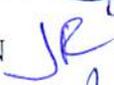


COMMISSIONERS APPROVAL

KANENWISHER

FOSS 

CHILCOTT 

IMAN 

STOLTZ 

Members Present.....Commissioner Matt Kanenwisher, Commissioner Suzy Foss,
Commissioner Greg Chilcott, Commissioner J.R. Iman and Commissioner Ron Stoltz

Date.....April 4, 2012

Minutes: Glenda Wiles

► The Board met at 10:00 a.m. with Civil Counsel Dan Browder and Weed Coordinator Kellieann Morris for a working session in order to review and make changes to Weed Regulations (weed control). Following this working session it was agreed the proper manner to adopt these Weed Regulations is by Resolution.

► The Board met at 11:04 a.m. to adopt the Weed Regulations by Resolution. Present at this meeting was Civil Counsel Dan Browder and Weed Coordinator Kellieann Morris. **Commissioner Chilcott made a motion to adopt Resolution No. 2870. Commissioner Iman seconded the motion. Discussion: It was noted there have been numerous meetings and working sessions with Civil Counsel. In October 2011 the weed regulations were approved by the Commissioners in form and content with minor changes being made since that date by Civil Counsel, and to note that these regulations by resolutions follows state law. All voted "aye". (5-0)**

► Commissioner Stoltz attended a Airport Board meeting at 1:00 p.m.

Glenda Wiles

From: Dan Browder
Sent: Tuesday, April 03, 2012 1:52 PM
To: Commissioners Department; Kellieann Morris
Attachments: 20120322 resolution to adopt weed regs (clean).pdf; 20120402 ordinance to adopt weed regs.pdf; weed policy codified (4-03-2012 clean).pdf

Dear Commissioners,

Attached are slightly revised weed regulations. I changed them so that it won't matter whether they are adopted by Ordinance or by Resolution: they are now called the Weed Regulations. Also attached is a slightly revised proposed Ordinance to adopt the Regs and a new proposed Resolution to adopt the Regs if the BCC decides that format is preferable. Please let me know if there are any questions or comments to be addressed before the meeting tomorrow.

Dan

Daniel Browder, Deputy
Ravalli County Attorney's Office
205 Bedford St.
Hamilton, MT 59840
tel. 406.375.6750
fax 406.375.6731

RAVALLI COUNTY RESOLUTION #
ADOPTING COUNTY WEED REGULATIONS RESOLUTION #

STATEMENT OF PURPOSE

The Board of County Commissioners (“BCC”) adopts this County Weed Control Resolution for the following purposes: to implement the State weed control law (§§ 7-22-2101 through -2154, MCA); to provide a locally appropriate structure and process for the State weed control law; to control noxious weeds in Ravalli County; for the incorporated Weed Regulations to be included in the Ravalli County’s comprehensive Code, when that Code is adopted; and for any additional purposes described in or implied by this Resolution and the incorporated Weed Regulations.

RECITALS

WHEREAS, the County Weed Control Act was amended by the Montana Legislature during its 2011 Session; and

WHEREAS, the BCC and Ravalli County Weed District wishes to incorporate the provisions of State law in local regulations in a manner that is logical, fair, and consistent; and

WHEREAS, the attached Weed Control Regulations have been reviewed and approved by the Ravalli County Weed Board.

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF RAVALLI COUNTY AS FOLLOWS:

SECTION 1. RESOLUTION ADOPTED

By this Resolution, the BCC adopts the attached and incorporated County Weed Control Regulations to be effective on the date described herein.

SECTION 2. REPEAL OF PRIOR CONFLICTING RESOLUTIONS AND POLICIES

Upon its effective date, this Resolution shall repeal any conflicting prior resolutions or policies previously passed or adopted by the BCC.

SECTION 3. EFFECTIVE DATE

This Resolution and the incorporated Weed Regulations shall be effective upon passage. Any provisions labeled as “temporary” shall be in effect until this Resolution is incorporated into a Ravalli County Code. Words contained in brackets shall replace the prior word upon codification of the Weed Regulations into a Ravalli County Code.

