

#20.69

MARSHALL COUNTY NOXIOUS WEEDS POLICY

1. PURPOSE

These procedures are adopted pursuant to the Illinois Noxious Weed Act, 505 ILCS 100, and the Marshall County Noxious Weed Management Plan, and shall provide for the procedures to be followed for entry onto private property for the purpose of managing noxious weeds. This procedure will be implemented when a complaint has been received or a noxious weed is spotted on private property.

2. GENERAL

Every reasonable effort shall be made to manage noxious weeds on private property through voluntary compliance. Enforcement of the Illinois Noxious Weed Act through the procedures described herein will be undertaken only after the unsuccessful solicitation of voluntary compliance.

Contractors and other responsible County parties will be in charge of implementing and enforcing this plan. The Marshall County Coordinator will be responsible for handling all complaints, correspondence, reports and paperwork. Zoning personnel will be responsible for reporting noxious weeds on private property when they do inspections. The Highway Department is responsible for noxious weeds in the right-of-way of County Highways. And the Road Commissioners are responsible for handling noxious weeds in the right-of-way of their jurisdiction. The State's Attorney's office is responsible for violation of the Illinois Noxious Weed Act.

3. NOXIOUS WEEDS

The State of Illinois and Department of Agriculture declare the following weeds to be noxious:

- a) Marihuana (*Cannabis sativa* L.);
 - b) Giant Ragweed (*Ambrosia trifida* L.) within the corporate limits of cities, villages, and incorporated towns;
 - c) Common Ragweed (*Ambrosia artemisiifolia* L.) within the corporate limits of cities, villages, and incorporated towns;
 - d) Canada Thistle (*Cirsium arvense*);
 - e) Perennial Sowthistle (*Sonchus arvensis*);
 - f) Musk Thistle (*Carduus nutans*);
 - g) Perennial members of the sorghum genus, including johnsongrass (*Sorghum halepense*), sorghum alnum, and other johnsongrass X sorghum crosses with rhizomes; and
 - h) Kudzu (*Pueraria labata*).
- (see last pages for images)

4. INSPECTION

- a. State law allows the County to pursue control of noxious weeds on private property. If Marshall County Personnel see a noxious weed from visual observation from a public right-

of-way or adjacent property and have reason to believe that a noxious weed infestation exists, the landowner or occupant shall be notified by certified mail, or service by a Deputy of a request to inspect.

- b. If Marshall County receives a report of a noxious weed infestation, an initial screening of the property from public right-of-way or a neighbor's property will be made to determine if the problem is significant. Marshall County Personnel shall comply with applicable state and local laws regarding entry onto public or private property for the purpose of inspecting for the presence of or managing noxious weeds.
- c. If the presence of a noxious weed must be confirmed by an on-site inspection, (i.e. cannot be confirmed from the right-of-way or neighboring property), the landowner will be contacted by phone, if possible, to get permission to enter the property. All correspondence will be documented as to date and information given. If the landowner cannot be reached by phone, a certified return receipt mail letter shall be sent to the landowner, stating a specific date and time for the inspection. If the landowner wishes to be present for the inspection, the date and time of the inspection shall be adjusted to accommodate them. The letter shall ask the landowner to contact the Marshall County Coordinator to acknowledge receipt of the letter and confirm the inspection.
- d. If no response is forthcoming from the landowner, or if access to the property is denied by the landowner, an inspection warrant will be sought and all associated court costs will be assessed against the landowner, unless good cause can be demonstrated by the landowner as to why the response was not given in a timely manner.
- e. All possible methods shall be engaged to determine that the actual owner of the property has been contacted. This may include contacting the Clerk and Recorder's office to see if the deed has been transferred. If the property has been transferred, the new owner must be informed of the weed problem before any further action can be taken.

