NOXIOUS WEEDS & GRASS ORDIANCE

AN ORDIANCE ENTITLED, AN ORDIANCE TO AMEND CHAPTER 4-5 “NOXIOUS Weeds”, OF THE SUMMIT MUNICPAL CODE, SUMMIT, SOUTH DAKOTA

Be it ordained by the Town Board of the Town of Summit, South Dakota that Chapter 4-5, as amended, of the Summit Municipal Code, Summit, South Dakota; Board Approved 6-6-16

4-5-1 Weeds Duty of Owner: No owner of any lot, place or area within Town or the agent of such owner or the occupant of such a lot, place, or area, permit on such lot, place or area or upon any sidewalk abutting the same any landscaping, visible from public or private property, that is substantially dead, damaged or characterized by uncontrolled growth, uncultivated plants, weeds, tall grass, uncultivated shrubs or growth (whether growing or otherwise) higher than eight (8) inches; or any dead trees, brushes, shrubs or portions, thereof. Any hereinbefore described weeds, grass or deleterious or unhealthful growths or other noxious matter that may be growing, lying or located there on, and the growing of such weeds or other noxious or unhealthful vegetation is hereby declared to be a nuisance.

4-5-2 Notice to destroy; The finance officer, upon notice from the Town board, is hereby authorized and empowered to notify in writing the owner of 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. If any owner or occupant of real estate allows such vegetation, as identified in Section 4-5-1, to reach eight (8) inches, notice shall be sent by regular US mail to the owner of such property to remove the grass, so as to bring the property in compliance. Only one such notice need be given to any land owner during a growing season.

4-5-3 Period for compliance/action upon non-compliance: After a notice has been sent , the property owner shall have **five (5) working days** to bring the property into compliance. Upon failure, neglect or refusal of any owner, agent or occupant so notified to comply with said notice within five (5) days after the mailing there of, the town shall proceed to mow the property and remove weeds where necessary. Thereafter, the property owner shall receive a bill from the city for mowing. For subsequent violations within the same growing season the city may proceed to mow the property (if the grass or weeds exceed eight (8( inches) without further notice or time for compliance.

4-5-4 Weed removal cause: If the owner or occupant of the land fails to cut the weeds, tall grass, uncultivated shrubs or growth (whether growing or otherwise) higher than eight (8) inches; or any dead trees, bushes, shrubs or portions thereof as provided for in the preceding section, the Town shall cut the weeds. The cost to the landowner shall be **$75 per hour** for mowing and weed removal. Subsequent mowing upon the same property within the same season will result in the rates doubling to **$150 per** **hour.**

4-5-5 Costs assessed; If any bill remains unpaid, the city may recover the expenses so incurred from the person in a civil suit instituted for such purpose or it may levy an assessment against such property and collect the same. The city council shall cause to be published all assessments together with a notice that said assessment shall be considered by the city council at the regular October meeting of the year, at which time and place any person may appear and be heard. Such notice shall be published once in the official newspaper and at least 10 days prior to the October meeting. After the assessment has been approved by the city council, a copy of the same shall be filed with the county auditor.

4-5-6 in their interpretation and application, the provisions of this chapter shall be held to be minimum requirements, adopted for the promotion of the public health, safety, and general welfare. Wherever the requirements of this ordinance are at variance with the requirements of any other lawfully adopted rules, regulations, ordinances, deed restrictions, or covenants, the most restrictive or that imposing the higher standards shall govern.