

UINTAH COUNTY WEED CONTROL

Rules and Regulations

DEFINITIONS

As used in this policy:

“Commission” means the county legislative body of Uintah County, Utah.

“Noxious weed” means any plant the Utah State Commissioner of Agriculture determines to be especially injurious to public health, crops, livestock, land, or other property.

“County noxious weed” means any additional plant which is not on the Utah State Noxious Weed List, is especially troublesome in Uintah County, and is declared by the Uintah County Commission to be a noxious weed within Uintah County.

“Non-cropland” means agricultural and industrial lands not currently used for growing food for livestock or human consumption. Ornamental turf areas are not considered non-cropland.

AUTHORITY AND STATEMENT OF INTENT

The Uintah County weed control program will function in accordance with the *1971 Utah State Noxious Weed Act, Title 4 Chapter 17*, as may be amended from time to time, to organize, supervise, and coordinate a weed control plan for Uintah County. This Policy may be amended on an annual basis by majority vote of the Weed Board and the approval of the Commission.

A Weed Board, of no less than three and no more than five members, is appointed by the Commission to oversee weed control policies in Uintah County. At least two of the Weed Board members must derive a significant portion of their income from agriculture. The Weed Board members should, when possible, reside in different geographic areas of the County.

A County Weed Supervisor is hired by the County to carry out the policies set forth herein. The Weed Supervisor is under the direction of the Commission. All weed control will be performed in accordance to the policies set forth herein.

Uintah County encourages private and commercial weed control efforts where possible. County Weed Department personnel are available to assist citizens with weed identification and consult upon matters pertaining to the best and most practical method of noxious weed control and prevention. The Weed Department encourages the use of chemical, biological, cultural and mechanical methods to control noxious weeds. Furthermore, the Weed Department is committed to the education of County citizens regarding the impacts of noxious weeds on natural resources and the economy.

WEED BOARD MEETINGS

The County Weed Board shall hold regular meetings each year to coordinate the County’s weed control efforts. Any organization concerned with weed control is invited to have a representative in attendance. Representatives from the following agencies should be invited:

U.S. Forest Service, Bureau of Land Management, National Park Service, Utah Division of Wildlife Resources, Utah State Trust Lands, Utah Department of Agriculture and Food, Utah Department of Transportation, Ute Indian Tribe, Uintah County Extension, Uintah County Road Supervisor, Uintah Basin Cooperative Weed Management Area (UBCWMA), energy companies, and canal companies.

The Uintah County Weed Supervisor and the County Commissioner, in charge of the Weed Department, should be in attendance. Any other interested parties or citizens may be notified of these meetings through a public notice on the Utah Public Meeting Notice website.

The basic purpose of spring meetings is to discuss, coordinate and plan priorities relating to the County's weed control program and related entities for the upcoming year. Grant opportunities may also be discussed.

Mid year meetings may be held to discuss pressing weed control issues such as new weed discoveries, weed law and policy violations, and enforcement.

The final meeting shall be held in the fall to inform the Weed Board of the weed control activities of the Weed Department for the past weed season and to discuss possible changes to the noxious weed program for the following year. The Weed Supervisor shall present an *Annual Weed Control Progress Report* summarizing the past summer's weed control activities.

WEED CONTROL SERVICE AREA

Uintah County Weed Department personnel may control noxious and/or invasive weeds within the geographical boundary known as Uintah County, Utah. Five weed control zones are established to specify areas of weed control within the County:

ZONE 1 – County controlled properties (rights-of-way, recreation areas, cemeteries, etc.)

ZONE 2 – Canals, waterways and gravel pits (public and private)

ZONE 3 – Private lands (non-cropland only)

ZONE 4 – Federal, state and tribal controlled properties

ZONE 5 – Herbicide Restricted Areas

Any individual, corporation, municipality, tribe, government agency, or organization owning, leasing, or controlling property within Uintah County may request the services of the County Weed Department in accordance with weed control priorities established and approved by the Weed Board and the Uintah County Commission as set herein. The Uintah County Weed Department may spray noxious on non-cropland areas including, but not limited to, rangeland, pasture, wetland, field edges, road sides, canal banks, utility rights-of-way, and vacant land. All requests for non-noxious weed control, cropland spraying and residential yard and/or garden spraying will be referred to commercial applicators.

Property owners are encouraged to participate in the weed control process by locating, identifying and controlling noxious weed infestations on their individual properties.

