

CHAPTER 18

PLANT AND ANIMAL PEST CONTROL

18.023	Shade tree disease control.	18.433	Repealed.
18.024	Diseased shade tree utilization.	18.434	Repealed.
18.171	Noxious weed definitions.	18.435	Repealed.
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18.291	Commissioner may quarantine and destroy weeds.	18.52	Dealers' and agents' certificates.
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18.431	Repealed.		
18.432	Repealed.		

18.023 SHADE TREE DISEASE CONTROL.

Subdivision 1. **Definitions.** As used in subdivisions 1 to 12 the terms defined in this subdivision shall have the meanings given them.

(a) "Metropolitan area" means the area comprising the counties of Hennepin, Ramsey, Anoka, Dakota, Washington, Scott and Carver.

(b) "Commissioner" means the commissioner of agriculture.

(c) "Municipality" means any home rule charter or statutory city or any town exercising municipal powers pursuant to section 368.01, or any general or special law, located in the metropolitan area; or any special park district as organized under chapter 398; or any special purpose park and recreation board organized under the city charter of a city of the first class located in the metropolitan area; or any county in the metropolitan area for the purposes of county owned property or any portion of a county located outside the geographic boundaries of a city or town exercising municipal powers; and any municipality or county located outside the metropolitan area with an approved disease control program.

(d) "Shade tree disease" means Dutch elm disease, oak wilt, or any disorder affecting the growth and life of shade trees.

(e) "Wood utilization or disposal system" means facilities, equipment or systems used for the removal and disposal of diseased shade trees which includes the collection, transportation, processing or storage of wood and which aids in the recovery of materials or energy from wood.

(f) "Approved disease control program" means the municipal plan as approved by the commissioner to control shade tree disease.

(g) "Disease control area" means an area approved by the commissioner within which a municipality will conduct an approved disease control program.

(h) "Sanitation" means the identification, inspection, disruption of a common root system, girdling, trimming, removal, and disposal of dead or diseased wood of shade trees, including subsidies for trees removed pursuant to subdivision 4, on public or private property within a disease control area.

(i) "Reforestation" means the replacement of shade trees removed from public property and the planting of any species of tree as part of a municipal disease control program. For purposes of this clause, "public property" shall include private property within five feet of the boulevard or street terrace in any city which has enacted an ordinance on or before January 1, 1977, that prohibits or requires a permit for the planting of trees in the public right-of-way.

Subd. 1a. [Repealed, 1987 c 396 art 11 s 21]

[For text of subs 2 to 10a, see M.S.1986]

Subd. 11. **Report to the legislature.** On or before January 31 of each year, the commissioner shall report to the legislature on the preceding year's approved disease control programs and any experimental programs conducted pursuant to subdivision

10a. The commissioner, with the assistance of the commissioner of trade and economic development and the director of public service, shall investigate and evaluate the potential uses of wood infected with shade tree disease, including the uses as an alternative energy source and as a component in the construction or manufacture of new products.

[For text of subds 12 and 13, see M.S.1986]

History: 1987 c 312 art 1 s 1; 1987 c 396 art 11 s 2

18.024 DISEASED SHADE TREE UTILIZATION.

Subdivision 1. The department of agriculture, in cooperation with the commissioner of trade and economic development, the director of public service, and the Minnesota shade tree advisory committee, shall draft recommendations for wood utilization or disposal systems as defined in section 18.023. These recommendations shall encourage maximum utilization of diseased shade trees. In addition to ensuring maximum utilization, the recommendations must be designed to ensure public safety and to assure compliance with approved disease control programs.

[For text of subd 2, see M.S.1986]

History: 1987 c 312 art 1 s 2

18.171 NOXIOUS WEED DEFINITIONS.

Subdivision 1. **Terms.** For the purposes of sections 18.181 to 18.271 and 18.281 to 18.315 the terms defined in subdivisions 2 to 8, have the meanings given to them.

[For text of subds 2 to 4, see M.S.1986]

Subd. 5. **Noxious weeds.** "Noxious weeds" means the annual, biennial, and perennial plants which are deemed by the commissioner, by commissioner's order, to be injurious to public health, public roads, crops, livestock, and other property. The commissioner's orders under this subdivision are not subject to chapter 14.

[For text of subds 6 and 7, see M.S.1986]

Subd. 8. **Land.** "Land" includes wetlands and public waters.

History: 1987 c 404 s 82-84

18.182 PENALTY FOR SALE OF PURPLE LOOSESTRIFE.

A person who sells purple loosestrife, lythrum salicaria, is guilty of a misdemeanor.

History: 1987 c 404 s 85

18.241 DUTIES OF LOCAL WEED INSPECTORS.

[For text of subd 1, see M.S.1986]

Subd. 2. **Rules regarding transportation.** Except as provided in section 21.74, 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, sow thistle, Canada thistle, hoary alyssum, purple loosestrife, or any other noxious weed designated by the commissioner, the person shall secure from a local or state weed inspector, or county agricultural inspector, a written permit for the transportation of such material. All duly constituted weed inspectors may issue such permits to persons residing or operating within their respective weed jurisdictions to regulate the transportation of such material 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 issued under this section shall be immediately sent to the commissioner.

