

7.11 Utah County Weed Control

7.11.010 Definitions

7.11.020 Jurisdiction To Control Weeds

7.11.030 Authority To Create County Noxious Weed Control Fund

7.11.040 Utah County Weed Control Board

7.11.050 Authority Of Utah County Weed Control Board

7.11.060 Authority Of Commission To Designate County Noxious Weeds

7.11.070 Authority To Create Weed Control Supervisor

7.11.080 Duties Of Weed Control Supervisor

7.11.090 Annual Notice Of Noxious Weeds

7.11.100 Authority Of Utah County Weed Control Board To Provide Notice Of Violation

7.11.110 Authority Of The County To Control Or Prevent The Spread Of Noxious Weeds And Seek Reimbursement From Property Owner

7.11.120 Appeal Process For Disputing A Notice Of Violation

7.11.010 Definitions

As used in this chapter:

“Commissioner of Agriculture” means the commissioner or designated representative of the Utah Department of Agriculture and Food.

“County noxious weed” means any plant that is:

- A. not on the state noxious weed list;
- B. especially troublesome in the County; and
- C. declared by the County Commission to be a noxious weed within the County.

“Department” means the Utah Department of Agriculture and Food.

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

7.11.020 Jurisdiction To Control Weeds

The Utah legislature, through the Utah Noxious Weed Act, has granted the County jurisdiction to develop, implement, and pursue an effective program for the control and containment of noxious weeds on all lands under the county’s jurisdiction, including highways, roadways, rights-of-way, easements, game management areas, and recreation areas.

7.11.030 Authority To Create County Noxious Weed Control Fund

The County Commission may establish and maintain a noxious weed control fund for use in the administration of the Utah Noxious Weed Act and this chapter.

7.11.040 Utah County Weed Control Board

There is hereby created a Utah County Weed Control Board under the Utah Noxious Weed Act. The County Commission shall appoint no less than three (3) nor more than five (5) appointed members. The chair of the County Commission shall appoint one member of the County Commission who shall act as a coordinator between the County and the Utah County Weed Control Board. At least two (2) members of

the board shall be farmers or ranchers whose primary source of income is derived from production agriculture. Members are appointed to four (4) year terms of office and serve with or without compensation as determined by the County Commission. Members may be removed for cause and any vacancy that occurs on the Utah County Weed Control Board shall be filled by appointment for the unexpired term of the vacated member.

7.11.050 Authority Of Utah County Weed Control Board

The Utah County Weed Control Board is responsible, under the general direction of the County Commission, for the formulation and implementation of a county-wide coordinated noxious weed control program designed to prevent and control noxious weeds within the County. The Utah County Weed Control Board is required, under the general direction of the County Commission, to cooperate with other county weed control boards to prevent and control the spread of noxious weeds.

7.11.060 Authority Of Commission To Designate County Noxious Weeds

The County Commission may declare a particular weed or competitive plant, not appearing on the state noxious weed list, a county noxious weed within the County. The County Commission may petition the Commissioner of Agriculture for removal of a particular noxious weed from the state noxious weed list after first conducting a public hearing that was duly noticed.

7.11.070 Authority To Create Weed Control Supervisor

- A. The County Commission may employ one or more weed control supervisors qualified to:
 - 1. detect and treat noxious weeds; and
 - 2. direct the weed control program for the Utah County Weed Control Board.
- B. The County Commission shall prescribe the terms and conditions of the employment.

7.11.080 Duties Of Weed Control Supervisor

Under the direction of the Utah County Weed Control Board, the weed control supervisor shall:

- A. examine all land under the jurisdiction of the Utah County Weed Control Board to determine whether the Utah Noxious Weed Act and the rules adopted by the Department have been met;
- B. compile data on infested areas;
- C. consult and advise upon matters pertaining to the best and most practical method of noxious weed control and prevention;
- D. render assistance and direction for the most effective control and prevention;
- E. investigate violations of this chapter and the Utah Noxious Weed Act;
- F. enforce noxious weed controls within the County; and
- G. perform any other duties required by the Utah County Weed Control Board.

7.11.090 Annual Notice Of Noxious Weeds

The Utah County Weed Control Board shall annually post a general notice of the noxious weeds within the county before the first of May in at least three (3) public places within the County and publish the same notice on:

- A. at least three (3) occasions in a newspaper or other publication of general circulation within the County; and
- B. as required in Utah Code § 45-1-101.

7.11.100 Authority Of Utah County Weed Control Board To Provide Notice Of Violation

If the Utah County Weed Control Board determines that a particular property within the county requires prompt and definite attention to prevent or control noxious weeds, the board shall serve the owner or the person in possession of the property, personally or by certified mail, a notice specifying when and what action is required to be taken on the property. Methods of prevention or control may include definite systems of tillage, cropping, use of chemicals, and use of livestock. 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.

7.11.110 Authority Of The County To Control Or Prevent The Spread Of Noxious Weeds And Seek Reimbursement From Property Owner

In accordance with the Utah Noxious Weed Act, the County has the authority to do the following:

- A. 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.
- B. If the County controls weeds on a piece of property, as described in Subsection A, and seeks reimbursement from the property owner of record or the person in possession of the property, the County shall send the property owner or person in possession of the property:
 - 1. a documented description of the expenses; and
 - 2. a demand for payment within thirty (30) days of the day on which the weed control took place.
- C. The property owner of record or the person in possession of the property, as the case may be, shall reimburse the County for the County's expense within ninety (90) days after receipt of the demand for payment, as described in Subsection B2.
- D. If the demand for payment is not paid within ninety (90) days after receipt, the charges become a lien against the property and are collectible by the County Treasurer at the time general property taxes are collected.

7.11.120 Appeal Process For Disputing A Notice Of Violation

Any person served with notice to control noxious weeds may request a hearing to appeal the terms of the notice before the Utah County Weed Control Board within ten (10) days of receipt of such notice. The person may appeal the decision of the Utah County Weed Control Board to the County Commission within ten (10) days of receipt of the Utah County Weed Control Board's decision. In accordance with Utah law, any person served with notice to control noxious weeds who has had a hearing before both the Utah County Weed Control Board and the County Commission may further appeal the decision of the County Commission by filing a written notice of appeal with a court of competent jurisdiction.

