

CHAPTER 20

AGRICULTURE; NOXIOUS BUSHES AND WEEDS

CONSTITUTIONALITY. These provisions are a reasonable exercise of the police power. *State v Boehm*, 92 M 374, 100 NW 95.

20.01 DEFINITIONS.

HISTORY. 1923 c. 318 s. 2; G.S. 1923 c. 6152; 1925 c. 377; M.S. 1927 s. 6152; 1935 c. 348 s. 3; 1937 c. 371 s. 1; M. Supp. s. 6164-6; 1945 c. 534 s. 1.

20.02 CERTAIN BUSHES DECLARED NUISANCES AND MAINTENANCE FORBIDDEN.

HISTORY. 1919 c. 81 s. 1; G.S. 1923 s. 6146; M.S. 1927 s. 6146.

Plaintiff, asking for equitable relief under the moratorium act had not paid taxes or even a small item of \$40.00 charge by the county for cutting noxious weeds, among other things indicates such lack of cooperation that relief should be denied. *Santee v Travelers' Insurance*, 201 M 68, 275 NW 366.

20.03 AUTHORITY OF STATE ENTOMOLOGIST.

HISTORY. 1919 c. 81 s. 2; G.S. 1923 s. 6147; M.S. 1927 s. 6147.

20.04 DESTRUCTION OF BUSHES.

HISTORY. 1919 c. 81 s. 3; G.S. 1923 s. 6148; M.S. 1927 s. 6148.

20.05 CERTIFICATE OF ENTOMOLOGIST.

HISTORY. 1919 c. 81 s. 4; G.S. 1923 s. 6149; M.S. 1927 s. 6149.

20.06 ENFORCEMENT; REGULATIONS.

HISTORY. 1923 c. 318 s. 1; G.S. 1923 s. 6151; 1925 c. 377; M.S. 1927 s. 6151.

The duty to eradicate weeds is imposed on the owners of the land. There is no authority to use township funds except as particularly stated in the weed law. 1934 OAG 882, April 12, 1934 (442-11).

Where water has receded and weeds have grown up, the owner of the land to which the margin of the lake accrues is the one liable for eradication of the weeds. 1934 OAG 884, Aug. 1, 1934 (322a-6).

20.07 OCCUPANTS OR OWNERS OF LAND TO DESTROY NOXIOUS WEEDS.

HISTORY. 1923 c. 318 s. 3; G.S. 1923 s. 6153; 1925 c. 377; 1927 c. 194 s. 1; M.S. 1927 s. 6153; 1945 c. 534 s. 2.

APPROPRIATIONS. Since the duty to eradicate weeds is placed on the owner of land, a town board cannot legally appropriate money for this purpose. 1934 OAG 882.

It is the duty of the owner of land adjoining a meandered lake to cut weeds growing between high water mark and the present water level. 1934 OAG 884.

The weed inspector has power to designate the method of eradication to be used, and even to prescribe the chemical. If the owner claims the chemical is dangerous to life, that is a question of fact. 1942 OAG 262, July 20, 1942 (322-G).

20.08 RAILWAY COMPANIES TO DESTROY NOXIOUS WEEDS ON THEIR LANDS.

HISTORY. 1923 c. 318 s. 4; G.S. 1923 s. 6154; 1925 c. 377; M.S. 1927 s. 6154; 1945 c. 105.

20.09 DESTRUCTION OF NOXIOUS WEEDS ON PUBLIC HIGHWAYS.

HISTORY. 1923 c. 318 s. 5; G.S. 1923 s. 6155; 1925 c. 377; 1927 c. 194 s. 2 M.S. 1927 s. 6155.

MUNICIPALITIES. Where lands owned by the state abut on a street or alley from which the municipality must pay to have weeds removed, the municipality's only remedy is to seek relief from the legislature. 1920 OAG 608.

20.10 THRESHING MACHINE OUTFITS TO BE CLEANED BEFORE MOVING.

HISTORY. 1923 c. 318 s. 6; G.S. 1923 s. 6156; 1925 c. 377; M.S. 1927 s. 6156; 1945 c. 534 s. 3.

20.11 INSPECTORS.

HISTORY. 1923 c. 318 s. 7; G.S. 1923 s. 6157; 1925 c. 377; M.S. 1927 s. 6157; 1939 c. 330; 1945 c. 534 s. 4.

COMPENSATION. Compensation of the chairmen of town boards for acting as local weed inspectors when the county board shall fail to appoint others is from the same source as those appointed by the county board. 1924 OAG 221.

