

Ordinance No. 023-1

January 4, 2023

**Rich County Ordinance Providing
for the Control of Noxious Weeds within the County**

Whereas, Utah Code § 4-17-105 (2019) authorizes counties to appoint a County Weed Board; and

Whereas, Utah Code § 4-17-108 (2019) authorizes counties to appoint a County Weed Control Supervisor; and

Whereas, the Utah Noxious Weed Act defines the powers, duties, and responsibilities of a County Weed Board and County Weed Supervisor; and

Whereas, the Utah State Department of Agriculture keeps a list of noxious weeds to be suppressed and eradicated; and

Whereas, the Commission finds that suppression of noxious weeds is in the best interests of the people of Rich County and that having a Weed Control Board and Weed Control Supervisor is necessary to do so;

Therefore, the County Legislative Body of Rich County, Utah ordains as follows:

Section 1. Definitions.

“Noxious weed” means a plant listed by the Utah Department of Agriculture on the State of Utah Noxious Weed List. Noxious weed also includes any plant declared by the Rich County Board of Commissioners to be a county noxious weed within Rich County.

Section 2. County Weed Control Board.

- (a) The County Weed Control Board is hereby created. The County Weed Control Board shall consist of between three and five members appointed by the Rich County Board of Commissioners as provided by Utah Code § 4-17-105 (2019).
- (b) The County Weed Control Board has all of the powers and duties provided under the Utah Noxious Weed Act. The County Weed Control Board shall:

- (1) Formulate and implement of a county-wide coordinated noxious weed control program designed to prevent and control noxious weeds within Rich County.
- (2) Direct the efforts of the County Weed Control Supervisor.
- (3) Cooperate with neighboring county weed control boards to prevent and control the spread of noxious weeds.
- (4) Publish before May 1 of each year a general notice of the primary noxious weeds present in the County as required by law. See Utah Code § 4-17-109 (2017).

Section 3. County Weed Control Supervisor.

- (a) The office of the County Weed Control Supervisor is hereby created consistent with state law which consists of a person or persons appointed to said office by the Board of County Commissioners of Rich County, State of Utah.
- (b) The County Weed Control Supervisor shall have all of the duties and powers provided by the Utah Noxious Weed Act, Utah Code § 4-17-101 et seq. The County Weed Control Supervisor shall, under the direction of the County Weed Control Board:
 - (1) Examine all land in Rich County to find areas with noxious weeds.
 - (2) Compile data on infested areas.
 - (3) Consult and give advice to landowners and the County Weed Control Board on the best and most practical method to control and prevent noxious weeds.
 - (4) Provide assistance to landowners as appropriate.
 - (5) Investigate violations of this ordinance.
 - (6) Enforce noxious weed controls within the county.
 - (7) Perform any other duties required by the County Weed Control Board.

Section 4. Noxious weeds declared a nuisance.

- (a) If the County Weed Control Board determines that a particular property requires prompt and definite attention to prevent or control noxious weeds, the County Weed Control Board shall serve the owner or person in possession of the property a notice specifying what action is required and when the action should be completed by.

Notice shall be provided personally or by certified mail. One notice shall be sufficient on any lot or parcel of property for the entire season of weed growth during that year.

- (b) Prescribed methods of prevention may include definite systems of tillage, cropping, use of chemicals, or use of livestock.
- (c) 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 within the time specified in the notice is automatically declared to be maintaining a nuisance.

Section 5. Owner responsible for costs to abate nuisance.

- (a) If the owner or person in possession of the property fails to take action as specified in the notice within five (5) working days after the time set in the notice to do so, then the county may (after reasonable notification) enter the property without consent and perform any work necessary, consistent with sound weed prevention and control practices, to control the noxious weeds.
- (b) If the County Weed Control Board seeks reimbursement for abating a nuisance, the County Weed Supervisor shall prepare an itemized statement of all expenses incurred in abating the nuisance and shall mail a copy thereof to the property owner of record or person in possession of the premises within thirty (30) days from when the weed control took place. Said Notice shall be deemed delivered when mailed by registered mail addressed to the person's last known address.
- (c) The property owner of record or person in possession of property shall reimburse the County's expenses within ninety (90) days after receipt of the demand for payment.
- (d) If the demand for payment is not paid within ninety (90) days after receipt, the charge becomes a lien against the property and is collectible by the county treasurer at the time of the general property taxes are collected.

Section 6. Request for Hearing.

- (a) 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 ten (10) days of receipt of such notice and may appeal the decision of the County Weed Control Board to the Rich County Board of Commissioners.
- (b) After hearing before the County Weed Control Board and the Rich County Board of Commissioners, the decision may be appealed to a court of competent jurisdiction.

Section 7. Access to Property and Setbacks.

- (a) Each purchaser, occupier, owner of the premises or those possessing an easement or right-of-way across said property shall provide access for treatment of noxious weeds along irrigation canals. Except as provided herein, no building, tree or accessory structure, equipment, or other structure or property interference with the continuous unobstructed access shall be located within ten feet of the top inside edge of any irrigation canal bank where maintenance, repair, upkeep, etc., is provided or serviced by a canal company or others other than the individual property owner.
- (b) Notwithstanding the above, a fence may be constructed across a right of-way or easement, provided an adequate operable gate of no less than ten width is maintained for continual access along the canal bank.

Section 8. Emergency.

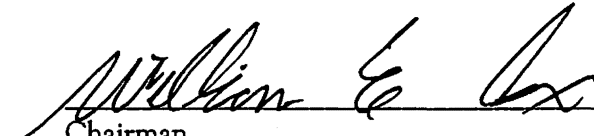
Nothing contained in this ordinance shall be construed as limiting the power of the County to act in an emergency situation when authorized by law.

Section 9. Penalty.

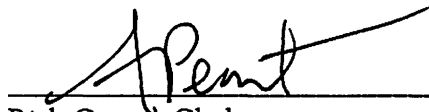
Any property owner or person in possession of property who willfully fails to comply with a notice issued under section 4 is maintaining a public nuisance. Every person who maintains or commits any public nuisance or who willfully omits to perform any legal duty relating to the removal of a public nuisance is guilty of a class-B misdemeanor.

APPROVED and ADOPTED this 4th day of January, 2023.

BOARD OF RICH COUNTY COMMISSIONERS


Chairman

ATTEST:


Rich County Clerk

Commissioner Bill Cox voted	<u>yes</u>
Commissioner Sim Weston voted	<u>yes</u>
Commissioner Jonathan Lee voted	<u>yes</u>