

MITCHELL COUNTY
ORDINANCE NO. 27
EFFECTIVE APRIL 2, 2003
AN ORDINANCE PROHIBITING NOXIOUS WEEDS

BE IT ENACTED BY THE BOARD OF SUPERVISORS OF MITCHELL COUNTY, IOWA:

Purpose: It is the purpose and intent of the Board of Supervisors to ~~and to~~ eliminate noxious weeds in Mitchell County.

SHORT TITLE & DEFINITIONS

27.317.1 Definition. The ordinance shall be known and may be cited and referred to as the "Mitchell County Weed Ordinance" to the same effect as if full title was stated.

27.317.1A Noxious weeds. The following weeds are hereby declared to be noxious and shall be divided into two classes, namely:

1. Primary noxious weeds, which shall include quack grass (*Agropyron repens*), perennial sow thistle (*Sonchus arvensis*), Canada thistle (*Cirsium arvense*), bull thistle (*Cirsium lanceolatum*), European morning glory or field bindweed (*Convolvulus arvensis*), horse nettle (*Solanum carolinense*), leafy spurge (*Euphorbia esula*), perennial pepper-grass (*Lepidium draba*), Russian knapweed (*Centaurea repens*), buckthorn (*Rhamnus*, not to include *Rhamnus frangula*), and all other species of thistles belonging in genera of *Cirsium* and *Carduus*.

2. Secondary noxious weeds, which shall include butterprint (*Abutilon theophrasti*) annual, cocklebur (*Xanthium commune*) annual, wild mustard (*Brassica arvensis*) annual, wild carrot (*Daucus carota*) biennial, buckhorn (*Plantago lanceolata*) perennial, sheep sorrel (*Rumex acetosella*) perennial, sour dock (*Rumex crispus*) perennial, smooth dock (*Rumex altissimus*) perennial, poison hemlock (*Conium maculatum*), multiflora rose (*Rosa multiflora*), wild sunflower (wild strain of *Helianthus annus L.*) annual, puncture vine (*Tribulus terrestris*) annual, teasel (*Dipsacus*) biennial, and shattercane (*Sorghum bicolor*) annual.

The multiflora rose (*Rosa multiflora*) shall not be considered a secondary noxious weed when cultivated for or used as understock for cultivated roses or as ornamental shrubs in gardens, or in any county whose Board of Supervisors has by resolution declared it not to be a noxious weed. Shattercane (*Sorghum bicolor*) shall not be considered a secondary noxious weed when cultivated or in any county whose Board of Supervisors has by resolution declared it not to be a noxious weed.

27.317.2 Duty of owner or tenant. Each owner and each person in the possession or control of any lands shall cut, burn, or otherwise destroy, in whatever manner may be prescribed by the Board of Supervisors, all noxious weeds thereon as defined in this chapter at such times in each year and in such manner as shall be prescribed in the program of weed destruction order or orders made by the Board of Supervisors, and shall keep said lands free from such growth of any other weeds, as shall

render the streets or highways adjoining said land unsafe for public travel.

27.317.3 Weeds on railroad or public lands and gravel pits. All noxious weeds on railroad lands, public lands and within incorporated cities shall be treated in such manner, approved by the Board of Supervisors, as shall prevent seed production and either destroy or prevent the spread of noxious weeds to adjoining lands. Gravel pits infested with noxious weeds shall not be used as sources of gravel for public highways without previous treatment approved by Board of Supervisors.

27.317.4 Additional noxious weeds. The Board of Supervisors shall order the weed commissioner, or commissioners, to destroy or cause to be destroyed any new weeds declared to be noxious by the Secretary of Agriculture, the cost of which shall be borne by the county.

27.317.5 Teasel, multiflora rose, and purple loosestrife prohibited -- exceptions. A person shall not import, sell, offer for sale, or distribute teasel (*Dipsacus*) biennial, the multiflora rose (*Rosa multiflora*), purple loosestrife (*Lythrum salicaria*), purple loosestrife (*Lythrum virgatum*), or seeds of them in any form in this state. However, this section does not prohibit the sale, offer for sale, or distribution of the mulitflora rose (*Rosa multiflora*) used for understock for either cultivated roses or ornamental shrubs in gardens. Any person violating the provisions of this section is subject to a fine of not exceeding one hundred dollars.

VALIDITY

27.317.6 Validity. Should any section, sentence, clause or provision of this Ordinance be declared by a court to be invalid, the same shall not affect the validity of this Ordinance as a whole or the remaining portions of this Ordinance.

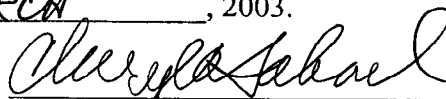
PENALTIES

27.317.7 Penalties. Any person, firm, corporation, partnership or any legal entity who violates this ordinance shall, upon conviction, be fined not more than one hundred dollars (\$100.00) or imprisoned for not more than thirty days in lieu of a fine or in addition to a fine. Each day of violation shall constitute a separate offense. Each individual parcel shall also be considered a separate offense. Nothing herein contained shall prevent the County from taking such other legal actions as is necessary to prevent any violations including but not limited to those remedies provided in Iowa Code Chapter 317.

ENACTMENT AND EFFECTIVE DATE


This enactment shall be in full force and effect from and after its passage and adoption as provided by law.

Passed this 25th day of MARCH, 2003.



Chairman, Mitchell County Board of Supervisors

ATTEST:



Lowell Tesch, Mitchell County Auditor

NOTICE OF PUBLIC HEARING

The Mitchell County Board of Supervisors will hold a public hearing at 9:30 A.M. on Tuesday, March 18, 2003, in the Board of Supervisor's room at the Courthouse in Osage, Iowa. The purpose of this hearing is to consider Mitchell County Ordinance No.27, an Ordinance Prohibiting Noxious Weeds in Mitchell County, Iowa. This ordinance will prohibit noxious weeds in Mitchell County. A copy of the proposed ordinance is available at the office of the Auditor for public inspection and copies may be obtained at the Auditor's office. Anyone wishing to speak in support or opposition of this ordinance should be present at this hearing.

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