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## States' Noxious Weed Statutes and Regulations:

*Illinois*



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Agricultural Research Service, U.S. Department of Agriculture

**A National Agricultural Law Center Research Publication**

**States' Noxious Weed Statutes: Illinois**

**Illinois Compiled Statutes**

**Agriculture and Conservation**

**Chapter 505 Agriculture**

**500 ILCS 100 Illinois Noxious Weed Law**

**505 ILCS 100/1**

Sec. 1. This Act shall be known and may be cited as the Illinois Noxious Weed Law.

**505 ILCS 100/2**

Sec. 2. As used in this Act:

(1) "Person" means any individual, partnership, firm, corporation, company, society, association, the State or any department, agency, or subdivision thereof, or any other entity.

(2) "Control", "controlled" or "controlling" includes being in charge of or being in possession, whether as owner, lessee, renter, or tenant, under statutory authority, or otherwise.

(3) "Director" means the Director of the Department of Agriculture of the State of Illinois, or his or her duly appointed representative.

(4) "Department" means the Department of Agriculture of the State of Illinois.

(5) "Noxious weed" means any plant which is determined by the Director, the Dean of the College of Agricultural, Consumer and Environmental Sciences of the University of Illinois and the Director of the Agricultural Experiment Station at the University of Illinois, to be injurious to public health, crops, livestock, land or other property. "Noxious weed" does not include industrial hemp as defined and authorized under the Industrial Hemp Act.

(6) "Control Authority" means the governing body of each county, and shall represent all rural areas and cities, villages and townships within the county boundaries.

(7) "Applicable fund" means the fund current at the time the work is performed or the money is received.

(Source: P.A. 99-539, eff. 7-8-16; 100-1091, eff. 8-26-18.)

**505 ILCS 100/3**

Sec. 3. Every person shall control the spread of and eradicate noxious weeds on lands owned or controlled by him and use such methods for that purpose and at such times as are approved and adopted by the Director of the Department of Agriculture.

#### **505 ILCS 100/4**

Sec. 4. The duty of enforcing this Act and carrying out its provisions is vested in the Director, and the authorities designated in this Act acting under the supervision and direction of the Director. If a Control Authority fails to carry out its duties and responsibilities under this Act or fails to follow the Department's rules, the Director shall enforce this Act or rules by sending a Notice of Noncompliance to the Control Authority. The Director, the Dean of the College of Agricultural, Consumer and Environmental Sciences of the University of Illinois and the Director of the Agricultural Experiment Station at the University of Illinois, shall determine what weeds are noxious for the purposes of this Act, and shall compile and keep current a list of such noxious weeds, which list shall be published and incorporated in the rules and regulations of the Department. The Director shall, from time to time, adopt and publish methods as official for control and eradication of noxious weeds and make and publish such rules and regulations as in his judgment are necessary to carry out the provisions of this Act.

#### **505 ILCS 100/5**

Sec. 5. The Director is authorized to investigate the subject of noxious weeds; to require information and reports from any Control Authority as to the presence of noxious weeds and other information relative to noxious weeds and the control and eradication thereof in localities where such Control Authority has jurisdiction; to cooperate with Control Authorities in carrying out other acts administered by him; to cooperate with agencies of Federal and State Governments and persons, in carrying out his duties under this Act, and, with the consent of the Governor, in the conduct of investigations outside this State in the interest of the protection of the agricultural industry of this State from noxious weeds not generally distributed therein; with the consent of the Federal agency involved, to control and eradicate noxious weeds on Federal lands within this State, with or without reimbursement, when deemed by him to be necessary to an effective weed control and eradication program; to advise and confer as to the extent of noxious weed infestations and the methods determined best suited to the control and eradication thereof; to call and attend meetings and conferences dealing with the subject of noxious weeds; to disseminate information and conduct educational campaigns with respect to control and eradication of noxious weeds; to procure materials and equipment and employ personnel necessary to carry out his duties and responsibilities; and to perform such other acts as may be necessary or appropriate to the administration of this Act.

#### **505 ILCS 100/7**

Sec. 7. Each Control Authority shall carry out the duties and responsibilities vested in it under this Act with respect to land under its jurisdiction in accordance with rules and regulations prescribed by the Department. Such duties shall include the establishment, under the general direction of the Control Authority, of a coordinated program for control and eradication of noxious weeds within the county.

