

## Local Weed Inspection Duties

### SUMMARY

by  
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**Local Weed Inspectors:** Each town supervisor is, by law, designated a local weed inspector for their township.<sup>1</sup> A town may appoint one or more assistants to act to perform the duties of the weed inspectors on behalf of the town board. Once appointed, the assistant has the power, authority, and responsibility to carry out the weed inspector authority for the town board.<sup>2</sup>

**Duties of Local Weed Inspectors:**<sup>3</sup> Local weed inspectors must:

1. Examine all lands, including highways, roads, alleys, and public ground in the township to ascertain if all noxious weeds are being controlled or eradicated as directed by the law;
2. See that the control or eradication of noxious weeds is carried out in accordance with the law;<sup>4</sup>
3. Issue permits in accordance with the law regarding the transportation of materials or equipment infested with noxious weed propagating parts;

**Meetings:** Local weed inspectors are required to attend the annual noxious weed law enforcement training meeting or that portion of an annual meeting of the County Township Officers Association.<sup>5</sup> If a local inspector is not able to attend either meeting, a correspondence refresher course or other training approved by the Commissioner of Agriculture (referred to in this memorandum as the “Commissioner”) may be taken in order to satisfy the training requirement. Local weed inspectors must also attend other meetings as called by the Commissioner to address a special problem or training need that may arise.

**Report:** An annual report must be compiled by each township and submitted to the county agricultural inspector.<sup>6</sup> The report serves as a record of the activities of the local inspectors in performing their duties.

**Failure to Perform Duties:**<sup>7</sup> If local weed inspectors neglect or fail to perform their statutory duties, the county agricultural inspector must issue a written notice to the inspector providing instructions on how and when to perform the required duties. If the local weed inspector does not perform the duties within the time specified in the notice, the county agricultural inspector must provide the local inspector a written notice of nonperformance setting out specific

information. If the duties are not performed by the date stated in the notice, the county agricultural inspector may perform the duties and bill the township for the expenses. If the township fails to pay the expenses, the county auditor may withhold that amount from the township's next tax apportionment.

**Control & Enforcement Measures:**<sup>8</sup> A local weed inspector may order the control or eradication of noxious weeds on any land within the state.<sup>9</sup> If a person has not complied with the annual general noxious weed control notice published by the county agricultural inspector on or before May 15, a local inspector may find it necessary to secure more prompt or definite control of noxious weeds. In such cases, the local inspector shall serve individual notice in writing upon the owner of the land *and* the person who occupies the land, or the person in charge of maintaining public land. Service of the notice must be either by certified mail or in the same manner as a summons in a civil district court case. The notice must give specific instructions on when and how named noxious weeds are to be controlled or eradicated.

The person may make a written appeal of the order to the county appeal committee within two working days of when the notice was received.<sup>10</sup> The committee reviews and decides the matter. The decision may be appealed to the district court.

If an owner does not comply with the individual notice, the local inspector shall have the noxious weeds controlled or eradicated within the time and in the manner the inspector designates.<sup>11</sup> When necessary to prevent the maturation and spread of noxious weeds, all or part of a growing crop may be controlled or eradicated *after* the appeal committee has reviewed the matter and has reported agreement with the order.<sup>12</sup>

A local inspector may hire a person to control and eradicate noxious weeds from lands where the owner has failed to comply with the individual notice.<sup>13</sup> The person hired must have written authorization from the local inspector to enter upon the land.

The expenses incurred by local inspectors for eradicating noxious weeds are a charge against the county.<sup>14</sup> A verified and itemized statement of cost for services for each property is filed with the county auditor for payment. The county may then reimburse itself by placing the amount on the taxes for the property. An owner may appeal the cost charged for control measures to the county within 30 days after being charged.<sup>15</sup> Appeal from the county's decision is also possible.<sup>16</sup> The Commissioner must first approve claims for control measures taken on public lands.

Liability protections are provided to inspectors for their activities, including protection from trespass actions<sup>17</sup> and claims for damages from control measures.<sup>18</sup>

**Public Lands:** Counties, cities, and towns are responsible for paying for noxious weed control or eradication on their own and on land for which they are responsible for its maintenance.<sup>19</sup>

**State Lands:** The local costs incurred for eradicating noxious weeds from state land are to be reimbursed by the agency responsible for the land and are to be paid from the maintenance, general revenue, or operating fund of the agency.<sup>20</sup>

**Roads:** All road authorities, including the state, counties, cities, and towns, are required to cut or otherwise destroy or eradicate all noxious weeds in their respective rights-of-way as often as may be necessary to prevent the ripening or scattering of seeds and other propagating parts of such weeds.<sup>21</sup>

## Endnotes

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1. Minn. Stat. § 18.80, subd. 2.
  2. Minn. Stat. § 18.80, subd. 3.
  3. Minn. Stat. § 18.81, subd. 2.
  4. Minn. Stat. § 18.82.
  5. Minn. R. 1505.0758, subp. 1.
  6. Minn. R. 1505.0758, subp. 2.
  7. Minn. Stat. § 18.81, subd. 3(a); Minn. R. 1505.0752.
  8. Minn. Stat. § 18.83.
  9. Minn. Stat. § 18.79, subd. 5.
  10. Minn. Stat. § 18.83, subd. 3.
  11. Minn. Stat. § 18.83, subd. 4.
  12. Minn. Stat. § 18.83, subd. 5.
  13. Minn. Stat. § 18.83, subd. 6.
  14. Minn. Stat. § 18.83, subd. 7.
  15. Minn. Stat. § 18.84, subd. 2.
  16. Minn. Stat. § 18.84, subd. 3.
  17. Minn. Stat. § 18.79, subd. 3.
  18. Minn. Stat. § 18.84, subd. 1, (See also Minn. Stat. § 18.87).
  19. Minn. Stat. § 18.88.
  20. Minn. Stat. § 18.83, subd. 7.
  21. Minn. Stat. § 160.23.