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# **Le Sueur County, MN**

**Tuesday, March 20, 2018**

**Board Meeting**

## **Item 7**

**10:05 a.m. Tyler Luethje, Parks Director (5 min)**

**Staff Contact:**

## County Board Agenda – March 20, 2018

### Plan for Noxious Weeds Appeals Committee

Minnesota Statute 18.83 subd. 3 states that an individual who has been issued an “Individual Notice to Control or Eradicate Noxious Weeds” has the right to appeal the notice with the Appeals Committee. Le Sueur County currently does not have an Appeals Committee in place.

As County Ag Inspector, I recommend the board to either:

- A) Delegate the duties of the appeal committee to its board of adjustments.
- B) Create an appeals committee consisting of one commissioner and 1-3 township supervisors.

If option A is chosen, the board of adjustments will be contacted to meet on an as needed basis for noxious weed appeals.

If option B is chosen, an appeals committee will be formed that will meet on an as needed basis for noxious weed appeals.

Tyler Luethje

Le Sueur County Ag Inspector

## **2017 Minnesota Statutes**

### **18.83 Control, Eradication, Notices, Expenses**

#### **Subd. 3. Appeal of individual notice; appeal committee.**

(1) A recipient of an individual notice may appeal, in writing, the order for control or eradication of noxious weeds. This appeal must be filed with a member of the appeal committee in the county where the land is located within two working days of the time the notice is received. The committee must inspect the land specified in the notice and report back to the recipient and the inspector or county-designated employee who issued the notice within five working days, either agreeing, disagreeing, or revising the order. The decision may be appealed in district court. If the committee agrees or revises the order, the control or eradication specified in the order, as approved or revised by the committee, may be carried out.

(2) The county board shall appoint members of the appeal committee. The membership must include a county commissioner or municipal official and a landowner residing in the county. The expenses of the members may be reimbursed by the county upon submission of an itemized statement to the county auditor. At its option, the county board, by resolution, may delegate the duties of the appeal committee to its board of adjustment established pursuant to section [394.27](#). When carrying out the duties of the appeal committee, the zoning board of adjustment shall comply with all of the procedural requirements of this section

This form supplied by the Minnesota Department of Agriculture for use by the

COUNTY OF:

PHONE:

INSPECTOR'S \* NOTICE \* no.1

## Individual Notice to Control or Eradicate Noxious Weeds

**INSTRUCTIONS:** Using black ink, please write/print legibly. Upon completion and appropriate signatures, copies should be distributed to those individuals noted at the bottom of this form.

Minnesota Statutes Section 18.83, subdivision 2 (2009), provides for an individual notice to be served to person(s) named below requiring control or eradication of noxious weeds within the time and in the manner indicated. An appeal of the notice may be made but it must be done so in writing, and filed with the appeal committee in the county where the land is located within two working days of receiving the notice. Failure to comply with the notice is a misdemeanor and upon conviction, a fine of \$1000 and imprisonment of 90 days is possible. In addition, failure to comply means the weed inspector(s) serving the notice may hire the control or eradication work done and the costs may be entered as a tax lien upon the land and collected as other real estate taxes. An appeal of a tax lien may be made to the county board of commissioners within 30 days of such lien being filed

For more information about making an appeal, please call \_\_\_\_\_.

DATE	COUNTY	MUNICIPALITY
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By authority of Minnesota Statutes Chapter 18, notice is hereby given to

OWNER	OCCUPANT OR PUBLIC OFFICIAL
OWNER ADDRESS	OCCUPANT OR PUBLIC OFFICIAL ADDRESS

to control or eradicate before \_\_\_\_\_, 20\_\_\_\_, all noxious weeds in and upon the following described land in the manner indicated. After that date, the weed inspector having jurisdiction may hire the control or eradication work done.

KIND(S) OF NOXIOUS WEED(S):

**HOW TO CONTROL OR ERADICATE:** PULL, CUT, DISC, PLOW DOWN, BIOLOGICAL CONTROL OR TREAT WITH A HERBICIDE LABELED FOR THE SITE AND NOXIOUS WEED TO BE CONTROLLED OR ERADICATED, OR \_\_\_\_\_.

*NOTE: Repeat control or eradication measures as necessary in order to prevent the ripening and scattering of noxious weed seed or other propagating parts.*

### LEGAL DESCRIPTION OF LAND

SUBDIVISION	SECTION/BLOCK	TOWNSHIP OR CITY	RANGE/LOT NUMBER
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X	SIGNATURE	INSPECTOR FOR	PHONE
X	SIGNATURE	INSPECTOR FOR	PHONE
X	SIGNATURE	INSPECTOR FOR	PHONE

ONE COPY: OWNER • ONE COPY: INSPECTOR(S) • ONE COPY: APPEAL COMMITTEE • ONE COPY: FILE WITH STATEMENT OF COST

In accordance with the Americans with Disabilities Act, an alternative form of communication is available upon request.  
TDD: 1-800-627-3529. MDA is an equal opportunity employer and provider. [www.mda.state.mn.us](http://www.mda.state.mn.us)

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COUNTY OF:

PHONE:

## Decision on the Appeal of Individual Notice to Control or Eradicate Noxious Weeds

**INSTRUCTIONS:** Using black ink, please write/print legibly. Upon completion and appropriate signatures, copies should be distributed to those individuals noted at the bottom of this form.

By authority of Minnesota Statutes Section 18.83, subdivision 3,:

OWNER, OCCUPANT, OR PUBLIC OFFICIAL)

ADDRESS

has appealed, within two working days of receipt, the attached individual notice for control or eradication of noxious weeds together with any crop involved. The appeal committee must meet, inspect the land, and decide within five working days from the date the appeal was filed, whether or not the weed inspector(s) may hire the control or eradication work done. The committee's decision may be appealed in the district court.

DATE NOTICE RECEIVED

DATE APPEAL FILED

### APPEAL COMMITTEE MEETING SUMMARY

DATE

COUNTY

MEETING LOCATION

### DECISION OF APPEAL COMMITTEE

- ☐ **WE AGREE** that the order for control or eradication should be carried out.
- ☐ **WE DISAGREE** with the order for control or eradication and it should not be carried out, or it should be revised as follows:

DATE REPORTED TO PERSON(S) APPEALING NOTICE

DATE REPORTED TO INSPECTOR(S)

X

APPEAL COMMITTEE MEMBER

TITLE

X

APPEAL COMMITTEE MEMBER

TITLE

X

APPEAL COMMITTEE MEMBER

TITLE

ONE COPY: APPEAL COMMITTEE • ONE COPY: INSPECTOR(S) • ONE COPY: PERSON(S) APPEALING

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