

CHAPTER 20

NOXIOUS BUSHES AND WEEDS

<p>Sec. 20.01 Definitions 20.02 Certain bushes declared 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 Occupants or owners of land to destroy noxious weeds 20.08 Railway companies to destroy noxious weeds on their lands 20.09 Destruction of noxious weeds on public highways 20.10 Threshing machine outfits to be cleaned before moving 20.11 Inspectors 20.12 Duties of local weed inspectors 20.13 Cutting weeds in growing crops</p>	<p>Sec. 20.14 Reports by local weed inspectors 20.15 Notices; service; expenses of destroying weeds; lien 20.17 Appropriation for extermination of Austrian field cress 20.19 Enforcement; sale of produce; assistants; equipment 20.20 Commissioner may destroy weeds 20.21 Must give written notice 20.22 Expenses 20.23 Eradication of Indian hemp 20.24 Enforcement 20.25 To notify owner of premises 20.26 Growing Indian hemp for commercial purposes; licenses 20.27 Licensee to notify commissioner 20.28 Violations; penalties</p>
---	---

20.01 DEFINITIONS. Subdivision 1. Unless the language or context clearly indicates that a different meaning is intended, the words, terms, and phrases 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 phrase 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" means a city, village, or borough.

Subd. 3. "Non-resident lands" refers to all lands which are unoccupied, and the owner of which does not reside within the county;

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

Subd. 5. "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.
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.

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>Conringia orientalis</i> L.

French (stink) weed
 Curled (yellow or sour) dock
 Burdock
 Cockle bur
 Giant ragweed
 Common ragweed
 Wild (pea) vetch
 Buckhorn (plantain)
 Annual sow thistle
 Spiny sow thistle
 Russian thistle
 Prickly night shade
 Hedge buckwheat
 Wild buckwheat
 Morning glory
 Graveyard spurge
 Lady's thumb
 Wild barley
 Darnel
 Cheat
 Sand bur
 Purple cockle
 Sleepy catch fly
 Sticky cockle
 Forked catch fly
 Bull thistle
 Bladder campion
 Smart weeds
 California puncture vine
 Tansy
 Chickory
 St. Johnswort
 Dragonhead mint
 Meadow buttercup
 Wild oats
 Wild hemp

Thlaspi arvense L.
Rumex crispus L.
Arctium minus Schk.
Xanthium spp.
Ambrosia trifida L.
Ambrosia artemisiifolia L.
Vicia angustifolia L.
Plantago lanceolata L.
Sonchus cleraceus L.
Sonchus asper L.
Salsola Kali L.
Solanum rostratum L.
Polygonum scandens L.
Polygonum convolvulus L.
Convolvulus sepium L.
Euphorbia cyparissias L.
Polygonum persicaria L.
Hordeum jubatum L.
Lolium temulentum L.
Bromus secalinus L.
Cenchrus tribuloides L.
Agrostemma githago L.
Silene antirrhina L.
Silene noctiflora L.
Silene dichotoma Ehrh.
Carduus spp.
Silene latifolia B. and R.
Polygonum spp.
Tribulus terrestris L.
Tanacetum vulgare L.
Cichorium vulgare Intybus
Hypericum perforatum L.
Dracocephalum parviflorum Nutt.
Ranunculus acris L.
Avena spp.
Cannabis sativa L.

Subd. 6. "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. 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*), and other similar weeds propagated by seed and root stalk.

Subd. 8. "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] (6152, 6164-6)

20.02 CERTAIN BUSHES DECLARED 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] (6151)

20.07 OCCUPANTS OR OWNERS OF LAND TO DESTROY 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 of Class I and Class II, 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; 1927 c. 194 s. 1; 1945 c. 534 s. 2] (6153)

20.08 NOXIOUS WEEDS DESTROYED BY CERTAIN CORPORATIONS 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; 1945 c. 105] (6154)

20.09 DESTRUCTION OF NOXIOUS WEEDS ON PUBLIC HIGHWAYS. 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 of Class I and Class II growing, being, or standing on all trunk highways and other public highways, respectively, not within the limits of a municipality, to be cut down, otherwise destroyed or eradicated, between the fifteenth day of May and the fifteenth day of October, next following, as often as may be necessary to prevent the ripening or scattering of seed, and in such manner as may be directed or ordered by the commissioner or by the local weed inspector having jurisdiction.

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, between the first day of June and the fifteenth day of October, next following, as often as may be necessary to prevent the ripening or scattering of seeds, 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.

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 growing, standing, or being on their lots or lands between the curb line of the street or alley and the property line of their respective properties, between the fifteenth day of May and the fifteenth day of October, next following, as often as may be necessary to prevent the ripening or scattering of seeds, 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] (6155)

20.10 THRESHING OUTFITS TO BE 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, 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.

