

MITCHELL COUNTY ORDINANCE # 4

DESTRUCTION OF NOXIOUS WEEDS AND BRUSH  
IN PUBLIC ROAD RIGHT-OF-WAY

Section 1. Purpose. This ordinance provides for the destruction of noxious weeds and brush along public roads and in ditches. It further provides for responsibility for such destruction and the recovery of costs and expenses in the event of county participation upon default by the responsible party.

Section 2. Definitions. The following terms as used in this ordinance are defined:

a. "Noxious weeds" are those weeds declared to be noxious in Section 317.1(1) and (2), Code of Iowa, 1983.

b. "Brush" means any tree, shrub or other woody plant.

Section 3. Order for Destruction on Roads. The Board of Supervisors may order all noxious weeds and brush on all county roads and between the fence lines thereof to be cut, burned, or otherwise destroyed. Said order shall define the roads along which said weeds are required to be cut, burned or otherwise destroyed and shall require said weeds to be cut, burned or otherwise destroyed within 30 days after the publication of said order in the official newspapers of said county. If the adjoining owner fails to cut, burn or otherwise destroy said weeds as required in said order, the county, its agents, officers or employees shall have the same cut, burned or otherwise destroyed and the costs thereof shall be paid from the County General Fund, and recovered later by an assessment against the adjoining property owners as provided in Section 4.

Section 4. Cost of Such Destruction. When the county, its agents, employees or officers destroy any weeds under authority of Section 3, after failure of the landowner responsible therefore to destroy such weeds pursuant to the order of the Board of Supervisors, the costs of such destruction shall be assessed against the land and collected from the landowner responsible in the manner provided in Section 317.21(1), (2), and (3), Code of Iowa.

Section 5. Procedures Combined. The county, county board of supervisors, its agents and employees may combine the notice, destruction and assessment procedures provided in this ordinance with the notice, destruction and assessment procedures provided by law for the abatement and destruction of non-noxious weeds as provided in Sections 317.18 and 317.21, Code of Iowa.

Section 6. Severability Clause. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, the balance of the ordinance shall not be considered invalid or unconstitutional.

Section 7. Effective Date. This ordinance shall be effective after its final passage, approval and publication as provided by law.

Approved this 2nd day of April, 1984.

MITCHELL COUNTY BOARD OF SUPERVISORS

Betty McCarthy  
Betty McCarthy, Chairman

Gene Gerlach  
Gene Gerlach

Gene Mayer  
Gene Mayer