

misdemeanor; and upon conviction for a first offense shall be punished by a fine of not less than \$25 nor more than \$100 or by imprisonment for not less than 10 days nor more than 90 days; and for each second and subsequent offense such persons shall be guilty of a gross misdemeanor and shall be punished by a fine of not less than \$50 nor more than \$500 or by imprisonment for not less than 30 days nor more than six months. Upon conviction for such second offense the commissioner shall refuse the violator the privilege of handling in any way certified seed potatoes during the season in which such second offense was committed.

Sec. 13. This act shall become effective July 1, 1951.

Approved April 18, 1951.

CHAPTER 466—S. F. No. 845

An act relating to noxious weeds and bushes, and amending Minnesota Statutes 1949, Section 20.01, Subdivision 2; Section 20.07; Section 20.09; Section 20.11, Subdivision 3; Section 20.12, Subdivisions 1, 2 and 3; Section 20.13 and Section 20.15, Subdivisions 1 and 3.

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

Section 1. Minnesota Statutes 1949, Section 20.01, Subdivision 2, is amended to read:

20.01 Subd. 2. **Municipality.** "Municipality" means a city, village, *township*, or borough.

Sec. 2. Minnesota Statutes 1949, Section 20.07, is amended to read:

20.07. **Destruction of noxious weeds.** Except as otherwise specifically provided in sections 20.06 to 20.27, it shall be the duty of every occupant of land or, if the land is unoccupied, the owner thereof, or his agent, or the public official in charge thereof, to cut down, otherwise destroy, or eradicate all noxious weeds as defined in section 20.01, subd. [subdivision] 5, standing; being, or growing upon such land, or in such manner and

at such times as may be directed or ordered by the commissioner or by a local weed inspector having jurisdiction.

Sec. 3. Minnesota Statutes 1949, Section 20.09, is amended to read:

20.09. Public highways, noxious weeds destroyed.
Subdivision 1. Highway commissioner's duty. It shall be the duty of the highway commissioner, at the cost of the trunk highway maintenance fund, and the duty of the public authorities charged with the maintenance of other public highways, at the cost of their respective road funds, annually, to cause all noxious weeds standing, *being, or growing* on all trunk highways and other public highways, respectively, not within the limits of a municipality, to be cut down, otherwise destroyed or eradicated as often as may be necessary to prevent the ripening or scattering of seed *and other propogating parts of such weeds*, and in such manner as may be directed or ordered by the commissioner or by the local weed inspector having jurisdiction.

Subd. 2. Municipalities' duty. The chief executive and governing board of each municipality, annually, shall cause to be cut down, otherwise destroyed or eradicated, at the expense of the municipality, all noxious weeds standing, being, or growing on all public grounds, roads, streets, and alleys within the limits of the municipality, as often as may be necessary to prevent the ripening or scattering of seeds *and other propogating parts of such weeds*, and in such manner and at such time as may be directed or ordered by the commissioner or by a local weed inspector having jurisdiction.

Subd. 3. Owners' duty. The owners or occupants of lots or lands abutting on streets and alleys in municipalities shall, annually, cut down, otherwise destroy or eradicate all noxious weeds standing, being, *or growing* on their lots or lands between the curb line of the street or alley and the property line of their respective properties, as often as may be necessary to prevent the ripening or scattering of seeds *and other propogating parts of such weeds*, and in such manner and at such times as may be directed or ordered by the commissioner or by a local weed inspector having jurisdiction.

Sec. 4. Minnesota Statutes 1949, Section 20.11, Subdivision 3, is amended to read:

20.11. Subd. 3. **Local weed inspectors.** The mayor

or president of *any municipality is authorized, and it is hereby made his duty, to act as local weed inspector in his municipality throughout the year in accordance with the provisions of sections 20.06 to 20.27 relative to local weed inspectors.*

Any mayor or president of a municipality may appoint a person to act as assistant weed inspector in the municipality who shall have all the powers and authority as the mayor or president in the capacity of weed inspector.

Notice of such appointment shall be sent to the commissioner within ten days from the date of the appointment.

The compensation and expenses of such local weed inspector and assistant weed inspector shall be fixed by the municipal council and be paid from the general revenue fund or other fund of the municipality designated by the council and shall be in addition to any compensation and expenses paid for other duties an an official or employee of the municipality.