SECTION 5. CHANGES FOR CODIFICATION

Formatting, numbering, and internal cross-references of the incorporated Weed Regulations may be added or changed to facilitate the Weed Regulations’ inclusion in the Ravalli County Code, when such a Code is adopted. Any reference in the Weed Regulations to a Ravalli County Code shall be considered inactive until such a Code is adopted.

SECTION 7. PENALTY

Penalty for violation of this Resolution and the incorporated Weed Regulations or any provision thereof shall be enforced according to the provisions of the Weed Regulations, and under any other applicable state or local law.

SECTION 8. SEVERABILITY

If any part of this Resolution and the incorporated Weed Regulations is held to be invalid, such invalidity shall not affect other parts which can be given effect without the invalid part. To this end, provisions of this Resolution and the incorporated Regulations are to be severable.

SECTION 9. DURATION

This Resolution adopting the Weed Regulations shall remain in effect until repealed or superseded by other legislative or judicial action.

APPROVED AND ADOPTED THIS _____ DAY OF _____, 2012.

Matt Kanenwisher, Chairman

Suzy Foss, Member

Greg Chilcott, Member

Ron Stoltz, Member

J.R. Iman, Member

Attest: Clerk & Recorder

RAVALLI COUNTY ORDINANCE #

ADOPTING RAVALLI COUNTY WEED REGULATIONS

STATEMENT OF PURPOSE

The Board of County Commissioners (“BCC”) adopts this County Weed Control Ordinance and attached Regulations for the following purposes: to implement the State weed control law (§§ 7-22-2101 through -2154, MCA); to provide a locally appropriate structure and process for the State weed control law; to control noxious weeds in Ravalli County; for the attached Weed Regulations to be included in the Ravalli County’s comprehensive Code, when that Code is adopted; and for any additional purposes described in or implied by this Ordinance and the incorporated Weed Regulations.

RECITALS

WHEREAS, the County Weed Control Act was amended by the Montana Legislature during its 2011 Session; and

WHEREAS, the BCC and Ravalli County Weed District wishes to incorporate the provisions of State law in local regulations in a manner that is logical, fair, and consistent; and

WHEREAS, the attached Weed Regulations have been reviewed and approved by the Ravalli County Weed Board.

NOW THEREFORE BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF RAVALLI COUNTY AS FOLLOWS:

SECTION 1. ORDINANCE ADOPTED

By this Ordinance, the BCC adopts the attached and incorporated Weed Regulations to be effective on the date described herein.

SECTION 2. REPEAL OF PRIOR CONFLICTING RESOLUTIONS AND POLICIES

Upon its effective date, this Ordinance shall repeal any conflicting prior resolutions or policies previously passed or adopted by the BCC.

SECTION 3. EFFECTIVE DATE

This Ordinance and the incorporated Weed Regulations shall be effective thirty days from the second reading of this Ordinance. Any provisions labeled as “temporary” shall be in effect until this Ordinance is incorporated into a Ravalli County Code. Words contained in brackets shall replace the prior word upon codification of this Ordinance into a Ravalli County Code.

SECTION 5. CHANGES FOR CODIFICATION

Formatting, numbering, and internal cross-references of the incorporated Weed Regulations may be added or changed to facilitate the Weed Regulations’ inclusion in the Ravalli County Code, when such a Code is adopted. Any reference in the Weed Regulations to a Ravalli County Code shall be considered inoperative until such a Code is adopted.

SECTION 7. PENALTY

Penalty for violation of this Ordinance or any provision thereof shall be enforced according to the provisions of the Ordinance, and under any other applicable state or local law.

SECTION 8. SEVERABILITY

If any part of this Ordinance is held to be invalid, such invalidity shall not affect other parts which can be given effect without the invalid part. To this end, provisions of this Ordinance are to be severable.

SECTION 9. DURATION

This Ordinance shall remain in effect until repealed or superseded by other legislative or judicial action.

APPROVED AND INITIALLY ADOPTED AT FIRST READING THIS _____ DAY OF _____, 2012.

