

JOHNSON GRASS CONTROL

Section 1. Title.

This article shall hereinafter be known as and may be cited as the "Johnson Grass Control Ordinance of Middlesex County, Virginia."

Section 2. Authority.

This article is enacted under the authority granted by the Code of Virginia, 1950, as amended, as provided in §15.2-902.

Section 3. Jurisdiction.

The provisions of this article shall apply to all unincorporated land within Middlesex County.

Section 4. Purpose.

This article is adopted for the purpose of preventing, controlling and abating the growth, importation and contamination of uninfested lands by the species commonly known as Johnson Grass. The existence of growth of this species is hereby declared to be a public nuisance in Middlesex County, Virginia.

Section 5. Rules.

In the construction of this article, the rules contained in this section shall be observed and applied, except when the context clearly indicates otherwise:

- (1) Words used in the present tense shall include the future; words used in a singular number shall include the plural number and the plural the singular;
- (2) The word "shall" is mandatory and not discretionary;
- (3) The word "may" is permissive and not mandatory; and
- (4) Any reference to this article includes all ordinances amending or supplementing the same.

Section 6. Definitions.

For the purpose of this article, certain words or terms used herein shall be defined as follows:

Board of Supervisors. The Governing Body of Middlesex County, Virginia.

Control Zone. The unincorporated lands of Middlesex County, Virginia.

Johnson Grass. The existence of growth of a species of grass, *Sorghum Halpense*.

Johnson Grass Control Committee. A committee of three members, each individual representing a single electoral district of Middlesex County, Virginia, appointed

by the board of supervisors and responsible for administering the Johnson Grass Control Program in Middlesex County, Virginia. (Hereinafter referred to as "the committee.")

Landowner. Any person holding a fee simple interest or a lease holder interest in property located in Middlesex County, Virginia. "Landowner" does not include the holder of an easement.

Section 7. Program supervisor.

The program supervisor shall be considered the agent of the board of supervisors. The Johnson Grass control committee, as appointed by the board of supervisors, is hereby delegated to administer this article.

Section 8. Additional authority.

In addition to the regulations herein contained, the program supervisor may, from time to time, establish any reasonable administrative procedures deemed necessary for the proper administration of this article or such other authority as the board of supervisors might delegate.

Section 9. Johnson Grass control committee.

There is hereby established a Johnson Grass control committee composed of three members, each to serve at the pleasure of the board of supervisors. Members of the committee shall be appointed to represent farmers, the Agricultural Stabilization and Conservation Service, the Farm Bureau, vocational agriculture, the Cooperative Extension Service, the Soil Conservation Service, the Virginia Department of Transportation, utility companies and/or members of the general public with an interest in the control of Johnson Grass. The members shall serve without compensation.

Section 10. Duties and powers of committee.

The Johnson Grass control committee shall appoint all individuals responsible for the Johnson Grass Control Program, from time to time approve prevention and treatment procedures, recommend to the board of supervisors the expenditure of any necessary funds subject to the approval of the board of supervisors, as well as administer the Johnson Grass Control Program.

Section 11. Requirements of landowners.

It shall be unlawful to knowingly allow Johnson Grass to set seed on any land in the control zone. It shall be the duty of each landowner to mow, fallow, treat with herbicides, or use such other practices as may be approved by the committee as effective in preventing seed set on all Johnson Grass on that landowner's property. Provided, however, as long as a landowner or lessee follows the current recommendations of the Virginia Polytechnic Institute and State University (VPI&SU) Cooperative Extension Service, that landowner shall not be in violation of this article.

Section 12. Unlawful transportation.

It shall be unlawful to import Johnson Grass into Middlesex County or to transport Johnson Grass within Middlesex County in any form capable of growth or to knowingly contaminate any uninfested land with Johnson Grass through the movement

of rootstocks, plant parts, seed, soil, mulch, nursery stock, farm machinery, or other media.

Section 13. Assistance provided.

The committee, or their representatives, shall conduct surveys to determine the location and amount of infestations of Johnson Grass within Middlesex County; shall provide the necessary technical and other assistance to landowners in a cooperative control and eradication program; and may effect a program of spraying or other control practices on road rights-of-way, drainage ditch banks, parks, playgrounds, utility rights-of-way, and other public or private lands.

Section 14. Collection for services.

Services rendered for actual control practices may be billed to the landowner or lessee and collected. All reimbursements shall be promptly deposited in a specified Johnson Grass Control Fund, maintained as a separate account in the Treasurer's Office, and shall not revert to the General Revenue Fund of Middlesex County regardless of date accrued or collected. Collected or renewed funds for county expenditures shall be considered unexpended for cost-share purposes.

Section 15. Acceptance of grant funds.

The board of supervisors may accept, use or expend such aid, gift, grant or loan as may, from time to time, be made available from any source, public or private, for the purposes of carrying out the provisions of this article.

Section 16. Entering into agreement.

The Board of Supervisors may enter into an agreement with the Virginia Department of Agriculture and Consumer Services for the purpose of the control of Johnson Grass within Middlesex County and may accept funds from said department as agreed upon.

Section 17. Appropriation of funds.

It will be the landowners' primary responsibility to meet the major burden of the costs for the control and eradication of Johnson Grass in cooperation with the Johnson Grass control committee and in accordance with any written agreements between the landowners and the committee. The board of supervisors may, from time to time appropriate local funds to implement and continue the Johnson Grass Control Program. Local funds appropriated by the board of supervisors will be used to match funds extended by the Virginia Department of Agriculture and Consumer Services on a 50/50 basis.

Section 18. Violations and penalties.

Any person, firm or corporation who violates any provision of this article after having been notified in writing of such violation by the committee shall be guilty of a Class 2 misdemeanor. Each violation shall constitute a separate offense. The chairperson of the Johnson Grass control committee shall refer all violators of this article

to the Commonwealth Attorney for prosecution. Any fines collected shall be used in the Johnson Grass Control Program, after any court costs are paid.

Section 19. Certified copies of article.

Certified copies of this article and all amendments thereto shall be filed in the office of the county administrator, the Johnson Grass control committee and the clerk of the circuit court of Middlesex County, Virginia.

Section 20. Validity.

Should any section, subsection, or provision of this article be declared by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of this article as a whole or any part thereof other than the part so declared to be invalid or unconstitutional.

Section 21. Conflicting ordinances.

All ordinances or portions of ordinances in conflict with this article are hereby repealed to the extent of their conflict.

Section 22. Effective date.

This article shall be effective on and after January 18, 2011.

John D. Miller, Jr.	absent
Fred S. Crittenden	aye
Wayne H. Jessie, Sr.	aye
Carlton S. Revere	aye
Peter W. Mansfield	aye

A Copy Teste
Charles M. Culley, Jr., Clerk