

CHAPTER 13-2 NOXIOUS WEEDS

13-2-1

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, 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.

Legislative History:
1990 Revisions.

Authority:
SDCL §§ 9-32-12, 9-29-13, 9-30-5.

13-2-2

NOTICE TO DESTROY

The appropriate authority representing the City 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 shall be by certified mail addressed to said owner, agent or occupant at his known address, or by actual notice by personal contact with the owner, agent or occupant or may be accomplished by securely posting the notice in a conspicuous place on the effected property.

Legislative History:
1990 Revisions.
Ordinance No. 294, 8/17/00.

Authority:
SDCL §§ 9-32-12, 9-30-5.

13-2-3

ACTION UPON NON-COMPLIANCE

Upon failure, neglect or refusal of any owner, agent or occupant so notified to comply with said notice within three days after the mailing or the personal contact, the Chief of Police or Finance Officer is hereby authorized and empowered to provide for the cutting, destroying, or removal of such weeds, grass or deleterious unhealthful growths or other noxious matter and to defray the cost of the destruction thereof by special assessment against the property.

Legislative History:
1990 Revisions.

Authority:
SDCL §§ 9-32-12, 9-30-5.

13-2-4

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 as established by resolution of the City Council.

Legislative History:
1990 Revisions.

Authority:
SDCL §§ 9-32-12, 9-30-5.

13-2-5

COST ASSESSED

The chief of police or finance officer shall cause an account to be kept against each lot for the destruction of noxious weeds upon said lot as herein provided and the same certified to the City Finance Officer upon the completion of the work in destroying such weeds and abating said nuisance and the City Finance Officer shall thereupon certify said account showing the amount, the description of the property and the owner thereof to the County Auditor who shall thereupon add such assessment to the general 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 a assessments or taxes for general purposes.

Legislative History:
1990 Revisions.

Authority:
SDCL §§ 9-32-12, 9-30-5.

13-2-6

RECOVERY BY CITY

In lieu of assessment pursuant to Ordinance 13-2-5, the City Council, in its discretion, may recover in a civil action against the owner or occupant of such property.

Legislative History:
1990 Revisions.

Authority:
SDCL §§ 9-32-12, 9-30-5.

13-2-7

NOXIOUS PLANT AND WEEDS DEFINED

The following plants and weeds shall be deemed to be noxious, dangerous and unhealthful vegetation to wit: All 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, and grass which is more than six (6) inches tall.

Legislative History:
1990 Revisions.

Authority:
SDCL §§ 9-32-12, 9-30-5.