

Jefferson County Weed District
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JEFFERSON COUNTY WEED CONTROL DISTRICT NOXIOUS WEED ENFORCEMENT AND COMPLAINT POLICY

**The purpose of this policy is to implement the Weed Management Program
of the Montana Local County Weed Act**

Complaints are specific written accusations of noxious weed infestations and will proceed within the context of the Montana Weed Control Act. Complaints can be generated by the Board; through its authorized agent or a member of the public.

Reports are verbal or incomplete accounts of noxious weed infestations and will be addressed depending upon priority category of the weed, time available to research the report and other labor constraints. Unsigned, anonymous, incomplete or verbal Complaints are considered Reports.

A Complaint Form accompanies this document.

All complaints must:

- a. Be dated;
- b. Be in writing and legible with the complainant's name printed;
- c. Specifically detail the nature and location of the Complaint;
- d. Specify the person about whom the Complaint is directed: i.e. the Landowner with the noxious weeds;
- e. Be signed;
- f. Only 1 property may be listed on each complaint form; and
- g. All written complaints are public documents and may be released upon request to interested individuals.

WHAT ARE NOXIOUS WEEDS

Noxious weeds are non-native plants that compete with desirable plants for water, nutrients, light and space. Most noxious weeds are native to Eurasia and have likely entered the North American continent from ship ballast, contaminated crop seed, as ornamentals, or in infested forage. Environmental, natural and cultural controls such as plant competition, insects, diseases, and intensive grazing have kept these plants from becoming problems in their native habitat. Since these competitive factors and land management practices did not migrate with the plant, noxious weeds in North America grow virtually unhindered. Noxious weeds choke out native and/or beneficial plant species which in turn, decreases the value and productivity of the land. Noxious weeds do not limit themselves to agricultural areas they have also invaded federal, state and private lands. Noxious weeds have the potential to reduce bio-diversity, increase soil erosion, reduce wildlife habitat diminish water quality, reduce forage for livestock, and reduce real estate values.

Noxious weeds are a serious problem in Jefferson County and throughout Montana. The Montana Department of Agriculture defines a noxious weed as any non-native plant that is harmful to agriculture, wildlife, forestry, recreation, endangered species, and other beneficial uses of the land. Listed in this document are the 30 noxious weeds on the State of Montana and Jefferson County Noxious Weed List that landowners are required by law to control as well as 5 Regulated plants that may not be intentionally spread or sold.

Under Mont. Code Ann. §, 7-22-2116, it is unlawful for any person to permit any noxious weed to propagate or to go to seed on his/her land, unless that person adheres to the noxious weed plan of Jefferson County or has entered into and is in compliance with a noxious weed management agreement with the Jefferson County Weed Control District.

The Jefferson County Weed Control Board has established criteria and standards which comply with the Montana County Noxious Weed Control Act for the complaint, enforcement, and control policies of noxious weeds in Jefferson County. This information is contained in the following section along with a complaint form.

The District has no power to enforce weed control laws on plants not listed on the noxious weed list. If you wish to file a noxious weed complaint with the Jefferson County Weed District, please complete the complaint form and send it to the Jefferson County Weed District Office.