Matt Kanenwisher, Chairman

Suzy Foss, Member

Greg Chilcott, Member

Ron Stoltz, Member

J.R. Iman,, Member

Attest: Clerk & Recorder

APPROVED AND ADOPTED AT SECOND READING THIS _____ DAY OF _____, 2012.

Matt Kanenwisher, Chairman

Suzy Foss, Member

Greg Chilcott, Member

Ron Stoltz, Member

J.R. Iman,, Member

Attest: Clerk & Recorder

WEED DISTRICT COMPLAINT AND ENFORCEMENT PROCEDURE

SECTION:

GENERAL PROVISIONS

- 1: Scope and Authority
- 2: Definitions
- 3: Defined Terms
- 4: Noxious Weeds and Seeds Declared a Public Nuisance

DUTIES OF LANDOWNERS

- 5: Weed Propagation Must Be Prevented or Addressed
- 6: Selling Landowner Must Notify Buyers
- 7: Ground Disturbance Must Be Mitigated
- 8: Weed Management on Road Rights-of-Way

COMPLAINTS AND INVESTIGATION

- 9: Contents of Weed Complaints
- 10: Investigation of Noxious Weeds
- 11: Investigation Procedures; Informal Resolution
- 12: Investigation Procedures; Inspection

COMPLIANCE

- 13: Procedure If Weed Board Determines Noxious Weeds Present
- 14: Voluntary Compliance
- 15: Procedure when No Voluntary Compliance
- 16: Landowner's Right to Hearing and Appeal
- 17: Effect of Noncompliance
- 18: Control Measures; Destruction of Weeds by Weed Board
- 19: Civil Penalty In Lieu of Destruction of Weeds by Weed Board

GROUND DISTURBANCE

- 20: Agreements for Control of Noxious Weeds along Roads
- 21: Revegetation of Rights-of-Way and Areas that Have Potential for Noxious Weed Infestation

VIOLATIONS, PAYMENTS

- 22: Payment of weed control expenses -- tax liability -- lien
- 23: Violations and Penalty
- 24: Funds to Be Paid into the County Noxious Weed Fund

GENERAL PROVISIONS

1: SCOPE AND AUTHORITY:

A. AUTHORITY: These regulations shall be known as the Ravalli County Weed Regulations or the "Weed Regulations," and are adopted under Title 7, Chapter 22, Part 21, MCA, with reference to Administrative Rules of Montana (ARM) 4.5.201 through 4.5.203.

B. APPLICABILITY: The provisions of the Weed Regulations [chapter] apply to lands and landowners within Ravalli County except lands owned by the United States.

2: DEFINITIONS:

Unless defined in these Weed Regulations, words, including capitalized terms, shall be as defined in § 7-22-2101, MCA, ARM 4.5.101, and in Title 1 of the Ravalli County Code, if such Code is adopted.

3: DEFINED TERMS:

- A. BCC:** The Ravalli County Board of County Commissioners.
- B. COORDINATOR:** The person appointed by the BCC upon recommendation from the Weed Board to conduct the Ravalli County Weed Management program and supervise other Weed District employees.
- C. LANDOWNER ROADSIDE MAINTENANCE AGREEMENT:** An agreement for a landowner to control roadside weeds according to Section 20. A Landowner Roadside Maintenance Agreement is a type of Landowner Weed Management Plan.
- D. LANDOWNER WEED MANAGEMENT PLAN:** An agreement submitted by a landowner and approved by the Weed Board to control propagation of weeds. The Landowner Weed Management Plan must adhere to the Ravalli County Weed Plan and must include the information on the County's Landowner Weed Management Plan form. An approved agreement is valid for no more than 3 years, and the Weed Board may require the Landowner Weed Management Plan to be amended if the Weed Board finds amendment necessary for effective weed control under these Weed Regulations.
- E. NOTICE OF NON-COMPLIANCE:** An order issued to a landowner by the Weed Board that the landowner is not in compliance with these Weed Regulations.
- F. NOXIOUS WEED:** Any exotic plant species established or that may be introduced in the State of Montana that may render land unfit for agriculture, forestry, livestock, wildlife, or other beneficial uses or that may harm Native Plant Communities and that is designated as a statewide noxious weed by rule of the Montana Department of Agriculture; or designated as a Ravalli County noxious weed by the Weed Board following public notice of intent and a public hearing.
- G. PERSON:** An individual, partnership, corporation, association, or state or local government agency or subdivision owning, occupying, or controlling any land, easement, or right-of-way, including any county, state or federally owned and controlled highway, drainage or irrigation ditch, soil bank, barrow pit, or right-of-way for a canal or lateral.
- H. RAVALLI COUNTY WEED PLAN:** The Ravalli County Noxious Weed Management Plan proposed by the Weed District and adopted by the BCC.
- I. RAVALLI COUNTY WEED PROGRAM:** Ravalli County's noxious weed

