

# Ordinance No. V.12

## Tama County Weed Control Ordinance

IN THE MATTER OF THE TAMA COUNTY ORDINANCES PERTAINING TO WEED CONTROL ENFORCEMENT AND DECLARING AN EMERGENCY;

WHEREAS, the Tama County Board of Supervisors adopted Iowa Code provisions to destroy and prevent the seeding and spreading of noxious weeds; and

WHEREAS, the Tama County Board of Supervisors finds it in the public interest to adopt a weed control ordinance in order to be more efficient and effective;

NOW THEREFORE, the Tama County Board of Supervisors ORDAINS as follows:

1. The Tama County Weed Control Enforcement Ordinance, adopted as Ordinance #V.7, is hereby put in place with the provisions adopted in this Ordinance.
2. Ordinance #V.12 of Tama County Code shall read as follows:

### **ORDINANCE #V.12**

The ordinance codified in the Tama County Code shall be cited and known as the Tama County Weed Control Ordinance.

#### **Definitions:**

As used in this chapter, unless the context requires otherwise, the following definitions shall apply:

"Board of Supervisors" means the Tama County Board of Supervisors (BOS).

"District" means the weed control district, the boundaries of which coincide with the boundaries of Tama County, Iowa.

"Noxious weed" means any plant which is determined by the Tama County Supervisors to be injurious to public health, crops, livestock, land, or other property.

"Land" means real property situated in Tama County upon which a violation of this chapter has occurred or is occurring.

"Occupant" means any person, partnership, corporation or cooperative having actual, present, and physical possession of land.

"Owner" means any person, partnership, corporation or cooperative having a legal interest in land.

**Authority to establish weed control districts:**

The Board of Supervisors may declare the County or any portion of the County a weed control district for the purpose of destroying and preventing the seeding and spread of noxious weeds,

**Classification of weeds:**

For purposes of this chapter, weeds shall be declared to be noxious by their inclusion on a list adopted by resolution of the Board of Supervisors. A weed may be added to or deleted from the list of noxious weeds by resolution of the Board of Supervisors.

**Administration and duties for enforcement of weed control provisions:**

A. The Board of Supervisors shall appoint a Tama County Weed Commissioner pursuant to Chapter 317 of the Code of Iowa who shall be responsible for the administration and enforcement of noxious weed control.

B. The duties of the Weed Commissioner shall be as follows:

1. To determine whether any noxious weeds or plants are being permitted to grow and produce bloom or seed within a weed control district.
2. To serve notices pursuant to this chapter.
3. When necessary, to destroy or cut or to supervise the destruction or cutting of noxious weeds growing or seeding within the weed control district.
4. To issue citations for violations of this ordinance.

**Notice:**

A. When it appears that a violation of the Code of Iowa or this ordinance has occurred, the Tama County Weed Commissioner shall serve written notice to the owner and, if other than the owner, to the occupant of the land that is the subject of the violation. If the Tama County Weed Commissioner is unable to personally serve the person or persons for whom service is required, the Tama County Weed Commissioner shall post such notice in three conspicuous places on the subject land,

B. The notice required by this subsection shall contain the following:

1. The date of service or posting of notice;
2. The name of the weed or weeds growing on the land; and
3. A statement directing that such weed or weeds be destroyed or prevented from producing seed within a specified period of time which shall be within the discretion of the Tama County Weed Commissioner,

but in no event shall it be less than two days, nor more than twenty days from the date of service or posting of the notice.

C. If notice is given by posting, the Tama County Weed Commissioner shall also mail a copy of such notice to any owner or occupant of the land by registered or certified mail return receipt requested. Such notice shall be mailed to the most recent address on file with the office of the Tama County Assessor.

D. A copy of the notice, together with proof of service or posting endorsed thereon, shall be filed with the Board of Supervisors.