COMPLAINT PROCEDURE

1. Pursuant to Mont. Code Ann. § 7-22-2131, if a complaint is made against a landowner, or if the board has reason to believe noxious weeds are present on a landowner's property within the district, the board shall notify the landowner by certified mail of the complaint and request permission for the board's agent to enter the property in order to conduct an inspection. If the landowner has an agent for service of process on file with the Montana Secretary of State, notice shall be provided to the landowner's agent by certified mail. The notice must comply with the provisions of Mont. Code Ann. § 7-22-2131(6).
The landowner or the landowner's representative shall respond within 10 days of receipt of the notice. If the board's agent and the landowner or the landowner's representative agree to an inspection, the agent and the landowner or the landowner's representative shall conduct an inspection at an agreed-upon time.
2. If noxious weeds are found, the board or its agent shall notify the landowner or the landowner's representative and seek voluntary compliance with the district noxious weed program. In accordance with Mont. Code Ann. § 7-22-2132, a landowner is considered to be in compliance if the landowner submits in writing, and the board accepts in writing, a weed management proposal to undertake specific control measures. The landowner remains in compliance if the terms of the proposal are met. Any proposal must contain a provision which requires the landowner or the landowner's representative to notify the board as measures in the proposal are taken.
3. In accepting or rejecting a proposal, the board shall consider the economic impact on the landowner and neighboring landowners, the practical biological and environmental limitations, and any alternative control methods proposed by the board.
4. If, within 10 days of sending the certified letter to the address on the tax records or to the agent for service, the board is unable to determine the owner of the property, or the letter cannot be delivered because the landowner or the landowner's representative fail or refuse to sign the receipt for the letter, or does not live on the property, the board's agent may seek a court order to enter and inspect the land to determine if noxious weeds are present. Without permission from the landowner or the landowner's representative, no inspection or treatment shall occur without a court order.
5. If, after obtaining a court order and inspecting the property, noxious weeds are found on the property, the board shall seek the landowners or the landowner's representatives voluntary compliance with the district weed management program pursuant to Mont. Code Ann. § 7-22-2132. If voluntary compliance is not obtained, the board shall notify the landowner or the landowner's representative by certified mail that noxious weeds have been found on the property. The notice must comply with the provisions of Mont. Code Ann. § 7-22-2131(6).
6. If voluntary compliance or cooperation has not occurred within 10 days of the notification required by law, the landowner is considered to be in noncompliance and is subject to the appropriate control measures provided in Mont. Code Ann. § 7-22-2134.
7. If the landowner disagrees with the weed control measure proposed by the board, the landowner may request a hearing before the County Commissioners within 10 days after receipt of any notice to comply with the weed management program. If, after a hearing before the County Commissioners, the landowner's objection to the board's action remains, the landowner has 10 days to appeal the County Commissioners' decision to the Montana Fifth Judicial District Court, Jefferson County. If the landowner has requested a hearing before the County Commissioners, or has appealed any decision by the County Commissioners to the District Court, the board may not take any action to control the noxious weeds until after the hearing and authorization is provided by the County Commissioners or the District Court.
8. NOTE: The Jefferson County Weed Control District will use herbicides which are labeled for the site. Landowners must recognize follow up treatments will be necessary to manage the noxious weeds.

Montana Noxious Weed List (2015)

