

CHAPTER 20

NOXIOUS BUSHES AND WEEDS

<p>Sec. 20.01 Definitions 20.02 Certain bushes nuisances and maintenance forbidden 20.03 Authority of state entomologist 20.04 Destruction of bushes 20.05 Certificate of entomologist 20.06 Enforcement; regulations 20.07 Destruction of noxious weeds 20.08 Railroad companies to destroy noxious weeds on their lands 20.09 Public highways, noxious weeds destroyed 20.10 Threshing outfits cleaned before moving 20.11 Weed inspectors 20.12 Duties of local weed inspectors 20.13 Weeds, cutting in growing crops 20.14 Reports by inspectors 20.15 Destroying weeds; notices; expenses 20.17 Extermination of Austrian field cress 20.19 Enforcement; sale of produce; assistant; equipment 20.20 Commissioner may destroy weeds</p>	<p>Sec. 20.21 Must give written notice 20.22 Expenses 20.23 Eradication of Indian hemp 20.24 Enforcement 20.25 Owner of premises notified 20.26 Growing Indian hemp for commercial purposes; licenses 20.27 Licensee to notify commissioner 20.28 Violations; penalties 20.31 Spraying and dusting machines 20.32 Permits 20.33 Administration, rules 20.34 Application; operation within municipalities 20.35 Violation, misdemeanor 20.36 Powers and duties transferred to commissioner of agriculture, dairy, and food 20.37 White pine blister-rust declared a pest 20.38 Diseased plants, destruction 20.39 Control areas 20.40 Suppression and control generally</p>
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**20.01 DEFINITIONS.** Subdivision 1. **Terms.** Unless the language or context clearly indicates that a different meaning is intended, the terms defined in subdivisions 2 or 6 shall, for the purposes of sections 20.06 to 20.15, be given the meanings subjoined to them; and the term defined in subdivision 7 shall, for the purposes of sections 20.19 to 20.22 be given the meaning subjoined to it.

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

Subd. 3. **Nonresident lands.** "Nonresident lands" refers to all lands which are unoccupied, and the owner of which does not reside within the county.

Subd. 4. **Resident lands.** "Resident lands" refers to all lands which are occupied or which are owned by persons resident within the county.

Subd. 5. **Noxious weeds.** "Noxious weeds" means the annual, biennial, and perennial plants herein named under Classes I and II and such other plants as are or may be injurious to public health, public roads, crops, livestock and other property.

CLASS I

COMMON NAME	BOTANICAL NAME
Perennial sow thistle	<i>Sonchus arvensis</i> L.
Leafy spurge	<i>Euphorbia esula</i> L.
Toad-flax (butter and eggs)	<i>Linaria vulgaris</i> Hill
Canada thistle	<i>Carduus arvensis</i> L.
Oxeye (White) daisy	<i>Chrysanthemum leucanthemum</i> L.
Dodders	<i>Cuscuta</i> spp.
Common barberry	<i>Berberis vulgaris</i> L.
Horse nettle	<i>Solanum carolinense</i> L.
Austrian field cress	<i>Roripa austriaca</i> (Crantz) Bess.
Field bindweed (creeping Jenny)	<i>Convolvulus arvensis</i> L.
Perennial pepper grass	<i>Lepidium draba</i> L.
Wild radish	<i>Raphanus Raphanistrum</i> L.
Sheep sorrel	<i>Rumex acetosella</i> L.
Quack grass	<i>Agropyron repens</i> L.
Russian knapweed	<i>Centaurea repens</i> L.
Hoary alyssum	<i>Berteroa incana</i> DC.

