

**ORDINANCE NO. 04.104.**

AN ORDINANCE AMENDING CHAPTER 3.01 REGARDING THE DUTIES AND OBLIGATIONS OF OWNERS OR OCCUPANTS OF PROPERTY TO KEEP WEEDS AND OTHER GROWTHS UNDER CONTROL, AND TO ALLOW THE CITY TO ABATE ANY SUCH NUISANCE AND ASSESS THE COST TO THE OWNER OR OCCUPANT OF THE PROPERTY.

BE IT ORDAINED by the governing body of the City of Parker, South Dakota:

That Chapter 3.01 of the City of Parker Ordinances is hereby amended to add a new section, which shall be codified as Section 3.0106 and which shall read as follows:

(a) 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, lying or located thereon and the growing of such weeds or other noxious or unhealthful vegetation is hereby declared to be a nuisance.

(b) The City Finance Officer 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.

(c) Upon failure, neglect or refusal of any owner, agent or occupant so notified to comply with said notice within five (5) days thereof, the City Finance Officer 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.

(d) The City Finance Officer 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 by 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.

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

(f) 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 a Class 2 misdemeanor.

Dated this 13th day of April, 2004.

CITY OF PARKER

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By Ron Nelson,  
Its Mayor

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ATTEST:  
Jeanne Duchscher, City Finance Officer

First Reading: March 8, 2004  
Second Reading: April 12, 2004  
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