Sec. 5. Minnesota Statutes 1949, Section 20.12, Subdivisions 1, 2 and 3, are amended to read:

20.12. Duties of local weed inspectors. Subdivision 1. **Examination of land; notice to eradicate.** It shall be the duty of each local weed inspector to examine all lands, highways, roads, alleys, and public ground in the territory over which his jurisdiction extends, for the purpose of ascertaining if the provisions of sections 20.06 to 20.27 and the regulations of the commissioner have been 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 commissioner, to the proper public officer or to the owner or occupant, or to the agent of any *owner of non-resident lands within the municipality* whereon noxious weeds are standing, being, or growing and in danger of going to seed or *otherwise spreading*, requiring him to cause the same to be cut down, otherwise destroyed or eradicated on the lands, in *such* manner and within the time or *times* specified on the notice. He shall also attend, when required, such conferences called by the commissioner for the purpose of receiving instructions and for a full and free discussion of sections 20.06 to 20.27 and *their* administration.

Subd. 2. Regulations regarding transporting. When any person desires to transport *along a public highway materials containing seeds or other propagating parts of leafy spurge, horse nettle, Austrian field cress, field bindweed, perennial pepper grass, wild radish, or any other noxious weed designated by regulation of the commissioner, he shall secure from a local, county, or state weed or seed inspector, a written permit for the transportation of such material. All duly constituted weed and seed inspectors are authorized to issue such permits to persons residing or operating within their respective weed jurisdictions to regulate the transportation of such materials, and to require proper treatment, cleaning, sterilization or destruction of any such material which has been or is about to be transported or deposited to prevent the growing or scattering of any weed seeds or other propagating parts contained therein. Copies of all permits [permits] issued under this section shall be immediately sent to the State Division of Weed Control.*

No grain seed, screenings, hay forage, straw, soil, gravel, sand, or refuse and other materials containing seeds and other propagating parts of leafy spurge, horse nettle, Austrian field cress, field bindweed, perennial pepper grass, or wild radish or any other noxious weeds designated by the commissioner shall be transported upon any public highway unless it be in sacks, boxes, or other containers sufficiently tight and closed or covered with canvas or otherwise to prevent seeds and other propagating parts of such weeds from blowing or scattering along the highway or on other lands or water.

Scattering and dumping on land or in water of grain, seed, and screenings containing seeds and other propagating parts of noxious weeds in excess of legal limits of weed seeds per pound in agricultural seed, and of soil, gravel, rubbish, trash, and other materials containing seeds or other propagating parts of noxious weeds in harmful amounts as determined by regulation of the commissioner is [is] prohibited unless such material is processed, treated, or buried sufficiently deep to destroy viable seeds and other propagating parts which they contain down to the limits provided by this section.

Subd. 3. Tax-forfeited or tax-exempt lands. If the officials or persons in charge of tax exempt or tax forfeited lands neglect or refuse to cut down, otherwise destroy or eradicate these noxious weeds in the manner prescribed by sections 20.06 to 20.27 or in any notice served, within the designated number of days after service thereof, the local weed

inspector or the county weed and seed inspector *or the commissioner* shall forthwith proceed to cause them to be cut down, otherwise destroyed or eradicated, *as directed or approved by the commissioner*, and the expense thus incurred shall be a just charge against *funds provided for this purpose* and upon presentation of an itemized account of the same, payment shall be made by the public official in charge of *such funds*.

Boards of county commissioners shall provide funds and adequate equipment and materials and labor necessary for adequate control and eradication of weeds on county highways and property, and to assist and facilitate county and local weed inspectors in the county in weed inspection and control and enforcement of the weed laws. They may cooperate with the state, towns, municipalities, and private property owners and provide such county funds, equipment, materials, labor and facilities for weed inspection, control and eradication with or without reimbursement from the public agency or private property benefited. Towns and municipalities may by vote of their electors or governing boards provide for weed control necessary funds, equipment, materials and labor and arrange for their use on public or private property within their limits with or without reimbursement from the property benefited.