# MINNESOTA STATUTES 1953

## 20.01 NOXIOUS BUSHES AND WEEDS

194

### CLASS II

COMMON NAME	BOTANICAL NAME
Blue lettuce	<i>Lactuca pulchella</i> P.
False flax	<i>Camelina sativa</i> L.
Wild (common) mustard	<i>Brassica arvensis</i> L.
Tumbling mustard	<i>Sisymbrium altissimum</i> L.
Hare's ear mustard	<i>Congringia orientalis</i> L.
French (stink) weed	<i>Thiaspi arvense</i> L.
Curled (yellow or sour) dock	<i>Rumex crispus</i> L.
Burdock	<i>Arctium minus</i> Schk.
Cockle bur	<i>Xanthium</i> spp.
Giant ragweed	<i>Ambrosia trifida</i> L.
Common ragweed	<i>Ambrosia artemisiifolia</i> L.
Wild (pea) vetch	<i>Vicia angustifolia</i> L.
Buckhorn (plantain)	<i>Plantago lanceolata</i> L.
Annual sow thistle	<i>Sonchus oleraceus</i> L.
Spiny sow thistle	<i>Sonchus asper</i> L.
Russian thistle	<i>Salsola Kali</i> L.
Prickly night shade	<i>Solanum rostratum</i> L.
Hedge buckwheat	<i>Polygonum scandens</i> L.
Wild buckwheat	<i>Polygonum convolvulus</i> L.
Morning glory	<i>Convolvulus sepium</i> L.
Graveyard spurge	<i>Euphorbia cyparissias</i> L.
Lady's thumb	<i>Polygonum persicaria</i> L.
Wild barley	<i>Hordeum jubatum</i> L.
Darnel	<i>Lolium temulentum</i> L.
Cheat	<i>Bromus secalinus</i> L.
Sand bur	<i>Cenchrus tribuloides</i> L.
Purple cockle	<i>Agrostemma githago</i> L.
Sleepy catch fly	<i>Silene antirrhina</i> L.
Sticky cockle	<i>Silene noctiflora</i> L.
Forked catch fly	<i>Silene dichotoma</i> Ehrh.
Bull thistle	<i>Carduus</i> spp.
Bladder campion	<i>Silene latifolia</i> B. and R.
Smart weeds	<i>Polygonum</i> spp.
California puncture vine	<i>Tribulus terrestris</i> L.
Tansy	<i>Tanacetum vulgare</i> L.
Chickory	<i>Cichorium Intybus</i> L.
St. Johnswort	<i>Hypericum perforatum</i> L.
Dragonhead mint	<i>Dracocephalum parviflorum</i> Nutt.
Meadow buttercup	<i>Ranunculus acris</i> L.
Wild oats	<i>Avena</i> spp.
Wild hemp	<i>Cannabis sativa</i> L.

Subd. 6. **Otherwise destroy.** "Otherwise destroy" refers to killing of weed plants above the surface of the ground. "Eradicate" refers to complete killing of weeds by use of cutting, chemicals, tillage, cropping system, pasturing, livestock or crops, or all of these in effective combination.

Subd. 7. **Primary noxious weeds.** The term "primary noxious weeds" means and refers to field bindweed (creeping Jenny) (*Convolvulus arvensis*), leafy spurge (*Euphorbia esula*), horse nettle (*Solanum carolinense*), Austrian field cress (*Roripa austriaca*), perennial pepper grass (*Lepidium draba*), wild radish (*Raphanus Raphanistrum*), and other similar weeds propagated by seed and root stalk.

Subd. 8. **Permanent pasture and meadow.** "Permanent pasture and meadow" means an area of native or seeded perennial grasses and other perennial plants used for hay or grazing which has been seeded for more than two years and does not include annuals or biennials planted for or to be used for hay or pasture not more than one or two years.

[1923 c 318 s 2; 1925 c 377; 1935 c 348 s 3; 1937 c 371 s 1; 1945 c 534 s 1; 1947 c 536 s 1, 2; 1951 c 466 s 1] (6152, 6164-6)

**20.02 CERTAIN BUSHES NUISANCES AND MAINTENANCE FORBIDDEN.** All barberry (*Berberis* Sp.) bushes and all Mahonia (*Mahonia* Sp.) bushes, except the species and variety known as Japanese barberry (*Berberis thunbergii*), are

rust-producing species and are hereby declared to be a public nuisance and a menace to the public welfare and their maintenance, propagation, sale, or introduction into the state is forbidden. It shall be the duty of every person owning, occupying or having charge of any premises on which such bushes of the rust-producing varieties are grown, or at any time found growing, to forthwith destroy such bushes.

[1919 c 81 s 1] (6146)

**20.03 AUTHORITY OF STATE ENTOMOLOGIST.** The state entomologist is authorized, and it is hereby made his duty, to cause all such rust-producing Mahonia bushes or barberry bushes within the state to be eradicated. He shall make rules and regulations relating to the most convenient and expedient method of eradicating and destroying such rust-producing Mahonia bushes or barberry bushes; he shall have the power to appoint one or more agents to enforce the provisions of sections 20.02 to 20.05, and he, or his agents, shall have free access, at all reasonable hours, to any premises to determine whether such rust-producing Mahonia bushes or barberry bushes are growing thereon, and to require reports from the owners or occupants of any premises as to the presence of such bushes thereon.