Priority 1A	<p>These weeds are not present in Montana. Management criteria will require eradication if detected; education; and prevention</p> <ul style="list-style-type: none"> ➤ Yellow starthistle - (<i>Centaurea solstitialis</i>) ➤ Dyer's woad (<i>Isatis tinctoria</i>) ➤ Common Reed (<i>Phragmites australis</i>)
Priority 1B	<p>These weeds have limited presence in Montana. Management criteria will require eradication or containment and education</p> <ul style="list-style-type: none"> ➤ Knotweed complex – (<i>Polygonum spp.</i>) ➤ Purple loosestrife – (<i>Lythrum spp.</i>) ➤ Rush skeleton – (<i>Chondrilla juncea</i>) ➤ Scotch broom – (<i>Cytisus scoparius</i>) ➤ Field scabious – (<i>Knautia arvensis</i>) JEFFERSON COUNTY LISTING ONLY
Priority 2A	<p>These weeds are common in isolated areas of Montana. Management criteria will require eradication or containment where less abundant. Management shall be prioritized by local weed districts.</p> <ul style="list-style-type: none"> ➤ Tansy ragwort – (<i>Senecio jacobaea</i>) ➤ Eurasian watermilfoil – (<i>Myriophyllum specatum</i>) ➤ Flowering rush – (<i>Butomus umbellatus</i>) ➤ Meadow hawkweed complex – (<i>Hieracium spp.</i>) ➤ Orange hawkweed – (<i>Hieracium aurantiacum</i>) ➤ Tall buttercup – (<i>Ranunculus acris</i>) ➤ Perennial pepperweed – (<i>Lepidium latifolium</i>) ➤ Yellowflag iris – (<i>Iris pseudacorus</i>) ➤ Blueweed – (<i>Echium vulgare</i>) ➤ Curlyleaf pondweed – (<i>Potamogeton crispus</i>)
Priority 2B	<p>These weeds are in Montana & widespread in many counties. Management criteria will require eradication or containment where less abundant. Management shall be prioritized by local weed districts.</p> <ul style="list-style-type: none"> ➤ Hoary Alyssum – (<i>Berteroa incana</i>) ➤ Canada thistle – (<i>Cirsium arvense</i>) ➤ Field bindweed - (<i>Convolvulus arvensis</i>) ➤ Leafy spurge – (<i>Euphorbia esula</i>) ➤ Whitetop – (<i>Cardaria draba</i>) ➤ Russian knapweed – (<i>Centaurea repens</i>) ➤ Spotted knapweed – (<i>Centaurea stoebe or maculosa</i>) ➤ Diffuse knapweed – (<i>Centaurea diffusa</i>) ➤ Dalmation toadflax – (<i>Linaria dalmatica</i>) ➤ St. Johnswort – (<i>Hypericum perforatum</i>) ➤ Sulfur cinquefoil – (<i>Potentilla recta</i>) ➤ Common tansy – (<i>Tanacetum vulgare</i>) ➤ Oxeye daisy – (<i>Chrysanthemum leucanthemum or Leucanthemum vulgare</i>) ➤ Houndstongue – (<i>Cynoglossum officinale</i>) ➤ Yellow toadflax – (<i>Linaria vulgaris</i>) ➤ Saltcedar – (<i>Tamarix spp.</i>) ➤ Hoary Alyssum – (<i>Berteroa incana</i>) ➤ Baby's breath- (<i>Gypsophila paniculata</i>) JEFFERSON COUNTY LISTING ONLY
Priority 3	<p>Regulated Plants: (NOT MONTANA LISTED NOXIOUS WEEDS). These regulated plants have the potential to have a significant negative impact. The plant may not be intentionally spread or sold other than as a contaminant in agricultural products. The state recommends research, education and prevention to minimize the spread of the regulated plant.</p> <ul style="list-style-type: none"> ➤ Cheatgrass – (<i>Bromus tectorum</i>) ➤ Hydrilla – (<i>Hydrilla verticillata</i>) ➤ Russian olive (<i>Elaeagnus angustifolis</i>) JEFFERSON COUNTY LISTING ➤ Brazilian waterweed (<i>Egeria densa</i>) ➤ Parrotfeather (<i>Myriophyllum aquaticum</i>)



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NOXIOUS WEED COMPLAINT FORM

Date _____

1. _____
Name of Person making the complaint (PRINT or TYPE)

(Physical & Mailing Address) (City) (State) (Zip) (Phone)

2. _____
Name of Respondent (person with the noxious weed infestation)

(Physical & Mailing Address) (City) (State) (Zip) (Phone)

3. Legal description and size of Noxious Weed Infestation _____

4. Explain the nature of the complaint and the situation surrounding it. Include the noxious weeds present, and the specific location of the complaint. Use landmarks, lot numbers, or legal descriptions. Sketch a map on the back of this sheet showing the location of the noxious weed infestation(s).

5. If complaint is located within a subdivision:

a) List the Homeowners Association contact person and phone number:

b) Provide a copy of the subdivision covenants regarding noxious weed control.

