
4. Penalty

1. Duty to Maintain Lawns

The property owner, tenant or person in possession of any property located within the City of Willow Lake shall maintain the lawn in such a manner so as to not allow grass and/or weeds to grow to a height of more than six (6) inches.

2. Requirement of Notice

No criminal penalty or billing shall be imposed under this article unless the City causes notice to be given to all owners, tenants or persons in possession of said property within said City that grass and/or weeds that has/exceeded the height of six (6) inches shall be mowed within forty-eight (48) hours of reaching that height. Notice shall be placed in the official newspaper and published twice a year, the first being on or about the first day of April and the second being published on or about the fifteenth day of June. Either published notice shall constitute notice as required by this section.

For the first year that this ordinance is in effect, one publication of complete ordinance, at any time, shall constitute sufficient notice.

3. Opt Out Provision

Any affected person or entity shall have the right to petition the City Council to opt out of said mowing requirement as specified in Section 2, above. The petition must be on a form prescribed by the City Finance Officer and available at the City Finance Office and clearly state the reason or reasons that the affected person or entity desires to opt out and that special conditions or circumstances exist which are peculiar to the land in question and which conditions or circumstances render a six (6) inch height requirement inappropriate. This petition shall be filed with the City Finance Officer on or before May 20 of the year of the desired opt out. The City Council shall hold a hearing on any petition under this section during their regularly scheduled June meeting. A majority vote of the City Council shall be required to allow any person or entity to opt out of the mowing requirement. All decisions by the City Council shall be final and conclusive for the year in question. For the first year that this ordinance is in effect, the petition may be filed after May 20.

4. Penalty

Any person violating any of the provisions of this article shall be guilty of a municipal ordinance violation punishable by a fine not to exceed \$500.00

or imprisonment in the county jail for thirty days or by both such fine and imprisonment. Each and every day that the violation continues shall constitute a separate offense. Further, the city may, at its election, cause the property to be mowed and to bill the cost and expense of such mowing to the property owner, tenant or person in possession thereof. Should said billing not be paid, the city may levy the costs as a special assessment against the property.

All ordinances and resolutions or parts of ordinances and resolutions in conflict with this ordinance are hereby expressly repealed and from and after the effective date of this ordinance, this ordinance shall take precedence over any other ordinance or resolution previously adopted.

CITY OF WILLOW LAKE

Delwin Bratland, Mayor

ATTEST:

Heidi Madsen, City Finance Officer

(S E A L)

FIRST READING: June 7, 2008

SECOND READING: June 16, 2008

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