

**SHELBY COUNTY HEALTH DEPARTMENT
ENVIRONMENTAL HEALTH DIVISION
1700 W. S. THIRD STREET
SHELBYVILLE, ILLINOIS 62565
PH: (217)774-9555
FAX: (217)774-2355**

September 2, 2021

Shelby County Board
Attn: County Board Chairman
Shelby County Courthouse
Shelbyville, IL 62565

RE: Alleged complaint regarding an infestation of noxious weeds at the Shelby County Farm, Section 3 and 4, Rose Township.

Dear Mr. Chairman:

On August 25, 2021, Mr. Jeff Houska (Weed Control Superintendent) and Mr. Steve Melega from this department conducted an investigation of the above referenced complaint. Weed and plant growth in excess of 12" in height was found along with the growth of Canadian thistle and common ragweed. Both are classified as Illinois noxious weeds. The complaint was determined to be valid.

Illinois State Statute 505 ILCS 100/3 (Illinois Noxious Weed Law) states: "Every person shall control the spread of and eradicate noxious weeds on lands owned or controlled by him and use such methods for that purpose and at such times as are approved and adopted by the Director of Agriculture."

Illinois State Statute 505 ILCS 100/10 (Illinois Noxious Weed Law) states: "Whenever the owner or person in control of the land on which noxious weeds are present has neglected or failed to control or eradicate them as required in this Act and any notice is given pursuant to Section 9, the Control Authority shall advise the owner, person in control, and record holder of any encumbrance of the cost incurred in connection with such operation. The cost of any such control or eradication shall be at the expense of the owner. If unpaid for six months, or longer, the amount of such expense shall become a lien upon the property. Nothing contained in this

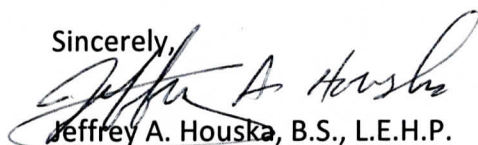
Section shall be construed to require satisfaction of the obligation imposed hereby in whole or in part from the sale of the property or to bar the application of any other additional remedy otherwise available. Amount collected in this Section shall be deposited in the Noxious Weed Control Fund or other appropriate general fund of the Control Authority."

Illinois State Statute 505 ILCS 100/22 (Illinois Noxious Weed Law) further states: "Any person violating any provision of this Act or any regulation issued hereunder is guilty of a petty offense and shall be fined no more than \$100.00 for the first offense and not more than \$200.00 for each subsequent offense."

This letter serves as notice that as the property owner of the Shelby County Farm, Shelby County is in violation of the Illinois Noxious Weed Law. All noxious weeds located on the county farm in section 3 and 4, Rose Township need to be eradicated by October 15, 2021.

If you have any questions, please contact this office.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeffrey A. Houska", is written over a circular stamp or seal.

Jeffrey A. Houska, B.S., L.E.H.P.

Weed Control Superintendent
Director of Environmental Health
Shelby County Health Department

Cc: Administrator, Shelby County Health Department

Cc: Shelby County Clerk

Cc: Shelby County State's Attorney

Enclosure: Illinois Noxious Weed Law (505 ILCS 100/), Illinois State-Listed Noxious Weeds

EZregs - Making Sense of Illinois Agricultural and Horticultural Regulations
<http://www.ezregs.uiuc.edu/>**What weeds are on the "noxious weeds list" for Illinois?**[<< Return to FAQs](#)**IL Noxious Weeds Rules****Section 220.60****Noxious Weeds -- Illinois**

The following plants within the sovereign territory of the State of Illinois are designated and declared noxious weeds:

- a) Marihuana (*Cannabis sativa* L.);
- b) Giant Ragweed (*Ambrosia trifida* L.) within the corporate limits of cities, villages, and incorporated towns;
- c) Common Ragweed (*Ambrosia artemisiifolia* L.) within the corporate limits of cities, villages, and incorporated towns;
- d) Canada Thistle (*Cirsium arvense*);
- e) Perennial Sowthistle (*Sonchus arvensis*);
- f) Musk Thistle (*Carduus nutans*);
- g) Perennial members of the sorghum genus, including johnsongrass (*Sorghum halepense*), sorghum alnum, and other johnsongrass X sorghum crosses with rhizomes; and
- h) Kudzu (*Pueraria labata*).

