

MAY 6, 1986

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A regular meeting of the Russell County Board of Supervisors was called at the Courthouse and adjourned to the Department of Social Services Building in Lebanon, Virginia, on Tuesday, May 6, 1986 at 9:00 a. m.

PRESENT; Richard L. Settle, Chairman  
Dr. Roy R. Smith, Vice Chairman & Member at Large  
Kenneth Mutter, Member  
Michael R. Ball, Member  
Kelly Chafin, Member  
John Bryan, Member

James A. Gillespie, Clerk  
Randall Campbell, Attorney

Meeting called to order by Chairman.

PUBLIC HEARING ON MULTI FLORA ROSE CONTROL ORDINANCE

Public hearing was held pursuant to law having been advertised for two successive weeks in the Lebanon News.

Motion was made by John Bryan, seconded by Mike Ball and unanimously approved by the Russell County Board of Supervisors that Ordinance for control of Multi Flora Rose be adopted as amended and effective May 6, 1986.

ORDINANCE

TITLE

This ordinance shall hereinafter be known as and may be cited as the "Multiflora Rose Control Ordinance of Russell County."

AUTHORITY

This ordinance is enacted under the authority granted by Act of the General Assembly of Virginia as provided in Title 15, Section 15.1-28.4 of the Code of Virginia of 1950, and amendments thereto.

JURISDICTION

The provisions of this ordinance shall apply to all land within Russell county, including the incorporated municipalities.

PURPOSE

This ordinance is adopted for the purpose of preventing, controlling and abating the growth, importation and contamination of uninfested lands by the species commonly known as Multiflora Rose.

RULES

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

- a. Words used in the present tense shall include the future, and words used in a singular number shall include the plural number, and the plural and the plural number, and the plural the singular;
- b. The word "shall" is mandatory and not discretionary;
- c. The word "may" is permissive and not mandatory; and
- d. Any reference to this ordinance includes all ordinances amending or supplementing the same.

DEFINITIONS

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

- a. Board of Supervisors. The Governing Body of Russell County, Virginia.
- b. Control Zone. Russell County, Virginia, including the incorporated municipalities,

- c. Landowner. Any person holding a fee simple interest or a long term lease (5 years or more), lease holder interest in property located in Russell County, Virginia. "Landowner" does not include the holder of an easement.
- d. Multiflora Rose. The existence of growth of a species of rose, Rosa Multiflora Thumb.
- e. Multiflora Rose Control Committee. A committee of seven members, appointed by the Board of Supervisors, who are responsible for administering the Multiflora Rose Control Program in Russell County, Virginia, and the VPI & SU Extension Agent/Agriculture will be the Administrator.

#### ADMINISTRATOR

The Administrator shall be considered the agent of the Board of Supervisors. The Multiflora Rose Control Committee, as appointed by the Board of Supervisors, is hereby delegated to administer this ordinance.

#### ADDITIONAL AUTHORITY

In addition to the regulations herein contained, the Administrator may, from time to time, establish any reasonable administrative procedures deemed necessary for the proper administration of this ordinance or such other authority as the Board of Supervisors might delegate.

#### MULTIFLORA ROSE CONTROL COMMITTEE

There is hereby established a Multiflora Rose Control Committee composed of seven (7) members, each to serve at the pleasure of the Board of Supervisors. Members of the Committee shall be appointed from farmers, Agricultural Stabilization and Conservation Service, Vocational Agriculture, Farm Bureau, Cooperative Extension Service, Soil Conservation Service, Department of Highways, and Utility Companies, and members of the general public as deemed desirable by the Board of Supervisors. The members shall serve without compensation.

#### DUTIES AND POWERS OF COMMITTEE

The Multiflora Rose Control Committee shall appoint all individuals responsible for the Multiflora Rose 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 Multiflora Rose Control Program.

#### REQUIREMENTS OF LANDOWNERS

It shall be unlawful to knowingly allow Multiflora Rose to set seed on any land in the control zone. It shall be the duty of each landowner to mow, follow, treat with herbicides, or use such other practices as may be approved by the Multiflora Rose Control Committee as effective in preventing seed set on all Multiflora Rose on his property. Provide, however, as long as a landowner or lessee follows the current recommendations of the VPI & SU Cooperative Extension Service, he shall not be in violation of this ordinance.

#### UNLAWFUL IMPORTATION

It shall be unlawful to import Multiflora Rose into Russell County or to transport Multiflora Rose within Russell County in any form capable of growth or to knowingly contaminate any uninfested land with Multiflora Rose through the movement of rootstocks, plant parts, seed, soil, mulch, nursery stock, farm machinery, or other media.

#### ASSISTANCE PROVIDED

The Multiflora Rose Control Committee, or their representatives, shall conduct surveys to determine the location and amount of infestations of Multiflora within Russell County; shall provide the necessary technical and other assistance to landowners in a cooperative control or 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.

#### COLLECTION FOR SERVICE

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 Multiflora Rose Control Fund and shall not revert to the General Revenue Fund of Russell County regardless of date accrued or collected. Collected or renewed funds for County expenditures shall be considered unexpended for cost-share purpose.

#### 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 ordinance.

#### 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 Multiflora Rose within Russell County and may accept funds from said Department as agreed upon.

#### APPROPRIATION OF FUNDS

It will be the landowners' primary responsibility to meet the major burden of the costs for the control and eradication of Multiflora Rose in cooperation with the Multiflora Rose Control Committee, and in accordance with any written agreements between the landowners and the Committee. The Board of Supervisorss may, from time to time, appropriate local funds to implement and continue the Multiflora Rose 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.

#### VIOLATIONS AND PENALTIES

Any person, firm, or corporation who continues to violate or who does not take responsible steps to alleviate such violation of any provision of this ordinance for a period of twelve (12) months after having been notified in writing of such violation by the Administrator shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not to exceed ONE HUNDRED DOLLARS (\$100.00) for each such violation. Each violation shall constitute a separate offense. The Chairman of the Multiflora Rose Control Committee shall refer all violators of this ordinance to the County Attorney for prosecution. Any fines collected shall be used in the Multiflora Rose Control Commission, after any court costs are paid.

#### CERTIFIED COPIES OF ORDINANCE

Certified copies of this ordinance and all amendments thereto shall be filed in the office of the Planning Commission, the County Administrator, the Multiflora Rose Control Committee, and the Clerk of the Circuit Court of Russell County, Virginia.

#### VALIDITY

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

#### CONFLICTING ORDINANCE

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

#### EFFECTIVE DATE

This ordinance shall be effective on or after May 6, 1986.

The Vote was:

Aye: R. L. Settle  
Dr. Roy R. Smith  
Kenneth Mutter  
Kelly Chafin  
Michael Ball  
John Bryan

Nay: None

#### MULTIFLORA ROSE CONTROL COMMITTEE

Motion made by Michael Ball, second by Kelly Chafin and unanimously approved by the Board of Supervisors that following named be and hereby is appointed to serve on the Multiflora Rose Control Committee effective immediately and term to expire July 1, 1987.

Charlie Gose Dickenson  
Jimmy Fletcher  
Sherman Wallace, Jr.  
W. Paul Campbell  
Waldo Dorton  
Greg Smith  
Paul Chambers

The Vote was:

Aye: R. L. Settle  
Dr. Roy R. Smith  
Kenneth Mutter  
Kelly Chafin  
Michael Ball  
John Bryan