Except as provided in section 21.74, 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, wild radish, sow thistle, Canada thistle, hoary alyssum, purple loosestrife, or any other noxious weeds designated by the commissioner shall be transported upon any public highway unless it be in sacks, bales, 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 rule of the commissioner 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.

[For text of subs 3 and 4, see M.S.1986]

History: 1987 c 404 s 86

18.291 COMMISSIONER MAY QUARANTINE AND DESTROY WEEDS.

When from investigation or otherwise, it appears to the commissioner that upon any tract of land there is an infestation of noxious weeds beyond the ability of the land occupant or owner to eradicate, upon request of the owner, or upon the commissioner's own motion, the commissioner shall take such steps as are necessary to prevent further spread of such weed growths. To this end, the commissioner shall quarantine such portion of each tract of land as may be so infested and put into immediate operation the necessary means for the eradication of such weed growths.

History: 1987 c 404 s 87

18.311 EXPENSES.

The expenses of field operations, including cost of chemicals and other materials employed in weed eradication, except machinery and other equipment, shall be paid from the fund provided for this purpose. This fund shall be reimbursed not later than January first, of each year, 20 percent thereof by the county, ten percent thereof by the town in which the land so quarantined and improved is situated, and ten percent thereof by the landowner involved.

When the infestations of noxious weeds, against which the activities of the commissioner are directed, are found located on the sides of public highways, the expenses of eradication shall be paid, 50 percent by the state from the fund provided for this purpose, 50 percent from the funds provided for the maintenance of the state highway department, if the infestation is on a state highway, 50 percent by the county, if the infestation is on a county or state aid road, and 50 percent by the town, if the infestation is on a town road or cartway.

When infestations of noxious weeds, against which the activities of the commissioner are directed, are found located within the corporate limits of a municipality or on property used by a municipality, the expense of the eradication of such weeds shall be paid as follows: 50 percent thereof by the state from the funds provided for this purpose and 50 percent by the municipality from its general revenue fund.

History: 1987 c 404 s 88

18.431 [Repealed, 1987 c 109 s 13]

18.432 [Repealed, 1987 c 109 s 13]

18.433 [Repealed, 1987 c 109 s 13]

18.434 [Repealed, 1987 c 109 s 13]

18.435 [Repealed, 1987 c 109 s 13]

18.436 [Repealed, 1987 c 109 s 13]

18.51 CERTIFICATE OF INSPECTION.

[For text of subd 1, see M.S.1986]

Subd. 2. Fees; penalty. A nursery operator shall pay an annual fee before the commissioner shall issue a certificate of inspection. This fee shall be based on the area of all of the operator's nurseries as follows:

Nurseries:

- | | |
|---|----------------------------|
| (1) 1/2 acre or less | \$40 per nursery operator |
| (2) Over 1/2 acre to and including 2 acres | \$60 per nursery operator |
| (3) Over 2 acres to and including 10 acres | \$125 per nursery operator |
| (4) Over 10 acres to and including 50 acres | \$360 per nursery operator |
| (5) Over 50 acres | \$725 per nursery operator |

In addition to the above fees, a minimum penalty of \$10 or 25 percent of the fee due, whichever is greater, shall be charged for any application for renewal not received by January 1 of the year following expiration of a certificate.

History: 1987 c 358 s 40

18.52 DEALERS' AND AGENTS' CERTIFICATES.

[For text of subs 1 to 4, see M.S.1986]

Subd. 5. Fees; penalty. A dealer shall pay an annual fee based on the dealer's gross sales during the preceding certificate year. A dealer operating for the first year will pay the minimum fee.

Dealers:

- | | |
|--|-------------------------------------|
| (1) Gross sales up to \$1,000 | at a location
\$40 per location |
| (2) Gross sales over \$1,000 and up to \$5,000 | at a location
\$50 per location |
| (3) Gross sales over \$5,000 up to \$10,000 | at a location
\$85 per location |
| (4) Gross sales over \$10,000 up to \$25,000 | at a location
\$125 per location |
| (5) Gross sales over \$25,000 up to \$75,000 | at a location
\$175 per location |
| (6) Gross sales over \$75,000 up to \$100,000 | at a location
\$260 per location |
| (7) Gross sales over \$100,000 | at a location
\$400 per location |

In addition to the above fees, a minimum penalty of \$10 or 25 percent of the fee due, whichever is greater, shall be charged for any application for renewal not received by January 1 of the year following expiration of a certificate.

History: 1987 c 358 s 41

18.53 GREENHOUSE CERTIFICATION.

The commissioner may inspect and certify greenhouses and greenhouse plants as being free from plant pests upon request of the greenhouse operator and issue a greenhouse certificate. The fee is \$50 for each greenhouse operator. The certificate expires on November 15 next following the date of issue.

History: 1987 c 358 s 42