management program, as provided in the Ravalli County Weed Plan as required by § 7-22-2121, MCA.

J. VOLUNTARY COMPLIANCE NOTICE: Initial Notice issued to a landowner by Weed Board under Section 13 after Weed Board determines that noxious weeds are present on the landowner's property.

K. WEED BOARD: The Ravalli County Weed Management District Board created under § 7-22-2103, MCA. For the purposes of these Weed Regulations, "Weed Board" includes an agent of the Weed Board such as the Coordinator.

L. WEED COMPLAINT: A written allegation of a specific noxious weed infestation.

M. WEED DISTRICT: The Ravalli County Weed Management District, which is governed by the Weed Board and administered by the Coordinator.

N. WEED REPORT: An unsigned, anonymous, verbal, or incomplete allegation of noxious weed infestations.

4: NOXIOUS WEEDS AND SEEDS DECLARED A PUBLIC NUISANCE: Noxious weeds and the seed of any noxious weed are declared a public nuisance. (See § 7-22-2115, MCA.)

DUTIES OF LANDOWNERS

5: WEED PROPAGATION MUST BE PREVENTED OR ADDRESSED

A. LANDOWNERS MUST PREVENT WEED PROPAGATION: It is unlawful for any person to permit any noxious weed to propagate or to go to seed on his or her property, unless that person has entered into and is in compliance with a Landowner Weed Management Plan.

B. LANDOWNER MAINTENANCE AGREEMENT: A landowner who is in substantial compliance with a duly approved Landowner Maintenance Agreement that adheres to the Ravalli County Weed Plan is not in violation of these Weed Regulations.
(See § 7-22-2116, MCA.)

6: SELLING LANDOWNER MUST NOTIFY BUYERS:

When a tract of record is offered for sale, the person who owns the property shall notify the owner's agent and the purchaser of (1) the existence of noxious weed infestations on the property offered for sale; and (2) the existence of a noxious weed management program or a noxious weed management agreement. (See § 7-22-2116, MCA.)

7: GROUND DISTURBANCE MUST BE MITIGATED:

A. NOTIFICATION OF WEED BOARD: Any person proposing any

development that needs state or local approval and that results in the potential for noxious weed infestation within the Weed District shall notify the Weed Board at least 15 days prior to the activity. See Section 21 below.

B. DISTURBED GROUND MANAGED TO PREVENT WEEDS: Whenever any person constructs a road, an irrigation or drainage ditch, a pipeline, an electric, communication, gas, or liquid transmission line, or any other development on an easement or right-of-way, the areas must be seeded, planted, or otherwise managed to reestablish a cover of beneficial plants according to the provisions of Section 21 below.
(See § 7-22-2152, MCA.)

8: WEED MANAGEMENT ON ROAD RIGHTS-OF-WAY:

Landowners that enter agreements with the Weed Board to manage noxious weeds along a state or county highway or road that borders or bisects the landowner's property must manage noxious weeds according to the provisions of Section 20 below.

COMPLAINTS AND INVESTIGATION

9: CONTENT OF WEED COMPLAINTS:

A. CONTENTS OF COMPLAINT: All Complaints relating to weed infestations must be typed or printed legibly and include all of following information.

