

WEED POLICY

Approved by members at the 2013 annual meeting

The control of weeds within the subdivision is a concern for the Community Association and the owners of individual lots. The Community Association shall be responsible for weed control on those areas for which the Community Association is responsible, including parks, open spaces, community areas, trails and roadways. Control of weeds on individual lots shall be the responsibility of the owners of such lots. Control of weeds shall include not only those weeds declared noxious by state, county, and city governing bodies, but any vegetation not specifically approved for a particular lot by means of an approved landscaping plan. In the event that any conflict exists between state statutes, administrative regulations, county ordinances or regulations, city ordinances or these covenants, the more restrictive statute, regulation, ordinance or covenant shall apply.

No owner shall allow any noxious seeds to propagate or go to seed on such owner's property. No owner shall allow any other weeds not approved as part of a landscaping plan to reach a height in excess of 12 inches.

In the event that any owner fails to properly control the weeds and other vegetation on such owner's property, the Community Association may provide notice to such owner of the failure to control the weeds and vegetation. Such notice shall provide that the failure to control weeds and other vegetation must be cured within ten calendar days of the date that such notice is deposited with the United States Postal Service, regardless of the date of actual delivery. In the event that any owner fails to cure the problem within the ten day period allowed for such cure, the Community Association shall have the authority to enter upon the lot or lots of such owner and effect a cure. In the event that the Association finds it necessary to effect a cure, the property owner(s) shall be responsible for the cost of such work, together with an administrative fee of 10% to be paid to the Community Association. Failure to pay such charges could result in the filing of a lien against the property of the offending owner and collection efforts in accordance with the provisions of these covenants. Any owner failing to cure upon receipt of written notice shall be deemed to waive any claims that the work could be performed for a lesser price and shall also be deemed to waive any claim of trespass for entry upon such owner's land to perform the necessary work.

Owners are advised that in addition to enforcement activities by the Community Association, interested governmental agencies, including the Gallatin County Weed Control District and the City of Bozeman, through its code compliance officer, may also become involved in enforcement. In such case, the offending owner could be charged with a misdemeanor and possibly convicted, or could incur charges for remediation by such governmental agency.

Vegetation as described in this document does not pertain to decorative vegetation, plants on developed lots or flora that are part of an approved plan.