[1919 c 81 s 2] (6147)

**20.04 DESTRUCTION OF BUSHES.** In pursuance of his powers granted by sections 20.02 to 20.05, when the state entomologist, or his agents, shall have found Mahonia bushes or barberry bushes of such rust-producing varieties on any premises, it shall be the duty of the state entomologist, or his agents, as the case may be, to immediately notify, or cause to be notified, the owner or occupant of the premises on which such bushes are growing; such notice shall be sent to the owner or occupant in such form as the state entomologist shall prescribe, and if such Mahonia bushes or barberry bushes are not destroyed within ten days after the mailing of the notice, if sent by registered mail, or within eight days after the delivery of the notice, if delivered by messenger, the state entomologist, or his agents, shall destroy, or cause to be destroyed, such Mahonia bushes or barberry bushes. The expense of such destruction shall be paid to the state entomologist by the owner of the premises within ten days after the rendition of a bill therefor, and if such cost shall not be paid within that time the bill shall be reported to the county attorney, who shall forthwith collect the same, in the name of the state, and turn the amount collected over to the state treasurer to be credited to the road and bridge fund of the county.

[1919 c 81 s 3] (6148)

**20.05 CERTIFICATE OF ENTOMOLOGIST.** The state entomologist or his agent may, or when requested by any resident of the state shall, determine, or cause to be determined, whether or not the Mahonia bushes or barberry bushes grown on certain premises are of the rust-producing varieties. The state entomologist shall make a certificate of his findings and determination in the premises, which certificate shall be prima facie evidence of the facts therein recited. Such certificate may be received in evidence in any civil action arising under the provisions of sections 20.02 to 20.05.

[1919 c 81 s 4] (6149)

**20.06 ENFORCEMENT; REGULATIONS.** The commissioner is hereby authorized, and it shall be his duty, to execute sections 20.06 to 20.16 and, to that end, he may make and enforce such regulations as, in his judgment, shall be necessary; he shall investigate the subject of noxious weeds, and to that end may require information from any local weed inspector, mayor, county commissioner, county agent, or village or borough president as to the presence of noxious weeds or other information relative to noxious weeds and their control in the localities where such officer resides or has jurisdiction; and he may enter, or have someone for him enter, upon any and all lands in the state and take such samples of weeds, weed seeds, grains, or other material needed for investigation of noxious weeds. He shall also suggest and formulate methods for the eradication and removal of noxious weeds from agricultural and other lands in this state and to that end may, from time to time, publish and circulate bulletins, call and attend meetings and conventions dealing with the subject of noxious weeds, and may conduct such educational campaign as he considers desirable.

[1923 c 318 s 1; 1925 c 377 s 1] (6151)

**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, 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.

[1923 c 318 s 3; 1925 c 377 s 3; 1927 c 194 s 1; 1945 c 534 s 2; 1951 c 466 s 2] (6153)

**20.08 RAILROAD COMPANIES TO DESTROY NOXIOUS WEEDS ON THEIR LANDS.** It shall be the duty of every railway company and every suburban railway company to cause all noxious weeds standing, being, or growing on the right of way or on land of the company adjoining the right of way, to be cut down, otherwise destroyed or eradicated in such manner and at such times as may be directed or ordered by the local weed inspector or by the commissioner or by any one for him. If any such company fails to perform such duty, the local weed inspector shall give the notice provided in section 20.12, subdivision 1, which shall be served in the manner of serving a summons in a civil action in the district court. If the weeds are not removed and destroyed within the time directed in the notice, the local weed inspector or the commissioner shall cause them to be removed and destroyed. He shall then furnish to the owner of the land on which the weeds grew an itemized statement showing the reasonable cost of cutting and destroying the weeds, and the owner of the land must pay such reasonable cost to the municipality which caused the destruction thereof. If such owner fails to pay such reasonable cost within 20 days after such statement is furnished, the reasonable cost of removal and destruction of such weeds may be recovered by the municipality or by the commissioner in a civil action.

[1923 c 318 s 4; 1925 c 377 s 4; 1945 c 105 s 1] (6154)

**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 propagating 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 propagating 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 propagating 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.

