

Landowner Request to Refrain from Roadside Herbicide Applications

I, _____, Owner/Occupier of land located at:

Name: _____

Address: _____

City: _____ Zip: _____

Phone: _____

With frontage on _____ road(s), hereby request that Oneida County Noxious Weed Department refrain from spraying herbicides on the right of way at the above location and further state that:

1. I have Authority and/or permission from all owners/occupiers of the described lands to enter into this agreement; and
2. I understand Idaho Code §22-2407 states that **“it shall be the duty and responsibility of all landowners to control noxious weeds on their land and property, in accordance with this chapter and with rules promulgated by the director”** and, therefore, assume this responsibility.
3. Control of noxious weeds requires a county-wide effort and that isolated patches of weeds left untreated can undermine weed control efforts elsewhere.

Therefore, I hereby agree and covenant that in consideration of Oneida County's absence from the use of herbicides at this location, I do fully assume the role that Oneida County fulfilled in controlling the noxious weeds and assume the costs. The methods used will comply with eradication efforts found in Idaho Code §22-2402 that, by definition, **“means the elimination of a noxious weed based on absence as determined by a visual inspection by the control authority during the current growing season.”**

I further agree that I will resolve any deficiencies that exist in my failure to comply with the Noxious Weed Law within five (5) days of a written notice. If not, Oneida County will fulfill its responsibility as required by Idaho Code Title 22 and control noxious weeds at the sole discretion of the weed control authority and I agree to pay Oneida County for such services.

If Oneida County receives directive from the Highways to treat bare ground portions of the right of way, this agreement shall not be held controlling. In that event, the landowner may comply with such a directive by applying an appropriate bare ground treatment at his/her own expense, or Oneida County will apply an appropriate bare ground herbicide at its own expense.

The Landowner shall provide an appropriate sign posted in a location that will be visible to road crew personnel in order to avoid spraying along the above right of way. The landowner shall maintain the post and sign.

Signed: _____

Date: _____

Approved by: _____
Oneida County Noxious Weed Control

TITLE 22
AGRICULTURE AND HORTICULTURE
CHAPTER 24
NOXIOUS WEEDS

22-2402. DEFINITIONS. As used in this chapter:

(1) "Agency" means:

(a) In the case of the federal government, any authority which exercises administrative control over defined areas of federal lands within the state of Idaho;

(b) In the case of the state of Idaho, any department, board, commission, or institution;

(c) In the case of local government, cities, counties and any legal subdivisions thereof, drainage districts, irrigation districts, canal companies, highway districts, or any special taxing district.

(2) "Applicable fund or account" means:

(a) In the case of the state of Idaho, the noxious weed account, which is hereby created and established in the dedicated fund and which shall be used exclusively for the purposes prescribed by this chapter;

(b) In each county, the noxious weed fund, which is hereby created and established and shall be maintained in each county and which shall be used exclusively for the purposes prescribed by this chapter.

(3) "Aquatic plant" means any plant growing in, or closely associated with, the aquatic environment and includes, but is not limited to, riparian plants.

(4) "Article" means a particular kind of object, and includes any type of conveyance, mode of transport or associated materials such as water.

(5) "Classical biological control" means the introduction of control agents into a region, that is not part of their natural range, to suppress permanently the populations of selected target weeds usually also introduced into that region. "Augmentative biological control" means the supplemental release of control agents into a region, that is part of their natural range, to suppress permanently the populations of selected target weeds.

(6) "Containment" means halting the spread of a weed infestation beyond specified boundaries.

(7) "Control" means any or all of the following: prevention, rehabilitation, eradication or modified treatments.

(8) "Control authority" means:

(a) On the state level, the director of the department of agriculture;

(b) On the county level, the board of county commissioners.

(9) "Cooperative weed management area (CWMA)" means a distinguishable hydrologic, vegetative or geographic zone based upon geography, weed infestations, climate or human-use patterns. Cooperative weed management areas may be composed of a portion of a county, a county, portions of several counties, or portions of one (1) or more states.