A Control Authority may cooperate with any person in carrying out its duties and responsibilities under this Act.

#### **505 ILCS 100/8**

Sec. 8. Each Control Authority may employ one or more Weed Control Superintendents who shall be certified by the Director to be qualified to detect and treat noxious weeds. The same person may be a Weed Control Superintendent for more than one Control Authority. Such employment may be for such tenure, and at such rates of compensation and reimbursement for travel expenses, as the Control Authority may prescribe. Each Weed Control Superintendent may be bonded for such sum as the Control Authority may prescribe.

Each Control Authority shall examine all land under its jurisdiction for the purpose of determining whether the provisions of this Act and the regulations of the Director have been complied with; compile such data on infested areas and areas eradicated and such other reports as the Director or Control Authority may require; consult and advise upon matters pertaining to the best and most practical methods of noxious weed control and eradication, and render assistance and direction for the most effective control and eradication; investigate or aid in the investigation and prosecution of any violation of this Act. Control Authorities may cooperate and assist one another to the extent practicable in the carrying out of a coordinated control and eradication program within their counties.

#### **505 ILCS 100/9**

Sec. 9. Notices for control and eradication of noxious weeds shall be on a form prescribed by the Director and shall consist of 2 kinds: general notices and individual notices. Failure to publish general weed notices or to serve individual notices as provided in this Section does not relieve any person from the necessity of full compliance with this Act and regulations thereunder. In all cases such published notice is legal and sufficient notice.

General notice shall be published by each Control Authority, or any combination of Control Authorities among counties, in one or more legal newspapers of general circulation throughout the area, or areas, over which the Control Authority, or Control Authorities, have jurisdiction at such times as the Director may direct or the Control Authority may determine.

Whenever any Control Authority finds it necessary to secure more prompt or definite control or eradication of noxious weeds than is accomplished by the general published notice, it shall serve individual notices upon the person owning and the person controlling such land, and give notification of such notice to the record owner of any encumbrance thereon, giving specific instructions and methods when and how certain named weeds are to be controlled or eradicated.

#### **505 ILCS 100/10**

Sec. 10. Whenever the owner or person in control of the land on which noxious weeds are present has neglected or failed to control or eradicate them as required in this Act and any notice is given pursuant to Section 9, the Control Authority having jurisdiction shall have proper control and eradication methods used on such land, and shall advise the owner, person in control, and record holder of any encumbrance of the cost incurred in connection with such operation. The cost of any such control or eradication shall be at the expense of the owner. If unpaid for 6 months, or longer, the amount of such expense shall become a lien upon the property. Nothing contained in this Section shall be construed to require satisfaction of the obligation imposed hereby in whole or in part from the sale of the property or to bar the application of any other additional remedy otherwise available. Amounts collected under this Section shall be deposited in the Noxious Weed Control Fund or other appropriate general fund of the Control Authority.

#### **505 ILCS 100/11**

Sec. 11. When it appears to a Control Authority that upon any tract of land under its jurisdiction there is an infestation of noxious weeds beyond the ability of the owner and the person in control of such land to eradicate, the Control Authority, with the approval of the Director, may quarantine such land and put into immediate operation the necessary means for the eradication of such noxious weeds. The Control Authority shall, prior to the entry upon such land, serve individual notices on the owner and the person in control thereof and the record owner of any encumbrance thereon of such quarantine and entry, and shall also advise such persons of the completion of the eradication operation, and the cost thereof. The expense of such quarantine and eradication shall be borne as follows: 1/2 from the Noxious Weed Control Fund or other appropriate general fund of the Control Authority; and 1/2 from the person owning such land, which may be collected and deposited as provided in Section 10.

#### **505 ILCS 100/12**

Sec. 12. The cost of controlling and eradicating noxious weeds on all land, including highways, roadways, streets, alleys and rights-of-way, owned or controlled by a State department, agency, commission or board shall be paid by the State department, agency, commission or board in control thereof out of funds appropriated to its use.

