

ORDINANCE NO. 2009-03

SECTIONS

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- (2) Removal of Weeds
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BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF FREMONT COUNTY, IDAHO, that the following Weed Ordinance be enacted for the purpose of providing for the control of weeds, eradication thereof, and the promoting of the health, safety and welfare of the public.

(1): DEFINITIONS: Weeds and offensive plants are declared to be all plants of more than twelve inches (12") in height, measured from the surface of the ground, growing or existing in open spaces on any land or parcel of land within the County, whether within a subdivision or outside a subdivision, except such plants as are grown for use, ornament, or the production of food for man or beast, or for fuel. Noxious weeds are declared to be offensive plants regardless of their height. Noxious weeds shall include but are not limited to all noxious weeds described as part of Title 22, Chapter 24, Idaho Code, and by this reference, all provisions of the aforementioned Code are hereby affirmed and made a part of this Ordinance. A non-inclusive list of noxious weeds is attached hereto as Exhibit A and by this reference a part of this Ordinance.

(2): REMOVAL OF WEEDS: It shall be unlawful for the owner or the person in control of any land or parcel of land within the County to allow, permit, or suffer weeds or offensive plants to grow or exist on such land within the County and the existence of such weeds or offensive plants are declared to constitute a public nuisance. The owner or person in control of such premises shall destroy and remove such weeds or plants.

(3): PARKING STRIPS, SIDEWALKS, CURBING, CANALS, VACANT LOTS AND FIELDS: It shall be unlawful for the owner or the person in control of any land within the County, whether within a subdivision or outside a subdivision, to allow, permit, or suffer weeds or offensive plants to grow or exist on, or in, parking strips, sidewalks, curbing, canals, or upon vacant lots and fields, and subdivisions.

(4): CITATION TO APPEAR: Whenever it is determined by any police officer that any person has violated any provision of this Ordinance, the said police officer may prepare in quadruplicate, and serve upon the owner or person in control of the land where the violation exists, a written citation containing a notice to appear in Magistrate Court, the name and address of the person charged, the

offense charged, the time and place when and where the offense charged occurred, the time when the person charged shall appear in Magistrate Court, and such other pertinent information as may be necessary or advisable. The issuance of such citation shall not be the exclusive method for enforcement of this Chapter.

(5): **FAILURE TO APPEAR:** It shall be unlawful for any person to fail or neglect to appear, in response to any as required by such citation, regardless of the disposition of the charge upon which such citation was originally issued. Appearance in Magistrate Court shall be deemed complied with by an appearance by the person charged or by his attorney.

(6): **CIVIL REMEDY TO ABATE:** The County Weed Control Supervisor may notify the owner or person in control of land where weeds and offensive plants exist, to cut, remove and destroy the same. The notice shall be in writing and shall describe the property where the nuisance exists, and shall specify the time limited for the weeds and plants to be removed and destroyed. Said notice shall be served personally upon such owner or person in control if he can be found; if such owner or person in control cannot be found, then the Weed Control Supervisor shall post such notice in a conspicuous place on the premises and mail a copy thereof to such owner or person in control by registered mail to his last known address.

(7): **FAILURE TO COMPLY WITH NOTICE:** If the owner or person in control of such premises fails to comply with the notice to abate the weed nuisance, the County Weed Control Supervisor may order the work done at the expense of the County and the same shall be charged against and be a lien against the property until paid. Said lien shall be filed in the same manner as is provided herein for the filing of special assessments against the property.

(8): **SPECIAL ASSESSMENTS:** Notwithstanding the imposition of any criminal fine, penalty or imprisonment, Fremont County may, subject to the provisions of the Section, remove any weeds from any private property within the County and levy a special assessment against such property, for the reasonable costs of such removal. Prior to the removal of such weeds, the County shall give notice in writing to the owner of such property, which notice shall state the street address of the property where the weeds exist, and shall describe the nature and general location of the weeds to be removed. Such notice shall state that if such weeds are not removed within fifteen (15) days from the date the notice is delivered, the County may cause the same to be removed and a special assessment made against such property for the costs of such removal. Such notice shall be personally served upon any occupant, if any, of the property wherein the weeds are located, and shall be mailed by certified mail, return receipt requested, postage prepaid, to the owner of the property at the address listed upon the real property rolls of Fremont County. Such notice shall be deemed to be delivered upon its physical delivery and deposit into the United States mail, as set forth above. If the owner or occupant fails to remove the weeds within the time specified in the notice, the County may order the removal of the weeds and cause a Notice of Special Assessment for the amount thereof to be mailed to the owner of the property in the manner set forth above. If the amount of the assessment is not paid within thirty (30) days after mailing of the Notice of Special Assessment, the same shall be declared delinquent and may be certified to the Fremont County Assessor by the County Clerk, not later than August 1 of each year. Upon such certification, the assessment shall be placed upon the tax roll and shall thereafter become a lien against the property described in the notice

and shall be collected in the same manner and subject to the same penalties as other real property taxes. All monies received on account of such special assessment shall be held by the County Treasurer in a special fund to be applied to the payment of the costs of such removal and the money shall be used for no other purpose except to reimburse the County for all amounts expended in removing such weeds.

(9): CIVIL AND CRIMINAL REMEDIES: The prosecution of any civil remedy in this Ordinance set forth shall not bar the prosecution of any criminal proceedings herein provided.

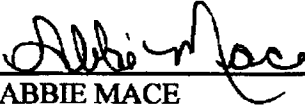
(10): PENALTIES: Any person violating any provisions of this Ordinance shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided under the definition of Misdemeanor and Misdemeanor Convictions in Idaho Code. Each ten (10) days after a violation of this Ordinance constitute after citation is issued or notice is served as herein provided shall constitute a separate offense.

IT IS SO ENACTED THIS 6th DAY OF APRIL, 2009.



PAUL ROMRELL
Chairman

ATTESTED BY:



ABBIE MACE
County Clerk