

Resolution No. _____

ARTICLE I

Chapter 1

Vegetation

Noxious Weed Management Enforcement Plan

Sec. 1-1-10. Title

This policy shall be known as and be referred to as the “Lincoln County Noxious Weed Enforcement Plan” and shall be effective throughout the unincorporated areas of Lincoln County.

Sec. 1-1-20. Purpose of Plan

The Colorado Noxious Weed Act, Section 35-5.5-101, et seq., C.R.S. (hereinafter “the Act”) states that certain noxious weeds pose a threat to the continued economic and environmental value of the land in Colorado and that they must be managed by all landowners of the State. The Act states that local governments (cities and counties) are directed to take the necessary steps to manage the noxious weeds in their respective jurisdictions. As a result, Lincoln County established a Noxious Weed Management Advisory Board and this Lincoln County Noxious Weed Enforcement Plan.

Sec. 1-1-30. Definitions.

For the purposes of the Chapter, the following words and phrases shall be the meanings stated in this Section:

Act: The Colorado Noxious Weed Act.

Authorized agent: Any agent, delegate, or employee designated by the Board of County Commissioners to carry out the Noxious Weed Management Plan for Lincoln County.

Inspector: An authorized agent of Lincoln County.

Integrated weed management: The planning and implementation of a coordinated program utilizing a variety of methods for managing noxious weeds, the purpose of which is to achieve desirable plant communities. Such

methods may include but are not limited, to education, preventive measures, good stewardship, and the following techniques:

- (a) Biological management: the use of an organism to disrupt the growth of noxious weeds.
- (b) Chemical management: the use of herbicides or plant growth regulators to disrupt the growth of noxious weeds.
- (c) Cultural management: methodologies or management practices that favor the growth of desirable plants over noxious weeds, including maintaining an optimum fertility and plant moisture status in an area, planting at optimum density and spatial arrangement in an area, and planting species most suited to an area.
- (d) Mechanical management: methodologies or management practices that physically disrupt plant growth, including tilling, mowing, burning, flooding, mulching, hand-pulling, hoeing, and grazing.

Landowner: Any owner of record of federal, state, county, municipal, or private land.

Local advisory board: The Lincoln County Noxious Weed Management Advisory Board and those individuals appointed by the Lincoln County Board of County Commissioners to advise on matters of noxious weed management.

Local governing body: The Lincoln County Board of County Commissioners.

Management: Any activity that prevents a plant from establishing, reproducing, or dispersing itself.

Management objective: The specific, desired result of integrated management efforts includes:

- (a) Eradication: Reducing the reproductive success of a noxious weed species or specified noxious weed population in largely uninfested regions to zero and permanently eliminating the species or population within a specified period of time. Once all specified weed populations are eliminated or prevented from reproducing, intensive efforts continue until the existing seed bank is exhausted.

- (b) Containment: Maintaining an intensively managed buffer zone that separates infested regions, where suppression activities prevail, from largely un-infested regions, where eradication activities prevail.
- (c) Suppression: Reducing the vigor of noxious weed populations within an infested region, decreasing the propensity of noxious weeds to spread to surrounding lands, and mitigating the negative effects of noxious weed populations on infested lands. Suppression efforts may employ a wide variety of integrated management techniques.
- (d) Restoration: The removal of noxious weed species and reestablishment of desirable plant communities on lands of significant environmental or agricultural value in order to help restore or maintain value.

Management plan: The noxious weed management plan developed by any person or the local advisory board using integrated management.

Noxious weeds: Those plants designated in Section 1-1-40 of this Code.

Person or occupant: An individual, partnership, corporation, association, or federal, state, or local government or agency thereof owning, occupying, or controlling any land, easement, or right-of-way, including any city, county, state, or federally owned and controlled highway, drainage or irrigation ditch, spoil bank, borrow pit, gas and oil pipeline, high voltage electrical transmission line, or right-of-way for a canal or lateral.

Sec. 1-1-40. Noxious weeds.

