

MENARD COUNTY WEED CONTROL ORDINANCE

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WEED CONTROL

FOOTNOTE(S):

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For statutory provisions regarding county control and eradication of weeds, see Ill.Rev.Stat.1973, Ch.34, §420; for statutory provisions regarding noxious weeds, see Ill.Rev.Stat.1973, Ch.18, §101 et seq.

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Editor's Note: This section has been editorially amended during 1977 codification to designate that violations are petty offenses.

SECTION 1: TITLE FOR CITATION.

This chapter shall be known and may be cited as the "Menard County Nuisance Weed Law."

SECTION 2: DEFINITIONS.

As used in this chapter:

- A. "Control," "controlled" or "controlling" means and includes being in charge of or being in possession, whether as owner, lessee, renter or tenant, under statutory authority, or otherwise.
- B. "Control authority" means the county board, and shall represent all rural areas and cities, villages and townships within the county boundaries.
- C. "Nuisance weed" means all species of common ragweed and giant ragweed.
- D. "Person" means any individual, partnership, firm, corporation, company, society, association, the state or any department, agency or subdivision thereof, or any other entity.

SECTION 3: DUTY TO CONTROL AND ERADICATE WEEDS - METHODS.

Every person shall control the spread of and eradicate nuisance weeds on lands owned or controlled by him and use such methods for that purpose and at such times as are approved and adopted by the weed control superintendent.

SECTION 4: WEED CONTROL SUPERINTENDENT- ENFORCEMENT AUTHORITY.

The duty of enforcing this chapter and carrying out its provisions is vested in the weed control superintendent, and the authorities designated in this chapter acting under the supervision and direction of the county board.

SECTION 5: INSPECTION OF LAND AUTHORIZED WHEN.

Any control authority, weed control superintendent, or anyone authorized thereby, may enter upon all land under their jurisdiction, during daylight hours, for the purpose of performing their duties and exercising their powers under this chapter, including the taking of specimens of weeds or other materials, without the consent of the person owning or controlling such land, and without being subject to any action for trespass or damages, if reasonable care is exercised.

SECTION 6: WEED CONTROL SUPERVINTENDENT - DUTIES DESIGNATED – CERTIFICATION AND BONDING REQUIRED.

- A. Each control authority shall employ one or more weed control superintendents who shall be certified by the county board to be qualified to detect and treat nuisance weeds. Each weed control superintendent shall be bonded for such sums as the control authority may prescribe.

B. Every weed control superintendent shall:

1. Examine all land in Menard County for the purpose of determining whether the provisions of this chapter and the regulations of the chapter have been complied with;
2. Compile such data on infested areas and areas eradicated and such other reports as the county board may require;
3. Consult and advise upon matters pertaining to the best and most practical methods of nuisance weed control and eradication, and render assistance and direction for the most effective control and eradication;
4. Investigate or aid in the investigation and prosecution of any violation of this chapter and perform such other duties as required by the control authority.

C. Weed control superintendents shall cooperate and assist one another to the extent practicable and supervise the carrying out of the coordinated control and eradication program within the county.

SECTION 7: NOTICE REQUIREMENTS GENERALLY.

A. Notices for control and eradication of nuisance weeds shall be on a form prescribed by the superintendent and shall consist of two kinds: general notices and individual notices. Failure to publish general weed notices or to serve individual notices as provided in this section does not relieve any person from the necessity of full compliance with this chapter and regulations thereunder. In all cases, such published notice is legal and sufficient notice.

B. General notice shall be published by each control authority, or any combination of control authorities among counties, in one or more legal newspapers of general circulation throughout the area, or areas, over which the control authority or control authorities have jurisdiction at such times as the weed control superintendent may direct or the control authority may determine.

C. Whenever any control authority finds it necessary to secure more prompt or definite control or eradication of nuisance weeds than is accomplished by the general published notice, it shall serve individual notices upon the person owning and the person controlling such land, and give notification of such notice to the record owner of any encumbrance thereon, giving specific instructions and methods when and how certain named weeds are to be controlled or eradicated. Such methods may include definite systems of tillage, cropping, or management and use of livestock.

SECTION 8: INDIVIDUAL NOTICES.

All individual notices, service of which is provided for in this chapter, shall be in writing. Service of such notices shall be in the same manner as service of a summons in a civil action in the Circuit Court or by certified mail to the last known address to be ascertained, if necessary, from the last tax list.

SECTION 9: WORK TO BE PERFORMED BY COUNTY WHEN – COSTS.

Whenever the owner or person in control of the land on which nuisance weeds are present has neglected or failed to control or eradicate them as required in this chapter and any notice is given pursuant to Section 7, the weed control superintendent shall have proper control of eradication methods used on such land, and shall advise the owner, person in control, and record holder of any encumbrance of the cost incurred in connection with such operation. The cost of any such control or eradication shall be at the expense of the owner. If unpaid for six months or longer, the amount of such expense shall become a lien upon the property. Nothing contained in this section shall be construed to require satisfaction of the obligation imposed hereby in whole or in part from the sale of the property or to bar the application of any other additional remedy otherwise available. Amounts collected under this section shall be deposited in the nuisance weed control fund or other appropriate general fund of the control authority.

SECTION 10: COST OF WEED CONTROL – NOT CHARGED TO OWNER WHEN.

Notwithstanding any other provision of this chapter relating to payment of cost, when determined by a control authority to be justified in the interest of an effective weed-control program, such control authority may control and eradicate nuisance weeds on land under its jurisdiction, without cost to the owner or person in control thereof.

SECTION 11: COST OF WEED CONTROL – PROTEST FILING TIME- HEARING REQUIRED.

If any person is dissatisfied with the amount of any charge made against him by the control authority for control or eradication work, he may, within five days after being advised of the amount of the charge, file a protest with the public health and safety committee. The chairman of the public health and safety committee shall hold a hearing thereon and has the power to adjust or affirm such charge.

SECTION 12: FINAL ADMINISTRATIVE DECISIONS- REVIEW PROCEDURES.

All final administrative decisions of the public health and safety committee or their representative are subject to judicial review under the Administrative Review Act. The term "administrative decision" is defined as in Section 1 of the Administrative Review Act. The filing for judicial review shall stay the order of the committee or their representative pending disposition of the order on judicial review. The court, upon its own initiative or upon motion by the committee, may in its discretion, when it deems necessary to protect the interests involved, require the posting of additional bond in an amount it deems advisable, as a prerequisite to judicial review.

SECTION 13: VIOLATION - PENALTY.

Any person violating any provision of this chapter or any regulation issued hereunder is guilty of a petty offense and shall be fined not more than one hundred dollars for the first offense and not more than two hundred dollars for each subsequent offense.