

#19-11

## **Marshall County Highway**

552 State Route 26  
Lacon, IL 61540

Phone: (309) 246-6401  
Fax: (309) 246-3446

website: [www.marshallcountyillinois.com](http://www.marshallcountyillinois.com)  
email: [psloan@marshallcountyillinois.com](mailto:psloan@marshallcountyillinois.com)



**February 14, 2019**

**State of Illinois  
Department of Agriculture  
Bureau of Environmental Programs  
Attn: Raymond Poe  
P.O. Box 19281  
Springfield, IL 62794-9281**

**Re: 2019 Noxious Weed Work Plan**

**Dear Mr. Poe:**

**Pursuant to the Illinois Administrative Code 220.180 – please accept this as Marshall County's 2019 Noxious Weed Work Plan.**

**Marshall County had no findings or reporting of noxious weeds reported in 2018. The county continues to work closely with the townships to monitor and control noxious weeds in the right-of-way of all road within the county.**

**If a noxious weed is discovered within the right-of-way of county or township roads we make every effort to mow them and if needed spray with chemicals. If a noxious weed is reported on private property, we will contact the owner of the property and inform them of their responsibility to control and/or eradicate said weed. We will then inspect the land at a later date to determine the weed has been controlled. We will continue to monitor the county for any and all noxious weeds and will follow the County Noxious Weed Policy when noxious weeds are located.**

**The Highway Department is responsible for spraying in county right-of-ways and as thus, budgets for the chemicals. Since Marshall County does not have a noxious weed problem, and has never had a complaint of such, money needed to eradicate a noxious weed on private property would be paid for out of the contingency fund, and then billed to the property owner for reimbursement.**

**Please do not hesitate to contact me should you have any questions.**

**Sincerely,**

**Susan L. Simmons  
Marshall County Highway  
Administrative Assistant**

**Enclosure**

Marshall County Noxious Weed Program  
February 2019

This program will adopt and follow the Illinois Noxious Weed Law (505 ILCS 100) and the Part 220 Rules in their entirety.

The Weed Commissioner for Marshall County will be appointed by Marshall County and certified by the Director of the Department of Agriculture of the State of Illinois. They will be responsible for enacting the duties outlined in the Illinois Noxious Weed Law, the Part 220 Rules, and in this program on the county's property.

This program uses information from the Illinois Noxious Weed Law with some additions for local enforcement. For more information, the Illinois Noxious Weed Law and the Part 220 Rules should be consulted, attached.

The Weed Commissioner must be familiar with the noxious types of weeds and the recognized methods of control and must also be licensed in accordance with the Illinois Pesticide Act. Marshall County and the Weed Commissioner will work with resident, property owners, road commissioners, etc. to identify, investigate, eradicate and control noxious weeds throughout the county.

The Weed Commissioner will examine land in their jurisdiction for infestations of noxious weeds on an as needed basis. The designated noxious weeds for control in unincorporated areas of Marshall County are: marihuana, Canada thistle, perennial sowthistle, musk thistle, perennial members of the sorghum genus including Johnson grass, sorghum alnum, and other Johnson grass X sorghum alnum crosses with rhizomes and kudzu. Within incorporated areas the designated noxious weeds are giant ragweed and common ragweed. These weeds will be controlled and eradicated by spraying, cutting or other removal procedures as seems necessary and directed by the Weed Commissioner. The Weed Commissioner must take the proper precautions to ensure that the noxious weeds are not spread by the articles used to disseminate them.

Property owners or those in control of the property are responsible for the control and spread of noxious weeds on their land. The Weed Commissioner will advise those responsible for eradicating the weeds of the best method. If an owner is failing to control their noxious weeds, a verbal or written notice will be given by the Weed Commissioner documenting the issue. Should the problem persist, an official Individual Notice will be issued in writing by the Weed Commissioner with a specified date as to which the weeds must be eradicated. A copy of the Individual Notice will be given to the landowner, the Illinois Department of Agriculture, Marshall County, tenant (if any), and mortgage holder (if any). If/when the date is past and the weeds are not controlled, the Weed Commissioner may use the proper methods to eradicate the weeds and notify the owner of the costs for which they are responsible for paying. In this event the Weed Commissioner must take samples, pictures or pressed specimens of the noxious weeds and maintain them as evidence for at least two years.

If an infestation is severe enough and beyond the ability of the people in control of the property, the Weed Commissioner may quarantine the area after receiving approval from the Director of the Department of Agriculture of the State of Illinois. The landowner, Illinois Department of Agriculture, Marshall County Highway Department, tenant (if any), and mortgage holder (if any) must be notified of the quarantine. The Weed Commissioner will use the necessary means to eradicate the weeds and the cost will be split evenly between the Weed Commissioner and the property owner.

If a noxious weed problem is reported that is not on county property, the appropriate township or municipality will be notified and they will be responsible for resolving the issue.