- Date of application.
- Complainant's name.
- The nature of the alleged noxious weeds.
- The location where the noxious weeds are alleged to be in violation of these Weed Regulations, and if known, the landowner's name.
- Complainant's signature.

B. FORMS: Complaints may be (but are not required to be) made on the Weed District Noxious Weed Complaint Form, available at the BCC Office and at the Weed District Office.

10: INVESTIGATION OF NOXIOUS WEEDS:

A. INVESTIGATION PROCEDURES: The Weed Board, Coordinator, or their designee may investigate Weed Complaints, Weed Reports, and any other incidence of potential noxious weeds within the Weed District in the manner described in these Weed Regulations.

B. ACCESS: The Weed Board, Coordinator or their designee may access any public easement or lands open to the public in order to investigate potential incidences of noxious weed.

11: INVESTIGATION PROCEDURES; INFORMAL RESOLUTION:

Whenever a complaint has been made or the Weed Board has reason to believe that noxious weeds are present upon a landowner's land

within the district, the Weed Board shall attempt informal resolution of the complaint or alleged presence of noxious weeds by notifying the landowner by mail or telephone. (See § 7-22-2123, MCA.)

12: INVESTIGATION PROCEDURES; INSPECTION OF PRIVATE LAND:

A. WEED BOARD INSPECTION: If the situation is not resolved after the initial mail or telephone contact, the Weed Board may request access and inspection of private land by sending a **Property Inspection Notice** at least 10 days after the initial contact is attempted.

B. PROCEDURE FOR MAILED NOTICE:

1. The Weed Board shall provide notice by certified mail, return receipt requested to the address listed on the tax records for the property.
2. If the landowner has an agent for service on file with the secretary of state, notice shall also be sent by regular mail to the registered agent.

C. RESPONSE TO NOTICE: The landowner or the landowner's representative shall respond to the mailed notice described in Subsection B within 10 days of the date the notice was mailed.

D. VOLUNTARY INSPECTION: If the Weed Board and the landowner or landowner's representative agree to an inspection, the Weed Board and the landowner or the landowner's representative shall inspect the land at an agreeable time. The inspection must occur within 10 days after the agreed-upon inspection date.

E. INVOLUNTARY INSPECTION: If within 10 days after sending notice as described in Subsection B, the Weed Board is unable to determine the owner of the property, or the landowner objects to the inspection, or the Weed Board and the landowner have not been able to agree on voluntary inspection as described above, the Weed Board may seek a court order to enter and inspect the land to determine if noxious weeds are present on the property. (See § 7-22-2123, MCA.)

13: PROCEDURE IF WEED BOARD DETERMINES NOXIOUS WEEDS PRESENT:

A. VOLUNTARY COMPLIANCE NOTICE: If the Weed Board finds noxious weeds on the property as a result of the inspection, the Weed Board shall issue a **Voluntary Compliance Notice** that noxious weeds were found on the property and shall seek voluntary compliance from the landowner or landowner's representative with the Ravalli County Weed Program.

B. NOTICE: The Voluntary Compliance Notice shall be sent to the landowner in the same manner as the notice described in Section 12(B).

C. POSTING: If ownership of the land is in question or the Weed

Board believes it is advisable, the Weed Board may also post the Voluntary Compliance Notice in a conspicuous place on the property.

(See § 7-22-2123.)

14: VOLUNTARY COMPLIANCE:

A. PROPOSAL REQUIRED: A landowner is considered to be in voluntary compliance if the landowner submits and the Weed Board accepts a proposal to undertake specified control measures and so long as the landowner performs according to the terms of the proposal.

B. LANDOWNER WEED MANAGEMENT PLAN: The Weed Board may require the proposal to be in the form of a Landowner Weed Management Plan submitted to and approved by the Weed Board.

C. NOTIFICATION REQUIRED: The proposal or Landowner Weed Management Plan must include a requirement that the landowner or landowner's representative notify the Weed Board as measures in the proposal are taken.

D. WHEN PROPOSAL EXTENDS BEYOND CURRENT GROWING SEASON: If the measures proposed to be taken extend beyond the current growing season, the proposal must be in the form of a Landowner Weed Management Plan.