**Duties of owners and occupants:**

A. Upon service or posting of the aforementioned notice provided for in Ordinance V.12 herein, any owner or occupant of land shall destroy or prevent from seeding or spreading the weed or weeds specified in the notice on their land. Such obligation shall be continuing throughout the remainder of the then current growing, seeding or spreading season.

B. Any owner or occupant of land shall destroy or prevent the seeding on such land of any weed classified as a noxious weed by the Board of Supervisors using the most efficient and practical means available and within a time declared reasonable by the Weed Commissioner.

**Control of noxious weeds when owner or occupant falls to do so:**

A. If the owner or occupant of land fails or refuses to destroy or cut noxious weeds within the time period specified in a notice provided pursuant to this ordinance, the Tama County Weed Commissioner shall notify the Board of Supervisors. The Board of Supervisors shall authorize the Tama County Weed Commissioner or such deputies as the Tama County Weed Commissioner may employ, to go upon the land or premises and destroy the noxious weeds or control them in such manner as will destroy all seeds of such noxious weeds.

B. Notwithstanding this section, if destruction or control of the weeds on any land is in the judgment of the Tama County Weed Commissioner is impracticable because the weeds may be too far advanced or if for any other reason the means of control available are unsatisfactory, the Tama County Weed Commissioner shall so notify the Board of Supervisors, which shall request the Iowa State Secretary of Agriculture to immediately quarantine any such controlled noxious weed infested farm within the county to prevent the movement of infested crops or of livestock from such farm except under conditions prescribed in the quarantine that will prevent spread of the weeds by such crops or livestock.

C. In all cases where the Tama County Weed Commissioner undertakes to destroy or control noxious weeds, the most effective and practical method, in the judgment of the Tama County Weed Commissioner and with the least injury to the land or crop, shall be used.

D. In all cases where the Tama County Weed Commissioner undertakes to destroy or control noxious weeds, upon completion of such work, the Tama County Weed Commissioner, as authorized by the Board of Supervisors, shall file with the Office of the Tama County Auditor an itemized statement and oath of the expenses necessarily incurred in the destruction of such weeds. After the statement of expenses is filed, the office of the Tama County Auditor shall enter the expenses in the lien docket. The lien shall be a first lien upon the land or premises, except as to taxes. If the charges and expenses are not paid and the lien discharged by the owner or occupant within 90 days from the date of docketing, the Tama County Board of Supervisors may recover the expenses in an action at law.

**Penalties:**

A. If any owner or occupant of land commits a violation of this chapter when such owner or occupant fails and refuses to destroy noxious weeds, or their seed, or to prevent the spread thereof, after being placed on notice to do so pursuant to this ordinance.

B. Violation of Ordinance V.12 is a simple misdemeanor pursuant to Chapter 903 of the Code of Iowa and is punishable upon conviction by a fine of at least \$105 but not to exceed \$855. The court may order imprisonment not to exceed 30 days in lieu of a fine or, in addition to a fine. Each day of violation shall constitute a separate offense. Fines will be assessed against the real estate and collected in the same manner as taxes.

**Jurisdiction:**

Jurisdiction for the investigation of violations of Ordinance V.12 shall be with the office of the Tama County Sheriff. Jurisdiction for the prosecution of violations of Ordinance V.12 shall be with the office of the Tama County Attorney. Jurisdiction for the enforcement of violations of Ordinance V.12 shall be with the office of the Tama County Judicial Magistrate.

**Severability:**

Should any section or portion of this ordinance be held unlawful or unenforceable by any court of competent jurisdiction, such decision shall apply only to the specific section, or portion thereof, directly specified in the decision. All other sections or portions of this ordinance shall remain in full force and effect.

3. This ordinance being necessary to preserve the public health, safety and welfare, an emergency is hereby declared to exist and shall be effective after its final passage, approval, and publication as provided by law.

Passed and adopted this 7<sup>th</sup> day of March, 2022.  
Tama County Board of Supervisors

Re-numbered due to clerical error April 18, 2022



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Dan Anderson, Chair, Board of Supervisors



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Laura Kopsa, Tama County Auditor