

## LOCAL WEED INSPECTION DUTIES

- I. Local Weed Inspectors:** Each town supervisor, by law, is a local weed inspector for their township.<sup>1</sup> A town may appoint one or more assistants 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>
- II. 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.
- III. Meetings:** Local weed inspectors must 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.
- IV. Report:** Each township board must produce an annual report of its activities as weed inspectors and submit the report to the county agricultural inspector.<sup>6</sup>

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<sup>1</sup> Minn. Stat. § 18.80, subd. 2.

<sup>2</sup> Minn. Stat. § 18.80, subd. 3.

<sup>3</sup> Minn. Stat. § 18.81, subd. 2.

<sup>4</sup> Minn. Stat. § 18.82.

<sup>5</sup> Minn. R. 1505.0758, subp. 1(B).

<sup>6</sup> Minn. Stat. § 18.79, subd. 7; Minn. R. 1505.0758, subp. 2(B).

- V. Failure to Perform Duties:**<sup>7</sup> If local weed inspectors neglect or fail to perform their statutory duties, the county agricultural inspector may 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 may 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.
- VI. 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>
- A. General Notice of Noxious Weed Control Duties:** The county agricultural inspector is supposed to publish a general notice for noxious weed control or eradication by May 15 of each year.<sup>10</sup> Landowners and occupants are expected to comply with the noxious weed laws regardless of whether the notice was published.
- B. Notice of Non-Compliance:** If a person has not complied with the annual general noxious weed control notice, the local weed inspector may issue a written notice of non-compliance to the landowner and occupant.<sup>11</sup> The notice must: (1) include specific instructions on when and how the named noxious weeds are to be controlled or eradicated; and (2) be served on the landowner and occupant either by certified mail or in the same way that civil process is served in a lawsuit.
- C. Landowner's Chance to Appeal:** 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>12</sup> The committee reviews and decides the matter. The landowner or occupant may appeal the decision to the district court.
- D. Inspector Power to Eradicate:** 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>13</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>14</sup> Claims for noxious weed eradication on public land, however,

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<sup>7</sup> Minn. Stat. § 18.81, subd. 3; Minn. R. 1505.0752.

<sup>8</sup> Minn. Stat. § 18.83.

<sup>9</sup> Minn. Stat. § 18.79, subd. 5.

<sup>10</sup> Minn. Stat. § 18.83, subd. 1.

<sup>11</sup> Minn. Stat. § 18.83, subd. 2.

<sup>12</sup> Minn. Stat. § 18.83, subd. 3.

<sup>13</sup> Minn. Stat. § 18.83, subd. 4.

<sup>14</sup> Minn. Stat. § 18.83, subd. 5.

must be approved by the Commissioner of Agriculture before any eradication action is taken.

- E. Employee or Contractor to Eradicate Weeds:** 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>15</sup> The person hired must have written authorization from the local inspector to enter upon the land.
- F. Expenses:** The expenses incurred by local inspectors for eradicating noxious weeds are a charge against the county.<sup>16</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>17</sup>
- G. Liability Protections for Inspectors:** Liability protections are provided to inspectors for their activities, including protection from trespass actions,<sup>18</sup> and claims for damages from control measures.<sup>19</sup>

**VII. 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>20</sup>

**VIII. 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>21</sup>

**IX. 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>22</sup>

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<sup>15</sup> Minn. Stat. § 18.83, subd. 6.

<sup>16</sup> Minn. Stat. § 18.83, subd. 7.

<sup>17</sup> Minn. Stat. § 18.84, subd. 2.

<sup>18</sup> Minn. Stat. § 18.79, subd. 3.

<sup>19</sup> Minn. Stat. § 18.84, subd. 1; Minn. Stat. § 18.83, subd. 6.

<sup>20</sup> Minn. Stat. § 18.88.

<sup>21</sup> Minn. Stat. § 18.83, subd. 7.

<sup>22</sup> Minn. Stat. § 160.23.