

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
220.20	Duty of Director
220.30	Duty of Each Control Authority
220.40	Control Authority Membership
220.50	Definitions
220.60	Noxious Weeds
220.70	Noxious Weed Description and Control (Repealed)
220.80	Control Authorities' Responsibilities
220.90	Weed Control Superintendents Certified by Director; Control Authority to Set Compensation, Bonding, Etc.
220.100	Appointing Weed Control Superintendents
220.110	Deadline for Appointing Superintendents
220.120	Submitting Name and Resume of Person Appointed Superintendent to the Director; Application for Weed Control Superintendent Certification
220.130	Superintendent Must Be Familiar with Types of Weeds and Methods of Control
220.140	Allowable Expenses Set by Control Authority; Expenses Paid from General Fund or Noxious Weed Control Fund
220.150	Duties of Weed Control Superintendent
220.160	Written Report by Superintendent to Director
220.170	Comprehensive Work Plan for Coming Year Submitted to Director and Control Authority
220.180	General Notices
220.190	Individual Notices
220.200	Quarantine of Land; Approval by Director; Notice of Quarantine Form
220.210	Noxious Weeds Designated as Capable of Dissemination Through Articles
220.220	Articles Designated as Capable of Disseminating Noxious Weeds
220.230	Removal of Articles or Weeds from Premises; Treatment
220.240	Hearing and Procedure on Protest of Charges by Control Authority
220.250	Severability
ILLUSTRATION A	Application for Weed Control Superintendent Certification
ILLUSTRATION B	Public Notice
ILLUSTRATION C	Individual Notice to Control or Eradicate Weeds
ILLUSTRATION D	Quarantine Notice

AUTHORITY: Implementing, and authorized by Section 4 of the Illinois Noxious Weed Law [505 ILCS 100].

SOURCE: Rules and Regulations relating to the Illinois Noxious Weed Law, filed December 20, 1972, effective January 1, 1973; unless otherwise noted. Authority Note amended at 4 Ill. Reg. 42, p. 7, effective October 7, 1980; codified at 5 Ill. Reg. 10518; amended at 26 Ill. Reg. 14644, effective September 23, 2002.

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 as 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.

(Source: Amended at 26 Ill. Reg. 14644, effective September 23, 2002)

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 almum, and other johnsongrass X sorghum crosses with rhizomes; and

- h) Kudzu (*Pueraria labata*).

(Source: Amended at 26 Ill. Reg. 14644, effective September 23, 2002)

Section 220.70 Noxious Weed Description and Control (Repealed)

(Source: Repealed at 26 Ill. Reg. 14644, effective September 23, 2002)

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].

(Source: Amended at 26 Ill. Reg. 14644, effective September 23, 2002)

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.

(Source: Amended at 26 Ill. Reg. 14644, effective September 23, 2002)

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.

(Source: Amended at 26 Ill. Reg. 14644, effective September 23, 2002)

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.

(Source: Amended at 26 Ill. Reg. 14644, effective September 23, 2002)

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.

(Source: Amended at 26 Ill. Reg. 14644, effective September 23, 2002)

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*).

(Source: Amended at 26 Ill. Reg. 14644, effective September 23, 2002)

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.

(Source: Amended at 26 Ill. Reg. 14644, effective September 23, 2002)

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.

(Source: Amended at 26 Ill. Reg. 14644, effective September 23, 2002)

**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.

(Source: Amended at 26 Ill. Reg. 14644, effective September 23, 2002)

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.

(Source: Added at 26 Ill. Reg. 14644, effective September 23, 2002)

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

(Source: Amended at 26 Ill. Reg. 14644, effective September 23, 2002)

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 _____ 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 _____

(Source: Amended at 26 Ill. Reg. 14644, effective September 23, 2002)

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,
Illinois Department of Agriculture

The above notice was served on:

By _____

(Source: Amended at 26 Ill. Reg. 14644, effective September 23, 2002)