

CHAPTER 128.

DESTRUCTION OF WEEDS.

Sub. for S. F. 196.

AN ACT to provide for the destruction of noxious weeds and other weeds upon lands, highways and other places; prescribing penalties for the violation thereof; assessing the costs and expenses of the destruction of the same to the lands and owners thereof; and providing funds with which to destroy the same, and repealing all of chapter ninety-six (96) of the acts of the thirty-third general assembly relating to weeds upon lands and highways.

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. Repeal—land owners or tenants to destroy weeds—when. It shall be the duty of each owner, occupant, person, company or corporation in control of any lands within the state of Iowa, whether the same shall consist of improved or unimproved lands, town or city lots, lands used for railway right of way or depot grounds, lands in which the public has an easement for road, street or other right of way, or lands used for any other purpose whatsoever, to cut, burn, or otherwise entirely destroy all noxious weeds as defined in section two (2) hereof at such times in each year and in such manner as shall prevent the said weeds from blooming or coming to maturity, and to keep the said lands free from such growths of other weeds as shall render the streets or highways adjoining the same unsafe for public travel or shall interfere in any manner with the proper construction or repair of the said streets or highways, and shall cause to be cut, near the surface, all weeds on the streets or highways adjoining said lands between the fifteenth day of July and the fifteenth day of August of each year. But nothing herein shall prevent the land owner from harvesting the grass grown upon the roads along his land in proper season.

SEC. 2. Noxious weeds. The following weeds are hereby declared to be noxious weeds; namely, quack grass (*agropyron repens*), Canada thistle (*cirsium arvense*), cocklebur (*xanthium canadense*), wild mustard (*brassica arvensis*), sour or curled dock (*rumex crispus*), smooth dock (*rumex altissimus*), buckhorn or ribbed plantain (*plantago lanceolata*), wild parsnip (*pastinaca sativa*), horse nettle (*solanum carolinense*), velvet weed or button weed (*abutilon theophrasti*), burdock (*arctium lappa*), shoo fly (*hibiscus trinonum*), wild carrot (*daucus carota*) and Russian thistle (*salsola kali*, l. var. *tagrus*).

SEC. 3. Neglect or refusal to destroy—order—written notice—costs how paid. If any such owner, occupant, person, company or corporation in control of any such land shall fail or neglect to do the things necessary to prevent the said noxious weeds on any such land from blooming or coming to maturity, or shall permit weeds thereon contrary to the provisions of section one (1) hereof, or if it shall appear that there is danger that any such noxious weeds on any such land may mature, then upon their own motion or upon complaint made to any member thereof, it shall be the duty of the board of trustees of the township in which such land lies or to which such land may be adjacent and within the same county, or of the town council or board of commissioners if within the limits of an incorporated town or city, to make investigation of such condition or complaint, and if it appears that there is danger that any such noxious weeds may mature or that weeds thereon render

or are about to render the streets or highways adjoining the land unsafe for public travel or interfere or are about to interfere in any manner with the proper construction or repair of the said streets or highways, the said board of trustees, town council or commissioners, as the case may be, shall make an order fixing the time within which the weeds shall be prevented from maturing seed or the said weeds shall be destroyed, prescribing the manner of their destruction, and shall forthwith give notice in writing of the said order personally to the owner of the land upon which the same exist if service of such notice can be made within the township in which such land is situated, and if it can not be so served, then by mailing said notice by registered mail to the owner at his last known address, and also by giving a copy of the notice to the person, company or corporation in the apparent control or occupancy of the said land, whose duty it shall also be to mail said notice to the owner, and if the order so made is not substantially complied with by the time fixed in the order and after reasonable notice as herein provided, then it shall be the duty of the board of trustees, town council or commissioners, as the case may be, forthwith to cause said order to be fully performed, and the expense of the same, including the costs of serving said notice and the special meetings of the board of trustees, town council or commissioners, if any were required, shall be advanced out of the township road fund, or town or city general fund, as the case may be; or if the said fund shall be insufficient therefor, the town council, commissioners, or the board of trustees may borrow the money necessary to advance the same by issuing warrants of a like amount upon the road fund, or upon the town or city general fund, and at any meeting of the board they shall assess all of the same against the said land and the owner thereof by a special tax which shall be certified and collected together with interest and penalty after due in the same manner as road taxes unpaid and shall be collected by the county treasurer and when collected shall be paid into the fund upon which said warrants were drawn. Before making said assessment, ten days' notice shall be given such owner of the time and place of meeting of the trustees, council or commissioners, which notice shall also contain a statement of the work done and the expense thereof with costs, and shall be given in the same manner as originally given to owners as hereinbefore provided. At said time and place such owner may appear with the same rights given by law before boards of review upon increase in assessments.

