

**Lee County Board
Dixon, Illinois**

ORDINANCE No. _____

CONTROL OF NOXIOUS WEEDS

WHEREAS, pursuant to the Illinois Noxious Weed Law 505 ILCS 100 et seq., the County is the "Control Authority" identified to serve as the governing body to represent all rural areas and cities, villages, and townships within the county boundaries in the enforcement of the Noxious Weed Law; and

WHEREAS, said law provides that each Control Authority shall carry out the duties and responsibilities with respect to land under its jurisdiction in accordance with the rules and regulations prescribed by the Department of Agriculture of the State of Illinois; and

WHEREAS, the statutory duties of the Control Authority include the establishment of a coordinated program for control and eradication of noxious weeds within the County; and

WHEREAS, pursuant to Lee County Ordinance # 05-02-005, on May 21, 2002, the County Board established a coordinated program for the control and eradication of noxious weeds within the County; and

WHEREAS, the County Board desires to update the Ordinance to reflect changes to the Board's Committee structure, and correct scrivener's errors.

NOW THEREFORE, BE IT ORDAINED that the Lee County Board has established the following duties and responsibilities of the Lee County Weed Control Superintendent to establish and maintain a coordinated program for control and eradication of noxious weeds in Lee County:

1. Tenure, compensation, bonding, and reimbursement for travel for the Weed Control Superintendent will be set by the Lee County Board.
2. Compensation and allowable expenses shall be paid out of the General Fund of the County until a "Noxious Weed Control Fund" is established as provided for in the Act.
3. Candidates for Superintendent shall be recommended by the Executive Committee, approved by the County Board Chairman, and the appointment shall be ratified by a vote of the County Board.
 - a. The appointment or designation of the Weed Control Superintendent shall be made by the County Board no later than March 15 each year.
 - b. The Superintendent shall be certified by the Director of the State Department of Agriculture or his designated representative to be qualified to detect and treat noxious weeds.
 - c. The Superintendent must be familiar with the noxious types of weeds, methods for their control and eradication, and have a current Custom or Public Pesticide Applicator license.
 - d. The Superintendent must have a valid Illinois driver's license and provide proof his/her vehicle is covered by a liability insurance policy.
 - e. The Superintendent must be capable of being bonded and may be bonded for such sum as the County Board may prescribe.

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4. The Superintendent shall perform the following duties:
 - a. In conjunction with the County Board and in consultation with other county departments, oversee lands, highways, roads, alleys, and public grounds in the territory over which the Board has jurisdiction to determine if they are in compliance with the Act and its rules.
 - b. Become acquainted with the location of all noxious weeds within the above-described territory.
 - c. Through personal contact, by letter, telephone, or other means, encourage noxious weed control eradication by all persons so responsible within the territory.
 - d. Cooperate with other Control Authorities, county extension advisors, landowners and users, government entities or others to further the purposes of the noxious weed control program.
 - e. Investigate complaints received by himself/herself, the County Board, or the Department of Agriculture Director. The Superintendent shall report the findings to the County Board or the Department of Agriculture, depending upon which entity forwarded the complaint to the Superintendent.
 - f. Take samples, pictures, or pressed specimens of the noxious weeds in cases where the Superintendent must control such weeds because of the failure of the property owner to act. The samples must be kept for at least two years following the application of the control or eradication procedures.
 - g. Give individual notice to violators as prescribed below.
 - h. The Superintendent shall on or before the first day of November each year make a written report to the County Board with a copy to the Director of the Department of Agriculture.
5. The Superintendent, prior to December 31 each year shall prepare and submit to the County Board, with a copy to the Director, a comprehensive work plan for the coming year.
6. Notices
 - a. General Notices: The County Board shall publish General Notice for control and eradication of noxious weeds in one or more legal newspapers of general circulation throughout the area over which it has jurisdiction at such times as the Director may direct, or the County Board may determine. The form shall be as prescribed by the Director of the Department of Agriculture.
 - b. Individual Notices: When the County Board finds it necessary to secure more prompt or definite control or eradication than is accomplished by the general published notice it shall cause to be served individual notices upon the person owning and the person controlling the land as well as any owner of any encumbrance thereon.
 - i. Such notices will include specific instructions and methods as to when and how certain named weeds are to be controlled or eradicated.
 - ii. Such notices shall be in writing and service shall be in the same manner as service of summons in a civil action in the circuit court, or by certified mail to the last known address to be ascertained, if necessary, from the tax list.
 - iii. The form of such notices shall be as prescribed by the Director of the Department of Agriculture. The original shall be given to the landowner with copies to the Department of Agriculture, to the County Board, to the

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Tenant, if any, and to the mortgage holder, if any. A copy shall be submitted to the Lee County Clerk and the Board Chair. A copy shall be maintained in the Superintendent's personal file to be submitted to the Board Chair at the close of the Superintendent's employ.

- iv. The notice shall be issued at the discretion of the Superintendent and the Superintendent shall closely monitor the violation for timely compliance.

7. Failure of owner to comply.

- a. If the owner or person in control of the land on which noxious weeds are present has neglected or failed to control or eradicate them and notice has been given as described above, the Superintendent shall arrange to have the proper eradication methods used on the land and advise the owner, person in control and record holder of any encumbrance of the cost incurred. The cost shall be at the expense of the owner.
- b. If the owner does not reimburse the county for the cost of eradication, the matter shall be sent to the State's Attorney's office for collection. If unpaid for six months, or longer, the amount of such expense shall become a lien upon the property.

7. The Superintendent shall:

- a. Avoid a conflict of interest or an appearance of conflict of interest in all situations.
- b. Disqualify himself/herself from involvement in the investigation or eradication efforts if such a conflict or apparent conflict becomes evident.
- c. Avoid situations where personal interests may be served, or financial benefits gained.
- d. Abide by the provisions of the Freedom of Information Act, but otherwise respect the confidential nature of his position.
- e. The Superintendent shall abide by the provisions of The Illinois Noxious Weed Law, 505 ILCS 100/1 et. seq. and applicable Illinois Department of Agriculture Regulations, 8 Illinois Administrative Code 220.

PASSED BY THE LEE COUNTY BOARD

THIS _____ DAY OF _____, 2023

BY: _____
Lee County Board Chairman

ATTEST:

BY: _____
Lee County Clerk