

317.6 Entering land to destroy weeds notice.

In case of a substantial failure by the owner or person in possession or control of any land to comply with any order of destruction pursuant to the provisions of this chapter, the county weed commissioner, the weed commissioner's deputies and employees acting under the weed commissioner's direction shall have full power and authority to enter upon any land within their county for the purpose of destroying noxious weeds. Such entry may be made without the consent of the landowner or person in possession or control of the land but actual work of destruction shall not be commenced until five days after the service of a notice in writing on the landowner and on the person in possession or in control of the land. The notice shall state the facts as to failure of compliance with the county program of weed destruction order or orders made by the board of supervisors and shall be served in the same manner as an original notice except as hereinafter provided. The notice may be served by the weed commissioner, the weed commissioner's deputies or any person designated in writing by the weed commissioner and filed in the office of the county auditor. Provided, however, that service on persons living temporarily or permanently outside of the county may be made by sending the written notice of noncompliance by certified mail to said person at the last known address to be ascertained, if necessary, from the last tax list in the county treasurer's office. Where any person, firm or corporation owning land within the county has filed a written instrument in the office of the county auditor designating the name and address of its agent, the notice herein provided may be served on that agent. In computing time hereunder it shall be from the date of service as evidenced on the return or if made by certified mail, from the date of mailing as evidenced by the certified mail book at the post office where mailed.

[S13, § 1565-c, -d, -f; C24, § 4817; C27, 31, 35, § 4817, 4823-b1; C39, § **4829.05, 4829.06**; C46, § 317.5, 317.6; C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 317.6]