

CHAPTER 320—S. F. No. 422.

An act relating to noxious weeds, providing for the appointment of a state weed inspector by the commissioner of agriculture, concerning his powers and duties, authorizing the appointment of district and local weed inspectors, repealing certain laws relating to noxious weeds, providing penalties and appropriating money for the purposes of this act.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. Definitions.—The expression "noxious weeds" shall mean and include:

Class I. Perennial and annual sow thistle, Canada thistle, Russian thistle, tumbling mustard and toad flax;

Class II. Wild mustard, hare's ear mustard, wild oats, French weed or stink weed, false flax, giant or dwarf rag weed, blue bur, blue lettuce, cocklebur, burdock, oxeye daisy, white daisy, snap-dragon, sour dock, yellow dock, bar-berry bush and couch or quack grass and kinghead.

Sec. 2. Occupant or owner of land to destroy noxious weeds.—It shall be the duty of every occupant of land, or if the land is unoccupied, the owner thereof, or his duly accredited resident agent, to cut down and eradicate any noxious weeds standing or growing upon such land and to do so in such manner and at such times as may be directed and ordered by the state weed inspector, or by a district or local weed inspector having jurisdiction.

Sec. 3. Railroad companies to destroy on right of way.—It shall be the duty of every railroad company to cause all noxious weeds standing or growing on the right of way or on land of the company adjoining the right of way, to be cut down or rooted out each year before the plants have sufficiently matured to seed, as often as may be necessary.

Sec. 4. Municipalities to destroy on public roads.—The governing board of each town, village, borough or city shall, at the expense of such municipality, cause all noxious weeds standing or growing upon any public road or highway therein to be cut down between the first day of June and the 15th day of October following, as often as may be necessary to prevent the ripening and scattering of seed of noxious weeds.

Sec. 5. Threshing machines and rigs must be cleaned before moving.—It shall be the duty of every person owning or operating a threshing machine immediately after completing the threshing of grain at each and every point of threshing, to clean or cause to be cleaned said machine, together with all wagons and other outfit used in connection therewith so that seeds of noxious weeds shall not be carried to or on the way to the next place of threshing by said threshing outfit.

Sec. 6.—Weed inspector—Salary—Duties.—The commission-

er of agriculture is hereby empowered and it is made his duty forthwith after the passage of this act to appoint a state weed inspector who shall hold office for a term of two years from the date of his appointment and shall receive an annual salary of \$3000.00. He shall be charged with the execution of this law and he shall investigate the subject of noxious weeds and to that end may require information from any district or local weed inspector, town chairman, mayor, or village president as to the presence of noxious weeds in the localities where such officer resides or has jurisdiction and as to the means being used to cut down and eradicate such weeds. Said state weed inspector shall also suggest and formulate methods for the eradication and removal of noxious weeds from agricultural land in this state and to that end he may from time to time publish and circulate bulletins, call and attend meetings and conventions dealing with the subject of noxious weeds and in other ways may conduct such an educational campaign as he considers desirable.

Sec. 7. Assistants—Salaries—Expenses.—The state weed inspector in his discretion may appoint one or more district weed inspectors who shall be paid a monthly salary in such amount as he may determine not exceeding \$125 and expenses, to be paid from the funds appropriated for the purposes of this act and he may fix their periods of employment and define the limits of the districts in which each district weed inspector shall exercise his duties and he may prescribe the duties of such district weed inspectors and shall supervise and control such district weed inspectors in the performance of their duties at all times.

Sec. 8. County boards to appoint weed inspectors on direction of state weed inspector.—Whenever the state weed inspector shall so direct, it shall be the duty of the several boards of county commissioners to appoint local weed inspectors whose duties shall be as may be prescribed by the state weed inspector. Such appointment shall be for a period of not less than five months from the first day of June to the first day of November, both inclusive, and the resolution appointing such inspectors shall fix the compensation to be paid to the persons appointed. The jurisdiction of such local weed inspectors shall be co-extensive with the county for which they were appointed.

Sec. 9. Duties of county weed inspector.—It shall be the duty of each local weed inspector after his appointment to examine all land in the county within the locality over which his jurisdiction extends for the purpose of ascertaining if the provisions of this act and the regulations of the state weed inspector are being complied with and if he finds that such is not the case, he shall cause to be given forthwith a notice in writing, on a form to be prescribed by the state weed inspector, to the owner or occupant, or to the accredited resident agent of any land within the county where

noxious weeds are standing or growing and in danger of going to seed, requiring him to cause the same to be cut down on the lands and within the time specified in the notice, such time, however, not to exceed fifteen days.