[1923 c 318 s 5; 1925 c 377; 1927 c 194 s 2; 1951 c 466 s 3] (6155)

**20.10 THRESHING OUTFITS CLEANED BEFORE MOVING.** It shall be the duty of every person owning or operating a threshing machine, combine, seed huller, hay baler or other equipment used in the harvesting of crops, immediately after completing the threshing of grain or seed at each and every point of threshing, or in transit interstate or intrastate, to clean or cause the machine to be cleaned, together with all wagons and other outfits 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 the threshing outfit.

A printed copy of this section, in form provided by the commissioner, shall be affixed by the owner to and remain affixed to every threshing machine, combine, seed huller, hay baler and other equipment used in the harvesting of crops during all the time the same is operated in the state.

# MINNESOTA STATUTES 1953

197

## NOXIOUS BUSHES AND WEEDS 20.11

Any person failing to comply with the provisions of this section shall be liable to a fine of not less than \$10 nor more than \$25 for each failure.

[1923 c 318 s 6; 1925 c 377 s 6; 1945 c 534 s 3; 1949 c 494 s 1] (6156).

**20.11 WEED INSPECTORS.** Subdivision 1. **County weed inspectors.** The board of county commissioners, when requested by the commissioner, shall appoint one or more county weed and seed inspectors, who shall meet qualifications prescribed by the commissioner, whose duties shall be to see that the provisions of sections 20.06 to 20.27 and the regulations of the commissioner are carried out as prescribed in section 20.12, subdivisions 1, 2, 3, and to cooperate and supervise the work of the local weed and seed inspector. Such appointment shall be for full time employment; or for such period of time as the commissioners may prescribe, and the resolution appointing such inspectors shall fix the compensation to be paid to the person or persons so appointed. The resolution shall also provide for manner of reimbursement for necessary traveling expenses in addition thereto.

Appointees of the board of county commissioners shall be paid from the general revenue fund of the county.

**Subd. 2. Town weed inspectors.** The members of the several town boards of the county are authorized, and it is hereby made their duty to act as local weed and seed inspectors within their respective towns, throughout the year, in accordance with the provisions of sections 20.06 to 20.27 relative to local weed and seed inspectors.

Any town board may appoint a person to act as assistant weed and seed inspector, and such assistant inspector shall have all the powers and authority as the town board members in the capacity of weed and seed inspector. Such appointment may be for full time or part time. Notice of such appointment, together with a statement of the time for which appointment is made, shall be delivered to the commissioner within ten days after the date the appointment was made.

The compensation of the local weed and seed inspectors and their assistants shall not be less than 50 cents per hour nor more than \$1.25 per hour and necessary traveling expenses in addition thereto, and the amount shall be as determined necessary by the town board and shall be in addition to the amount allowed by law for other supervisory duties.

**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 as an official or employee of the municipality.

**Subd. 4. Expense, how paid.** Failure on the part of any municipality or town to include the item of weed inspection in the annual budget is no excuse and shall not justify the non-payment of any charges or expenses incurred by inspectors, as provided in sections 20.06 to 20.27, which charges or expenses shall be audited and paid as other obligations of such municipality or town are paid. In the event that it should be shown that weed inspection has not been done commensurate with the bill presented, the commissioner of agriculture may recommend to the county board, town board or municipal council, that such bill be not allowed.

**Subd. 5. Paid by the county.** If any municipality or town neglects or refuses, for a period of 60 days, to make such payments, they shall be paid by the county auditor, on the recommendation of the commissioner, and the total of all such amounts so paid shall be included by the county auditor as a part of the next annual tax levy in such municipality or town and withheld from that municipality or town in making the next apportionment thereto.

[1923 c 318 s 7; 1925 c 377 s 7; 1939 c 330 s 1; 1945 c 534 s 4; 1949 c 494 s 2; 1951 c 466 s 4] (6157)

**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 nonresident 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 in 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 transportation.** 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 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 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.

Subd. 4. **Entering upon land not trespass.** For the purpose of performing his duties and exercising his powers herein contained, each local weed inspector or county weed and seed inspector may enter upon any land without consent of the owner and without being subject to any action for trespass or any damages.

[1923 c 318 s 8; 1925 c 377 s 8; 1937 c 371 s 2; 1945 c 534 s 5; 1947 c 536 s 3; 1951 c 466 s 5] (6158)

**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 eradicated, 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.