E. WEED BOARD TO CONSIDER ECONOMIC IMPACTS: In accepting or rejecting a landowner's proposal or Plan, the Weed Board shall consider the economic impact on the landowner and the landowner's neighbors, practical biological and environmental limitations, and alternative control methods to be used.

(See § 7-22-2123(3), MCA.)

15: PROCEDURE WHEN NO VOLUNTARY COMPLIANCE:

If the Weed Board is unable to obtain voluntary compliance with the Ravalli County Weed Program by the landowner or landowner's representative within 10 days after providing required notice, the landowner is considered to be out of compliance with these Weed Regulations, and is subject to the violations and penalty provisions of these Weed Regulations, including appropriate control measures pursuant to Section 18 or a civil penalty pursuant to Section 19 below. (See § 7-22-2123, MCA.)

16: LANDOWNER'S RIGHT TO HEARING AND APPEAL:

A. HEARING BEFORE THE WEED BOARD: Within 10 days after the Weed Board has issued Voluntary Compliance Notice as described in Section 13, the landowner or landowner's representative may file a request for a hearing before the Weed Board if the landowner or landowner's representative disagrees with the Voluntary Compliance Notice. (See § 7-22-2123(2)(c)(i), MCA.)

B. APPEAL TO DISTRICT COURT: If the landowner's objection to

the Weed Board's action remains after the Weed Board hearing, the landowner has 10 days to appeal the Weed Board's decision to the Twenty-First Judicial District Court. (See § 7-22-2123(2)(c)(ii), MCA.)

C. EFFECT OF REQUEST FOR HEARING OR APPEAL: If a request for a hearing has been filed, or the landowner files an appeal to district court pursuant to this section, the Weed Board shall not take any action to control the noxious weeds until after the hearing and authorization from the Weed Board or the court unless the Weed Board declares an emergency as described in Section 18 below.

17: EFFECT OF NONCOMPLIANCE:

A non-compliant landowner is subject to either appropriate control measures as provided in Section 18 or a civil penalty as provided in Section 19. (See § 7-22-2123(2)(b), MCA.)

18: CONTROL MEASURES; DESTRUCTION OF WEEDS BY WEED BOARD:

A. CONTROL MEASURES: The Weed Board may institute (or contract for a third party to institute) appropriate noxious weed control measures on the property of a landowner out of compliance with these Weed Regulations according to the provisions of this section.

B. COURT ORDER: Except in case of an emergency as described below, the Weed Board shall obtain a court order to enter upon a non-compliant landowner's private land.

C. EMERGENCIES: If the Weed Board declares an emergency and institutes appropriate measures to control the noxious weeds, the non-compliant landowner is liable for costs as provided in this section only to the extent determined appropriate by the Weed Board, the BCC, or the court that finally resolves the matter.

D. COSTS AND BILLING:

1. The costs of weed control under this section are to be assessed to the landowner as described in the following subsections.

2. After taking the measures described in this section, the Weed Board shall submit a bill to the landowner for the costs of the weed control measures plus a penalty not exceeding 25% of the total cost incurred.

3. The bill must itemize the hours of labor, cost of material, equipment time, legal fees, and court costs or provide an invoice from a commercial applicator if the board contracted for weed control.

4. The bill submitted to the landowner must specify a due date of 30 days from the date the bill is sent.

5. The Weed Board shall provide a copy of the landowner's bill, including the penalty, to the Clerk and Recorder.

E. BASIS OF LANDOWNER BILLING: Labor, material, and equipment

used by the Weed Board in instituting appropriate noxious weed control measures must be valued at the current rate paid for commercial management operations in the Weed District. The bill must reflect actual legal fees and court costs incurred by the Weed Board.

F. WEED CONTROL BY CONTRACTED THIRD PARTIES: In acting under this section, the Weed Board may enter into an agreement with a commercial applicator, as defined in § 80-8-102, MCA, provided the applicator carries all insurance required by the Weed Board.