The Weed Department reserves the right to refuse service in areas that pose substantial risk of harm to Weed Department personnel or equipment. The Weed Department may assist in scheduling commercial application equipment when County equipment is unavailable or when circumstances warrant.

WEED CLASSIFICATIONS

The Utah Department of Agriculture and Food has declared 27 weeds as noxious. Uintah County has declared two additional weeds as noxious. These weeds are organized into three classifications:

Class A Weeds, *Early Detection Rapid Response (EDRR)* – These weed infestations have a relatively low population and control efforts shall be focused towards eradication.

Class B Weeds, *Control* – These weed infestations have a significant population considered to be beyond eradication, but still considered controllable. Management efforts shall be focused towards controlling expansion.

Class C Weeds, *Containment* – These weed infestations are beyond control and management efforts shall be made to contain smaller localized infestations.

UTAH STATE NOXIOUS WEED LIST

The following lists include the State and County designated noxious weeds controlled by Uintah County:

CLASS A NOXIOUS WEEDS

Black Henbane, Diffuse Knapweed, Johnsongrass, Leafy Spurge, Medusahead, Oxeye Daisy, Purple Loosestrife, St. Johnswort, Spotted Knapweed, Sulfur Cinquefoil, Yellow Starthistle, Yellow Toadflax

CLASS B NOXIOUS WEEDS

Bermudagrass, Dalmatian Toadflax, Dyer's Woad, Hoary Cress, Musk Thistle, Perennial Pepperweed, Poison Hemlock, Russian Knapweed, Scotch Thistle, Squarrose Knapweed

CLASS C NOXIOUS WEEDS

Canada Thistle, Field Bindweed, Houndstongue, Quackgrass, Saltcedar

COUNTY RECLASSIFICATION OF STATE NOXIOUS WEED LIST

The Utah State Noxious Weed Act authorizes counties to reclassify the above listing of weeds to consider local interests and needs. The following list defines Uintah County's reclassification of the Utah State Noxious Weed List:

CLASS A NOXIOUS WEEDS

The following weeds may or may not exist in the County. Those that are present, are believed to exist on less than 25 total infested acres within the County:

Bermudagrass, Sulfur Cinquefoil, Oxeye Daisy, Poison Hemlock, Black Henbane, Johnsongrass, St. Johnswort, Diffuse Knapweed, Squarrose Knapweed, Purple Loosestrife, Medusahead, Yellow Starthistle, Scotch Thistle, Dalmatian Toadflax, Yellow Toadflax, Dyer's Woad

CLASS B NOXIOUS WEEDS

The following weeds are known to exist in the County on between 25 and 1,000 total infested acres:

Houndstongue, Spotted Knapweed, Hoary Cress, Leafy Spurge

CLASS C NOXIOUS WEEDS

The following weeds are known to exist in the County on over 1,000 total infested acres:

Field Bindweed, Russian Knapweed, Perennial Pepperweed, Quackgrass, Saltcedar, Canada Thistle, Musk Thistle

COUNTY NOXIOUS WEEDS

The following additional weeds have been declared noxious in Uintah County:

CLASS B NOXIOUS WEED

Puncturevine

CLASS C NOXIOUS WEED

Russian-olive

WEED CONTROL

Four weed control priorities are established for the purposes of organizing weed control programs. These priorities are subject to annual changes made by the Weed Board.

PRIORITY 1

- “Class A Weeds” County wide
- Zone 1 (County property) for all broadleaf weeds
- EDRR Weeds: Infestations, of any noxious weed, of 1 acre or less on any single property

PRIORITY 2

- “Class B Weeds” County wide
- Zone 2 (Canals, waterways and gravel pits) for designated noxious weeds

PRIORITY 3

- “Class C Weeds” County wide
- Zone 3 (Private lands) for designated noxious weeds

PRIORITY 4

- Zone 4 (Federal, state, tribal lands) for designated noxious weeds

SPECIAL PROJECT WEEDS

Periodically, Uintah County Weed Department may receive special funding, individually or in cooperation with the UBCWMA, to do certain weed control projects. When this occurs, the Weed Department may subsidize or refund a percentage of the cost of these projects to participating landowners. The Weed Department and all participants are subject to the rules and regulations of the funding source.