[1923 c 318 s 9; 1925 c 377 s 9; 1945 c 534 s 6; 1951 c 466 s 6] (6159)

**20.14 REPORTS BY INSPECTORS.** Each weed inspector shall make such reports as may be required by the commissioner.

[1923 c 318 s 10; 1925 c 377 s 10; 1945 c 534 s 7] (6160)

**20.15 DESTROYING WEEDS; NOTICES; EXPENSES.** 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. 2. **Service.** Whenever a weed and seed inspector finds it necessary to secure more prompt or definite control or eradication of noxious weeds in certain special or individual instances, involving one or a limited number of persons than is accomplished by the general published notices, he shall serve individual notices in writing upon the owner or occupant, giving specific instructions and methods when

and how certain named weeds are to be controlled or eradicated. Such methods of control may include definite systems of tillage, cropping, management and use of livestock. All individual notices provided for herein shall be served in the same manner as a summons in a civil action in the district court except as herein otherwise provided; provided that service on persons living temporarily or permanently outside of the local weed inspectors' jurisdiction and their property is vacant or unoccupied, service may be made by sending the notice by registered mail to the last known address of such person, to be ascertained, if necessary, from the last tax list in the county treasurer's office.

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 a 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.

[1923 c 318 s 11; 1925 c 377 s 11; 1945 c 534 s 8; 1951 c 466 s 7] (6161)

**20.16** [Repealed, 1945 c 534 s 9]

**20.17 EXTERMINATION OF AUSTRIAN FIELD CRESS.** The commissioner is hereby authorized, and it shall be his duty, to execute this section, and to that end he may make and enforce such regulations as in his judgment shall be necessary; he shall investigate the nature and extent of Austrian field cress in this state, and to that end may require information from any party or parties, public officer, or official, as to the presence of Austrian field cress and possible means for its eradication. For the purpose of performing his duties and exercising his powers herein, he may enter, or have some one for him enter, upon any and all lands in the state and take such samples of Austrian field cress, soil, or other material needed for the investigation and eradication of this noxious weed, and to these ends he may, from time to time, publish and circulate information through the press, and publish bulletins and other publications.

It shall be the duty of the commissioner to take such steps as in his judgment may be necessary to place lands infested with Austrian field cress under his control for purposes of study and of practicing methods of eradication of Austrian field cress thereon. He shall have the authority to cooperate with local town and county boards, individuals, and other state officials in the exercise of his duty, as herein described.

[1931 c 387 s 1] (6163-1)

**20.18** [Repealed, 1945 c 534 s 9]



**20.19 ENFORCEMENT; SALE OF PRODUCE; ASSISTANTS; EQUIPMENT.**

The commissioner is hereby authorized, and it shall be his duty, to administer sections 20.19 to 20.22, and he shall have authority to make, promulgate, and enforce such rules and regulations as he shall deem necessary, and cooperate with the dean of the department of agriculture of the University of Minnesota in the study of life habits and eradication methods of primary noxious weeds; and, from time to time, shall publish such information upon the subject as may be of public interest and value to the agricultural communities of the state.

When farm produce is grown on lands secured under the provisions of sections 20.19 to 20.22 for the study of life habits and eradication methods, the commissioner, in cooperation with the dean of the department of agriculture of the University of Minnesota, is directed and authorized to sell such produce, and all moneys derived from such sale shall be deposited with the state treasurer in the same manner as other state receipts are deposited, but shall be set aside and constitute a separate fund to be known as the primary noxious weed fund, and shall be used in the conduct of the studies provided for in sections 20.19 to 20.22.

The commissioner may engage such additional employees and purchase such equipment and supplies as may be necessary to carry out the provisions thereof.

[1935 c 348 s 1, 2; 1937 c 72 s 1] (6164-4, 6164-5)

**20.20 COMMISSIONER MAY DESTROY WEEDS.** When, from investigation or otherwise, it shall appear to the commissioner that upon any tract of agricultural land there is an infestation of primary noxious weeds beyond the ability of the land occupant or owner to eradicate, the commissioner, upon request of the owner, or upon his own motion, shall take such steps as may be necessary to prevent further spread of such weed growths and, to this end, 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.

[1935 c 348 s 4] (6164-7)

**20.21 MUST GIVE WRITTEN NOTICE.** The commissioner, upon entering upon any tract of land for the purposes of sections 20.19 to 20.22 shall give written notice to the owner of such entry and quarantine, if established, and shall also give the owner written notice of the completion of his operation thereon.