(Source: Amended at 26 Ill. Reg. 14644, effective September 23, 2002)

Interpretation

For identification aids, see the IL noxious weeds list at the USDA Plants database.

Related Glossary Terms**noxious weed**

"Noxious weed" means any plant which is determined by the Director, the Dean of the College of Agriculture of the University of Illinois and the Director of the Agricultural Experiment Station at the University of Illinois, to be injurious to public health, crops, livestock, land or other property.

Section 220.210**Noxious weeds capable of spreading through articles**

The following noxious weeds are designated as being capable of dissemination through articles as outlined in Section 220.220:

- a) Marihuana (*Cannabis sativa* L.);
- b) Canada Thistle (*Cirsium arvense*);
- c) Perennial Sowthistle (*Sonchus arvensis*);

d) Musk Thistle (*Carduus nutans*);

e) Perennial members of the sorghum genus, including johnsongrass (*Sorghum halepense*), sorghum alnum, and other johnsongrass X sorghum crosses with rhizomes; and

f) Kudzu (*Pueraria lobata*).

(Source: Amended at 26 Ill. Reg. 14644, effective September 23, 2002)

Interpretation

Note that all but a couple of the weeds on the noxious list are also in the list of those that can be "disseminated" or spread through various methods under the control of the land operator.

<< Return to FAQs

The information on this website does not constitute legal advice and is contained here for educational purposes only. Moreover, we make no warranty of the accuracy of the information on this site or any site to which we link. The law is constantly changing and readers should always ensure that the information is up-to-date and accurate before relying on it. In addition, the reader should never assume that this information applies to his or her specific situation without consulting competent counsel in his or her home state.

Information maintained by the Legislative Reference Bureau

Updating the database of the Illinois Compiled Statutes (ILCS) is an ongoing process. Recent laws may not yet be included in the ILCS database, but they are found on this site as Public Acts soon after they become law.

For information concerning the relationship between statutes and Public Acts, refer to the Guide.

Because the statute database is maintained primarily for legislative drafting purposes, statutory changes are sometimes included in the statute database before they take effect. If the source note at the end of a Section of the statutes includes a Public Act that has not yet taken effect, the version of the law that is currently in effect may have already been removed from the database and you should refer to that Public Act to see the changes made to the current law.

AGRICULTURE
(505 ILCS 100/) Illinois Noxious Weed Law.

(505 ILCS 100/1) (from Ch. 5, par. 951)

Sec. 1. This Act shall be known and may be cited as the Illinois Noxious Weed Law.

(Source: P.A. 77-1037.)

(505 ILCS 100/2) (from Ch. 5, par. 952)

Sec. 2. As used in this Act:

(1) "Person" means any individual, partnership, firm, corporation, company, society, association, the State or any department, agency, or subdivision thereof, or any other entity.

(2) "Control", "controlled" or "controlling" includes being in charge of or being in possession, whether as owner, lessee, renter, or tenant, under statutory authority, or otherwise.

(3) "Director" means the Director of the Department of Agriculture of the State of Illinois, or his or her duly appointed representative.

(4) "Department" means the Department of Agriculture of the State of Illinois.

(5) "Noxious weed" means any plant which is determined by the Director, the Dean of the College of Agricultural, Consumer and Environmental Sciences of the University of Illinois and the Director of the Agricultural Experiment Station at the University of Illinois, to be injurious to public health, crops, livestock, land or other property.

(6) "Control Authority" means the governing body of each county, and shall represent all rural areas and cities, villages and townships within the county boundaries.

(7) "Applicable fund" means the fund current at the time the work is performed or the money is received.

(Source: P.A. 99-539, eff. 7-8-16.)

(505 ILCS 100/3) (from Ch. 5, par. 953)

Sec. 3. Every person shall control the spread of and eradicate noxious weeds on lands owned or controlled by him and use such methods for that purpose and at such times as are approved and adopted by the Director of the Department of Agriculture.

