

ORDINANCE NO. 2015-06

CACHE COUNTY, UTAH

AMENDMENTS TO TITLE 8.28

AN ORDINANCE AMENDING AND SUPERSEDING CHAPTER 28 OF TITLE 8
OF THE CACHE COUNTY ORDINANCE
REGARDING WEED CONTROL

WHEREAS, the State of Utah has required Cache County to enforce the Noxious Weed Act, and;

WHEREAS, the purpose of this ordinance is to provide clear ordinances and procedures for the enforcement of the Utah Noxious Weed Act, and;

WHEREAS, the County Council caused notice of the amendments to Title 8 of the Cache County Ordinance to be advertised in *The Herald Journal*, a newspaper of general circulation in Cache County, and;

WHEREAS, the Cache County Council has determined that it is both necessary and appropriate for the County to amend and implement these ordinances.

NOW, THEREFORE, BE IT ORDAINED by the County Legislative Body of Cache County that Chapter 28 of Title 8 of the Cache County Ordinance is hereby amended and superseded as follows:

1. STATUTORY AUTHORITY

The statutory authority for enacting this ordinance is the Utah Noxious Weed Act, Utah Code Annotated §4-17 (1953, as amended).

2. PURPOSE OF PROVISIONS

The purpose of this ordinance is to amend and supersede Chapter 28 of Title 8 of the Cache County Ordinance regarding weed control to ensure compliance with the Utah Noxious Weed Act.

3. FINDINGS

A. The amendments to Title 8.28 of the Cache County Ordinance are in conformity with the Utah Noxious Weed Act, Utah Code Annotated §4-17 (1953, as amended).

B. The amendments to Title 8.28 of the Cache County Ordinance are necessary to establish effective weed control procedures.

C. It is in the interest of the public and the citizens of Cache County that the proposed amendments to Title 8.28 of the Cache County Ordinance be approved.

4. EXHIBITS

A. Title 8 Chapter 28 of the Cache County Ordinance is amended as follows: See Exhibit A.

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5. PRIOR ORDINANCES, RESOLUTIONS, POLICIES AND ACTIONS SUPERSEDED.

This ordinance amends and supersedes Chapter 28 of Title 8 of the Cache County Ordinance, and all prior ordinances, resolutions, policies, and actions of the Cache County Council to the extent that the provisions of such prior ordinances, resolutions, policies, or actions are in conflict with this ordinance. In all other respects, such prior ordinances, resolutions, policies, and actions shall remain in full force and effect.

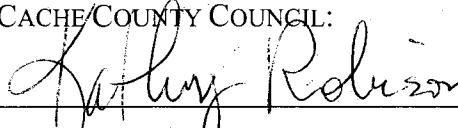
6. EFFECTIVE DATE.

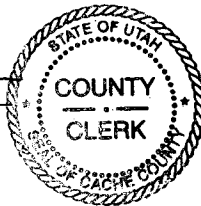
This ordinance takes effect on April 8, 2015 Following its passage but prior to the effective date, a copy of the ordinance shall be deposited with the County Clerk and a short summary of the ordinance shall be published in a newspaper of general circulation within the County as required by law.

APPROVED AND ADOPTED this 24th day of March, 2015.

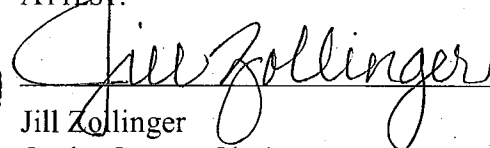
	In Favor	Against	Abstained	Absent
Potter				X
Erickson	X			
White	X			
Merrill	X			
Robison	X			
Yeates	X			
Zilles	X			
Total	6			1

CACHE COUNTY COUNCIL:


Kathy Robison, Chair
Cache County Council



ATTEST:


Jill Zollinger
Cache County Clerk

Publication Date:

April 8, 2015

Chapter 8.28 WEED CONTROL

8.28.010: DEFINITIONS:

8.28.020: POWER OF COUNTY WEED SUPERVISOR:

8.28.030: NOTICE AND CONTROL OF WEEDS:

8.28.040: APPEAL OF NOXIOUS WEED NOTIFICATION:

8.28.070: ACCESS TO PROPERTY AND SETBACKS:

8.28.010: DEFINITIONS:

"Supervisor" means Cache County weed control supervisor(s) which are employed by Cache County consistent with the Utah Noxious Weed Act.

"Noxious Weeds" means any plant as identified and adopted by either the State of Utah or by Cache County as a noxious weed.

"County Weed Board" means a board appointed by the County Council, in compliance with the Utah Noxious Weed Act, that helps to enforce the Utah Noxious Weed Act and county weed policy.