[1935 c 348 s 5] (6164-8)

**20.22 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 in section 20.19, which fund shall be reimbursed not later than January first, of each year, 20 per cent thereof by the county and ten per cent thereof by the town in which the land so quarantined and improved is situated.

When the infestations of primary 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 in section 20.19, 50 percent from the funds provided for the maintenance of the state highway department, if the infestation is on a state highway, 50 per cent by the county, if the infestation is on a county or state aid road, and 50 per cent by the town, if the infestation is on a town road or cartway.

When infestations of primary 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 in sections 20.19 to 20.22, and 50 percent by the municipality from its general revenue fund.

[1935 c 348 s 6; 1937 c 72 s 2] (6164-9)

**20.23 ERADICATION OF INDIAN HEMP.** The growing of Indian hemp (*cannabis sativa* L.) or Indian hemp weeds, from which marihuana is derived, is hereby declared to be, and the same is, a public nuisance and the existence thereof is a menace to the public welfare, and the growth, maintenance, and propagation thereof is forbidden, except as provided in sections 20.23 to 20.27 for commercial uses and by licenses issued by the commissioner. It shall be the duty of every person owning, occupying, or having charge of any premises on which such Indian hemp or Indian hemp weeds are grown, or are found growing, to forthwith destroy

such Indian hemp or Indian hemp weeds, except as the same may be permitted for commercial uses and by licenses hereafter issued by the commissioner.

[1939 c 405 s 1] (10278-11)

**20.24 ENFORCEMENT.** The commissioner is authorized, and it is hereby made his duty, to cause all such Indian hemp or Indian hemp weeds within the state to be eradicated, except such as are licensed in accordance with the provisions in sections 20.23 to 20.27 for commercial uses. The commissioner shall make rules and regulations relating to the most convenient and expedient method of eradicating and destroying such Indian hemp or Indian hemp weeds; and the agents and employees of his department shall have power to enforce the provisions of sections 20.23 to 20.27 and the regulations thereunder, and the commissioner, or his agents or employees, shall have free access, at all reasonable hours, to any premises to determine whether such Indian hemp or Indian hemp weeds are growing thereon, and to require reports from the owners or occupants as to the presence of such Indian hemp or Indian hemp weeds.

[1939 c 405 s 2] (10278-12)

**20.25 OWNER OF PREMISES NOTIFIED.** In pursuance of the powers granted by sections 20.23 to 20.27, when the commissioner, or his agents or employees, shall have found Indian hemp or Indian hemp weeds on any premises, it shall be the duty of the commissioner, his agents, or employees, as the case may be, to immediately notify, or cause to be notified, the owner or occupant of the premises, on which such Indian hemp or Indian hemp weeds are growing, to eradicate and destroy such Indian hemp or Indian hemp weeds; such notice to be sent to such owner or occupant in such form as the commissioner shall prescribe. If such Indian hemp or Indian hemp weeds are not destroyed within 20 days after the mailing of the notice, if sent by registered mail, or within 20 days after the delivery of the notice, if delivered by messenger, the commissioner, his agents or employees, shall destroy, or cause to be destroyed, such Indian hemp or Indian hemp weeds. When any owner or occupant of land to whom such a notice has been mailed, or upon whom a notice has been served, fails and omits to eradicate and destroy any Indian hemp or Indian hemp weeds within the time required by sections 20.23 to 20.27, and such eradication and destruction of the Indian hemp or Indian hemp weeds is undertaken or caused by the commissioner, his agents or employees, the commissioner shall file a verified and itemized statement of the costs of all services rendered in connection with the mailing or serving of the notice and the eradication and destruction of such Indian hemp or Indian hemp weeds on each separate tract or lot of land with the county auditor or with the clerk of the city or the village in which the lands are located; and such statement shall be authority for immediate issuance by the county auditor or clerk of 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, village, or city, as the case may be, against the land involved and shall be certified to by the county auditor, village clerk, or city 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, village, or city for its expenditures 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 and itemized statement of the commissioner, 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 a 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.