(Source: P.A. 77-1037.)

(505 ILCS 100/4) (from Ch. 5, par. 954)

Sec. 4. The duty of enforcing this Act and carrying out its provisions is vested in the Director, and the authorities

designated in this Act acting under the supervision and direction of the Director. If a Control Authority fails to carry out its duties and responsibilities under this Act or fails to follow the Department's rules, the Director shall enforce this Act or rules by sending a Notice of Noncompliance to the Control Authority. The Director, the Dean of the College of Agricultural, Consumer and Environmental Sciences of the University of Illinois and the Director of the Agricultural Experiment Station at the University of Illinois, shall determine what weeds are noxious for the purposes of this Act, and shall compile and keep current a list of such noxious weeds, which list shall be published and incorporated in the rules and regulations of the Department. The Director shall, from time to time, adopt and publish methods as official for control and eradication of noxious weeds and make and publish such rules and regulations as in his judgment are necessary to carry out the provisions of this Act.
(Source: P.A. 99-539, eff. 7-8-16.)

(505 ILCS 100/5) (from Ch. 5, par. 955)

Sec. 5. The Director is authorized to investigate the subject of noxious weeds; to require information and reports from any Control Authority as to the presence of noxious weeds and other information relative to noxious weeds and the control and eradication thereof in localities where such Control Authority has jurisdiction; to cooperate with Control Authorities in carrying out other acts administered by him; to cooperate with agencies of Federal and State Governments and persons, in carrying out his duties under this Act, and, with the consent of the Governor, in the conduct of investigations outside this State in the interest of the protection of the agricultural industry of this State from noxious weeds not generally distributed therein; with the consent of the Federal agency involved, to control and eradicate noxious weeds on Federal lands within this State, with or without reimbursement, when deemed by him to be necessary to an effective weed control and eradication program; to advise and confer as to the extent of noxious weed infestations and the methods determined best suited to the control and eradication thereof; to call and attend meetings and conferences dealing with the subject of noxious weeds; to disseminate information and conduct educational campaigns with respect to control and eradication of noxious weeds; to procure materials and equipment and employ personnel necessary to carry out his duties and responsibilities; and to perform such other acts as may be necessary or appropriate to the administration of this Act.

(Source: P.A. 77-1037.)

(505 ILCS 100/7) (from Ch. 5, par. 957)

Sec. 7. Each Control Authority shall carry out the duties and responsibilities vested in it under this Act with respect to land under its jurisdiction in accordance with rules and regulations prescribed by the Department. Such duties shall include the establishment, under the general direction of the Control Authority, of a coordinated program for control and eradication of noxious weeds within the county.

A Control Authority may cooperate with any person in

carrying out its duties and responsibilities under this Act.
(Source: P.A. 77-1037.)

(505 ILCS 100/8) (from Ch. 5, par. 958)

Sec. 8. Each Control Authority may employ one or more Weed Control Superintendents who shall be certified by the Director to be qualified to detect and treat noxious weeds. The same person may be a Weed Control Superintendent for more than one Control Authority. Such employment may be for such tenure, and at such rates of compensation and reimbursement for travel expenses, as the Control Authority may prescribe. Each Weed Control Superintendent may be bonded for such sum as the Control Authority may prescribe.

Each Control Authority shall examine all land under its jurisdiction for the purpose of determining whether the provisions of this Act and the regulations of the Director have been complied with; compile such data on infested areas and areas eradicated and such other reports as the Director or Control Authority may require; consult and advise upon matters pertaining to the best and most practical methods of noxious weed control and eradication, and render assistance and direction for the most effective control and eradication; investigate or aid in the investigation and prosecution of any violation of this Act. Control Authorities may cooperate and assist one another to the extent practicable in the carrying out of a coordinated control and eradication program within their counties.

(Source: P.A. 77-1037.)