G. OTHER PENALTIES MAY APPLY: All penalties collected pursuant to this section are in addition to other penalties authorized under these Weed Regulations.

(See § 7-22-2124, MCA.)

19: CIVIL PENALTY IN LIEU OF DESTRUCTION OF WEEDS BY WEED BOARD:

A. The Weed Board may impose a civil penalty for non-compliance in lieu of the control measures described in Section 18, provided the following have occurred:

1. The BCC has approved the civil penalty (see § 7-22-2123(2)(b), MCA);
2. The Weed Board has conducted a properly noticed public hearing on the civil penalty (see § 7-22-2123(2)(b), MCA); and
3. A court has approved the civil penalty. (See § 7-22-2124(1)(b), MCA.)

B. If the Weed Board imposes the civil penalty as provided in subsection A above, the penalty may be sought for each year or portion of a year during which the landowner is not in compliance with the Ravalli County Weed Plan.
(See §§ 7-22-2123 and -2124, MCA.)

GROUND DISTURBANCE

20: AGREEMENTS FOR CONTROL OF NOXIOUS WEEDS ALONG ROADS:

A. LANDOWNER MAY CONTROL ROADSIDE WEEDS: The Weed Board may enter into an agreement with a landowner that allows the landowner to manage noxious weeds along a state or county highway or road that borders or bisects the landowner's property. This agreement shall be a Landowner Roadside Maintenance Agreement.

B. REQUIREMENTS FOR LANDOWNER ROADSIDE MAINTENANCE AGREEMENT:

1. The agreement shall include all the information required in the Weed District form for that purpose (available at the Weed District office).
2. The agreement must be signed by the landowner, and approved and signed by a designee of the Weed Board. An agreement involving a state highway right-of-way must also

be approved and signed by a representative of the Montana Department of Transportation.

3. The agreement must contain a statement disclaiming any liability of the Weed Board and, if applicable, the Department of Transportation for any injuries or losses suffered by the landowner or anyone acting on behalf of the landowner in managing noxious weeds pursuant to the agreement.

C. EFFECT OF AGREEMENT: An approved Landowner Roadside Maintenance Agreement transfers responsibility for managing noxious weeds on the specified section of right-of-way from the Weed Board to the landowner for a term not to exceed three years.

D. LANDOWNER VIOLATION OF AGREEMENT: If the landowner violates the approved Landowner Roadside Maintenance Agreement, the Weed Board shall issue an order informing the landowner that the agreement will be void and that responsibility for the management of noxious weeds on the right-of-way will revert to the Weed Board unless the landowner complies with the Landowner Roadside Maintenance Agreement within a specified time period.

E. LANDOWNERS WITHOUT APPROVED AGREEMENT: If a landowner objects to weed control measures along a state or county highway or road that borders or bisects the landowner's property and does not enter into a Landowner Roadside Maintenance Agreement pursuant to this section and if the Weed Board finds that the person has failed to provide alternative weed control, the Weed Board shall issue an order that the management of noxious weeds on the right-of-way will be undertaken by the Weed Board unless the landowner provides to the Weed Board an acceptable plan of alternative weed control within 30 days of the mailing of the Weed Board's order.

F. PENALTY FOR FAILURE TO CONTROL ROADSIDE WEEDS: Failing to provide alternative weed control pursuant to this section is a misdemeanor. Upon conviction, an offender shall be sentenced pursuant to 46-18-212 and assessed the costs of weed control according to the provisions of Section 18. A second or subsequent conviction is punishable by a fine of not less than \$500 or more than \$2,000, plus the costs of weed control according to the provisions of Section 18.
(See § 7-22-2153, MCA.)

21: REVEGETATION OF RIGHTS-OF-WAY AND AREAS THAT HAVE POTENTIAL FOR NOXIOUS WEED INFESTATION.

A. NOTIFICATION OF WEED BOARD: Any person or state agency proposing a mine, a major facility under Title 75, chapter 20, an electric, communication, gas, or liquid transmission line, a solid waste facility, a highway or road, a subdivision, a commercial, industrial, or government development, or any other development that needs state or local approval and that results in the potential for noxious weed infestation within the Weed District shall notify the Weed Board at least 15 days prior to

the activity.