The cost of controlling and eradicating noxious weeds on all land including highways, roadways, streets, alleys and rights-of-way, owned or controlled by a Control Authority shall be paid by the Control Authority in control thereof out of the Noxious Weed Control Fund, and until the establishment of such Fund, out of the general funds of such Control Authority. Until the establishment of the Noxious Weed Control Fund by a Control Authority, the cost of controlling and eradicating noxious weeds on all land, including

highways, roadways, streets, alleys and rights-of-way, owned or controlled by a township or city or other municipal corporation shall be paid by the township or city or other municipal corporation in control thereof out of the general funds of such township or city or other municipal corporation. After the establishment of the Noxious Weed Control Fund of the county in which such township or city is located, such cost shall be paid from the Noxious Weed Control Fund of such county.

#### **505 ILCS 100/13**

Sec. 13. Notwithstanding any other provisions of this Act relating to payment of cost, when determined by a Control Authority to be justified in the interest of an effective weed control program, such Control Authority may control and eradicate noxious weeds on land under its jurisdiction, without cost to the owner or person in control thereof.

#### **505 ILCS 100/14**

Sec. 14. To prevent the dissemination of noxious weeds through any article, including machinery, equipment, plants, materials and other things, the Director, in consultation with the Dean of the College of Agricultural, Consumer and Environmental Sciences of the University of Illinois and the Director of the Agricultural Experiment Station at the University of Illinois, shall, from time to time, publish a list of noxious weeds which may be disseminated through articles and a list of articles capable of disseminating such weeds, and designate treatment of such articles as, in his opinion, would prevent such dissemination. Until such article is treated in accordance with the applicable regulations, it shall not be moved from such premises except under and in accordance with the written permission of the Control Authority having jurisdiction of the area in which such article is located, and the Control Authority may hold or prevent its movement from such premises. The movement of any such article which has not been so decontaminated, except in accordance with such written permission, may be stopped by the Control Authority having jurisdiction over the place in which such movement is taking place and further movement and disposition shall only be in accordance with such Control Authority's direction.

#### **505 ILCS 100/15**

Sec. 15. A Noxious Weed Control Fund may be established as provided in Section 16 for each Control Authority, without fiscal year limitation, which shall be available for expenses authorized to be paid from such Fund, including the necessary expenses of the Control Authority in carrying out its duties and responsibilities under this Act. The Weed Control Superintendents within the county shall ascertain each year the approximate amount of land within the county infested with noxious weeds, and the location thereof, and transmit such information to the Director and the Control Authority. On the basis of such information the Control Authority shall make payments from the Noxious Weed Control Fund. If a Noxious Weed Control Fund is not established as provided in Section 16, the expenses authorized to be paid from such Fund shall be paid out of any other appropriate general fund of the Control Authority.

#### **505 ILCS 100/17**

Sec. 17. Control Authorities, independently or in combination, may purchase or provide for needed or necessary materials, machinery and equipment, including the cost of operation and depreciation of such machinery and equipment, for the control and eradication of weeds as provided in Sections 10 and 11, whether or not declared noxious on land owned or controlled by them or on other land under their jurisdiction. All funds received from such control and eradication of weeds shall be deposited in the Noxious Weed Control Fund or other appropriate general fund of the Control Authority. Each Control Authority shall keep a record showing the procurement, sale and rental of materials, machinery and equipment, which record shall be open to inspection by citizens of this State. A Control Authority may use any equipment or material procured as provided for in this Section upon lands owned or directly controlled by it, or owned or controlled by a township or city which is not a Control Authority, for the treatment and eradication of weeds which have not been declared noxious.

#### **505 ILCS 100/18**

Sec. 18. If any person is dissatisfied with the amount of any charge made against him by a Control Authority for control or eradication work, he may, within 5 days after being advised of the amount of the charge, file a protest with the Director. The Director shall hold a hearing thereon and has the power to adjust or affirm such charge.

#### **505 ILCS 100/19**

Sec. 19. All final administrative decisions of the Director or his representative are subject to judicial review under the Administrative Review Law. The term "administrative decision" is defined as in Section 3-101 of the Code of Civil Procedure. The filing for judicial review shall stay the order of the Director or his representative pending disposition of the order on judicial review. The court, upon its own initiative or upon motion by the Director, may in its discretion, when it deems it necessary to protect the interests involved, require the posting of additional bond in an amount it deems advisable, as a prerequisite to judicial review.