(505 ILCS 100/9) (from Ch. 5, par. 959)

Sec. 9. Notices for control and eradication of noxious weeds shall be on a form prescribed by the Director and shall consist of 2 kinds: general notices and individual notices. Failure to publish general weed notices or to serve individual notices as provided in this Section does not relieve any person from the necessity of full compliance with this Act and regulations thereunder. In all cases such published notice is legal and sufficient notice.

General notice shall be published by each Control Authority, or any combination of Control Authorities among counties, in one or more legal newspapers of general circulation throughout the area, or areas, over which the Control Authority, or Control Authorities, have jurisdiction at such times as the Director may direct or the Control Authority may determine.

Whenever any Control Authority finds it necessary to secure more prompt or definite control or eradication of noxious weeds than is accomplished by the general published notice, it shall serve individual notices upon the person owning and the person controlling such land, and give notification of such notice to the record owner of any encumbrance thereon, giving specific instructions and methods when and how certain named weeds are to be controlled or eradicated.

(Source: P.A. 77-1037.)

(505 ILCS 100/10) (from Ch. 5, par. 960)

Sec. 10. Whenever the owner or person in control of the land on which noxious weeds are present has neglected or

failed to control or eradicate them as required in this Act and any notice is given pursuant to Section 9, the Control Authority having jurisdiction shall have proper control and eradication methods used on such land, and shall advise the owner, person in control, and record holder of any encumbrance of the cost incurred in connection with such operation. The cost of any such control or eradication shall be at the expense of the owner. If unpaid for 6 months, or longer, the amount of such expense shall become a lien upon the property. Nothing contained in this Section shall be construed to require satisfaction of the obligation imposed hereby in whole or in part from the sale of the property or to bar the application of any other additional remedy otherwise available. Amounts collected under this Section shall be deposited in the Noxious Weed Control Fund or other appropriate general fund of the Control Authority.
(Source: P.A. 77-1037.)

(505 ILCS 100/11) (from Ch. 5, par. 961)

Sec. 11. When it appears to a Control Authority that upon any tract of land under its jurisdiction there is an infestation of noxious weeds beyond the ability of the owner and the person in control of such land to eradicate, the Control Authority, with the approval of the Director, may quarantine such land and put into immediate operation the necessary means for the eradication of such noxious weeds. The Control Authority shall, prior to the entry upon such land, serve individual notices on the owner and the person in control thereof and the record owner of any encumbrance thereon of such quarantine and entry, and shall also advise such persons of the completion of the eradication operation, and the cost thereof. The expense of such quarantine and eradication shall be borne as follows: 1/2 from the Noxious Weed Control Fund or other appropriate general fund of the Control Authority; and 1/2 from the person owning such land, which may be collected and deposited as provided in Section 10.

(Source: P.A. 77-1037.)

(505 ILCS 100/12) (from Ch. 5, par. 962)

Sec. 12. The cost of controlling and eradicating noxious weeds on all land, including highways, roadways, streets, alleys and rights-of-way, owned or controlled by a State department, agency, commission or board shall be paid by the State department, agency, commission or board in control thereof out of funds appropriated to its use.

The cost of controlling and eradicating noxious weeds on all land including highways, roadways, streets, alleys and rights-of-way, owned or controlled by a Control Authority shall be paid by the Control Authority in control thereof out of the Noxious Weed Control Fund, and until the establishment of such Fund, out of the general funds of such Control Authority. Until the establishment of the Noxious Weed Control Fund by a Control Authority, the cost of controlling and eradicating noxious weeds on all land, including highways, roadways, streets, alleys and rights-of-way, owned or controlled by a township or city or other municipal corporation shall be paid by the township or city or other municipal corporation in control thereof out of the general

funds of such township or city or other municipal corporation. After the establishment of the Noxious Weed Control Fund of the county in which such township or city is located, such cost shall be paid from the Noxious Weed Control Fund of such county.

(Source: P.A. 77-1037.)

(505 ILCS 100/13) (from Ch. 5, par. 963)

Sec. 13. Notwithstanding any other provisions of this Act relating to payment of cost, when determined by a Control Authority to be justified in the interest of an effective weed control program, such Control Authority may control and eradicate noxious weeds on land under its jurisdiction, without cost to the owner or person in control thereof.