5. PROCEDURE

- a. Once there is a determination of a noxious weed presence, the first step in the enforcement process shall be a courtesy letter sent to the property owner, or occupant, of the subject property on which the noxious weeds are located, which shall serve as an initial informative measure. The letter shall state the specific noxious weed identified on the property. The property owner shall be given a period of twenty days to respond to this courtesy letter.
- b. Should there be no response, or no cooperation in the inspection of the property, a Notice of Non-Compliance shall be sent by certified mail, or served by a Deputy to the property owner or occupant. The Notice of Non-compliance shall: i) contain a reference that this is a "Notice of Non-Compliance"; ii) identify the applicable laws and requirements for the management of noxious weeds; iii) state the specific weed identified on the subject property; and iv) contain the date and time the County will enter the property to eradicate the noxious weed. The property owner or occupant shall be given a period of fifteen days from the date of this notice to respond to this Notice.

- c. The property owner shall have two options with respect to the Notice of Non-compliance: 1) comply with the Notice and proceed with eradicating the noxious weed; or 2) have the County eradicate the noxious weed.
- d. In the event the property owner fails to respond to any of the sequence of notices, Marshall County Personnel shall request assistance from the State's Attorney for the purpose of obtaining a warrant to authorize entry onto the subject property by Marshall County Personnel to manage or eradicate the noxious weed previously identified. Further, the owner may be fined as allowed in the Illinois Noxious Weed Law.
- e. Marshall County Personnel, or an independent contractor, shall notify the Sheriff's Office of their intent to perform involuntary weed management on private property by providing a minimum of two business days' advance notice. The notification shall be in writing and shall request the presence of a deputy sheriff during the eradication activity. A street address and an estimate of the time required for the noxious weed treatment process shall be included in the notice.
- f. Marshall County Personnel shall use the least invasive method to eradicate the noxious weed. A report thoroughly documenting the treatment process from beginning to end shall be prepared. If chemicals are used, the report shall include, but not be limited to, a map of the exact locations of chemicals applied, the type of chemical applied, the concentration of chemicals used, direction of wind, time and date of application, and a diagram showing occupied dwellings, animal barns or shelters, wells, ponds, tanks, or other water supply/storage facilities. After the treatment process takes place, the report shall be maintained by the Marshall County Coordinator.
- g. The necessary eradication of noxious weeds on private property may be performed by County personnel or by private contractor.

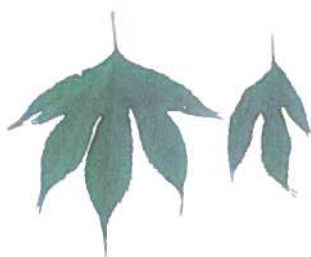
6. COST RECOUPMENT

- a. In cases where Marshall County has been required to enter private property to manage the eradication of noxious weeds, the County shall seek recoupment of its costs from the property owner after completion of the eradication. The property owner shall be assessed for all court costs, actual cost of the treatment (whether done by County personnel or by a contractor) including chemical costs, man-hour and equipment costs, and travel time to and from the property to be treated.
- b. The property owner shall be given 20 days to pay the assessment. Should payment not be received within 20 days, a second notice demanding payment shall be sent to the property owner by certified U.S. mail. Should the property owner not respond to the second notice within 20 days, the assessment shall be certified by Board resolution and forwarded to the County Treasure for collection in the same manner as provided for the collection of taxes.

Marihuana



Giant Ragweed



Common Ragweed



Canada Thistle



Perennial Sowthistle



Musk Thistle



Kudzu



Sorghum halepense



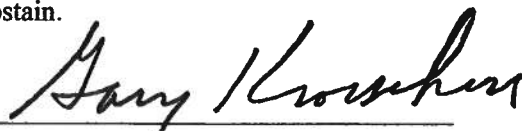
RESOLUTION NO. 20-69

**2021
Marshall County Noxious Weeds Policy**

WHEREAS, the Marshall County Noxious Weeds Policy is recommended to the Marshall County Board for Approval.

NOW, THEREFORE, BE IT ORDAINED that the Marshall County Board hereby approves the Marshall County Noxious Weeds Policy for 2021.

Passed and Adopted at Lacon, Illinois, Marshall County, Illinois on this 8th day of October 2020, by a vote of 12 ayes, 0 nays, and 0 abstain.



Gary Kroescher, Chairman
Marshall County Board

ATTEST:


Jill Kenyon, Marshall County Clerk