

## CHAPTER 18

## PEST CONTROL

18.78	Control or eradication of noxious weeds.	18.84	Liability; appeals.
18.79	Duties of the commissioner.	18.86	Unlawful acts.
18.81	Duties of inspectors.		

- 18.012 [Repealed, 2003 c 128 art 7 s 1]  
 18.021 [Repealed, 2003 c 128 art 7 s 1]  
 18.022 [Repealed, 2003 c 128 art 7 s 1]  
 18.0223 [Repealed, 2003 c 128 art 7 s 1]  
 18.0225 [Repealed, 2003 c 128 art 7 s 1]  
 18.0227 [Repealed, 2003 c 128 art 7 s 1]  
 18.0228 [Repealed, 2003 c 128 art 7 s 1]  
 18.0229 [Repealed, 2003 c 128 art 7 s 1]  
 18.023 [Repealed, 2003 c 128 art 7 s 1]  
 18.024 [Repealed, 2003 c 128 art 7 s 1]  
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 18.051 [Repealed, 2003 c 128 art 7 s 1]  
 18.061 [Repealed, 2003 c 128 art 7 s 1]  
 18.071 [Repealed, 2003 c 128 art 7 s 1]  
 18.081 [Repealed, 2003 c 128 art 7 s 1]  
 18.091 [Repealed, 2003 c 128 art 7 s 1]  
 18.101 [Repealed, 2003 c 128 art 7 s 1]  
 18.111 [Repealed, 2003 c 128 art 7 s 1]  
 18.121 [Repealed, 2003 c 128 art 7 s 1]  
 18.131 [Repealed, 2003 c 128 art 7 s 1]  
 18.141 [Repealed, 2003 c 128 art 7 s 1]  
 18.151 [Repealed, 2003 c 128 art 7 s 1]  
 18.161 [Repealed, 2003 c 128 art 7 s 1]  
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 18.332 [Repealed, 2003 c 128 art 7 s 1]  
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 18.334 [Repealed, 2003 c 128 art 7 s 1]  
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- 18.47 [Repealed, 2003 c 128 art 7 s 1]
- 18.48 [Repealed, 2003 c 128 art 7 s 1]
- 18.49 [Repealed, 2003 c 128 art 7 s 1]
- 18.50 [Repealed, 2003 c 128 art 7 s 1]
- 18.51 [Repealed, 2003 c 128 art 7 s 1]
- 18.52 [Repealed, 2003 c 128 art 7 s 1]
- 18.525 [Repealed, 2003 c 128 art 7 s 1]
- 18.53 [Repealed, 2003 c 128 art 7 s 1]
- 18.54 [Repealed, 2003 c 128 art 7 s 1]
- 18.55 [Repealed, 2003 c 128 art 7 s 1]
- 18.56 [Repealed, 2003 c 128 art 7 s 1]
- 18.57 [Repealed, 2003 c 128 art 7 s 1]
- 18.59 [Repealed, 2003 c 128 art 7 s 1]
- 18.60 [Repealed, 2003 c 128 art 7 s 1]
- 18.61 [Repealed, 2003 c 128 art 7 s 1]

#### **18.78 CONTROL OR ERADICATION OF NOXIOUS WEEDS.**

Subdivision 1. **Generally.** A person owning land, a person occupying land, or a person responsible for the maintenance of public land shall control or eradicate all noxious weeds on the land at a time and in a manner ordered by the county agricultural inspector or a local weed inspector.

Subd. 2. **Control of purple loosestrife.** An owner of nonfederal lands underlying public waters or wetlands designated under section 103G.201 is not required to control or eradicate purple loosestrife below the ordinary high water level of the public water or wetland. The commissioner of natural resources is responsible for control and eradication of purple loosestrife on public waters and wetlands designated under section 103G.201, except those located upon lands owned in fee title or managed by the United States. The officers, employees, agents, and contractors of the commissioner of natural resources may enter upon public waters and wetlands designated under section 103G.201 and, after providing notification to the occupant or owner of the land, may cross adjacent lands as necessary for the purpose of investigating purple loosestrife infestations, formulating methods of eradication, and implementing control and eradication of purple loosestrife. The commissioner of natural resources shall, by June 1 of each year, compile a priority list of purple loosestrife infestations to be controlled in designated public waters. The commissioner of natural resources must distribute the list to county agricultural inspectors, local weed inspectors, and their appointed agents. The commissioner of natural resources shall control listed purple loosestrife infestations in priority order within the limits of appropriations provided for that purpose. This procedure shall be the exclusive means for control of purple loosestrife on designated public waters by the commissioner of natural resources and shall supersede the other provisions for control of noxious weeds set forth elsewhere in this chapter. The

responsibility of the commissioner of natural resources to control and eradicate purple loosestrife on public waters and wetlands located on private lands and the authority to enter upon private lands ends ten days after receipt by the commissioner of a written statement from the landowner that the landowner assumes all responsibility for control and eradication of purple loosestrife under sections 18.78 to 18.88. State officers, employees, agents, and contractors of the commissioner of natural resources are not liable in a civil action for trespass committed in the discharge of their duties under this section and are not liable to anyone for damages, except for damages arising from gross negligence.