ZONE 5 HERBICIDE RESTRICTED AREAS

Special circumstances including, but not limited to, public health, sensitive vegetation, sensitive animals or sensitive areas may require the County Weed Department to restrict or cease the application of herbicides in certain areas temporarily or permanently. Individuals, organizations, businesses or agencies may request that specific sections of Zone 1 right-of-way areas be designated as an “Herbicide Restricted Area.” To be considered, these entities must contact the Weed Department and agree to and sign a *Zone 5 Herbicide Restricted Area Weed Control Agreement* each year. Herbicide Restricted Areas may only include real property within right-of-way areas lawfully owned or leased by the requesting party and may not infringe upon

neighboring property owners. In the case of severe human health concerns, evidence of the property owners' condition must be presented to the Uintah County Commission for special consideration. Signs designating "Zone 5 Weed Control" will be provided, free of charge, by the Weed Department for the restricted areas and shall be posted at the beginning and ending of the restricted area within five days of signing the agreement. Entities who have posted "Zone 5 Weed Control" signs are responsible for controlling all designated state and county noxious weeds in these "Zone 5 Herbicide Restricted Areas" by an approved legal and legitimate method, such as herbicide, mowing, mulch, or controlled burn. Control measures must be done in such a way that the paved or gravel traveling surface is not damaged and public safety is not put in jeopardy. If noxious weeds are left uncontrolled, the Weed Department may send the violator an *Individual Notice to Control Noxious Weeds*. As per the terms and conditions of the Notice, the Weed Department may then control noxious weeds in the area(s) of violation without further notice to the violating entity.

NOXIOUS WEED SEED RESTRICTIONS

"It shall be unlawful for any person, firm, or corporation to sell, offer, or expose for sale or distribute in the State of Utah any agricultural, vegetable, flower, tree and shrub seeds, or seeds for sprouting for seeding purposes which: Contain, either in part or in whole, any prohibited noxious weed seeds."

"Prohibited noxious weed seeds are the seeds of any plant determined by Utah Commissioner of Agriculture and Food to be injurious to public health, crops, livestock, land, or other property." (*Utah Seed Law, R68-8*)

WEED CONTROL SERVICES AND FEES

Public and private entities may contract with the Weed Department to control noxious weeds on non-cropland areas only. Non-noxious weeds may only be controlled when control can reasonably be done in conjunction with regular noxious weed control.

The Weed Department applies herbicides according to current manufacturer labels. In the event of unsatisfactory results the Weed Department will coordinate with the customer and the chemical manufacturer to organize a new treatment plan at no additional cost to the customer. The Weed Department does not offer any guarantee against normal weed regrowth.

The Weed Department reserves the right to deny services in areas that may be injurious or hazardous to employees or County equipment.

SPRAY SERVICE FEES – Service fees include the complete cost incurred by the Weed Department for one spray unit per hour and the cost of all chemicals used. A spray unit consists of a maximum of: Two employees, one truck spray unit, one trailer, and one ATV spray unit. Minimum labor fee is \$45.00 plus the cost of chemicals.

Private landowners: 50% off the total cost of services and chemicals.

Canal companies: 50% off the total cost of services and chemicals.

Federal, State, Tribal agencies: 25% off the total cost of services and chemicals.

County Government entities: Cost of chemicals only.

A current fee schedule is available at the Uintah County Weed Department or on the County web site www.uintahweeds.org by clicking “Programs & Fees.”

SPECIAL PROJECTS – Special funding (grants) may be obtained periodically that may affect the price of specific projects. All fees are subject to the requirements of the funding source.

HERBICIDE RETAIL SALES AND REIMBURSEMENTS – Private landowners, who possess at least five acres of land in Uintah County, Utah, may qualify for reimbursement of a portion of the cost of herbicides purchased for private, non-commercial noxious weed control. To be eligible for reimbursement, participants must:

- First, purchase qualifying herbicides from any licensed herbicide vendor;
- Second, turn in their herbicide purchase receipts to the Weed Department. Receipts may be turned in to the Weed Department during normal business hours, Monday through Thursday, 7:00 a.m. to 5:30 p.m. Reimbursement checks will be processed at the end of each month. Receipts turned in after the last Thursday of each month will be included in the following months reimbursements.

Private landowners: 50% of the herbicide cost up to a maximum of \$300.00 annually.

Private Canal Companies: 50% of the herbicide cost up to a maximum of \$1,000.00 annually.

Qualifying herbicides: Only certain herbicides qualify for reimbursement under this program. A list of qualifying herbicides is available at the Uintah County Weed Department or on the County web site, <http://www.uintahweeds.org> by clicking “Programs & Fees.”

The Weed Department does not offer for sale any herbicide.

Herbicides purchased through this program may not be used by Weed Department personnel to perform contracted labor. All reimbursement requests shall be subject to review by the Weed Supervisor.