If the town board refuses to fix the salary in question by resolution the town chairmen can compel action by mandamus proceedings. 1926 OAG 223.

If the commissioner requests the county commissioners to appoint weed inspectors, and the county board fails to do so, the chairman of the town board becomes weed inspector ex officio; but if no request is made by the commissioner to the county board the office does not devolve on the said chairman. 1938 OAG 474, Oct. 22, 1937 (322d).

When areas of any considerable size are treated or destroyed, all statutory provisions must be complied with; but small tracts of three acres or less may be treated summarily. OAG April 1, 1944 (322-G).

20.12 DUTIES OF LOCAL WEED INSPECTORS.

HISTORY. 1923 c. 318 s. 8; G.S. 1923 s. 6158; 1925 c. 377; M.S. 1927 s. 6158; 1937 c. 371 s. 2; 1945 c. 534 s. 5.

20.13 CUTTING WEEDS IN GROWING CROPS.

HISTORY. 1923 c. 318 s. 9; G.S. 1923 c. 6159; 1925 c. 377; M.S. 1927 s. 6159; 1945 c. 534 s. 6.

20.14 REPORTS BY LOCAL WEED INSPECTORS.

HISTORY. 1923 c. 318 s. 10; G.S. 1923 s. 6160; 1925 c. 377; M.S. 1927 s. 6160; 1945 c. 534 s. 7.

20.15 NOTICES; SERVICE; EXPENSES OF DESTROYING WEEDS; LIEN.

HISTORY. 1923 c. 318 s. 11; G.S. 1923 s. 6161; 1925 c. 377; M.S. 1927 s. 6161; 1945 c. 534 s. 8.

SERVICE. In the case of resident lands service should be on the occupant who may or may not be the owner. 1926 OAG 608.

See, 1934 OAG 884, Aug. 14, 1934 (322a-6); 1942 OAG 262, July 20, 1942 (322-G).

MINNESOTA STATUTES 1945 ANNOTATIONS

20.17 NOXIOUS BUSHES AND WEEDS

284

In the absence of a statute to that effect, neither the county board, nor a township board may appropriate money for weed eradication. 1938 OAG 473, March 19, 1937 (322b).

Where an attorney is employed by the town board to make up the notices, his charges are an expense item for the town to pay. His charges do not become a part of the lien on the landowner. OAG Oct. 19, 1944 (322G).

20.17 APPROPRIATION FOR EXTERMINATION OF AUSTRIAN FIELD CRESS.

HISTORY. 1931 c. 387; M. Supp. s. 6163-1.

20.19 ENFORCEMENT; SALE OF PRODUCE; ASSISTANTS; EQUIPMENT.

HISTORY. 1935 c. 348 ss. 1, 2; 1937 c. 72 s. 1; M. Supp. ss. 6164-4, 6164-5.

20.20 COMMISSIONER MAY DESTROY WEEDS.

HISTORY. 1935 c. 348 s. 4; M. Supp. s. 6164-7.

Manner of eradication, including guarantee, destruction of weeds, and treatment when the primary weeds are on the highway. 1938 OAG 475, March 22, 1938 (322b).

20.21 MUST GIVE WRITTEN NOTICE.

HISTORY. 1935 c. 348 s. 5; M. Supp. s. 6164-8.

20.22 EXPENSES.

HISTORY. 1935 c. 348 s. 6; 1937 c. 72 s. 2; M. Supp. s. 6164-9.

20.33 ERADICATION OF INDIAN HEMP.

HISTORY. 1939 c. 405 s. 1; M. Supp. s. 10278-11.

20.24 ENFORCEMENT.

HISTORY. 1939 c. 405 s. 2; M. Supp. s. 10278-12.

20.25 TO NOTIFY OWNER OF PREMISES.

HISTORY. 1939 c. 405 s. 3; M. Supp. s. 10278-13.

20.26 GROWING INDIAN HEMP FOR COMMERCIAL PURPOSES; LICENSES.

HISTORY. 1939 c. 405 s. 4; M. Supp. s. 10278-14.

20.27 LICENSEE TO NOTIFY COMMISSIONER.

HISTORY. 1939 c. 405 s. 5; M. Supp. s. 10278-15.

20.28 VIOLATIONS; PENALTIES.

HISTORY. 1919 c. 81 s. 5; 1923 c. 318 s. 12; G.S. 1923 ss. 6150, 6162; 1925 c. 377; M.S. 1927 ss. 6150, 6162, 6164-11; 1935 c. 348 s. 8; 1939 c. 405 s. 6; M. Supp. s. 10278-16.