B. REVEGETATION REQUIRED: Whenever any person or agency constructs a road, an irrigation or drainage ditch, a pipeline, an electric, communication, gas, or liquid transmission line, or any other development on an easement or right-of-way, the Weed Board shall require that the areas be seeded, planted, or otherwise managed to reestablish a cover of beneficial plants.

C. WRITTEN REVEGETATION PLAN REQUIRED: The person or agency committing the action shall submit to the Weed Board a written plan specifying the methods to be used to accomplish revegetation at least 15 days prior to the activity. The plan must describe the time and method of seeding, fertilization practices, recommended plant species, use of weed-free seed, and the weed management procedures to be used.

D. TERM OF REVEGETATION PLAN: A revegetation plan shall be valid for no more than three years.

E. APPROVAL OF REVEGETATION PLAN: The revegetation plan is subject to approval by the Weed Board, which may require revisions to bring the revegetation plan into compliance with the Ravalli County Weed Plan.

F. NO ACTIVITY PERMITTED UNTIL PLAN APPROVED: The activity for which notice is given may not occur until the plan is approved by the Weed Board and signed by a designee of the Weed Board and by the person or a representative of the agency responsible for the action.

G. BINDING AGREEMENT: The signed revegetation plan constitutes a binding agreement. The plan must be approved, with revisions if necessary, within 10 days of receipt by the Weed Board.

(See § 7-22-2152, MCA.)

VIOLATIONS, PAYMENTS

22: PAYMENT OF WEED CONTROL EXPENSES -- TAX LIABILITY -- LIEN:

A. PAID FROM COUNTY WEED FUND: The expenses incurred by the Weed Board for noxious weed control undertaken pursuant to Section 17 shall be paid by the County out of the County Weed Fund.

B. TAX ON THE LAND: If the sum to be repaid by the landowner billed under Section 17 is not repaid on or before the date due, the Clerk and Recorder shall certify the amount due, with the description of the land to be charged, and shall enter the amount on the assessment list of the County as a special tax on the land. If the land is exempt from general taxation for any reason, the amount due and to be repaid may be recovered by direct claim against the landowner and collected in the same manner as personal taxes.

C. CIVIL PENALTY CONSTITUTES LIEN: If a civil penalty is imposed under section 18, the penalty is, until paid in full, a lien in the amount of the penalty on the infested parcel of the property that lies within the Weed District and belongs to the landowner on whom the penalty was imposed.
(See § 7-22-2148, MCA.)

23: VIOLATIONS AND PENALTY:

Any person who in any manner interferes with the Weed Board or its authorized agent in carrying out the provisions of these Weed Regulations or who refuses to obey an order or notice of the Weed Board is liable for a civil penalty in the amount of the actual cost to the Weed Board for any costs incurred not covered by any penalty imposed under Sections 17 or 18. (See § 7-22-2117, MCA.)

24: FUNDS TO BE PAID INTO THE COUNTY NOXIOUS WEED FUND

All fines, bonds, and penalties collected under the provisions of these Weed Regulations shall be paid to the County Treasurer and placed into the County Noxious Weed Fund. (See § 7-22-2117, MCA.)

Glenda Wiles

From: Steve Holton
Sent: Tuesday, April 03, 2012 3:51 PM
To: Glenda Wiles
Subject: PBT purchase

Hi Glenda,

This is a no-big-deal email... I just wanted to let you know I tracked the PBT problem down, if you are even interested anymore. I for one am very bored with it but it wasn't on Tod, I have the email Charmell sent him. You can call me at your convenience if you want to hear how it happened. My cell is the best way to reach me, 531-7003.

Thanks for all you do and I am sorry you even got involved in that cluster yesterday, I don't think any of it was your problem.

Steve

Lt. Steve Holton
Ravalli County Sheriff's Office
205 Bedford Street Suite G
Hamilton, MT 59840
(406)375-4060
sholton@rc.mt.gov