SPRAY TANK RETAIL SALES – Private landowners possessing or controlling property in Uintah County, Utah, may purchase any spray tank, 3 gallons or larger, for noncommercial weed control use, and receive, from the Weed Department, a 25% reimbursement of the sales price up to a maximum of \$100. Participants must complete and turn in a **“Herbicide Spray Tank Cost-Share Form”** with their spray tank purchase receipt to the Weed Department. Reports and receipts may be turned in to the Weed Department during normal business hours, Monday through Thursday, 7:00 a.m. to 5:30 p.m. Reimbursement checks will be processed at the end of each month. One reimbursement per household is permitted every three years. A reimbursement schedule is available at the Uintah County Weed Department or on the County web site, www.uintahweeds.org by clicking “Programs & Fees.”

NOXIOUS WEED NOTICES

Notices. (UCA R68-9-6)

General and individual notices pertaining to the control and prevention of noxious weeds shall be substantially of the types prescribed herein; namely, *General Notice to Control Noxious Weeds*, *Individual Notice to Control Noxious Weeds*, and *Notification of Noxious Weed Lien Assessment*.

GENERAL NOTICE TO CONTROL NOXIOUS WEEDS

Each county weed control board before May 1 of each year shall post a general notice of the noxious weeds within the county in at least three public places within the county and publish the same notice on at least three occasions in a newspaper or other publication of general circulation within the county (UCA 4-17-7).

Such public notice shall state that it is the duty of every property owner to control and prevent the spread of noxious weeds on any land in his possession, or under his control, and shall serve as a warning that if he fails to comply with this notice, enforced weed control measures may be imposed at the direction of County authorities. Such general notice shall also include a list of weeds declared noxious for the State of Utah and for said county, if any. (UCA R68-9-6)

INDIVIDUAL NOTICE TO CONTROL NOXIOUS WEEDS

If the county weed control board determines that particular property within the county requires prompt and definite attention to prevent or control noxious weeds, it shall serve the owner or the person in possession of the property, personally or by certified mail, a notice specifying when and what action should be taken on the property. Methods of prevention or control may include definite systems of tillage, cropping, use of chemicals, and use of livestock (UCA 4-17-7).

An owner or person in possession of property who fails to take action to control or prevent the spread of noxious weeds as specified in the notice is maintaining a public nuisance (UCA 4-17-7).

FAILURE TO CONTROL NOXIOUS WEEDS AFTER NOTICE

If the owner or person in possession of the property fails to take action to control or prevent the spread of noxious weeds within five working days after the property is declared a public nuisance, the county may, after reasonable notification, enter the property, without the consent of the owner or the person in possession, and perform any work necessary, consistent with sound weed prevention and control practices, to control the weeds (UCA 4-17-8).

NOTIFICATION OF NOXIOUS WEED LIEN ASSESSMENT

Any expense incurred by the county in controlling the noxious weeds is paid by the property owner of record or the person in possession of the property, as the case may be, within 90 days after receipt of the charges incurred by the county. If not paid within 90 days after notice of the charges, the charges become a lien against the property and are collectible by the county treasurer at the time general property taxes are collected (UCA 4-17-8). A notice shall be provided such person, showing an itemized cost statement of the labor and materials necessarily used in the work of said control measures (UCA R68-9-6).

APPEALS OF INDIVIDUAL NOTICE TO CONTROL NOXIOUS WEEDS

Any person served with notice to control noxious weeds may request a hearing to appeal the terms of the notice before the county weed control board within 10 days of receipt of such notice and may appeal the decision of the county weed control board to the county legislative body.

Any person served with notice to control noxious weeds who has had a hearing before both the county weed control board and the county legislative body may further appeal the decision of the county legislative body by filing written notice of appeal with a court of competent jurisdiction (UCA 4-17-8.5).

ATTEST:

Uintah County Commission

Darlene R. Burns 8-23-2010
Darlene R. Burns Date
Chair

Michael J. McKee 8-23-2010
Michael J. McKee Date

Mark D. Raymond 8-23-10
Mark D. Raymond Date

Uintah County Clerk-Auditor

Michael W. Wilkins 8-23-10
Michael W. Wilkins Date

Uintah County Weed Board

Tony George 8-9-2010
Tony George Date
Chairman

Steve Hanberg 8-10-10
Steve Hanberg Date

Absent
Chip Goodrich Date

Mark Kettle 8-18-10
Mark Kettle Date

John Snow 8/9/10
John Snow Date