Sec. 10. Weed inspector may cut growing crops.—Whenever any local weed inspector deems it necessary to prevent the spread of noxious weeds within his jurisdiction to cut down a growing crop, or a part thereof, he shall, before proceeding to do so notify the mayor, president of the village council or chairman of the town board, as the case may be, to inspect said crop and if on said inspection it is the opinion of the officer making the same that the crop or a portion thereof should be cut down, such cutting shall be immediately performed under the direction of the local weed inspector or by his authority; if, however, the officer making such inspection is of the opinion that said crop should not be cut down or destroyed, the matter in issue shall be reported to and determined by the state weed inspector, whose decision thereon shall be final, except in so far as the same may be reviewed under existing laws in courts, and thereupon if so determined it shall be the duty of the local weed inspector to immediately cause the said crop or a portion thereof to be cut down and no action, claim or damage shall be allowed or shall be sustainable against any one in respect thereto; provided that notwithstanding anything contained herein, the local weed inspector shall have power to cut down or destroy the crop on an area not exceeding three acres in any one quarter section without any notification or application to the mayor, village president or town chairman. If after being notified by the local weed inspector to inspect a crop, the mayor, village president or town chairman so notified fails to make such inspection and to report to the local weed inspector within ten days after the receipt of a notice to inspect the crop, said local weed inspector may thereupon proceed to cut down or destroy such crop to the same extent as though the officer notified had made an inspection and had reported in the affirmative.

Sec. 11. Report—Contents.—Every local weed inspector shall make his report in duplicate, indicating fully and clearly by a plan in a form to be approved by the state weed inspector showing each and every quarter section and government lot upon which noxious weeds are located, and the kind, disposition and extent of such weeds; also the kind and quantity of grain cultivated, grass, wild grass, root crop, field corn and summer fallow found thereon. One copy of such report shall be filed with the clerk of the municipality in which the land is situate, and the other with the state weed inspector not later than the 15th day of November in each year.

Sec. 12. Notice—Expense—Penalty.—All notices provided for by this act shall be served in the same manner as a summons in a civil action. Whenever any person fails to cut down or eradicate

any noxious weeds or any crop in which such weeds are intermingled or growing in compliance with a notice served upon him, the local weed inspector having jurisdiction, or if there is no local weed inspector, the proper district weed inspector shall cause the same to be cut down at the expense of the county in which the land affected is situate and claims for such expenses are hereby made legal charges against the county. After such cutting or removal, the officer causing the same to be done shall file verified and itemized statements of all services contracted for by him in that connection with the county auditor of such county and such statement shall be authority for the issuance of proper county warrants to the persons named therein for the amount specified. The amount of such expenses, together with a penalty of \$10, shall be a lien against the land involved and shall be entered by the auditor on his tax books as a tax and shall be levied and collected in the same manner that other real estate taxes are levied and collected. The amount of such expenses and the penalty, when collected, shall be used to reimburse the county for its expenditures in this regard.

Sec. 13.—**Violation—Penalties.**—Any person who violates any of the provisions of this act or who violates any duly adopted regulation of the state weed inspector, or who neglects, fails or refuses to comply with any notice duly issued hereunder by the state or district or local weed inspector and duly served upon him, shall be guilty of a misdemeanor and upon conviction shall be punished accordingly.

Sec. 14. **Laws repealed.**—Sections 5167-5173, both inclusive, General Statutes of Minnesota 1913, and chapters 229 and 394, Session Laws Minnesota 1917, and chapter 372, Session Laws Minnesota 1919 are hereby repealed.

Sec. 15. This act shall take effect and be in force from and after its passage.

Approved April 15, 1921.

CHAPTER 321—S. F. No. 508.

An act authorising and empowering cities having a population of 10,000 inhabitants or less in any county in this state, having an area of neither more nor less than forty congressional townships according to the government survey, to purchase or condemn, under the laws relating to the right of eminent domain, flowage rights, lands and easements outside the corporate limits of such cities for the purpose of constructing on said lands a dam and power house for the generation of electricity to be used by said cities and to be furnished to the inhabitants thereof.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. Certain cities may condemn land outside city