
SUBJECT: ORDINANCE #2016-1 (WEED MANAGEMENT PLAN)

ADOPTED DATE: JULY 5, 2016

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ORDINANCE TO DEVELOP WEED MANAGEMENT PLAN
FOR DEVELOPMENT AND CONSTRUCTION SITES

WHEREAS, The North Dakota Century Code requires “Each person shall do all things necessary and proper to control the spread of noxious weeds” (N.D.C.C. 4.1-47); and

WHEREAS, a “noxious weed” means a plant propagated by either seed or vegetative parts and determined to be injurious to public health, crops, livestock, land, or other property (N.D.C.C. 4.1-47-01 section 6); and

WHEREAS, the Cass County Weed Control Board “shall implement a program for the control of noxious weeds” as pursuant to N.D.C.C. 4.1-47-09 section 1; and

WHEREAS, “control” of a noxious weed means to prevent a noxious weed from spreading by a) suppressing its seeds or propagating parts; or b) destroying either the entire plant or its propagating parts (N.D.C.C. 4.1-41-01 section 4); and

WHEREAS, construction sites in various residential and commercial/industrial development sites and undeveloped lots can harbor weed growth due to soil disturbance and lack of weed control; and

WHEREAS, the Cass County Comprehensive Plan outlines as parts of its goals to protect the county’s wetlands and the county’s valuable farmland and agricultural traditions (Cass County Comprehensive Plan Goal 4, Objective C and Goal 5 Objective B Policy 8), and

WHEREAS, noxious and invasive and troublesome weeds are becoming a problem in the agricultural crop production fields as they have become resistant to commonly used herbicides; and

WHEREAS, noxious and invasive and troublesome weeds are also encroaching on non-crop, grasslands, native prairies, and wetlands;

Now, therefore, be it ordained by the Board of Commissioner of the County of Cass, North Dakota, that the Cass County Weed Management Plan for Construction and Development Sites, which are attached and incorporated by reference is hereby enacted.

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PURPOSE

The purpose of this policy is to enforce the control of noxious weeds on residential, commercial/industrial construction sites and undeveloped lots within the county and to encourage the control of invasive and troublesome weeds on said properties. The incorporated areas of the cities of Fargo and West Fargo are excluded in this policy. Noxious and invasive/troublesome weeds have negative impacts on the value of the land including: reduced production of agricultural crops on adjoining lands, reduced enjoyment of private property, and displacement of native plants and animals.

GENERAL PROVISIONS

North Dakota Century Code (NDCC) chapter 4.1-47 requires that “Each person shall do all things necessary and proper to control the spread of noxious weeds” by suppressing seed production or propagating parts, or destroying either the entire plant or its propagating parts. Troublesome/invasive weeds are plants that are not on the state (or county) noxious weed list but are generally known to be highly invasive and destructive.

Residential, industrial, construction and development sites and undeveloped lots are locations that can harbor noxious and invasive/troublesome weeds due the disturbance of the soil and lack of weed control efforts. The lack of controlling weed growth allows seeds to be formed which can spread onto adjoining properties and expand the scope of weed invasions.

Recently, there have been a number of troublesome/invasive weed species that have become resistant to a number of herbicides utilized by farmers in crop production. These “herbicide resistant” weeds are highly competitive and controlling these weeds is becoming increasingly costly and difficult. Allowing all weeds to grow and produce seeds contribute to the spread of these weeds onto adjoining lands, be they neighboring residential or commercial lots, public lands, or agricultural production fields.

IMPLEMENTATION

Developers and construction managers shall develop a WEED MANAGEMENT PLAN. The weed management plan shall describe the weed control measures to be undertaken on the development or construction site and/or undeveloped lot and include name and contact information of developer and contractor.

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A copy of the weed management plan shall be submitted to the county weed officer and to the planning office of the jurisdiction providing building permits. This weed management plan shall be followed up until the site or lot is fully developed and landscaping has been established.

Civil penalty: Failure to control noxious weeds on a construction site or undeveloped lot, the landowner is subject to a civil penalty in an amount not to exceed eighty dollars per day for each day of violation, subject to a maximum penalty of four thousand dollars per year. Penalties imposed are a lien against the property of the landowner (NDCC 4.1-47-31). It is also recommended to control all weeds to prevent seed dispersal of invasive/troublesome weeds, though no fine will be imposed for lack of control of invasive/troublesome weeds.

APPROVED:

ss/Mary Scherling
Mary Scherling, Chairwoman
Board of Commissioners of the
County of Cass

ATTEST:

ss/Michael Montplaisir
Michael Montplaisir
County Auditor

(SEAL)

First Reading: June 6, 2016
Second Reading: July 5, 2016
Final Passage: July 5, 2016
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