

CHAPTER 7 – HEALTH & SANITATION

ARTICLE 4 - WEEDS

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Sections 7-4-101 to 199, inclusive. Weeds - general provisions.

Section 7-4-101 Duty of property owner or occupant to keep weeds and other growths under control.

No owner of any lot or property within the city or any agent of such owner or the occupant of such lot or property shall permit thereon or upon any sidewalk abutting the same, any weeds, grass or deleterious, unhealthful growths or other noxious matter that may be growing, having reached a height of 12 inches, lying or located thereon and the growing of such weeds or other noxious or unhealthful vegetation is hereby declared to be a nuisance.

Source: R.O. Pierre, 1957, 7.0601. Ord. No. 1547, 2004

Statutory reference: SDCL 9-30-5, weed removal - expense paid by special assessment; and, SDCL 9-32-12, noxious and unhealthful vegetation.

Section 7-4-102 Notice to destroy weeds and other growths - contents and procedures.

The Commissioner of streets and public property is hereby authorized and empowered at the beginning of, or during, the growing season to notify in writing, or by public notice, each owner, occupant, or person in charge of any such lot, place or area, 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. Such notice shall be served to said owner, agent, or occupant at his last known address, or by one publication in the official newspaper, and shall notify said owner, agent, or occupant to cut, destroy, or remove any such weeds, grass or deleterious or unhealthful matter within five (5) days after the service of such notice or publication in the official newspaper.

Only one notice will be served or published for each growing season.

Source: R.O. Pierre, 1957, 7.0602. Ord. No. 1181, 1986.

Statutory reference: SDCL 9-30-5, weed removal - expense paid by special assessment; and, SDCL 9-32-12, noxious and unhealthful vegetation.

Section 7-4-103 Authority of city to destroy weeds or other growths upon failure or refusal of owner or occupant - charge against property.

Upon failure, neglect or refusal of any owner, agent or occupant so notified to comply with said notice within five (5) days thereof, the commissioner of streets and public property is hereby authorized and empowered to provide for the cutting, destroying, or removal of such weeds, grass or deleterious, unhealthful growths or other noxious matter and to defray the cost of the destruction and the administrative costs by special assessment against the property as provided in this chapter.

Source: R.O. Pierre, 1957, 7.0603. Ord. No. 1181, 1986.

Statutory reference: SDCL 9-30-5, weed removal - expense paid by special assessment; and, SDCL 9-32-12, noxious and unhealthful vegetation.

Section 7-4-104 Destruction or removal by city - costs specially assessed against property - duties of city finance officer.

The commissioner of streets and public property shall cause an account to be kept against each lot for the destruction of noxious weeds upon said lot as herein provided and the same certified to the city finance officer upon the completion of the work in destroying such weeds and abating said nuisance and the city finance officer shall thereupon certify said account showing the amount, the description of the property, and the owner thereof to the county auditor who shall thereupon add such assessment to the general assessment against said property to be collected as municipal taxes for general purposes. Said assessment shall be subject to review and equalization as are assessments or taxes for general purposes.

Source: R.O. Pierre, 1957, 7.0604, Rev. of Ord., 1990.

Statutory reference: SDCL 9-30-5, weed removal - expense paid by special assessment; and, SDCL 9-32-12, noxious and unhealthy vegetation.

Section 7-4-105 Civil action to recover costs of removal or destruction in lieu of special assessment.

In lieu of spreading the cost of the destruction of such noxious weeds and other deleterious matter against said property, the commission, at its discretion, may recover said amount in a civil action against the owner or occupant of such property.

Source: R.O. Pierre, 1957, 7.0605.

Section 7-4-106 Unlawful to refuse to remove or destroy weeds or other growths.

Any person whose duty it is to destroy or remove such noxious weeds or unhealthy vegetation as set forth in the preceding sections or who fails to destroy same within the time hereinbefore set forth shall be guilty of violating the provisions of this code.

Source: R.O. Pierre, 1957, 7.0606.

Sections 7-4-107 to 199, inclusive. Reserved.