- A. The Rules Pertaining to the Administration and Enforcement of the Act (8 CCR 1203-19, Part 3), identify 18 noxious weed species designated for eradication in Colorado and consequently Lincoln County (known therein as "List A – Noxious Weed Species"). The State Noxious Weed Management Plans for List "A" Noxious Weed Species can be found in C.R.S. The species include:

African rue (*Peganum harmala*)

Camelthorn (*aihagi pseudaihagi*)

Common crupina (*Crupina vulgaris*)

Cypress spurge (*Euphorbia cyparissias*)

Dyer's woad (*Isatis tinctoria*)

Giant salvinia (*Salvinia molesta*)

Hydrilla (*Hydrilla verticillata*)

Meadow knapweed (*Centaurea pratensis*)

Mediterranean sage (*Salvia aethiopsis*)

Medusahead (*Taeniatherum caput-medusae*)

Myrtle spurge (*Euphorbia myrsinites*)

Orange hawkweed (*Hieracium aurantiacum*)

Purple loosestrife (*Lythrum salicaria*)

Rush skeletonweed (*Chondrilla juncea*)

Sericea lespedeza (*Lepedeza cuneata*)

Squarrose knapweed (*Centaurea virgata*)

Tansy ragwort (*Senecio jacobaea*)

Yellow starthistle (*Centaurea solstitialis*)

B. The noxious weed species designated for management in Lincoln County are as follows:

Absinth wormwood (*Artemisia absinthium*)

Canada thistle (*Cirsium arvense*)

Chinese clematis (*Clematis orientalis*)

Dalmatian toadflax, broad-leaved (*Linaria dalmatica*)

Diffuse knapweed (*Centaurea diffusa*)

Field bindweed (*Convolvulus arvensis*)

Leafy spurge (*Euphorbia esula*)

Musk thistle (*Carduus natans*)

Plumeless thistle (*Onopordum acanthium*)

Russian knapweed (*Acroptilon repens*)

Scotch thistle (*Onopordum acanthium*)

Spotted knapweed (*Centaurea maculosa*)

Tamarisk (*Tamarix ramosissima*)

Lincoln County will add to this list “the remaining “B” weed species listed in the Rules 8 (CCR 1203-19, Part 4) as the integrated management plans designed to stop the continued spread of these species are developed by the State of Colorado, Department of Agriculture.

The remaining “B” weed species listed in the Rule can be found in Appendix A.

ARTICLE II

Enforcement of Plan

Sec. 1-2-10 Noxious weeds deemed a public nuisance.

The noxious weeds listed in Section 1-1-40 of this Code, at any and all stages, their carriers, and any and all premises, and things infested or exposed to infestation therewith in Lincoln County are declared to be a public nuisance and, in addition to the remedies contained in Article II, chapter 15 of this Code, are subject to all of the laws and remedies relating to the prevention and abatement of nuisances, including, but not limited to, those set forth in Section 35-5.5-113, C.R.S.

Sec. 1-2-20. Authorized agent for enforcement.

Pursuant to Section 35-5.5-105(2), C.R.S., The Lincoln County Commissioners are hereby designated "authorized agents" to enforce the Noxious Weed Management Enforcement Policy in the unincorporated areas of the County, by utilizing those procedures set forth in Sections 35-5-108, 35-5-109 and 35-5.5-108, C.R.S., and any other applicable state and federal statutes, rules, regulations and ordinances, including the remaining provisions of this Chapter.

Sec. 1-2-30. Methods of identification and inspection.

- A. An authorized agent shall have the right to enter upon any premises, lands, or places, whether public or private, during reasonable business hours, for the purpose of inspecting for the existence of noxious weed infestations, when at least one of the following events has occurred:
 1. The landowner or occupant has requested an inspection.
 2. A neighboring landowner or occupant has reported in writing a suspected noxious weed infestation and requested an inspection.
 3. The authorized agent has made a visual inspection from the public right-of-way or area and has reason to believe that a noxious weed infestation exists.
- B. If verbal permission to inspect the property is not obtained from the landowner or occupant, and after notification by certified mail the landowner or occupant denies access to the authorized agent, the authorized agent may seek an inspection warrant issued by a municipal, county, or district court having jurisdiction over the land, utilizing the procedures set forth in Section 35-5.5-109(4)(b), C.R.S.

Sec. 1-2-40. Notice to control identified noxious weeds.