(Source: P.A. 77-1037.)

(505 ILCS 100/14) (from Ch. 5, par. 964)

Sec. 14. To prevent the dissemination of noxious weeds through any article, including machinery, equipment, plants, materials and other things, the Director, in consultation with the Dean of the College of Agricultural, Consumer and Environmental Sciences of the University of Illinois and the Director of the Agricultural Experiment Station at the University of Illinois, shall, from time to time, publish a list of noxious weeds which may be disseminated through articles and a list of articles capable of disseminating such weeds, and designate treatment of such articles as, in his opinion, would prevent such dissemination. Until such article is treated in accordance with the applicable regulations, it shall not be moved from such premises except under and in accordance with the written permission of the Control Authority having jurisdiction of the area in which such article is located, and the Control Authority may hold or prevent its movement from such premises. The movement of any such article which has not been so decontaminated, except in accordance with such written permission, may be stopped by the Control Authority having jurisdiction over the place in which such movement is taking place and further movement and disposition shall only be in accordance with such Control Authority's direction.

(Source: P.A. 99-539, eff. 7-8-16.)

(505 ILCS 100/15) (from Ch. 5, par. 965)

Sec. 15. A Noxious Weed Control Fund may be established as provided in Section 16 for each Control Authority, without fiscal year limitation, which shall be available for expenses authorized to be paid from such Fund, including the necessary expenses of the Control Authority in carrying out its duties and responsibilities under this Act. The Weed Control Superintendents within the county shall ascertain each year the approximate amount of land within the county infested with noxious weeds, and the location thereof, and transmit such information to the Director and the Control Authority. On the basis of such information the Control Authority shall make payments from the Noxious Weed Control Fund. If a Noxious Weed Control Fund is not established as provided in Section 16, the expenses authorized to be paid from such Fund shall be paid out of any other appropriate general fund of the Control

Authority.

(Source: P.A. 77-1037.)

(505 ILCS 100/17) (from Ch. 5, par. 967)

Sec. 17. Control Authorities, independently or in combination, may purchase or provide for needed or necessary materials, machinery and equipment, including the cost of operation and depreciation of such machinery and equipment, for the control and eradication of weeds as provided in Sections 10 and 11, whether or not declared noxious on land owned or controlled by them or on other land under their jurisdiction. All funds received from such control and eradication of weeds shall be deposited in the Noxious Weed Control Fund or other appropriate general fund of the Control Authority. Each Control Authority shall keep a record showing the procurement, sale and rental of materials, machinery and equipment, which record shall be open to inspection by citizens of this State. A Control Authority may use any equipment or material procured as provided for in this Section upon lands owned or directly controlled by it, or owned or controlled by a township or city which is not a Control Authority, for the treatment and eradication of weeds which have not been declared noxious.

(Source: P.A. 77-1037.)

(505 ILCS 100/18) (from Ch. 5, par. 968)

Sec. 18. If any person is dissatisfied with the amount of any charge made against him by a Control Authority for control or eradication work, he may, within 5 days after being advised of the amount of the charge, file a protest with the Director. The Director shall hold a hearing thereon and has the power to adjust or affirm such charge.

(Source: P.A. 77-1037.)

(505 ILCS 100/19) (from Ch. 5, par. 969)

Sec. 19. All final administrative decisions of the Director or his representative are subject to judicial review under the Administrative Review Law. The term "administrative decision" is defined as in Section 3-101 of the Code of Civil Procedure. The filing for judicial review shall stay the order of the Director or his representative pending disposition of the order on judicial review. The court, upon its own initiative or upon motion by the Director, may in its discretion, when it deems it necessary to protect the interests involved, require the posting of additional bond in an amount it deems advisable, as a prerequisite to judicial review.

(Source: P.A. 82-783.)

(505 ILCS 100/20) (from Ch. 5, par. 970)

Sec. 20. The Director, any Control Authority, Weed Control Superintendent, or anyone authorized thereby, may enter upon all land under their jurisdiction for the purpose of performing their duties and exercising their powers under this Act, including the taking of specimens of weeds or other materials, without the consent of the person owning or controlling such land and without being subject to any action for trespass or damages, if reasonable care is exercised.

