

**CREDIT RIVER TOWNSHIP
SCOTT COUNTY
STATE OF MINNESOTA**

ORDINANCE NO. 2008-01

WEED ORDINANCE

The Board of Supervisors of the Town of Credit River ordains:

Section 1. Purpose

An ordinance to eradicate the growth and spread of noxious weeds in Credit River Township. The existence of noxious weeds on any vacant lot or other parcel of land within the Township limits is hereby declared to be dangerous and prejudicial to the public health or safety and to constitute a public nuisance.

Section 2. Definitions

The following words, terms and phrases, when used in this ordinance, shall have the meaning ascribed to them in this section, except where the context indicates a different meaning:

Used for agriculture means the use of land for tilling of the soil, the raising of field or tree crops or animal husbandry, as a source of income.

Weeds and grass means, but not limited to, Canada thistles, milkweed, wild carrots, ox-eye daisies, ragweed, goldenrod, burdock, poison ivy and any other types of weeds and / or grass, as the terms are commonly used, which exceed twelve (12) inches in height.

Section 3. Duty to Cut Weeds and Grasses

- (a). Every owner, possessor or occupier of land, and every person having charge of any land, in the Township of Credit River, shall remove, destroy or cut, or cause to be removed, destroyed or cut, all weeds and grasses growing thereon in such a manner as shall effectively prevent such weeds, shrubs or plants from bearing seeds or spreading to adjoining property, as needed during the usual growing season.
- (b). Weeds and grasses referred to herein shall not be allowed to grow in excess of twelve (12) inches in height.

Section 4. Exemptions

- (a). Exempted from the provisions of this ordinance are portions of lands lawfully used for agricultural purposes, a wetland or flood plain designated on the official Zoning Map; a drainage pond or ditch which stores or conveys storm water; maintained and weeded gardens, trees and shrub plantings. An exemption under the terms of this section cannot be claimed unless the land has been cultivated and cared for in a manner appropriate to such exempt categories.
- (b). This ordinance shall not apply to lands enrolled in the United States Department of Agriculture Conservation Reserve Program, or similar government programs, if the enforcement of this ordinance would conflict with that program's application to a specific parcel.

Section 5. Authority to Require Mowing

Whenever the Credit River Township Board shall deem it necessary for the public health and welfare, it may require the owners and occupants of lots to mow the weeds and grasses thereon within such time as allowed under this Ordinance, the expense thereof to be paid by such owner or occupant.

Section 6. Personal Notice

Upon complaint of a specific violation of the provisions of this ordinance, the ordinance enforcement officer shall investigate such complaint and the premises complained of. After such investigation, if the ordinance enforcement officer shall determine that the weeds and grass on the premises have not been destroyed in accordance with this Ordinance, the ordinance enforcement officer shall issue an order or directive to the owner of the land upon which such noncompliance exists, requiring that the weeds and grass be cut to a height not to exceed twelve (12) inches within ten (10) calendar days after mailing or delivery of such order. Such order may be served in accordance with the following:

- (a). By delivering the notice to the owner personally or by leaving the same at his/her residence, office or place of business; or
- (b). By mailing such notice by certified or registered mail to such owner at his/her last know address, as indicated on the latest tax rolls.

Section 7. Enforcement Procedure; Lien

- (a). If the owner of any land fails to comply with the order given as provided in this ordinance within ten (10) calendar day time limit, the ordinance enforcement officer shall when practicable cause such weeds and/or grass to be cut, in accordance with the provisions of this ordinance.
- (b). The ordinance enforcement officer shall keep an accurate account of the expenses incurred in doing so with respect to each parcel

entered upon and he/she shall make a sworn statement of such account and deliver the same to the Township Clerk.

- (c). Township staff shall immediately prepare and send an invoice to the last known owner of the land, as reflected by the current tax roll, for the cost of such work and improvements to the property. Township staff shall add to the actual cost of the cutting the additional costs incurred by the Township to cover the costs of supervision, administration, overhead, attorney's fees and billing. In the event that the invoice is not paid within ten days of the date of the invoice the cost of such payment shall be charged against the premises and it shall become a lien on the land or property assessed of the same character in effect as the lien created by general law for taxes, until paid. The Township may choose to file suit separately to collect the same or collect the same as part of the taxes.
- (d). In the event the ordinance enforcement officer causes any such weeds and/or grass to be cut as provided for herein, such action shall be in addition to any other remedies provided for in this article, including prosecution of the owner and/or occupant of the land for violation of any of the provisions of this ordinance.

Section 8. Right of Entry

The ordinance enforcement officer and his or her authorized representatives are hereby empowered to enter upon any premises or land in Credit River Township for the purpose of removing or destroying weeds and grass prohibited under this ordinance. No person shall molest or interfere with such person or persons while they are engaged in carrying out the provisions of this ordinance.

Section 9. Severability

All sections and subsections and parts thereof this Ordinance shall be deemed severable. If any Court of competent jurisdiction shall declare any section or subsection or portion thereof this Ordinance to be unconstitutional, illegal, unenforceable or otherwise unapproved, said finding by a court shall invalidate only the subject portion of said court finding and the same shall not affect the validity of this Ordinance as a whole.

Section 10. Penalty

- (a). In addition to being responsible for the costs incurred by the Township pursuant to Section 7, whoever violates any of the provisions of this ordinance shall also be responsible for a municipal civil infraction, subject to payment of a civil fine of \$100.00, plus cost and other sanctions, for the first infraction. Repeat offenses shall be subject to increase fines as follows:

- (1) Second violation within a two year period, \$250.00
 - (2) Third violation within a two year period, \$450.00
 - (3) Third or subsequent violations within a two year period, \$500.00
- (b). The two year period referred to in subsection (a) shall be determined as the date of the first violation.
 - (c). Each day that a violation of the standards established under this ordinance exists, occurs or continues constitutes a separate offence, and shall be subject to the penalties or sanctions provided herein as a separate offence.
 - (d). Whoever violates this chapter shall also be subject to such additional sanctions, remedies and judicial orders as are authorized and provided for under Minnesota law.

Section 11. Effective Date

Effective Date. This ordinance shall become effective and enforceable on the day following publication.

Adopted by the Town Board of Credit River Township on this 21st day of April 2008.

/S _____
Leroy Schommer
Chairperson

Attested to by:

/S _____
Jerald R. Maas
Town Clerk

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