(10) "Department" means the Idaho state department of agriculture.

(11) "Director" means the director of the department of agriculture or the director's designated agent.

(12) "Eradication" means the elimination of a noxious weed based on absence as determined by a visual inspection by the control authority during the current growing season.

(13) "Integrated weed management plan (IWMP)" means a plan developed to manage, control or eradicate a noxious weed(s) from a cooperative weed management area or other weed management area. Integrated weed management strategies may include, but are not limited to, prevention, cultural, mechanical, chemical and biological methods.

(14) "Land" means all soil or water or other growing medium.

(15) "Landowner" means:

(a) The person who holds legal title to the land, except that portion for which another person has the right to exclude others from possession of the parcel; or

(b) A person with an interest in a parcel of land such that the person has the right to exclude others from possession of the parcel.

(16) "Modified treatment" means treatment specified in an integrated weed management plan.

(17) "Noxious weed" means any plant having the potential to cause injury to public health, crops, livestock, land or other property; and which is designated as noxious by the director.

(18) "Person" means any individual, partnership, firm, agency, corporation, company, society or association.

(19) "Prevention" means:

(a) Any action that reduces the potential for the introduction or establishment of a plant species in areas not currently infested with that species; or

(b) Any action that deters the spread of noxious weeds.

(20) "Quarantine" means the regulation of the production, movement, or existence of plants, plant products, animals, animal products, or any other article or material, or the normal activity of persons, to prevent or limit introduction or spread of noxious weeds.

(21) "Rehabilitation" means the process of reconditioning formerly weed infested land to a productive or desirable condition.

(22) "Riparian" means the green, vegetated areas along the edge of water bodies like rivers, creeks, canals, lakes, springs, sloughs, potholes and wetlands. They are the transition zone between upland and aquatic ecosystems. Underlying saturated soil is a key feature in riparian areas.

(23) "State noxious weed advisory committee" means an advisory committee appointed by the director to advise and to assist in development, modification and direction of a statewide noxious weed management strategy.

(24) "Viable" means a plant or plant part capable of surviving or living successfully, especially under particular environmental conditions.

(25) "Waters" means all the accumulations of water, surface and underground, natural and artificial, public and private, or parts thereof which are wholly or partially within, which flow through, or which border upon the state.

(26) "Weed control advisory committee" means a committee established by weed control agencies or authorities, at the county level, or a steering committee of a cooperative weed management area,

to develop and to recommend implementation of integrated weed management plans and strategies.

(27) "Hybrid" means the offspring of two (2) plants of different breeds, varieties, species or genera.

(28) "Releasing" means releasing, placing, planting, or causing to be released, a species in a water body, facility, water supply system, field, garden, planted area, ecosystem or otherwise into the environment within the state of Idaho.

(29) "Researcher" means someone who has the generally accepted education, experience and position within the biological control research community.

(30) "Research facility" means:

(a) Any laboratory, institution, college or university, at which scientific tests, experiments or peer-reviewed investigations involving the use of any living plants are carried out, conducted or attempted and that receives funds under a grant, award or contract from a department, agency, or instrumentality of the United States for the purpose of carrying out research, tests or experiments and that uses generally accepted protocols at an equivalent or higher level than a U.S. centers for disease control and prevention biosafety level 1 facility; or

(b) Any privately funded laboratory, institution, college or university at which scientific tests, experiments or peer-reviewed investigations involving the use of any living plants are carried out, conducted or attempted and that uses generally accepted protocols at an equivalent or higher level than a U.S. centers for disease control and prevention biosafety level 1 facility.

History:

[(22-2402) 22-2472, 22-2442, added 1970, ch. 149, sec. 3, p. 448; am. 1981, ch. 309, sec. 4, p. 636; am. 1987, ch. 331, sec. 3, p. 692; am. and redesisg. 1989, ch. 298, sec. 3, p. 732; am. and redesisg. 1993, ch. 247, sec. 2, p. 860; am. 1999, ch. 75, sec. 1, p. 213; am. 2006, ch. 225, sec. 1, p. 669; am. 2015, ch. 279, sec. 1, p. 1139; am. 2016, ch. 198, sec. 1, p. 553.]

