

**ISLAND COUNTY NOXIOUS WEED CONTROL BOARD
ENFORCEMENT PROCEDURES:**

This board shall strive for impartiality in enforcing control on the landowners of Island County, while ensuring the control of noxious weeds.

Provisions Under Washington State Law:

DUTY TO CONTROL (Reference RCW 17.10.140, RCW 17.10.150, RCW 17.10.154) - Each landowner or land user shall perform, or cause to be performed, such acts as may be necessary to control and to prevent the spread of noxious weeds from his/her land.

FAILURE TO COMPLY (RCW 17.10.170, RCW 17.10.205, RCW 17.10.230, RCW 17.10.280) - The penalties for violation of the state weed law or any of the board's RULES AND REGULATIONS, shall be those provided by RCW 17.10, WAC 16-750, and any amendments passed by the legislature.

ENFORCEMENT STEPS:

The enforcement policy of the Island County Noxious Weed Control Board, according to Washington State Law RCW 17.10, is as follows:

1. When a parcel of land is found to be infested with noxious weeds, the property owner is notified either verbally or in writing, identifying the weed(s) and requesting control action.
2. Any property owner who then fails to take action to control these weeds is contacted in writing, with the letter sent by certified mail or process service.
 - When there is evidence of a history of non-delivery, refused and/or unclaimed certified mail to a particular landowner, the Coordinator may also have a copy of such notice delivered simultaneously in an unmarked envelope or it may be served by a process service.
 - Service shall not be to the landowner's place of business unless other attempts at service have failed; further, when other people are present, an attempt shall be made to serve the violation in an unobtrusive way.

The letter will identify the noxious weeds to be controlled, order prompt control measures and specify the time, of at least ten (10) days from the issuance of the notice, in which the prescribed action must take place to avoid action being taken by the board. Landowners are also advised to contact the Board, either in writing or verbally, when and if any control measures are taken during this time period. An affidavit of the mailing and proof of delivery shall be filed. If seed dispersion is imminent, immediate control action may be taken by the Island County Noxious Weed Control Board within twenty-four to forty-eight hours following the time that notification is reasonably expected to have been received by the owner or agent.

3. At the end of the time period provided in the above letter, the property shall be reinspected for control action. If the owner has not taken action to control the noxious weeds, the Island County Noxious Weed Control Board may control them or cause their being controlled.

4. An invoice for the cost of the control work, plus an enforcement fee, must be mailed to the landowner within thirty (30) days of the control work. Enforcement fee for 2004 shall be \$300.00. The Weed Enforcement Billing will also include a Hearing Request Form to notify the property owner of his/her right to a hearing before the Board within forty-five (45) days of notification, provided the landowner requests such a hearing within thirty (30) days of the date of mailing the notification. The invoice and notification will be sent by certified mail, and a copy of each by regular mail.

5. If the owner fails to pay the expense of this control within ninety (90) days from receiving the notice of billing, a lien shall be filed against the property. Within five (5) days of filing the lien with the Island County Auditor's Office, the following information shall be sent to the landowner:

- a copy of the lien
- Notice of Claim of Lien, with a statement of amount due

The claim of lien must be filed in the county auditor's office within ninety (90) days of the completion of the noxious weed control work.

6. Any property owner or person, who interferes with the carrying out of the provisions outlined in the Washington State Law RCW 17.10, may be fined for a civil infraction. The Island County Noxious Weed Control Board may issue a notice of civil infraction if it has cause to believe a civil infraction has been committed. Civil infractions shall be assessed a monetary penalty as outlined in Chapter 16-750 WAC Washington State Noxious Weed List and Schedule of Monetary Penalties.

7. For sites with severe noxious weed infestations that cannot be feasibly controlled in one season, an approved, reasonable, and continuous effort will be considered in compliance with the goals of the board. Weed board staff will be available to assist in formulating an approved plan.

INSPECTOR'S PROCEDURES

Inspector shall observe the following when inspecting properties:

1. A general reminder will be sent to all landowners of documented noxious weed sites early in the year to alert them to our intention to inspect their property(ies).

2. Before entering a property, the inspector will attempt to contact people in any buildings located on the property to identify themselves as an employee of the board and to explain the purpose of their presence. If no one is present on a property with occupied buildings, the inspector will leave documentation, with the inspector's name and weed board phone number. For an on-site inspection where a landowner's permission cannot be obtained, entry is authorized by RCW 17.10.160.

3. If entry is denied, a search warrant may be obtained to inspect the property, as per RCW 17.10

4. When inspecting properties, the inspector will:

- Leave gates as they were found and respect landowner's property.
- Record location, dominance levels and plant stage of noxious weeds found.
- Record any visible control efforts.
- Record any other pertinent information

5. If landowner contact is not made during the inspection and noxious weeds are present on the property, a letter shall be sent to the landowner notifying them of the presence of the weeds and the need for control, with a stated timetable for reinspection.

6. The inspector shall attempt to reinspect properties with noxious weeds within ten (10) days of landowner contact, to determine control actions.

7. The inspector should use all landowner contacts as an opportunity to educate people on noxious weeds and the reasons for controlling these plants, as well as offering assistance with developing a weed control strategy for that property.