[1939 c 405 s 3] (10278-13)

**20.26 GROWING INDIAN HEMP FOR COMMERCIAL PURPOSES; LICENSES.** Growing or maintenance of Indian hemp or Indian hemp weeds is permitted only for commercial uses, as herein defined. Commercial uses are such adaptations of Indian hemp or Indian hemp weeds as are necessary and proper for the manufacture of rope, sacks, and other sisal hemp products and such other non-injurious commercial products, including the manufacture of batts, yarn, thread, cordage, merchandise, cloth, and such other products as may be made from linen fiber, as have been or may be developed; submitted to the commissioner and approved by him. The commissioner is hereby authorized, and it shall be

his duty, to license and authorize the growing of Indian hemp or Indian hemp weeds when the derivatives thereof are to be used solely for the commercial uses herein defined. Any person desiring to grow Indian hemp or Indian hemp weeds for commercial purposes, as herein defined, shall file an application for a license therefor with the commissioner, giving a description and the area of land intended to be so used. The commissioner shall issue a license to the applicant for the growing of such Indian hemp or Indian hemp weeds for such commercial uses as are specified in the application and license, and the growing of Indian hemp or Indian hemp weeds, pursuant to the terms of the license issued by the commissioner shall be lawful to the extent granted by the license.

[1939 c 405 s 4] (10278-14)

**20.27 LICENSEE TO NOTIFY COMMISSIONER.** Any person to whom a license for commercial growing of Indian hemp or Indian hemp weeds is issued shall notify the commissioner of the sale or distribution thereof, and the names of the persons to whom such Indian hemp or Indian hemp weeds are sold or distributed.

[1939 c 405 s 5] (10278-15)

**20.28 VIOLATIONS; PENALTIES.** Subdivision 1. **Misdemeanors.** (a) Any person violating any of the provisions of sections 20.02 to 20.05 or sections 20.23 to 20.27 shall be guilty of a misdemeanor.

(b) Any person who violates any of the provisions of sections 20.06 to 20.16 or who violates any duly adopted regulation of the commissioner or who neglects, fails, or refuses to comply with any notice duly issued thereunder by the commissioner, or a local weed inspector, and duly served upon him, or who fails, refuses, or neglects to perform any duty imposed upon him by sections 20.06 to 20.16, shall be guilty of a misdemeanor; and, upon conviction, punished accordingly.

Subd. 2. **Trespass a misdemeanor.** Any person who shall intrude upon any lands placed under quarantine by direction of the commissioner or who shall interfere with the operation of any machinery or other equipment being employed by or in use by the commissioner, or his duty authorized agents, in carrying out the provisions of sections 20.19 to 20.22 shall be guilty of a misdemeanor.

[1919 c 81 s 5; 1923 c 318 s 12; 1925 c 377 s 12; 1935 c 348 s 8; 1939 c 405 s 6] (6150, 6162, 6164-11, 10278-16)

**20.31 SPRAYING AND DUSTING MACHINES.** When used in sections 20.31 to 20.35, "spraying and dusting machine" means any power driven mechanism used on the ground to spray or dust crops or land to control or eradicate weeds, undesirable brush, plant diseases, insects, or rodents; but excludes any such mechanism when capable of hand transportation.

[1953 c 709 s 1]

**20.32 PERMITS.** Subdivision 1. A person shall not operate a spraying and dusting machine unless he has obtained a permit from the commissioner of agriculture, dairy, and food.

Subd. 2. A person may receive a permit by filing an application, upon a form prescribed by the commissioner, accompanied by a fee of \$5. The application shall state such information as the commissioner requires to enable him to determine if the applicant is qualified and his equipment suitable to perform the contemplated functions.

Subd. 3. Upon receiving a proper application, and payment of the required fee, with the approval of the state entomologist, the commissioner shall issue a permit. The permit is effective until January 1 following the date of its issuance, but may be renewed on that date, and for subsequent years, in the manner and subject to the conditions governing its issuance originally.

[1953 c 709 s 2]

**20.33 ADMINISTRATION, RULES.** The commissioner of agriculture, dairy, and food shall administer sections 20.31 to 20.35, and may promulgate rules and regulations necessary to administer these sections and effect their purpose.

[1953 c 709 s 3]

**20.34 APPLICATION; OPERATION WITHIN MUNICIPALITIES.** Sections 20.31 to 20.35 shall not apply to a farmer operating his own equipment on his own property, or for hire within 15 miles of his farm residence, but no person shall operate any such equipment within the corporate limits of any municipality without the consent of the governing body thereof.

