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HAILEY, BLAINE, IDAHO
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Index to: ORDINANCES

ORDINANCE NO. 2016 - 01

AN ORDINANCE DECLARING CERTAIN PLANT SPECIES AS COUNTY NOXIOUS WEEDS, PROHIBITING THE SALE, PLANTING, AND POSSESSION OF ANY PLANT ON THE COUNTY NOXIOUS WEED LIST, AND PROVIDING PENALTIES FOR VIOLATIONS

WHEREAS, Blaine County Code Section 3-2-1 has created a noxious weed extermination area encompassing the entirety of Blaine County in accordance with Idaho Code Title 22, Chapter 24; and

WHEREAS, Blaine County Code Title 3, Chapter 2 adopts the State noxious weed list and control standards, making it each private landowner's responsibility to eradicate and control noxious weeds on their property; and

WHEREAS, Idaho Code Section 22-2406(1)(k) authorizes counties to designate noxious weeds that are not on the State noxious weed list as County noxious weeds, but such additional species are not subject to the provisions of the State noxious weed law; and

WHEREAS, there are certain introduced species of yew plants (Genus: *Taxus*) that are present in Blaine County that are highly poisonous when consumed by humans, wildlife, domestic animals, and livestock; and

WHEREAS, these toxic yew plants are not native to Blaine County; therefore wildlife have no natural resistance to its toxins; and

WHEREAS, foraging wildlife are drawn to populated areas in winter in search of food, especially in high snow years, which increases their interaction with the urban interface and residential development; and

WHEREAS, foraging wildlife have consumed toxic yew plants in residential areas, which has led to death of at least twenty elk throughout Blaine County this winter, as confirmed by experts at Idaho Fish and Game Department; and

WHEREAS, the Board finds that the presence and overall health of wildlife, domestic pets, and livestock is an important component of the public health, safety and welfare in Blaine County; and

WHEREAS, the Board finds that toxic yew plants pose an imminent danger of injury to wildlife, and a more broad danger to pets and livestock; and

WHEREAS, eradicating toxic yew plants from residential areas will promote the public health, safety, and welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF BLAINE COUNTY, IDAHO:

Section 1: Title 3, Chapter 2 of the Blaine County Code is hereby amended as follows:

Chapter 2
NOXIOUS WEEDS

3-2-1: NOXIOUS WEED EXTERMINATION AREA
3-2-2: NOXIOUS WEEDS DETERMINED BY STATE
3-2-3: NOXIOUS WEEDS DETERMINED BY COUNTY
3-2-4: LANDOWNER'S RESPONSIBILITY
3-2-5: NONCOMPLIANCE
3-2-6: FEES

3-2-1: NOXIOUS WEED EXTERMINATION AREA:

Pursuant to Idaho Code Title 22, Chapter 24, ~~inclusive,~~ and any amendments thereto, a noxious weed eradication and control area encompassing the entire County is hereby created.

3-2-2: NOXIOUS WEEDS DETERMINED BY STATE:

The following plant species are hereby declared to be noxious weeds for purposes of this Code:

All noxious weed species as determined and listed by the Idaho State Department of Agriculture.

3-2-3: NOXIOUS WEEDS DETERMINED BY COUNTY:

(a) The following plant species and their bybrids are hereby declared to be County noxious weeds for purposes of this Code:

Japanese Yew (*Taxus cuspidata*)
European or English Yew (*Taxus baccata*)
Chinese Yew (*Taxus chinensis*)

(b) It is unlawful to sell, plant, or possess any plant species listed on the County noxious weed list. For purposes of this section, "possess" shall mean a landowner, as defined in Blaine County 3-2-4, with knowledge of the presence of any County noxious weed on the landowner's property.

3-2-4: LANDOWNER'S RESPONSIBILITY:

It shall be the duty of all landowners to adhere to the control guidelines as set forth by Idaho Code Title 22, Chapter 24, and any amendments thereto. "Landowner" under Idaho Code Section 22-2402 means:

(a) The person who holds legal title to the land, except that portion for which another person has the right to exclude others from possession of the parcel; or

(b) A person with an interest in a parcel of land such that the person has the right to exclude others from possession of the parcel.

3-2-5: NONCOMPLIANCE:

(a) Any landowner failing to comply with this chapter shall be dealt with in accordance with the provisions of Idaho Code Section 22-2409, and any amendments thereto.

(b) Violations involving the possession, planting, or sale of any plant species on the County noxious weed list are misdemeanors punishable by the penalties set forth in Blaine County Code Section 1-4-1.

3-2-6: FEES:

Under the provisions of Idaho Code and this chapter, if the County is required to initiate enforcement action, the County shall charge fees for work performed, and may seek restitution for the costs of enforcement. ~~These fees shall be set by resolution of the Board.~~

Section 2: This ordinance shall be effective immediately upon its passage and publication.

Regularly passed, approved and adopted by the Board of County Commissioners of Blaine County, Idaho, this 23rd day of February, 2016.

BOARD OF COUNTY COMMISSIONERS
OF BLAINE COUNTY, IDAHO

(seal)

Jacob Greenberg, Chairman

Angenie McCleary, Vice-Chair

ATTEST:

BOARD OF COUNTY COMMISSIONERS BLAINE COUNTY IDAHO SEAL

JoLynn Drage, Clerk

Lawrence Schoen, Commissioner

Published: March 2, 2016