

ORDINANCE NO. 32

An ordinance relating to the control and destruction of noxious weeds providing for the collection of the costs and expenses of such control and destruction and providing a penalty for violation.

SECTION 1

"Noxious weeds" means the annual, biennial and perennial plants which are deemed by the Commissioner of Agriculture to be injurious to public health, public roads, crops, livestock and other property, as provided for in Regulation 182 of the Rules and Regulations of the Minnesota Department of Agriculture.

SECTION 2

It shall be the duty of every occupant of land; or, if the land is unoccupied, the owner thereof, or his agent, or the public official in charge thereof, to cut down, otherwise destroy, or eradicate all noxious weeds as defined in Section 1, standing, being or growing upon such land, in such manner and at such times as may be directed or ordered by the Council of the City of Forada.

SECTION 3

Destroying weeds; notices; expenses; entry upon land.

Subdivision 1. Notice to eradicate. Whenever the Council of the City of Forada finds it necessary to secure prompt or definite control or eradication of noxious weeds in individual instances, the Council shall cause to be served a notice in writing upon the owner and occupant, if other than the owner, giving instructions and methods when and how certain weeds are to be controlled or eradicated. The notice shall also specify that if such weeds are not readicated within the time or in such manner as the notice designates, then the Council shall cause the same to be eradicated at the owner's expense and such costs and expenses of the eradication shall become a lien against the property. Such notice shall be served either by the Sheriff's Department or by certified mail. Service on persons living temporarily or permanently outside of the jurisdiction of the Council whose property is vacant or unoccupied may be made by sending the notice by certified mail to the last known address of such person, to be ascertained, if necessary, from the last tax list in the County Treasurer's Office.

Subdivision 2. Destruction by Council, expense payment. When any person fails to cut down, otherwise destroy or eradicate any noxious weeds within the time or in such manner as the written notice designates, the Council shall cause the same to be cut down, destroyed or otherwise eradicated at the expense of the City of Forada. Notice in writing of the work done and the costs and expenses involved shall be served on the owner or the occupant of the property in accordance with the notice provisions of Subdivision 1. Such notice shall provide a tabulation of the total costs and expenses involved and shall indicate that if the total amount is not paid to the City within thirty (30) days, the costs and expenses shall become a lien in favor of the City and a penalty of eight (8%) percent will be added to the amount due as of that date, with the total costs, expenses and penalty thereupon, to be certified to the County Auditor and entered by him on his tax books as a tax upon such land.

Amounts collected by the County Auditor under the provisions of this subdivision when collected shall be paid to the City to reimburse it for its expenditures in this regard.

Subdivision 3. Entry upon land not trespass. For the purpose of performing its duties and exercising its powers pursuant to this Ordinance, the Council or its agents may enter upon any land without consent of the owner and without being subject to any action for trespass or any damages.

SECTION 4

Any person who violates any of the provisions of this Ordinance, or who neglects, fails or refuses to comply with any notice duly issued hereunder, or who fails, refuses or neglects to perform any duty imposed hereunder, or who shall prevent, obstruct or in any manner interfere with the Council of the City of Forada in carrying out the provision of this Ordinance, shall be subject to a maximum sentence of ninety (90) days imprisonment, a \$500.00 fine, or both.

Derivation: M.S. 18.171, Subd. 5, 18.191, 18.241, Subd. 4, 18.271 and 18.272.

Dated November 19, 1980

Harlan Kluver, Mayor

Attest: Dean Oderkirk, City Clerk

This ordinance effective date of publication.