#### **505 ILCS 100/20**

Sec. 20. The Director, any Control Authority, Weed Control Superintendent, or anyone authorized thereby, may enter upon all land under their jurisdiction for the purpose of performing their duties and exercising their powers under this Act, including the taking of specimens of weeds or other materials, without the consent of the person owning or controlling such land and without being subject to any action for trespass or damages, if reasonable care is exercised.

#### **505 ILCS 100/21**

Sec. 21. All individual notices, service of which is provided for in this Act, shall be in writing. Service of such notices shall be in the same manner as service of a 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 last tax list.

#### **505 ILCS 100/22**

Sec. 22. Any person violating any provision of this Act or any regulation issued hereunder is guilty of a petty offense and shall be fined not more than \$100 for the first offense and not more than \$200 for each subsequent offense.

#### **505 ILCS 100/23**

Sec. 23. The Director may participate in any noxious weed control program and, when called upon to do so by any such program, may use any funds available to him for the purposes of this Act in the matching of any federal funds made available to this State.

#### **505 ILCS 100/24**

Sec. 24. If any Section or provision of this Act is declared invalid for any reason, such invalidity shall not affect or impair any of the remaining Sections or provisions of the Act which can be given effect without the invalid Section or provision, and to this end the Sections and provisions of this Act are declared to be severable.



## **Illinois Administrative Code**

### **Title 8: Agriculture and animals Chapter I: Department of Agriculture Subchapter F: Noxious Weeds Part 220 Illinois Noxious Weed Law**

#### **Section 220.10. Duty of Every Person**

- a) It shall be the duty of every person to control the spread of and to eradicate all noxious weeds on lands owned or controlled by him in the State of Illinois.
- b) All noxious weeds shall be controlled or eradicated by methods approved and adopted pursuant to the Act and these rules.

#### **Section 220.20 Duty of Director**

It shall be the duty of the Director of Agriculture or his designated representative to enforce the provisions and intent of the Act and these rules.

#### **Section 220.30 Duty of Each Control Authority**

It shall be the duty of each "Control Authority" to carry out its duties and responsibilities as set forth in the Act and these rules.

#### **Section 220.40 Control Authority Membership**

- a) The governing body of each county in the State shall be the Control Authority for its respective county and hereafter shall be referred to as the "Control Authority."
- b) Each Control Authority shall develop and coordinate a program for the control and eradication of noxious weeds within its boundaries.

#### **Section 220.50 Definitions**

Terms defined for the purpose of this Part, unless the context requires otherwise.

"Act" means the Illinois Noxious Weed Law [505 ILCS 100] .

"Control", as applied to weed control, means to prevent weeds from spreading or being spread by dissemination of seed or other propagating parts.

"Control Authority" means the governing body of each county, and shall represent all rural areas and cities, villages and townships within the county boundaries.

"Director" means the Director of the Department of Agriculture of the State of Illinois, or his duly appointed representative.

"Eradicate" means the complete killing or destruction of weeds, seeds or other propagating parts of weeds by the use of cutting, chemicals, tillage, cropping systems, pasturing, livestock or crops, or any one or all of these in effective combination.

"Land" means any area capable of sustaining growth of a noxious weed.

"Noxious Weed Control Fund" means the fund established by a Control Authority s authorized in Section 15 of the Act for receiving and disbursing monies collected from a tax levy for weed control and eradication.

"Noxious Weed" means an annual, biennial, or perennial plant propagated by seed or vegetative parts that is designated in this Part as being a noxious weed in accordance with Section 2(5) and Section 4 of the Act.

### **Section 220.60 Noxious Weeds**

The following plants within the sovereign territory of the State of Illinois are designated and declared noxious weeds:

- a) Marihuana (*Cannabis sativa* L.);
- b) Giant Ragweed (*Ambrosia trifida* L.) within the corporate limits of cities, villages, and incorporated towns;
- c) Common Ragweed (*Ambrosia artemisiifolia* L.) within the corporate limits of cities, villages, and incorporated towns;
- d) Canada Thistle (*Cirsium arvense*);
- e) Perennial Sowthistle (*Sonchus arvensis*);
- f) Musk Thistle (*Carduus nutans*);
- g) Perennial members of the sorghum genus, including johnsongrass (*Sorghum halepense*), sorghum alnum, and other johnsongrass X sorghum crosses with rhizomes; and
- h) Kudzu (*Pueraria labata*).

