

CITY OF AURORA

ORDINANCE NO. 212

AN ORDINANCE ESTABLISHING WEED CONTROL

BE IT ORDAINED BY THE CITY OF AURORA, SOUTH DAKOTA:

Section 1. Weeds: Duty of Owner

No owner of any lot, place or area within the City or the agent of such owner or the occupant of such lot, place, or area, shall permit on such lot, place or area or upon any sidewalk abutting the same any weeds, grass or deleterious or unhealthful growths or other noxious matter that may be growing, lying or located thereon, and the growing of such weeds or other noxious or unhealthful vegetation is hereby declared to be a nuisance.

Section 2. Nuisance Declared

All weeds or plants declared to be primary noxious weeds or secondary noxious weeds by the State Weed Board and all other weeds suffered or allowed to grow during the growing season and all grass allowed to grow to a length exceeding six (6) inches shall be deemed noxious, dangerous, and unhealthy vegetation and hereby declared to be nuisances.

Section 3: Duty to Cut Weeds and Tall Grass

It shall be the duty of the occupant, person in charge of, or owner of any lot in the City to keep such lot free from noxious vegetation and to cut such noxious vegetation at such time as may be necessary to prevent the growth of the weeds and to prevent the grass from growing more than six (6) inches in length.

Section 4: Notice to Destroy

A City Superintendent is hereby authorized and empowered to notify in writing the owner of any such lot, place or area within the city or the agent of such owner or the occupant of such premises, to cut, destroy or remove any such weeds, grass or deleterious or unhealthful growths or other noxious matter found growing, lying or located on such property or upon the sidewalk abutting same. Such notice may be served by personal service, by registered mail, or by posting notice in a conspicuous place within the City limits of the City of Aurora, South Dakota.

Section 5: Right of Hearing from City Superintendent's Determination.

The owner or any person affected shall have the right to a hearing before the city council for investigation and review of the City Superintendent's determination. Such right to a hearing must be exercised by the filing of a request for hearing in writing with the Finance Officer at City Office within five (5) days after the date of posting, publishing, serving or mailing of notice to cut, destroy or remove as provided in Section 2 above. The request for a hearing shall state the objections to the City Superintendents determination and shall be signed by the party requesting the hearing. Upon receipt of the request for a hearing the finance officer shall present the matter to the city council at its next regular or special meeting. The city council shall schedule a hearing on the matter at which time affected parties shall have a right to appear, be represented by council, testify and present evidence in their case. The hearing shall be scheduled not less than five (5) days from the date the request is presented to the city council at a duly called meeting. The city shall at the time of the hearing, hear and decide, whether the affected property does contain weeds, grass, or deleterious or unhealthful growths, or other noxious matter such that it constitutes a nuisance.

Section 6: Action upon Non-Compliance.

Upon the failure to file a written request for hearing within five (5) days as hereinupon provided and upon failure, neglect or refusal of any owner, agent or occupant so notified to comply with said notice within fifteen (15) days after the mailing thereof, the City Superintendent is hereby authorized and empowered to provide for the cutting, destroying, or removal of such weeds, grass or deleterious unhealthy growths or other noxious matter and to defray the cost of the destruction thereof by special assessment against the property.

Section 7: Weed Removal Costs

If the owner or occupier of the land fails to cut the weeds, as provided for in the preceding section, the City shall cut the weeds. The cost to the landowner shall be seventy-five dollars (\$75.00) for the first hour and fifty dollar (\$50.00) per hour after that, with a seventy-five dollar (\$75.00) minimum charge.

Section 7. Cost Assessed

The City Superintendent shall cause an account to be kept against each lot for the destruction of noxious weeds and mowed grass upon said lot as herein provided and shall certify said account showing the account, the description of the property and the owner thereof to the County Auditor who shall thereupon add such assessment as a special assessment together with the regular assessment to the County Treasurer to be collected as municipal taxes for general purposes. Said assessment shall be subject to review and equalization the same as assessments or taxes for general purposes.

Section 8. Recovery by City

In lieu of spreading the cost of the destruction of such weeds and grass and other deleterious matter against said property in the discretion of the city council, said amount may be recovered in a civil action against the owner or occupant of such property.

Section 9. Noxious Plant and Weeds Defined

The following plants and weeds shall be deemed to be noxious, dangerous and unhealthy vegetation to-wit: AU Species of rag weed, all species of cockle burrs, all species of tumbleweeds, all species of thistles, dandelions, plantains, sweet clover, wild morning glory, black mustard and pig weed.

Section 10:

All ordinances, parts of ordinances, or resolution in conflict herewith are hereby expressly repealed.

Section 11:

This ordinance shall be in full force and effect twenty (20) days from and after its passage, approval, and publication as provided by law.

Mayor

ATTEST:

City Finance Officer

First Reading:

Second Reading:

Vote: Yeas: Neas:

Adopted: