

UINTAH COUNTY WEED CONTROL

Rules and Regulations

SECTION 1. 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 or the Uintah County Commission determines to be especially injurious to public health, crops, livestock, land, or other property.

“County noxious weed” means any 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-noxious weed” means any nuisance plant not currently designated as “noxious” by the State of Utah or Uintah County.

“Non-cropland” means lands not currently used for producing food or cash crops for livestock or human consumption. Ornamental turf areas are not considered non-cropland.

SECTION 2. 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 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 responsible 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.

SECTION 3. WEED BOARD

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.

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.

A spring meeting shall be held 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.

A fall/winter meeting shall be held 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.

SECTION 4. 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

SECTION 5. NOXIOUS WEED CLASSIFICATIONS

The Utah Department of Agriculture and Food has declared 27 weeds as noxious. Uintah County has declared three 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 management 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.

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

UTAH STATE NOXIOUS WEED LIST

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 NOXIOUS WEED LIST

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

CLASS A NOXIOUS WEED

Common teasel

CLASS B NOXIOUS WEED

Puncturevine

CLASS C NOXIOUS WEED

Russian-olive

SECTION 6. WEED CONTROL PRIORITIES

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

- The following State and County Noxious 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 and management efforts shall be focused towards prevention or eradication:
 - Bermudagrass, Sulfur Cinquefoil, Oxeye Daisy, Poison Hemlock, Black Henbane, Johnsongrass, St. Johnswort, Diffuse Knapweed, Squarrose Knapweed, Purple Loosestrife, Medusahead, Common Teasel, Yellow Starthistle, Scotch Thistle, Dalmatian Toadflax, Yellow Toadflax, Dyer's Woad
- Control any weed considered by the County to be a nuisance on Zone 1, County properties.
- EDRR Weeds: Infestations, of any noxious weed, of 1 acre or less on any single property

PRIORITY 2

- The following State and County Noxious Weeds are believed to exist in the County on more than 25 and less than 1,000 total infested acres and management efforts shall be focused towards controlling expansion:
 - Hoary Cress, Houndstongue, Spotted Knapweed, Puncturevine, Leafy Spurge
- Assist in the control of designated noxious weeds on Zone 2 areas, canals, waterways, and gravel pits.

PRIORITY 3

- The following State and County Noxious Weeds are known to exist in the County on over more than 1,000 total infested acres and management efforts shall be to contain smaller localized infestations:
 - Field Bindweed, Russian Knapweed, Perennial Pepperweed, Russian-olive, Quackgrass, Saltecedar, Canada Thistle, Musk Thistle
- Assist in the control of designated noxious weeds on Zone 3, private properties.

PRIORITY 4

- Assist in the control of designated noxious weeds on Zone 4, federal, state, city, and tribal properties.

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 (agreements are available at www.uintahweeds.org/programs.html or at the Weed Department). 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*)

SECTION 7. WEED CONTROL SERVICES AND FEES

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

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 control State and/or County designated noxious weeds 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 private landowner requests for bare-ground weed control, cropland weed control and residential yard and/or garden weed control will be referred to commercial applicators. Non-noxious weeds may only be controlled when control can reasonably be done in conjunction with regular noxious weed control.

The Weed Department applies EPA approved 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. The Weed Department may assist in scheduling commercial application equipment when County equipment is unavailable or when circumstances warrant.

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 fee is half of the “Spray Unit Fee” and “Herbicide Cost.” See Attachment A Fee Schedule for specific prices, available at www.uintahweeds.org/programs.html or at the Weed Department.

DISCOUNTS

Private landowners: 50% off the total cost of spray service fee and chemicals.

Canal companies: 50% off the total cost of spray service fee and chemicals.

Federal, State, Tribal agencies: 25% off the total cost of spray service fee 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 at www.uintahweeds.org/programs.html.

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 and canal companies, who possess or control land in Uintah County, Utah, may qualify for reimbursement of a portion of the cost of herbicides purchased for private, non-commercial weed control. Government entities and commercial applicators are not eligible for this program. To be eligible for reimbursement, participants must:

- Possess or control at least five acres of land in Uintah County (canal companies are exempt)
- Purchase qualifying herbicides from any licensed herbicide vendor
- Turn in a copy of their herbicide purchase receipts to the Weed Department. Receipts may be turned in to the Weed Department during normal business hours. Reimbursement checks will be processed at the end of each month.

See Attachment A Fee Schedule for specific information, available at www.untahweeds.org/programs.html or at the Weed Department.

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 at <http://www.untahweeds.org/programs.html>. 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 are subject to funding for this program and shall be subject to review by the Weed Supervisor.

SPRAY UNIT RETAIL SALES AND REIMBURSEMENTS – Uintah County citizens possessing or controlling property in Uintah County, Utah, may purchase any qualifying spray unit for noncommercial weed control use, and may receive, from the Weed Department, a percentage reimbursement of the sales price. Participants must complete and turn in a ***“Herbicide Spray unit Cost-Share Form”*** with their spray unit purchase receipt to the Weed Department. Reports and receipts may be turned in to the Weed Department during normal business hours. Reimbursement checks will be processed at the end of each month. One reimbursement per household is permitted every three years. All rebates are subject to funding for this program. See Attachment A Fee Schedule for specific information, available at www.untahweeds.org/programs.html or at the Weed Department.

HERBICIDE SPRAY EQUIPMENT RENTALS – Any adult citizen of Uintah County may rent available spray equipment from the Weed Department to spray herbicides on weeds within the County. Rental equipment may not be used to spray any substance other than EPA approved herbicide and associated surfactant's. Rental equipment may not be used for commercial herbicide applications. A rental agreement, deposit, and daily fee may be required to rent spray equipment. See Attachment A Fee Schedule and rental agreement for specific information, available at www.untahweeds.org/programs.html or at the Weed Department.

SECTION 8. FIRE CODE RELATING TO WEED CONTROL

Utah County Fire Code, Chapter 3, Section 304

SECTION 304 COMBUSTIBLE WASTE MATERIAL

304.1 Waste accumulation prohibited. Combustible waste material creating a fire hazard shall not be allowed to accumulate in buildings or structures or upon premises.

304.1.1 Waste material. Accumulations of wastepaper, wood, hay, straw, weeds, litter or combustible or flammable waste or rubbish of any type shall not be permitted to remain on a roof or in any court, yard, vacant lot, alley, parking lot, open space, or beneath a grandstand, bleacher, pier, wharf, manufactured home, recreational vehicle or other similar structure.

304.1.2 Vegetation. Weeds, grass, vines or other growth that is capable of being ignited and endangering property, shall be cut down and removed by the owner or occupant of the premises. Vegetation clearance requirements in urban-wildland interface areas shall be in accordance with the *International Wildland- Urban Interface Code*.

SECTION 9. 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 4/11/2011
Darlene R. Burns Date
Chair

Michael J. McKee Apr 11 2011
Michael J. McKee Date

Mark D. Raymond 4-11-11
Mark D. Raymond Date

Uintah County Clerk-Auditor

Michael W. Wilkins 4-11-11
Michael W. Wilkins Date

Uintah County Weed Board

Tony George 3-31-11
Tony George Date

Absent
Chip Goodrich Date

Absent
Steve Hanberg Date

Mark Kettle 3-31-11
Mark Kettle Date

John Snow 3/31/11
John Snow Date

