

State of South Dakota

EIGHTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2010

924R0152

HOUSE BILL NO. 1239

Introduced by: Representatives Cronin, Dennert, Fargen, Hoffman, Kirkeby, Krebs, Noem, Novstrup (David), Rausch, and Rounds and Senators Brown and Fryslic

1 FOR AN ACT ENTITLED, An Act to establish certain procedures for counties to follow when
2 requiring landowners to cut and remove grass, weeds, and brush from the road right-of-way.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 31-31-1 be amended to read as follows:

5 31-31-1. The Department of Transportation and each board of county commissioners ~~of the~~
6 ~~various counties~~ shall cut or remove, or cause to be cut or removed, grass, weeds, and brush
7 growing within the right-of-way of all public highways ~~within their respective~~ under its
8 jurisdiction ~~and over which such~~ the department ~~and boards exercise~~ or board exercises control
9 as to repair and maintenance. The board of county commissioners may require, by ordinance,
10 the owner or occupant of any land abutting or adjoining a county road to cut or remove grass,
11 weeds, and brush, growing on or in the road right-of-way. If the owner or occupant does not cut
12 or remove grass, weeds, and brush, the board may levy a special assessment against the abutting
13 or adjoining property to pay the cost of such cutting and removal. A violation of this section is
14 a petty offense.