When necessary, the Weed Commissioner may issue a General Notice in the local newspapers to alert the public of a noxious weed problem or other noxious weed information. All official individual and general notices will follow the Illustrations in the Part 220 Rules.

As stated in the Illinois Noxious Weed Law, all land may be entered by the Weed Commissioner for the purpose of enforcing this program and performing their duties without consent from the person that owns or controls the land as long as care is exercised by the commissioner.

The Weed Commissioner will record all matters concerning noxious weeds, such as the areas infested and the areas eradicated. They will complete the annual report and comprehensive work plan for the next year and submit them to Marshall County along with a copy to the Director of the Department of Agriculture of the State of Illinois. The written annual report will include: name and location of all infestations of noxious weeds that occurred throughout the past year, new weeds that seem to be a serious problem, detailed account of infested tracts and the treatment used to eradicate them along with the cost and results, and a summary of the noxious weed situation in their jurisdiction. This report must be completed every year by or on the first of November. The work plan must include: a map of with details of the type and location of noxious weeds in the Weed Commissioner's area, the dates and information for General Notices issued, the suggested method of eradication for each infestation, a budget for the next year, a calendar of events, and any other pertinent information. This plan is to be done every year before the thirty-first of December.

Marshall County Noxious Weed Program  
September 2018

This program will adopt and follow the Illinois Noxious Weed Law (505 ILCS 100) and the Part 220 Rules in their entirety.

The Weed Commissioner for Marshall County will be appointed by Marshall County and certified by the Director of the Department of Agriculture of the State of Illinois. They will be responsible for enacting the duties outlined in the Illinois Noxious Weed Law, the Part 220 Rules, and in this program on the county's property.

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## 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.

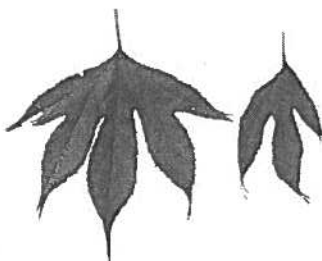
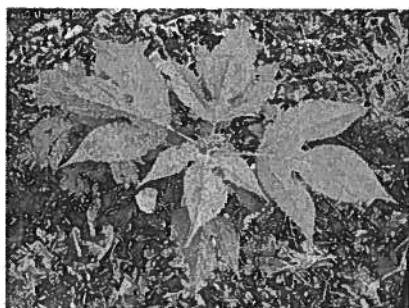
## 6. COST RECOUPMENT

- 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**

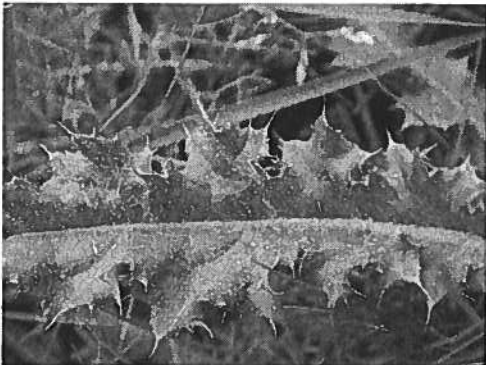


**Common Ragweed**





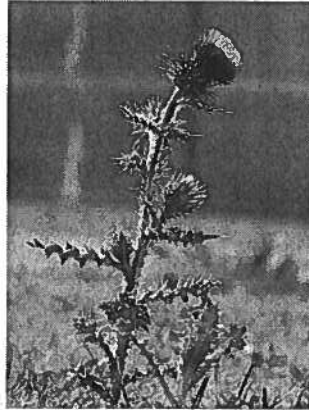
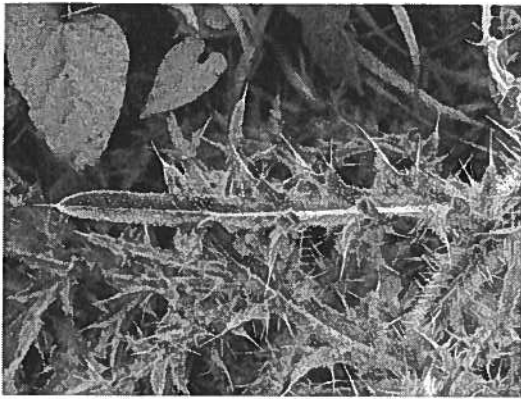
Canada Thistle



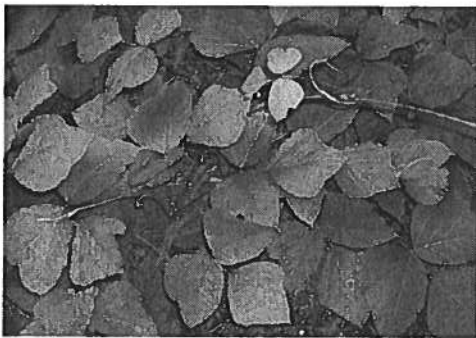
Perennial Sowthistle



Musk Thistle



**Kudzu**



**Sorghum halepense**