Any person failing to comply with the provisions of this section shall be liable to a fine of not less than \$10.00, nor more than \$25.00, for each failure.

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

20.11 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 subdivisions 1, 2, and 3, of section 20.12, 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.

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

Subd. 2. **Town weed inspectors.** Any town board may appoint a person to act as assistant weed inspector, and such assistant inspector shall have all the powers and authority as the town board members in the capacity of weed inspector. The compensation shall be the same as received for other town work executed by them. 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.

Subd. 3. **Compensation of county weed inspectors.** Appointees of the board of county commissioners shall be paid from the general revenue fund of the county. The compensation of the local weed and seed inspectors shall be fixed by the respective town boards, and paid from the general revenue fund of the town; the respective town boards shall also provide for the manner of reimbursement for necessary traveling expenses in addition thereto.

Subd. 4. **Compensation of town weed inspectors.** The mayor or president of cities or other municipalities, when the commissioner shall so direct, shall appoint one or more weed inspectors, whose duties and compensation shall be as described in sections 20.11 and 20.12 for local weed inspectors, and their jurisdiction should be coextensive with the municipality for which they are appointed. This compensation shall be paid from the general revenue fund of the municipality. Notice of such appointment shall be sent to the commissioner within ten days from the date of the notice to appoint.

Subd. 5. **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. 6. **Paid by 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; 1939 c. 330; 1945 c. 534 s. 4] (6157)

20.12 DUTIES OF LOCAL WEED INSPECTORS. Subdivision 1. **Examination of land; notice for destruction.** 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 non-resident lands within the township whereon noxious weeds are standing, being, or growing and in danger of going to seed, requiring him to cause the same to be cut down, otherwise destroyed or eradicated on the lands, in the manner and within

the time specified in the notice, such time not to exceed ten days. 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 its administration.

Subd. 2. Transportation regulations. When any person desires to transport materials containing leafy spurge, horse nettle, Austrian field cress, Creeping Jenny or perennial pepper grass, county weed inspectors are authorized to issue a permit to regulate the moving of such materials and to regulate such movement and to require proper treatment, cleaning, sterilization or destruction of any such material which has been or is about to be moved or deposited.

No grain seed or screenings containing leafy spurge, horse nettle, Austrian field cress, Creeping Jenny, perennial pepper grass, weed seeds shall be transported upon any public highway unless it be in sacks, boxes, or other containers sufficiently closed or covered with canvas or otherwise to prevent weed seeds from blowing or scattering along the highway.

Subd. 3. Tax exempt or tax forfeited 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, they shall be guilty of a misdemeanor, and the local weed inspector or the county weed and seed inspector shall forthwith proceed to cause them to be cut down, otherwise destroyed or eradicated, and the expense thus incurred shall be a just charge against the lands involved and upon presentation of an itemized account of the same, payment shall be made by the public officials or persons in charge of the lands. In the event that it is not paid, such expense shall be included in the costs taxed and made a part of the fine against any person convicted for a violation of this section.

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; 1937 c. 371 s. 2; 1945 c. 534 s. 5] (6158)

20.13 Cutting weeds 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 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; 1945 c. 534 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; 1945 c. 534 s. 7] (6160)

20.15 NOTICES; SERVICE; EXPENSES OF DESTROYING WEEDS; LIENS. Subdivision 1. **Notices.** 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 notices 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 and seed inspectors may determine. Failure of weed and seed 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.

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. **Inspector to destroy; expenses, to whom chargeable.** 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 and seed inspector having jurisdiction, or if there is no local weed and seed inspector, the county weed and seed inspector or the commissioner, shall cause the same to be cut down, otherwise destroyed or eradicated at the expense of the county, city, or village 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, city, or village 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 and publishing 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 city or village in which such lands are located, and such statement shall be authority for

the immediate issuance by such 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, the village 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 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; 1945 c. 534 s. 8] (6161)

20.16 [Repealed by 1945 c. 534 s. 9]

20.17 APPROPRIATION FOR 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] (6163-1)

20.18 [Repealed by 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 ss. 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 pre-

vent 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 per cent by the state from the fund provided in section 20.19, 50 per cent 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 per cent thereof by the state from the funds provided for in sections 20.19 to 20.22, and 50 per cent 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 TO NOTIFY OWNER OF PREMISES. 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,

MINNESOTA STATUTES 1945

20.28 NOXIOUS BUSHES AND WEEDS

180

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.

Subdivision 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 duly 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 c. 12; 1925 c. 377; 1935 c. 348 s. 8; 1939 c. 405 s. 6]
(6150, 6162, 6164-11, 10278-16)