[1953 c 709 s 4]

**20.35 VIOLATION, MISDEMEANOR.** A person who violates section 20.32 is guilty of a misdemeanor.

[1953 c 709 s 5]

**20.36 POWERS AND DUTIES TRANSFERRED TO COMMISSIONER OF AGRICULTURE, DAIRY, AND FOOD.** All powers and duties now conferred on the director of the division of forestry in the department of conservation by Minnesota Statutes 1949, Sections 88.23 to 88.26, are hereby transferred to and vested in the commissioner of agriculture, dairy, and food.

[1953 c 711 s 1]

**20.37 WHITE PINE BLISTER-RUST DECLARED A PEST.** The fungus disease commonly known as the white pine blister-rust, *Cronartium ribicola* Fischer, is hereby declared to be a dangerous forest pest in all its stages; and it shall be the duty of the commissioner to prosecute the measures specified in sections 20.37 to 20.40 for the control of this pest.

[1929 c 218 s 2; 1953 c 711 s 1] (4031-35½a)

**20.38 DISEASED PLANTS, DESTRUCTION.** Any white pines or currants or gooseberries within the state which are found to be infected with white pine blister-rust are hereby declared to be a public menace, and any such diseased plants and any and all wild plants of the genera *Ribes* and *Grossularia* may be destroyed forthwith by the order of the commissioner or his agents. Any currants, gooseberries, or white pines not infected with white pine blister-rust may be destroyed by the commissioner or his agents where necessary for carrying out the purposes of sections 20.37 to 20.40.

[1929 c 218 s 3; 1953 c 711 s 1] (4031-35½b)

**20.39 CONTROL AREAS.** Subdivision 1. **Methods.** The commissioner is hereby authorized and empowered to promulgate, by letter, publication, poster, or other means, information concerning the white pine blister-rust, and to designate by these means of promulgation blister-rust control areas within the state in which control measures are necessary or advisable. It shall be the duty of every landowner within such designated area to carry out such control measures as are ordered by the commissioner, including the removal and destruction of any or all wild cultivated currants and gooseberries or white pines, and no currants or gooseberries shall be planted within such blister-rust control area without written permission from the commissioner. If the owner fails to destroy the above named plants within the specified time, the commissioner shall cause these plants to be destroyed, and the expense thereof shall be a lien upon the owner's land. This lien shall have the same effect and may be collected in the same manner as taxes on the land. Any moneys so collected shall be paid into the state treasury and credited to the fund provided for this work.

Subd. 2. **Payment for plants not infected.** If currants, gooseberries, or white pines which are not infected with white pine blister-rust are destroyed by the specific order of the commissioner or his agents, the owner may be compensated therefor, the damages to be assessed by the commissioner or his agents at and not to exceed the actual value of the material destroyed and paid to the owner by the state treasurer upon authorization of the commissioner; provided, that any and all wild currants and gooseberries are hereby declared noxious weeds and no compensation shall be paid therefor.

Subd. 3. **Entry upon private and public lands.** The commissioner and his agents shall have the right to enter upon any private or public lands to determine the presence or absence of the white pine blister-rust in any of its stages and to carry out measures for its control.

[1929 c 218 s 4-6; 1953 c 711 s 1] (4031-35½c, 4031-35½d, 4031-35½e)

**20.40 SUPPRESSION AND CONTROL, GENERALLY.** Subdivision 1. **Cooperation.** The commissioner of agriculture, dairy, and food may cooperate with the departments of the federal government, the state department of conservation, the agricultural experiment station, and with counties, towns, villages, cities, associations, and individuals in the state generally for the suppression and control of white pine blister-rust and for carrying out such investigations of the disease and its control as are deemed advisable by the commissioner.

Subd. 2. **Lands within or contiguous to nurseries.** The commissioner shall have the same power and duties for suppression and control of the white pine blister-rust on land within or contiguous to any nursery in the state. The expense necessary

# MINNESOTA STATUTES 1953

205

NOXIOUS BUSHES AND WEEDS 20.40

for carrying out the provisions of this subdivision shall be paid from the appropriation for nursery inspection or other funds of the department of agriculture, dairy, and food.

Subd. 3. **Importation and movement of certain plants.** The commissioner is hereby authorized and empowered to prohibit and prevent or regulate the entry into or movement within the state, from any part thereof to any other part, of any white pines or any plants of the genera *Ribes* or *Grossularia* when such plants are to be shipped into blister-rust control areas, and may be enforced in like manner to that prescribed in section 18.03.

[1929 c 218 s 7-9; 1953 c 711 s 2] (4031-35½f, 4031-35½g, 4031-35½h)