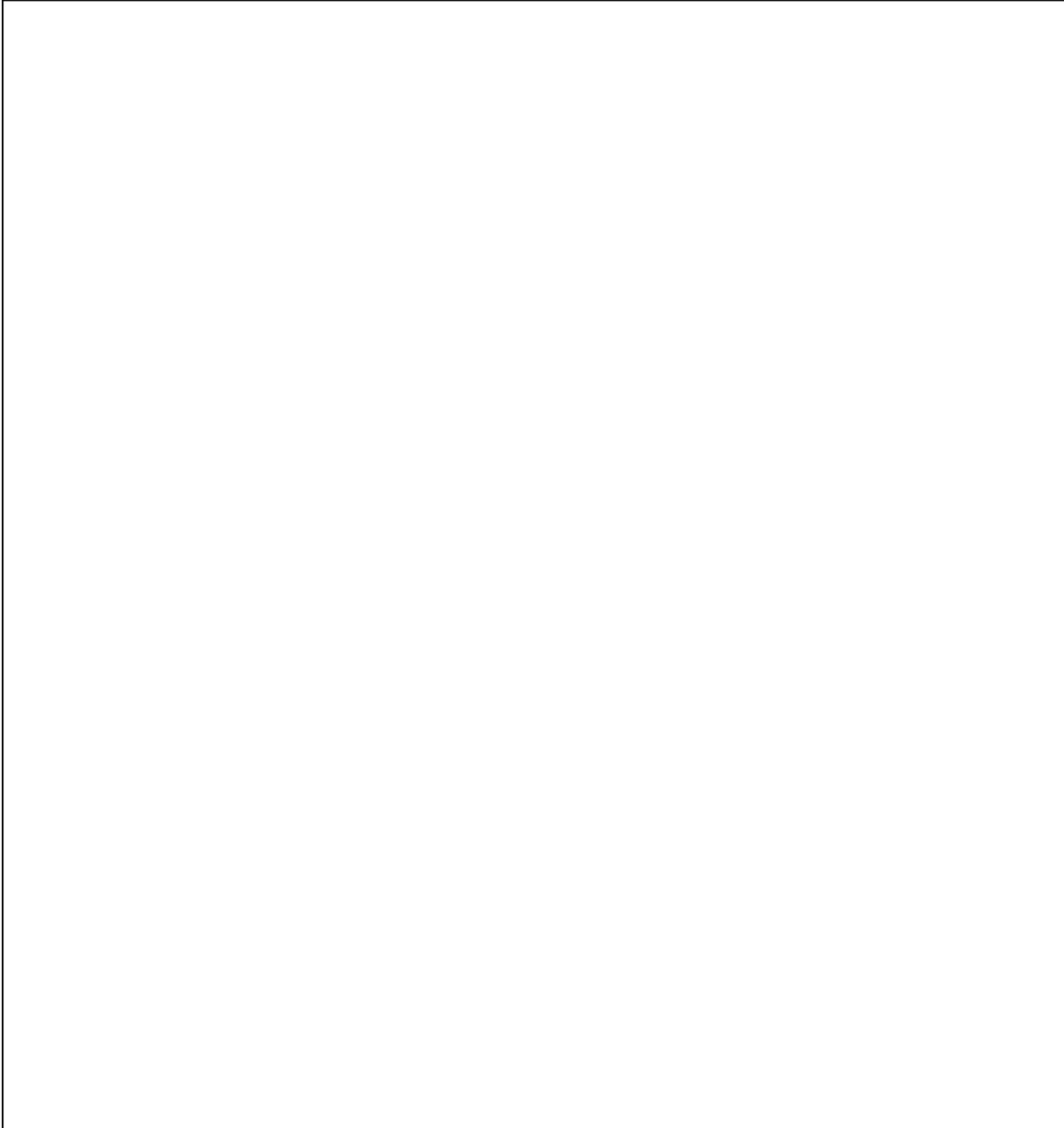
c) Has the Homeowner Association been contacted regarding the infestation?

Yes No

d) Explain the Homeowner Association's response to contacting respondent regarding the noxious weed infestation: _____

(Signature of person filing complaint) _____

**Sketch or Provide Map of Area showing Weed Locations
Please attach photo(s) of the weed infestations**

A large, empty rectangular box with a thin black border, intended for a sketch or map of weed locations. The box is currently blank.