How current is this law?

Search the Idaho Statutes and Constitution

TITLE 22
AGRICULTURE AND HORTICULTURE
CHAPTER 24
NOXIOUS WEEDS

22-2407. LANDOWNER AND CITIZEN DUTIES. (1) It shall be the duty and responsibility of all landowners to control noxious weeds on their land and property, in accordance with this chapter and with rules promulgated by the director.

(2) The cost of controlling noxious weeds shall be the obligation of the landowner.

(3) Noxious weed control must be for prevention, eradication, rehabilitation, control or containment efforts. However, areas may be modified from the eradication requirement if the landowner is a participant in a county-approved weed management plan or county-approved cooperative weed management area.

(4) The landowner shall reimburse the county control authority for work done because of failure to comply with a five (5) day notice, as outlined in section 22-2405, Idaho Code.

(5) If an article is infested with noxious weeds, it shall not be moved from designated premises until it is treated in accordance with the applicable rules, or in accordance with the written permission of a control authority.

History:

[(22-2407) 1970, ch. 149, sec. 2, p. 448; am. 1974, ch. 18, sec. 62, p. 364; am. 1981, ch. 309, sec. 3, p. 635; am. 1987, ch. 331, sec. 2, p. 691; am. and redesignated 1989, ch. 298, sec. 2, p. 731; am. and redesignig. 1993, ch. 247, sec. 10, p. 867; am. 2006, ch. 225, sec. 5, p. 675.]

How current is this law?

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NOXIOUS WEEDS

22-2409. PENALTIES FOR VIOLATIONS. (1) Any person who violates any provision of this chapter, or any rules promulgated hereunder for carrying out the provisions of this chapter, or who fails or refuses to comply with any requirements herein specified, or who interferes with the control authority as defined in section 22-2402, Idaho Code, its agents or employees, in the execution, or on account of the execution of their duties under this chapter or rules promulgated hereunder, shall be guilty of a misdemeanor and upon conviction thereof, shall be fined not more than three thousand dollars (\$3,000) or be imprisoned in a county jail for not more than twelve (12) months or be subject to both such fine and imprisonment.

(2) Any person who violates or fails to comply with any provision of this chapter or any rules promulgated hereunder may be assessed a civil penalty by the control authority of not more than ten thousand dollars (\$10,000) for each offense and shall be liable for reasonable attorney's fees.

(a) Assessment of a civil penalty may be made in conjunction with any other administrative action.

(b) No civil penalty may be assessed unless the person charged was given notice and opportunity for a hearing pursuant to the Idaho administrative procedure act.

(c) If the control authority is unable to collect such penalty or if any person fails to pay all or a set portion of the civil penalty as determined by the control authority, it may recover such amount by action in the appropriate district court.

(d) Any person against whom the control authority has assessed a civil penalty under the provisions of this section may, within thirty (30) days of the final action by the control authority making the assessment, appeal the assessment to the district court of the county in which the violation is alleged by the control authority to have occurred.

(e) All civil penalties collected pursuant to this section shall be remitted to the applicable fund or account as defined in section 22-2402, Idaho Code.

(3) Nothing in this chapter shall be construed as requiring the control authority to report minor violations for prosecution when the control authority believes that the public interest will be best served by suitable warnings or other administrative action.

(4) The control authority may bring an action to enforce the provisions of this chapter, and the penalty provided for under this section.

History:

[(22-2409) 1970, ch. 149, sec. 23, p. 448; am. 1974, ch. 18, sec. 68, p. 364; am. 1987, ch. 331, sec. 19, p. 704; am. and redesignated 1989, ch. 298, sec. 19, p. 746; am. and redesignig. 1993, ch. 247, sec. 12, p. 868; am. 2006, ch. 225, sec. 6, p. 675.]