**History:** 2003 c 128 art 3 s 14

### 18.79 DUTIES OF THE COMMISSIONER.

*[For text of subd 1, see M.S.2002]*

Subd. 2. **Authorized agents.** County agricultural inspectors may administer and enforce sections 18.76 to 18.88.

Subd. 3. **Entry upon land.** To administer and enforce sections 18.76 to 18.88, county agricultural inspectors and local weed inspectors may enter upon land without consent of the owner and without being subject to an action for trespass or any damages.

*[For text of subd 4, see M.S.2002]*

Subd. 5. **Order for control or eradication of noxious weeds.** A county agricultural inspector or a local weed inspector may order the control or eradication of noxious weeds on any land within the state.

Subd. 6. **Initial training for control or eradication of noxious weeds.** The commissioner shall conduct initial training considered necessary for weed inspectors in the enforcement of the Noxious Weed Law. The director of the Minnesota Extension Service may conduct educational programs for the general public that will aid compliance with the noxious weed law.

*[For text of subds 7 and 8, see M.S.2002]*

Subd. 9. **Injunction.** If the county agricultural inspector applies to a court for a temporary or permanent injunction restraining a person from violating or continuing to violate sections 18.76 to 18.88, the injunction may be issued without requiring a bond.

Subd. 10. **Prosecution.** On finding that a person has violated sections 18.76 to 18.88, the county agricultural inspector may start court proceedings in the locality in which the violation occurred. The county attorney may prosecute actions under sections 18.76 to 18.88 within the county attorney's jurisdiction.

*[For text of subds 11 and 12, see M.S.2002]*

**History:** 2003 c 128 art 3 s 15-20

### 18.81 DUTIES OF INSPECTORS.

*[For text of subd 1, see M.S.2002]*

Subd. 2. **Local weed inspectors.** Local weed inspectors shall:

(1) examine all lands, including highways, roads, alleys, and public ground in the territory over which their jurisdiction extends to ascertain if section 18.78 and related rules have been complied with;

(2) see that the control or eradication of noxious weeds is carried out in accordance with section 18.83 and related rules; and

(3) issue permits in accordance with section 18.82 and related rules for the transportation of materials or equipment infested with noxious weed propagating parts.

Subd. 3. **Nonperformance by inspectors; reimbursement for expenses.** If local weed inspectors neglect or fail to do their duty as prescribed in this section, the county

agricultural inspector shall issue a notice to the inspector providing instructions on how and when to do their duty. If, after the time allowed in the notice, the local weed inspector has not complied as directed, the county agricultural inspector may perform the duty for the local weed inspector. A claim for the expense of doing the local weed inspector's duty is a legal charge against the municipality in which the inspector has jurisdiction. The county agricultural inspector doing the work may file an itemized statement of costs with the clerk of the municipality in which the work was performed. The municipality shall immediately issue proper warrants to the county for the work performed. If the municipality fails to issue the warrants, the county auditor may include the amount contained in the itemized statement of costs as part of the next annual tax levy in the municipality and withhold that amount from the municipality in making its next apportionment.

**History:** 2003 c 128 art 3 s 21,22

### 18.84 LIABILITY; APPEALS.

*[For text of subs 1 and 2, see M.S.2002]*

Subd. 3. **Court appeal of costs; petition.** (a) A landowner who has appealed the cost of noxious weed control measures under subdivision 2 may petition for judicial review. The petition must be filed within 30 days after the conclusion of the hearing before the county board. The petition must be filed with the court administrator in the county in which the land where the noxious weed control measures were undertaken is located, together with proof of service of a copy of the petition on the county auditor. No responsive pleadings may be required of the county, and no court fees may be charged for the appearance of the county in this matter.

(b) The petition must be captioned in the name of the person making the petition as petitioner and respective county as respondents. The petition must include the petitioner's name, the legal description of the land involved, a copy of the notice to control noxious weeds, and the date or dates on which appealed control measures were undertaken.

(c) The petition must state with specificity the grounds upon which the petitioner seeks to avoid the imposition of a lien for the cost of noxious weed control measures.

*[For text of subs 4 and 5, see M.S.2002]*

**History:** 2003 c 128 art 3 s 23

### 18.85 [Repealed, 2003 c 128 art 7 s 1]

### 18.86 UNLAWFUL ACTS.

No person may:

(1) hinder or obstruct in any way the county agricultural inspectors or local weed inspectors in the performance of their duties as provided in sections 18.76 to 18.88 or related rules;

(2) neglect, fail, or refuse to comply with section 18.82 or related rules in the transportation and use of material or equipment infested with noxious weed propagating parts;

(3) sell material containing noxious weed propagating parts to a person who does not have a permit to transport that material or to a person who does not have a screenings permit issued in accordance with section 21.74; or

(4) neglect, fail, or refuse to comply with a general notice or an individual notice to control or eradicate noxious weeds.

**History:** 2003 c 128 art 3 s 24