

FACT SHEET:

ENFORCEMENT OF THE MINNESOTA NOXIOUS WEED LAW BY MUNICIPALITIES

The Minnesota Noxious Weed Law, Minnesota Statutes, chapter 18, sections 18.75 to 18.88, was enacted to protect the state's residents from the injurious effects of noxious weeds on public health, the environment, public roads, crops, livestock, and other property. The law has been in existence for more than sixty years, with enforcement designed to be a cooperative effort between the state, counties and municipalities. By definition, a municipality is either a home rule charter or statutory city or a township. Each level of government has a unique role to fulfill in the enforcement process. When each level cooperates by doing their part, enforcement is efficient and uniform. Conversely, if a level fails to do their part, the result is non uniform enforcement as well as inefficient and increased use of public funds by the other levels of government involved.

DUTIES OF LOCAL WEED INSPECTOR'S

Township supervisors and city mayors become the local weed inspectors for their jurisdiction when they assume their role as an elected official. The duties of the local weed inspector are:

- To inspect all lands, including highways, roads, alleys, and public grounds within their jurisdiction to determine if the noxious weed law has been complied with;
- To see that noxious weeds are controlled or eradicated in accordance with the law. If owners, occupants, or public officials fail to comply with the law, the inspector may contact them in person or by letter to informally notify them of their non-compliance. When informal notification fails to correct the problem, the inspector must use legal procedures to formally notify and enforce the noxious weed law;
- To issue permits for the transportation of noxious weed propagating parts on public highways in accordance with the noxious weed law.
- To submit reports and attend meetings that the Commissioner of Agriculture requires.

NONPERFORMANCE

In the past, it was considered a misdemeanor if a local weed inspector failed to do their duty to enforce the noxious weed law. This remedy was rarely used and as a result not effective in dealing with the problem of nonperformance. Because it was ineffective the misdemeanor provision was eliminated and when the law was revised in 1992, a new nonperformance remedy was added in its place. According to the new remedy, if a local

weed inspector refuses to do their duty to enforce the noxious weed law, the county agricultural inspector can act for them and bill the municipality for the actual cost of the enforcement. To prevent abuse of this authority, a formal procedure must be followed before reimbursement can be allowed.

PROCEDURE FOR ENFORCEMENT OF NONPERFORMANCE

When a county agricultural inspector observes a violation of the noxious weed law and finds that no enforcement action has been initiated by a municipality, the county agricultural inspector must informally notify the local weed inspector or inspectors involved giving a date by which enforcement action must be initiated. If after the date given, the county agricultural inspector finds that no enforcement action has been initiated, the county agricultural inspector must formally notify the local weed inspector or inspectors involved of the nonperformance on a form prescribed by the commissioner.

The notice must include the following:

- Name and address of the owner and occupant of the land in violation or of the person selling or transporting noxious weed propagating parts;
- Legal description of the land in violation when applicable;
- Names of the noxious weeds growing on the land or being unlawfully sold or transported;
- Steps to be followed by the local weed inspector in carrying out their duty;
- Date by which enforcement action must be initiated;
- County agricultural inspector's signature, address, and telephone number.

If a local weed inspector fails to carry out a duty within the time allowed in a formal notice of nonperformance, the county agricultural inspector involved is authorized to carry out the duty for them at their expense. If a county agricultural inspector decides to carry out the duty for them, the county involved may seek reimbursement for the expenses incurred. To obtain reimbursement, an itemized statement of costs must be filed with the clerk in the municipality where the nonperformance occurred. A municipality is required to reimburse the county for the enforcement services rendered as a result of a notice of nonperformance. If they fail to do so, the county auditor may include the amount as a part of the next annual levy in the municipality and withhold that amount from the municipality in making the next apportionment.

For additional information about the enforcement of the Minnesota Noxious Weed Law contact:

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PROCESS FOR NOXIOUS WEED CONTROL