8.28.020: POWER OF COUNTY WEED CONTROL SUPERVISOR(S):

Supervisors' powers and duties are as provided by the Utah Noxious Weed Act.

8.28.030: NOTICE AND CONTROL OF WEEDS:

The County shall follow the requirements as established within the Utah Noxious Weed Act for the enforcement of all noxious weeds within the County. More specifically, the process for notification and enforcement of the Utah Noxious Weed Act shall be as follows:

- A. The county weed control board shall post a general notice of adopted noxious weeds prior to May 1 of each year:
 1. In at least three public places within the County; and
 2. Publish the notice on at least three occasions in a newspaper or other publication of general circulation and as required by the Utah legal notice publication requirements.
- B. Supervisors shall patrol the county to determine the location and severity of infestation for noxious weeds on private and public ground, rights-of-way, easements, and any other real property. Supervisors are authorized to perform other duties as allowed by the Utah Noxious Weed Act.
- C. If noxious weeds are present, supervisors shall send initial notices to the property owner (additional copies may be sent to lessees, easement or rights-of-way owners, etc.) which indicate what noxious weeds exist on their property and what options are available to them for control of noxious weeds. Property owners shall have 15 days from the issuance of the initial notice to respond to the initial notice indicating a preferred method of control.
- D. If there is no response or a failure to control noxious weeds within 15 days from the issuance of the initial notice, supervisors shall send a final notice providing an additional 15 days from the issuance of the final notice to respond to the final notice of noxious weeds.
- E. If the notified property owner fails to respond or to appropriately control noxious weeds, supervisors shall forward the subject property to the county weed board for review. The county weed board may then declare the property a public nuisance and properly notify the land owner of said declaration.
 1. The county weed board may require weed control by supervisors consistent with the Utah Noxious Weed Act after declaration of public nuisance and proper notification.

2. Any expense incurred by the county in controlling the noxious weeds shall be paid by the property owner of record or the person in possession of the property pursuant to the Utah Noxious Weed Act.

8.28.040: APPEAL OF NOXIOUS WEED NOTIFICATION:

Any landowner of property issued a notice of noxious weeds may appeal the notice or the requirements therein in compliance with the Utah Noxious Weed Act.

8.28.070: ACCESS TO PROPERTY AND SETBACKS:

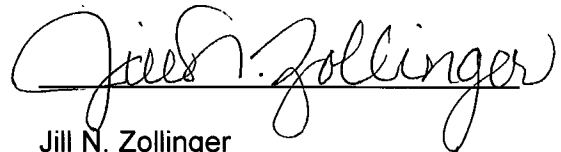
- A. Each purchaser, occupier, owner of the premises or those possessing an easement or right of way across the property shall provide access for treatment of noxious weeds along irrigation canals. Except as provided herein, no building, tree or accessory structure, equipment, or other structure or property interfering with the continuous unobstructed access shall be located within ten feet (10') of the top inside edge of any irrigation canal bank where maintenance, repair, upkeep, etc., is provided or serviced by a canal company or others other than the individual property owner.
- B. Notwithstanding the above, a fence may be constructed across a right of way or easement, provided an adequate operable gate of no less than ten feet (10') in width is maintained for continual access along the canal bank. (Ord. 79-11)

ORDINANCE ACTION = ORDINANCE NUMBER 2015-06

PRESENTATION TO THE COUNTY EXECUTIVE:

Ordinance number 2015-06 adopted by the Cache County Council on the 24th day of March, 2015, is herewith presented to the Cache County Executive for approval or disapproval. The County Executive shall notify the County Clerk of his approval or disapproval on or before the 8th day of April, 2015. If the County Executive disapproves, he shall submit a written statement of his objections with the notice of disapproval.

Submitted this 25th day of March, 2015.



Jill N. Zollinger
Cache County Clerk/Auditor

Action of County Executive:

Ordinance Number 2015-06 is hereby:

Approved
 Disapproved (Written statement of objection attached)

Dated this _____ Day of _____ 2015.



Craig "W" Buttars
Cache County Executive

Notice of Non-action:

Ordinance Number 2015-06 was presented to the Cache County Executive on the ____ Day of _____ 2015 and was neither approved nor disapproved by him within 15 days after presentation to him. Therefore, the ordinance has been recorded, published, and is in full force and effect as of this _____ Day of _____ 2015.

Jill N. Zollinger
Cache County Clerk/Auditor

Ordinance History:

Date adopted by the County Council
Date presented to the County Executive
Date approved/disapproved by County Executive

03/24/2015

03/25/2015

Action by Council upon return:

Disapproval overridden
 Disapproval sustained

Date 15 day period ended
Date of publication or notice
Effective date of ordinance
Date filed in County Clerk's office

04/08/2015

04/08/2015

04/08/2015

03/25/2015