(Source: P.A. 77-1037.)

(505 ILCS 100/21) (from Ch. 5, par. 971)

Sec. 21. All individual notices, service of which is provided for in this Act, shall be in writing. Service of such notices shall be in the same manner as service of a summons in a civil action in the circuit court or by certified mail to the last known address to be ascertained, if necessary, from the last tax list.

(Source: P.A. 77-1037.)

(505 ILCS 100/22) (from Ch. 5, par. 972)

Sec. 22. Any person violating any provision of this Act or any regulation issued hereunder is guilty of a petty offense and shall be fined not more than \$100 for the first offense and not more than \$200 for each subsequent offense.

(Source: P.A. 78-255.)

(505 ILCS 100/23) (from Ch. 5, par. 973)

Sec. 23. The Director may participate in any noxious weed control program and, when called upon to do so by any such program, may use any funds available to him for the purposes of this Act in the matching of any federal funds made available to this State.

(Source: P.A. 77-1037.)

(505 ILCS 100/24) (from Ch. 5, par. 974)

Sec. 24. If any Section or provision of this Act is declared invalid for any reason, such invalidity shall not affect or impair any of the remaining Sections or provisions of the Act which can be given effect without the invalid Section or provision, and to this end the Sections and provisions of this Act are declared to be severable.

(Source: P.A. 77-1037.)

Joint Committee on Administrative Rules

ADMINISTRATIVE CODE

TITLE 8: AGRICULTURE AND ANIMALS CHAPTER I: DEPARTMENT OF AGRICULTURE SUBCHAPTER f: NOXIOUS WEEDS PART 220 ILLINOIS NOXIOUS WEED LAW SECTION 220.ILLUSTRATION A APPLICATION FOR WEED CONTROL SUPERINTENDENT CERTIFICATION

Section 220.ILLUSTRATION A Application for Weed Control Superintendent Certification

STATE OF ILLINOIS
DEPARTMENT OF AGRICULTURE
Bureau of Environmental Programs
P.O. Box 19281
Springfield, Illinois 62794-9281

APPLICATION FOR WEED CONTROL SUPERINTENDENT CERTIFICATION

Please typewrite or print.

1. Jeff Houska
Name of Applicant
2. Shelby 217-781-2146
County in which you live Telephone Number
3. 2099 E 875 N Rd Shelbyville IL 62565
Home Address City State Zip Code
4. Shelby County Health Dept 1700 W. S. 3rd Shelbyville IL 62565
Business Name and Address Telephone Number
217-774-9555
5. Please list all the previous employment for the last five positions. (List most recent job first.)

Employer (Name and Address)	Date Started	Date Terminated	Reason for Leaving
A. <u>Shelby County Health Dept</u> <u>See Above</u>	<u>Oct 97</u>	<u>Present</u>	

- B. Stella Foods - Cheese Plant Oct 96 Oct 97 Moved back home to be
Fond Du Lac WI 3rd Shift Sanitation near family
Supervisor
- C. Kathryn Beich Candies 1993 1996 Moving into a management
Bloomington IL QA Lab gov. position outside of
- D. Sangamon County Health Dept 1991 1993 moved to Bloomington - wife in
Springfield IL - Sanitarian School at IL State Univ.
- E. McLean County Health Dept 1989 1991 Joined a friend working at
Normal IL - Sanitarian Sangamon Co H.D.

6. Education

High School Monticello HSGraduatedCollege Illinois State UnivGraduatedMajor Env. Health B.S. MinorOther Advance Training Licensed Env. Health PractitionerAdditional Information: Helped do noxious weed control at Sangamon County H.D.

I certify the above information to be true.

Signature

[Signature]Date 6/15/17Date Approved: 6-8-2017 Approved:

[Signature]
 Director
 Illinois Department of Agriculture

(Source: Amended at 26 Ill. Reg. 14644, effective September 23, 2002)