

## MEADOWBROOKE HOMEOWNERS ASSOCIATION WEED ABATEMENT POLICY

**State of Montana Statute 7-22-2116: Unlawful to permit noxious weeds to propagate – notice required in sale.** (1) It is unlawful for any person to permit any noxious weed to propagate or go to seed on the person's land, except that any person who adheres to the noxious weed management program of the person's weed management district or who has entered into and is in compliance with a noxious weed management agreement is considered to be in compliance with this section.

(2) When property is offered for sale, the person who owns the property shall notify the owner's agent and the purchaser of:

- (a) the existence of noxious weed infestations on the property offered for sale; and
- (b) the existence of a noxious weed management program or a noxious weed management agreement as provided in subsection (1).

**Meadowbrooke HOA C.C. & R. Article 4, Item #12:** The property shall be kept free of noxious weeds as defined by the State of Montana or Flathead County. If noxious weeds are found on any Lot, the Lot Owner shall eradicate or commence eradication efforts upon receipt of thirty (30) days advance written notice to do so from the Flathead County Weed District, The Architectural Control Committee, or any Lot Owner. If the Lot Owner fails to commence eradication efforts within thirty (30) days after receipt of written notice to do so, the Association or any Lot Owner may commence eradication efforts, and the expense of such eradication efforts shall be the obligation of the Owner of the Lot upon which the noxious weeds are growing. The Association shall bear the expense of noxious weed control in any of the Common Areas.

This policy will serve to set forth guidelines for weed abatement compliance within the Meadowbrooke subdivision and steps which will be taken by the HOA BOD to ensure compliance as mandated by the State of Montana, Flathead County and Meadowbrooke C.C. & R.s. Noxious weeds are classified as "any exotic plant species that may render land unfit for agriculture, forestry, livestock, wildlife or other beneficial uses, or that may harm native plant communities." It is the responsibility of all Meadowbrooke property owners to undertake a weed management program to eradicate noxious weeds from their property. It is an issue that property owners must all work together to ensure we maintain an aesthetically pleasing community as well as maintaining our property values.

The initial step for determining non-compliance of weed abatement on any property shall be determined by one or any of the following ways:

- (1) The HOA BOD is notified, in writing by an HOA member that there is a problem with noxious weeds on any Lot within the subdivision and requests the issue be addressed.
- (2) Noxious weeds can clearly be seen from the subdivision roadways on any given Lot and an HOA member or a BOD member determines that there is a non-compliance issue that needs to be addressed.
- (3) It is determined as a result of an inspection from the Flathead County Weed Department that a Lot has an issue with noxious weeds and is out of compliance with the State, County or Meadowbrooke weed abatement policies.

It is to be clear that at no time will a BOD member go onto any Lot, except as a result of a complaint or notification from the County that there is an issue with noxious weeds and only at that time to determine a validity to the complaint and whether further compliance steps need to be taken. Any BOD member, however, does have the right, as any HOA member does, to give written notice to the BOD that a property (for instance a neighboring property) has a noxious weed issue and is not in compliance with C.C. & R. Article 4, Item #12.

Once it has been determined that there is in fact an issue on any given Lot that a noxious weed issue exists, the BOD will notify the Lot Owner by letter stating that a noxious weed abatement issue needs to be acted on and a plan for eradication must be submitted to the BOD. The Property Owner will have the stated thirty (30) days to respond to the BOD as to their proposed plan for noxious weed eradication on the non-compliant Lot.

If no response has been received by the BOD within the allotted time period of thirty (30) days, the Meadowbrooke BOD will retain the services of a licensed spray contractor to spray the non-compliant property. The Meadowbrooke BOD will ensure that the contractor is paid for his services. An invoice for those services will be sent to the Property Owner. An administrative service fee will also be assessed of \$25.00 to cover the costs of arranging the licensed contractor as well as office supplies and postage. The invoice will be due and payable at thirty (30) days and if not paid within a timely manner, will be assessed a late fee and interest will accrue on any unpaid balance. If, at the end of ninety (90) days the balance is still outstanding, a lien will be placed on the non-compliant property.

We as a BOD have endeavored to share as much information as we have access to in order to identify noxious weeds that are prevalent in our area and what herbicides work best in combating them. A booklet provided by the county is available for any property owner that feels unsure of weed identification. Simply contact the BOD and we will ensure you receive the information. There is also a list of licensed spraying contractors listed on the HOA website that was provided by Noel Jinnings with the Flathead County Weed Department. It is the sincere hope of the Meadowbrooke BOD that we can all work together in the noxious weed abatement battle. A proactive plan for eradication will go a long way in ensure that this beautiful community we are so fortunate to reside in remains that way. A huge thank you to those property owners who already work diligently in the noxious weed battle.