### **Section 220.80 Control Authorities' Responsibilities**

Each Control Authority shall carry out the duties and responsibilities set forth in the Act and these rules with respect to the land under its jurisdiction. These duties shall include, but not be limited to the following:

- a) Establish, under its general direction, a coordinated program for the control and eradication of noxious weeds within its jurisdiction.
- b) Examine all land under its jurisdiction for compliance.
- c) Compile data on infested areas and areas eradicated.
- d) Advise persons responsible for controlling and eradicating noxious weeds of the best and most practical methods of noxious weed control and eradication.
- e) Investigate or aid in the investigation and prosecution of violations of the Act.
- f) Publish notices for control and eradication of noxious weeds as set forth in the Act and these rules and as prescribed by the Director.
- g) Cooperate with Federal, State, and local authorities in carrying out the provisions of the Act and its rules.

**Section 220.90 Weed Control Superintendents Certified by Director; Control Authority to Set Compensation, Bonding, Etc.**

Each Control Authority may employ one or more weed control superintendents who must be certified by the Director to carry out the Authority's duties and responsibilities. The Control Authority shall set the rates of compensation, tenure, bonding and reimbursement for travel expenses for each weed control superintendent in its employ.

**Section 220.100 Appointing Weed Control Superintendents**

Each Control Authority may appoint or designate one or more weed control superintendents who shall be responsible for the enforcement of the Act and its rules within the Control Authority's jurisdiction.

**Section 220.110 Deadline for Appointing Superintendents**

The appointment or designation of weed control superintendents by the Control Authority shall be made by no later than March 15 each year .

**Section 220.120 Submitting Name and Resume of Person Appointed Superintendent to the Director; Application for Weed Control Superintendent Certification**

The name and address and a resume of the qualifications of each person appointed as a weed control superintendent shall, within ten days after such appointment, be sent by the county clerk to the Director of Agriculture for his certification of the appointee's qualifications to detect and treat noxious weeds. The form as shown in Illustration A which is supplied by the Department shall be used by the county clerk for this purpose.

### **Section 220.130 Superintendent Must Be Familiar with Types of Weeds and Methods of Control**

Each person appointed as a weed control superintendent must be familiar with the noxious types of weeds and the recognized methods for their control and eradication. Each appointee must also be capable of being bonded and able to carry out the duties and responsibilities of the appointment. A weed control superintendent engaged in the application of pesticides for the eradication or control of noxious weeds shall be licensed in accordance with the Illinois Pesticide Act [415 ILCS 60].

### **Section 220.140 Allowable Expenses Set by Control Authority; Expenses Paid from General Fund or Noxious Weed Control Fund**

Compensation and allowable expenses for each weed control superintendent shall be set by the Control Authority and paid out of the General Fund of the county until a "Noxious Weed Control Fund" is established as provided for in the Act; therefore, he shall be paid out of the "Noxious Weed Control Fund."

### **Section 220.150. Duties of Weed Control Superintendent**

The weed control superintendent shall control and eradicate noxious weeds and shall:

- a) Examine all lands, highways, roads, alleys, and public grounds in the territory over which the Control Authority has jurisdiction for the purpose of determining if the Control Authority is in compliance with the Act and this Part.
- b) Become acquainted with the location of all noxious weeds within the Control Authority area.
- c) Through personal contact, by letter, telephone, or other means, encourage noxious weed control or eradication by all persons so responsible within the Control Authority area.
- d) Cooperate with other Control Authorities, University of Illinois Extension representatives land owners and users, government entities and others to further the purposes of the noxious weed control program.
- e) Investigate complaints received by himself, the Control Authority or the Director. On complaints received and forwarded to him by the Director, the superintendent shall report his findings to the Director.
- f) Take samples, pictures, or pressed specimens of the noxious weeds in those cases where he must control such weeds because of the failure of the property owner to act. These samples must be kept and maintained as evidence for a period of at least two years following the application of the control or eradication procedures.
- g) Give individual notice in writing on the form prescribed by the Director to the owner, occupant, agent of any owner of non-resident lands, or proper public official

requiring noxious weeds to be controlled or eradicated in the manner and within the time or times specified in the notice.

