

ORDINANCE 71

AN ORDINANCE DECLARING WEEDS AND GRASS OVER TWELVE INCHES IN HEIGHT, AND WEEDS WHICH HAVE GONE TO SEED OR GROWING IN THE VILLAGE OF BIRD ISLAND TO BE A NUISANCE AND PROVIDING A METHOD FOR THE REMOVAL THEREOF AND A PENALTY FOR THE VIOLATION OF THE PROVISION OF SAID ORDINANCE

The Village Council of the Village of Bird Island does hereby ordain:

Section 1. (a) The word “weeds” as used in this Ordinance shall be construed to mean and include not only such noxious weeds as are enumerated in Chapter 20 of Minnesota Statutes for the year 1941, but also such useless and troublesome plants as are commonly known as weeds to the general public. The word “weeds” shall also be construed to mean all rank vegetable growth which exhales unpleasant or noxious odors, and also high and rank vegetable growth that may conceal filthy deposits.

(b) The word “person” as used in this Ordinance shall mean and shall include one or more persons of either sex, natural persons, corporations, partnerships, associations, joint stock companies, societies, and all other entities of any kind capable of being sued.

Section 2. It shall be unlawful for any owner, lessee or occupant, or any agent, servant, representative or employee of such owner, lessee or occupant having control of any occupied, or unoccupied, lot or land, or any part thereof, in the Village of Bird Island to permit or maintain on any such lot or land, or on or along the sidewalk, street or alley adjacent to the same between the property line and the curb or middle of the alley or for ten (10) feet outside the property line if there be no curb, any growth of weeds, grass or other rank vegetation to a greater height than twelve (12) inches on the average, or any accumulation of dead weeds, grass or brush. It shall also be unlawful for any such person or persons to cause, suffer or allow poison ivy, rag weed, or other poisonous plants, or plants detrimental to health to grow on any such lot or land in such manner that any part of such ivy, ragweed, or other poisonous or harmful weeds extend upon, overhang or border any public place or allow to seed, pollen or other poisonous particles or emanations therefrom to be carried through the air into any public place.

Section 3. It shall be the duty of any owner, lessee or occupant of any lot or land to cut and remove, or cause to be cut and removed, all weeds, grass or other rank, poisonous or harmful vegetation as often as may be necessary to comply with the provisions of Section 2; provided that cutting and removing such weeds, grass and vegetation at least twice between May 15 and September 15 shall be deemed to be a compliance with this Ordinance.

Section 4. When any condition exists on any lot or parcel of land in the Village of Bird Island violative of the provisions hereof, it shall be the duty of the Street Commissioner to serve a notice on the owner, occupant or agent of such lot or parcel of land, ordering such owner or agent to have such weeds or grass cut and removed within ten (10) days after the service thereof, and also stating that in case of non-compliance, the same will be done by the Village of Bird Island at the owner’s expense.

Section 5. Upon the failure of the owner, occupant or agent to comply with the provisions of said notice, and after the expiration of ten (10) days, the said Street Commissioner shall proceed to cut and remove such weeds or grass, and determine the cost thereof and charge the owner of the premises therewith, and shall, not later than the first day of October of each year, certify to the County Auditor the amount so charged against said premises, lots or parcels of land, together with the description of the premises and the name of the known or record owner of said premises and such charge shall be collected and collection enforced in the same manner as taxes against said premises. Such charge shall be a perpetual lien upon said premises until paid; provided, further, that where no owner, occupant or agent can be found, or is unknown, then said Street Commissioner

may proceed by ten (10) days publication of said notice in the local weekly newspaper within the village, the cost of such publication to become a part of the expenses and lien against said property.

Section 6. Any person who shall neglect to cut and remove weeds, grass or other vegetation as directed in this Ordinance, or who shall fail, neglect or refuse to comply with the provisions of any notice herein provided or who shall violate any of the provisions of this Ordinance or who shall resist or obstruct the Street Commissioner or any of his employees or agents in the cutting and removal of weeds, grass and other vegetation, shall, upon conviction thereof, be subject to a fine of not less than \$5.00 or more than \$100.00, plus all costs of prosecution, or be imprisoned in the County Jail of Renville County for a period of not less than five (5) days and not more than ninety (90) days; and each day on which such violation continues shall constitute a separate offense.

Section 7. All Ordinances, or parts of Ordinances, conflicting with the provisions of this Ordinance are hereby repealed.

Section 8. This Ordinance shall take effect immediately after the required publication provided by law.

Mike Sanger, Mayor

Gustave Steffen, Recorder

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