

ORDINANCE NO. 89-1

AN ORDINANCE CONTROLLING AGRICULTURAL DIKES.

Section 1. Purpose

It is recognized that the construction of Agricultural Dikes can and does effect the flow of drainage including the diversion of waters from one drainage system to another, cause obstruction, deterioration and destruction of public right-of-ways and obstruct and hinder the hydraulic capacity of ditch systems.

Section 2. Dike Control

A. No person shall construct, maintain or keep upon their premises a dike, of any nature, which dike creates a public nuisance or diverts waters from one drainage system to another, obstructs, deteriorates, or destroys any public right-of-way or obstructs the hydraulic capacity of a township, county, state, or legal ditch system including road ditches.

B. No person shall construct any dike infringing upon the public right-of-way without the prior written consent of the public authority controlling said right-of-way. A dike constructed upon the public right-of-way with the written consent of the public authority must conform to the provisions of Section 2, A.

Section 3. Removal of Abatement

The owner of the premises where the alleged violation exists and any person violating the provisions of this ordinance shall be given ten days notice to appear before the Wilkin County Board of Commissioners concerning the alleged violation. The Wilkin County Board of Commissioners shall make findings based upon the hearing. If a violation is found, the Wilkin County Board of Commissioners may issue an Order directing the responsible party to alter or remove said dike in compliance with this Ordinance including a reasonable time to complete the terms of the Order. If the terms of the Order are not met within the required time, the Wilkin County Board of Commissioners may direct the alteration or removal of the dike and assess the cost to the landowner. Where there is an imminent public danger, whether to property or person, the Wilkin County Board of Commissioners may immediately abate said violation upon notice to the owner of the premises.

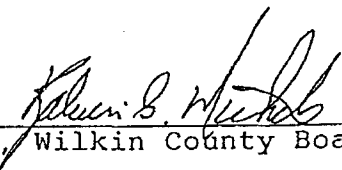
Section 4. Penalty

A violation of Section 2, A or Section 2, B is a misdemeanor punishable by a fine not to exceed \$700.00 or imprisonment not to exceed 90 days, or both.

Section 5: Effective Date

This Ordinance is effective upon passage and thirty (30) days following publication.

Dated this 13th day of April, 1989.



Chairman, Wilkin County Board

ATTEST:



Wilkin County Auditor

(SEAL)