#### **Section 220.160 Written Report by Superintendent to Director**

Each weed control superintendent shall on or before the first day of November of each year make a written report to the Control Authority with a copy to the Director. The report shall contain:

- a) The name and location of all infestations of noxious weeds, and any new weeds which appear to be a serious pest.
- b) A detailed statement identifying the infested tracts which includes the treatment used for eradication of weeds on such tracts together with the cost and results.
- c) A detailed summary of the weed situation within his jurisdiction, together with suggestions and recommendations for control and/or eradication.

#### **Section 220.170 Comprehensive Work Plan for Coming Year Submitted to Director and Control Authority**

Prior to December 31 of each year, each weed control superintendent shall prepare and submit to the Control Authority, with a copy to the Director, a comprehensive work plan for the coming calendar year. The plan shall include:

- a) A map of the Control Authority area with detailed information as to type and location of noxious weeds.
- b) Suggested eradication or control methods for each infestation.
- c) Information and dates for general weed notices.
- d) Suggested budget for year with justification, including state and federal cooperation when and where applicable.
- e) Calendar of events for year.
- f) Other material pertinent to the Act and program.

#### **Section 220.180 General Notices**

- a) Each Control Authority shall publish general notices to control and eradicate noxious weeds on all areas subject to its jurisdiction. These public notices shall be made on a schedule determined by the Control Authority to secure the best results in the control and eradication program for noxious weeds within the Authority's area of jurisdiction, unless otherwise advised by the Director.

- b) General notices shall be published by Control Authorities in accordance with the requirements of Section 9 of the Act, which requires that such notices be published in a newspaper of general circulation within the area of their jurisdiction.
- c) The form for general notices shall be as shown in Illustration B of this Part.

#### **Section 220.190 Individual Notices**

- a) Each Control Authority shall serve individual notices to control and eradicate noxious weeds in accordance with Sections 9, 10, and 21 of the Act.
- b) The form for individual notices shall be as shown in Illustration C of this Part.
- c) Copies of the notice in Illustration C shall be made available to the following: Landowner; Illinois Department of Agriculture; Control Authority; Tenant, if any; and Mortgage Holder, if any.

#### **Section 220.200 Quarantine of Land; Approval by Director; Notice of Quarantine Form**

- a) When a Control Authority deems it necessary to quarantine land under the provisions of Section 11 of the Act, it shall immediately request the approval of the Director prior to initiating the quarantine. This written request for approval shall be sent by certified mail to the Director and shall include a complete statement of the conditions that require the quarantine and a description of the area affected.
- b) The Control Authority shall also submit to the Director a completed "Notice of Quarantine" for his approval. Upon receipt of this request, the Director shall conduct an investigation to determine whether the quarantine is necessary. Within reasonable time, the Director will notify the Control Authority of his findings and approval or disapproval of the request.
- c) The form for a Notice of Quarantine shall be as shown in Illustration D of this Part.
- d) Copies of the Notice of Quarantine shall be distributed to the following: Landowner; Illinois Department of Agriculture; Control Authority; Tenant, if any; and Mortgage Holder, if any.

#### **Section 220.210 Noxious Weeds Designated as Capable of Dissemination Through Articles**

The following noxious weeds are designated as being capable of dissemination through articles as outlined in Section 220.220.

- a) Marihuana (*Cannabis sativa* L.);
- b) Canada Thistle (*Cirsium arvense*);
- c) Perennial Sowthistle (*Sonchus arvensis*);

- d) Musk Thistle (*Carduus nutans*);
- e) Perennial members of the sorghum genus, including johnsongrass (*Sorghum halepense*), sorghum alnum, and other johnsongrass X sorghum crosses with rhizomes; and
- f) Kudzu (*Pueraria lobata*).