Sec. 6. Minnesota Statutes 1949, Section 20.13, is amended to read:

20.13. Weeds; cutting in growing crops. When any local weed inspector or county weed and seed inspector deems it necessary, to prevent the spread of noxious weeds within his jurisdiction, to cut down, *otherwise destroy or eradicate* a growing crop, or any part thereof, he shall, before proceeding to do so, notify, in writing, on a form prescribed by the commissioner, the mayor or the president of the village or borough council or a county commissioner, as the case may be, to inspect the crop and, if on the inspection it is the opinion of the officer making the same that the weeds, together with the crop or portion thereof, should be cut down, otherwise destroyed or eradicated, such cutting or destroying shall be immediately performed under the direction of the local weed inspector or by his authority or under the direction of the county weed and seed inspector. If the officer making the inspection is of the opinion that these weeds, together with the crop or portion thereof, should not be cut down, otherwise destroyed or eradi-

cated, the matter in issue shall be reported to and determined by the commissioner or by his authority, whose decision thereon shall be final, except insofar as the same may be reviewed under the existing laws in courts, and thereupon if so determined it shall be the duty of the local weed inspector or county weed and seed inspector to immediately cause the weeds, together with the crop or a portion thereof, to be cut down, otherwise destroyed or eradicated, and no action or claim for damages shall be allowed or shall be sustainable against any one in respect thereto; provided, that notwithstanding anything contained herein, the local weed inspector or county weed and seed inspector shall have power to cut down, otherwise destroy or eradicate these weeds, together with the crop, on areas not exceeding three acres in the aggregate in any one field or crop of 40 acres or less, other than permanent pasture or meadow, without any notification or application to the mayor, village or borough president or county commissioner. If, after being notified by the local weed inspector or the county weed and seed inspector to inspect a crop, the mayor, the county commissioner, the village or borough president, so notified fails to make such inspection and to report to the local weed inspector within seven days after the receipt of a notice to inspect the crop, the local weed inspector or county weed and seed inspector may thereupon proceed to cut down, otherwise destroy or eradicate such weeds, together with the crop, to the same extent as though the officer notified had made an inspection and had reported in the affirmative.

Sec. 7. Minnesota Statutes 1949, Section 20.15, Subdivisions 1 and 3, are amended to read:

20.15. Destroying weeds. Subdivision 1. **Notice to eradicate.** Notices for control and eradication of noxious weeds shall consist of two kinds: general notices and individual notices, of a form prescribed by the commissioner. General notice shall be published by each local weed and seed inspector of township, municipality or county, in one or more legal newspapers of general circulation throughout the area over which the weed inspector has jurisdiction, on or before June 15th of each year, and at such other time as the commissioner may direct or the local weed inspectors may determine. Failure of weed inspectors to publish general weed notices or to serve individual notices herein provided does not relieve any person from the necessity of full compliance with any or all provisions of this chapter and regulations thereunder. *In all cases*

said published notice shall be deemed legal and sufficient notice.

Subd. 3. Destruction by inspector, expense, payment.

When any person, in compliance with a notice served on him, or with the provisions of this chapter, fails to cut down, otherwise destroy or eradicate any noxious weeds or any crop in which such weeds are intermingled or growing, within the time and in such manner as the weed inspector may designate, or as otherwise provided herein, the local weed inspector having jurisdiction, or if there is no local weed inspector, the county weed inspector or the commissioner, shall cause the same to be cut down, otherwise destroyed or eradicated at the expense of the county, or *municipality* in which the land affected is situate, and claim for such expense of serving of notices, together with the cost of cutting down, otherwise destroying or eradicating the noxious weeds, is hereby made a legal charge against the county, or *municipality* in which the lands are located. After such cutting down, otherwise destroying or eradicating of noxious weeds, the officer causing the same to be done shall file verified and itemized statements of the costs of all services rendered in connection with serving of notices and cutting down, otherwise destroying or eradicating the noxious weeds on each separate tract or lot of land, with the county auditor or with the clerk of the *municipality* in which such lands are located, *who shall immediately issue* proper warrants to the persons named therein for the amount specified. The amount of such expenses shall constitute and be a lien in favor of the county or *municipality*, as the case may be, against the land involved and shall be certified to by the county auditor, the *municipal* clerk, and entered by the county auditor on his tax books as a tax upon such land, and shall be collected in the same manner as other real estate taxes are collected. The amount of such expenses, when collected shall be used to reimburse the county, or *municipality* for its expenditure in this regard. Where the lands involved are located in unorganized territory, the expense of eradicating or destroying such weeds shall be paid by the county auditor out of the general revenue fund of the county, upon the verified itemized statement of the weed inspector and the amount of such payment shall be entered by him on the tax books as a tax on such lands and shall constitute and be lien in favor of such county against the lands involved and shall be collected in the same manner as other real estate taxes are collected.

Approved April 18, 1951.