- A. The authorized agent has the authority to notify a landowner or occupant of such lands of the presence of noxious weeds (“*Notice to Control Identified Noxious Weeds*”). Such notice shall be by certified mail, and shall include the following:
1. The name(s) and address(es) of the landowner or occupant;
 2. The property’s Assessor’s office parcel # and legal description;
 3. The noxious weeds to be managed;
 4. Advisement to the landowner or occupant to manage the noxious weeds within ten (10) days of mailing of the notice;
 5. The best available control methods of integrated management;
 6. The options of notice compliance;
 7. The consequences for non-compliance; and
 8. A statement that the authorized agent will seek a “right-of-entry” from the Board of County Commissioners to enter the property and manage identified noxious weeds unless the landowner/occupant complies with the notice, or submits a written weed management plan with an acceptable completion date, or requests an arbitration panel develop a weed management plan pursuant to Section 25-5.5-109(4)(a)(III) and (4)(b).
- B. The authorized agent may give a *Notice to Control Identified Noxious Weeds* to any State board, department or agency that administers or supervises State land within the County’s jurisdiction, to manage or control noxious weeds on such lands.
1. Such notice shall specify the best available method(s) of integrated management and will include the same information as itemized in Section 1-2-30 A. of this Code.
 2. Wherever possible, the authorized agent will consult with the affected State board, department or agency in the development of a plan for the management or control of noxious weeds on the lands.

Sec. 1-2-50. Right of Entry

Prior to entering private or state lands for the purposes of enforcing the notice, the authorized agent shall first obtain a “right-of-entry” from the Board of County Commissioners, no less than ten (10) days after a *Notice to Control Identified Noxious Weeds* has been sent to the owner or occupant of the private lands and said owner or occupant has failed to comply with said notice.

Sec. 1-2-60. Right to assess whole cost of management.

The authorized agent shall assess the whole cost of such enforcement, including up to twenty percent (20%) for inspection and other incidental costs in connections therewith upon the tract of land where the noxious weeds are located. Notice of such assessment shall be mailed to the landowner or occupant by certified mail. Failure to receive notice of control shall not act as a defense to such assessment.

Sec. 1-2-70. Failure to pay assessment.

Any assessment that is not paid within thirty-three (33) days after the date of mailing by certified mail to the landowner or occupant of private lands upon which the authorized Agent has performed enforcement work, shall constitute a lien against each lot or tract of land until paid and may be certified by resolution of the Board of County Commissioners to the County Treasurer to be collected in the same manner as provided for collection of taxes upon private lands in accordance with Section 35-5.5-109(5)(a), C.R.S.

Sec. 1-2-80. Liability.

This Chapter shall not be intended to create a civil cause of action against the Board of County Commissioners of Lincoln County, or any other person that may administer this Chapter in any manner.

APPENDIX A

Black henbane (*Hyoscyamus niger*)

Bouncingbet (*Saponaria officinalis*)

Bull thistle (*Cirsium Vulgare*)

Common tansy (*Tanacetum vulgare*)

Common teasel (*Dipsacus fullonum*)

Corn chamomile (*Anthemis arvensis*)

Cutleaf teasel (*Dipsacus laciniatus*)

Dalmatian toadflax, narrow-leaved (*Linaria genistifolia*)

Dame's rocket (*Hesperis matronalis*)

Eurasian watermilfoil (*Myriophyllum spicatum*)

Hoary cress (*Cardaia draba*)

Houndstongue (*Cynoglossum officinate*)

Mayweed chamomile (*Anthemis cotula*)

Moth mullein (*verbascum blattaria*)

Oxeye daisy (*Chrysanthemum leucanthemum*)

Perennial pepperweed (*Lepidium latifolium*)

Plumeless thistle (*Carduus acanthoides*)

Quackgrass (*Elytrigia repens*)

Redstem filaree (*Erodium cicutarium*)

Russian-olive (*Elaeagnus angustifolia*)

Scentless chamomile (*Matricaria perforata*)

Scotch thistle (*onopordum tauricum*)

Spurred anoda (*Anoda cristata*)

Sulfur cinquefoil (*Potentilla recta*)

Venice mallow (*Hibiscus trionum*)

Wild caraway (*Carum carvi*)

Yellow nutsedge (*Cyperus esculentus*)

Yellow toadflax (*Linaria vulgaris*)