### **Section 220.220 Articles Designated as Capable of Disseminating Noxious Weeds**

Articles designated as capable of disseminating noxious weeds include, but are not limited to, the following:

- a) Machinery or equipment, particularly combines, hay balers, earth-moving machinery and well drilling rigs;
- b) Farm truck and common carriers;
- c) Grain or seed;
- d) Hay, straw, or other material of similar nature;
- e) Nursery stock and sod;
- f) Seed and screenings sold for livestock feed;
- g) Fence posts, fencing or railroad ties;
- h) Manure, fertilizers, or material of similar nature; and
- i) Soil.

### **Section 220.230 Removal of Articles or Weeds from Premises; Treatment**

An article, infested with noxious weeds, noxious weed seed, or other propagating part of a noxious weed, shall not be moved from the premises where the infestation occurred without permission of the Control Authority, unless such article is properly treated or transported as follows:

- a) A threshing machine, combine, seed huller, hay baler, or any other equipment used in the harvesting of crops must be cleaned by removing all loose material, by sweeping or by blowing, or by any other manufacturer suggestions for cleaning the machine.
- b) Seed, grain screenings or feed must be contained in leak or scatter proof containers. Screenings or any other material shall not be sold or furnished to a person except when delivered for the purpose of destroying the viability of the noxious weed, noxious weed seed or other propagating part present within the noxious weed or noxious weed seed. Seed or livestock feed shall not be sold or furnished until properly processed. All trucks, vehicles or other common carriers having carried such infested

materials shall be thoroughly cleaned before placing the vehicles or receptacles in service again.

c) Grain, seed or screenings sold for livestock feed, nursery stock, fence posts, fencing, railroad ties, hay, straw, or other materials of a similar nature that contain or are impregnated with noxious weed seed, or parts of the plant that could cause new growth, shall not be removed from the premises upon which it is located until cleaned of weed seed or plant parts.

d) Soil or sod, manure or fertilizer, or material of a similar nature that contains noxious weed seed or parts of the plant that could cause new growth shall not be removed from the premises upon which it is located, unless removed in such a manner or to a place as not to cause the spread of noxious weeds.

#### **Section 220.240 Hearing and Procedure on Protest of Charges by Control Authority**

a) If any person is dissatisfied with the amount of any charge made against him by a Control Authority for control or eradication work, he may file a written protest with the Director. Such protest shall be filed within 5 days after being advised of the amount of the charge.

b) Upon receipt of a protest, the Director shall set the matter for hearing within 30 days and shall notify the owner and Control Authority at least 10 days prior to the hearing.

c) All hearings shall be conducted in accordance with 8 Ill. Adm. Code 1.

#### **Section 220.250 Severability**

If any Section, subsection, sentence or clause of this Part is judged invalid, that adjudication shall not affect the validity of this Part as a whole or any Section, subsection, sentence or clause of this Part not judged invalid.



**Section 220. ILLUSTRATION A Application for Weed Control Superintendent Certification**

STATE OF ILLINOIS  
DEPARTMENT OF AGRICULTURE  
Bureau of Environmental Programs  
P.O. Box 19281  
Springfield, Illinois 62794-9281

**APPLICATION FOR WEED CONTROL SUPERINTENDENT CERTIFICATION**

Please typewrite or print.

1. \_\_\_\_\_  
Name of Applicant
2. \_\_\_\_\_  
County in which you live Telephone Number
3. \_\_\_\_\_  
Home Address City State Zip Code
4. \_\_\_\_\_  
Business Name and Address Telephone Number

5. Please list all the previous employment for the last five positions. (List most recent job first.)

	Employer (Name and Address)	Date Started	Date Terminated	Reason for Leaving
A.	_____	_____	_____	_____
	_____			_____
B.	_____	_____	_____	_____
	_____			_____
C.	_____	_____	_____	_____
	_____			_____
D.	_____	_____	_____	_____
	_____			_____
E.	_____	_____	_____	_____
	_____			_____

6. Education

High School \_\_\_\_\_ Graduated \_\_\_\_\_

College \_\_\_\_\_ Graduated \_\_\_\_\_

Major \_\_\_\_\_ Minor \_\_\_\_\_

Other Advance Training \_\_\_\_\_

Additional Information: \_\_\_\_\_

\_\_\_\_\_

I certify the above information to be true.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