SEC. 4. Board of trustees—duties. It shall be the duty of the board of trustees of each township to consider the conditions of all lands and highways within the township and outside of incorporated towns and cities as to noxious weeds, and the town councils and commissions shall have the same duties with reference to lands within their respective towns or cities, and on complaint made to them or on their own motion, whenever it may appear that any of such lands within their jurisdiction are infested with noxious weeds or other weeds, whether about to bloom and mature or not, they shall order their destruction before a date to be fixed in the said notice and prescribe the manner in which the destruction shall be accomplished, notice of which order shall be given as provided in section three (3) hereof, and if the said order shall not be complied with, the board may proceed to cause the said order to be performed and shall certify the expense thereof and it shall be paid and assessed to the lands upon which the same shall have been destroyed and to the owners or owner thereof and be collected in the same manner as is provided for the expense of proceedings under section three (3) hereof.

SEC. 5. Complaints. It shall be the duty of all officers directly responsible for the care of public highways to make complaint to the proper township

trustees or town councils or commissions, as the case may be, whenever it shall appear that the provisions of section one (1) hereof may not be complied with in time to prevent the blooming and maturing of noxious weeds or the unlawful growth of weeds, whether in the streets or highways for which they are responsible or upon lands adjacent to the same.

SEC. 6. Applicable to cities and towns. All of the provisions of this section relating to the duty of the owner of the lands to prevent the blooming and maturing of noxious weeds thereon and to destroy such growths of other weeds thereon as may interfere with the use of highways shall apply also to cities and towns and the proper officers there as to all streets, highways and lands of any kind within their borders the fee of which shall rest in the public.

SEC. 7. Posting of notices. It shall be the duty of the township clerk between the first and the fifteenth days of May of each year to post in two conspicuous places in each school district of the township a notice calling attention to the weed law of the state of Iowa and giving a list of the noxious weeds contained therein and notifying the property owners to meet the requirements of the law.

SEC. 8. Reports. It shall be the duty of the township clerk between the fifteenth and thirtieth days of October of each year to make a report to the board of supervisors of the county in which his township is situated as to the presence and location of noxious weeds that have been reported or found within the township and the steps taken to bring about the destruction thereof, a copy of which report shall be forwarded to the board of supervisors to be kept on file and a copy of same to be forwarded by them to the secretary of the Iowa department of agriculture not later than the first day of December following.

SEC. 9. Penalty. Any township trustee or road officer or other officer who neglects or fails to perform the duties incumbent upon him under the provisions of this act shall be guilty of a misdemeanor and shall be punished by a fine not exceeding one hundred dollars (\$100.00)

SEC. 10. Repeal. Chapter ninety-six (96) of the acts of the thirty-third general assembly is hereby repealed.

SEC. 11. In effect. This act, being deemed of immediate importance shall take effect and be in full force after its publication in the Register and Leader and the Des Moines Capital, newspapers published in Des Moines, Iowa.

Approved April 23 A. D. 1913.

I hereby certify that the foregoing act was published in the Register and Leader May 1, 1913 and in the Des Moines Capital April 30, 1913.

W. S. ALLEN,
Secretary of State.