Date Approved: \_\_\_\_\_ Approved: \_\_\_\_\_

\_\_\_\_\_  
Director  
Illinois Department of Agriculture

**Section 220. ILLUSTRATION B Public Notice**

**PUBLIC NOTICE**

NOTICE IS HEREBY GIVEN PURSUANT TO THE "ILLINOIS NOXIOUS WEED LAW" to the owners, occupants, agents and public officials in charge or control of any land in \_\_\_\_\_ County that they are required to control or eradicate all NOXIOUS WEEDS growing upon land under their control prior to the blooming, maturing of seed or other propagating of such weeds.

NOXIOUS WEEDS: (List) \_\_\_\_\_

\_\_\_\_\_.

NOTICE IS FURTHER GIVEN that if the persons responsible for the control of any lands in \_\_\_\_\_ County fail to comply with the provisions of the Illinois Noxious Weed Law the Control Authority of \_\_\_\_\_ County or the Department of Agriculture of the State of Illinois will take any necessary action to control or eradicate such weeds and the cost thereof will be assessed against the owner of the land involved. If unpaid for 6 months or longer, such assessment shall become a lien upon the property.

Date at \_\_\_\_\_ County, Illinois, this  
\_\_\_\_\_ day of \_\_\_\_\_,  
Month Year

Signed:

\_\_\_\_\_  
Weed Control Superintendent  
\_\_\_\_\_  
County Weed Control Authority

**Section 220. ILLUSTRATION C Individual Notice to Control or Eradicate Weeds**

\_\_\_\_\_ COUNTY WEED CONTROL AUTHORITY

INDIVIDUAL NOTICE TO  
CONTROL OR ERADICATE WEEDS

_____	_____	
Name	Date	
_____	_____	_____
Address	City	Zip

Dear Landowner:

Inspection of lands owned or operated by you and located \_\_\_\_\_ shows that the noxious weed \_\_\_\_\_ is present on this property. The Illinois Noxious Weed Law defines your duty to control or eradicate these weeds and prevent them from propagating. IN THE EVENT OF YOUR FAILURE TO CONTROL OR ERADICATE THESE WEEDS, THE CONTROL SUPERINTENDENT SHALL ENTER AND HAVE THEM CONTROLLED OR ERADICATED; THE COST OF DOING SO TO BE A LIEN AGAINST THE PROPERTY UNTIL PAID BY THE OWNER. In addition, you shall be subject to a fine of not more than \$100 for the first offense and not more than \$200 for each subsequent offense.

You are hereby given notice to control or eradicate these weeds within \_\_\_\_\_ days from the above date as follows: \_\_\_\_\_

\_\_\_\_\_  
Weed Control Superintendent  
\_\_\_\_\_ County Weed Control Authority

The above notice was served on:

\_\_\_\_\_  
by \_\_\_\_\_  
on the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_.

Signature \_\_\_\_\_

**Section 220. ILLUSTRATION D Quarantine Notice**

\_\_\_\_\_ COUNTY WEED CONTROL AUTHORITY

**QUARANTINE NOTICE**

\_\_\_\_\_  
Name \_\_\_\_\_ Date \_\_\_\_\_

\_\_\_\_\_  
Address \_\_\_\_\_ City \_\_\_\_\_ Zip \_\_\_\_\_

Dear Landowner:

Inspection of lands owned or operated by you and located \_\_\_\_\_

shows that the noxious weed \_\_\_\_\_ is present on this property. Due to your inability to control this noxious weed and, pursuant to Section 11 of the Illinois Noxious Weed Law, your land has been quarantined. The Control Authority shall enter upon your land and eradicate the noxious weeds and upon completion you will be advised of the cost.

\_\_\_\_\_  
Weed Control Superintendent  
\_\_\_\_\_  
County Weed Control Authority

Approved \_\_\_\_\_  
Director \_\_\_\_\_ Date \_\_\_\_\_

Illinois Department of Agriculture

The above notice was served on:

\_\_\_\_\_  
by \_\_\_\_\_  
on the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

Signature \_\_\_\_\_