

DESTRUCTION OF WEEDS ON PRIVATE LANDS AND PUBLIC HIGHWAYS

S. F. 125

AN ACT to amend, revise, and codify chapter eleven (11) of title eleven (11) of the compiled code of Iowa, and of the supplement to said code, relating to the destruction of weeds on private lands and public highways.

Be It Enacted by the General Assembly of the State of Iowa:

That chapter eleven (11) of title eleven (11) of the compiled Code of Iowa, and of the supplement to said Code is amended, revised, and codified to read as follows:

Section 1. Duty to enforce. The provisions of this chapter shall be enforced:

1. By the board of supervisors as to all county and primary roads.
2. By the councils and commissioners of all cities and towns, irrespective of their local form of government, as to all roads, streets, and other lands within said cities and towns.
3. By the township trustees as to all township roads and as to all other lands, including railroad lands, within the township not embraced in paragraphs one (1) and two (2) hereof.

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*), velvetweed or buttonweed (*abutilon theophrasti*), burdock (*arctium lappa*), shoofly (*hibiscus trionum*), wild carrot (*daucus carota*), sow thistle (*souchus arvensis*), and Russian thistle (*Salsola Kali, L. Var. Tagrus*).

Sec. 3. Duty to destroy. Each owner and each person in the possession or control of any lands, including railroad lands, shall:

1. Cut, burn, or otherwise destroy, all noxious weeds thereon, as defined in this chapter, at such times in each year and in such manner as shall prevent said weeds from blooming or coming to maturity, and keep said lands free from such growth of other weeds as shall render the streets or highways adjoining said lands unsafe for public travel, or shall interfere in any manner with the proper construction or repair of said streets or highways.
2. Cause all weeds on the streets or highways adjoining said lands to be cut or destroyed in the manner and the time prescribed by the board of supervisors. Nothing herein shall prevent the land owner from harvesting, in proper season, the grass grown on the road along his land.

Sec. 4. Extent of duty. The duty of one who owns, controls, or occupies land to destroy weeds within a public highway shall only extend to the line in the highway to which the abutting land would extend in case no highway existed.

Sec. 5. Order for destruction. The board of supervisors of each county shall, at their April meeting of each year, by resolution make an order fixing the time for destruction of noxious weeds and may fix different times for the destruction of different varieties of weeds.

Sec. 6. Notice of order. Notice of aforesaid order shall be given by one publication in the official newspapers of the county and shall be directed to all property owners. Said notice shall state:

1. Time for destruction.
2. Manner of destruction if other than cutting above the surface of the ground.

3. That unless said order is complied with the trustees (or council or commissioners as the case may be) will cause said weeds to be destroyed and the cost thereof to be taxed to the owner of the property.

Sec. 7. Destruction. The trustees, council, commissioners, or board of supervisors, as the case may be, shall forthwith, in case of a substantial failure to comply with said order, cause said weeds to be destroyed. The expense of such destruction, including costs of serving said notice and the costs, if any, of any special meetings, may be advanced from the township road fund, or from the town or city general fund, or from the county road fund, as the case may be.

Sec. 8. Assessments of costs. The trustees, council, commissioners, or board of supervisors shall assess all of said costs against the said land and the owner thereof by a special tax shall be certified to the county treasurer by the clerk of the governing body, placed upon the tax books and collected, together with interest and penalty after due, in the same manner as other unpaid taxes. When collected, said funds shall be paid into the fund upon which said warrants were drawn.

Sec. 9. Notice of assessment. Before making said assessment, thirty (30) days notice shall be given such owner of the time and place of meeting of the trustees, council, commissioners, or board of supervisors, which notice shall also contain a statement of the work done and the expense thereof with costs, and shall be given by posting a copy thereof on the premises affected and by mailing a copy thereof by registered mail to the last known address of the person owning or controlling the same. At such time and place such owner may appear with the same rights given by law before boards of review upon increase in assessments.

Sec. 10. Duty to make complaint. 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 commissioners or board of supervisors, as the case may be, whenever it shall appear that the provisions of section 3 hereof may not be complied with in time to prevent the blooming and maturity 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. 10-a1. Report--to whom made. It shall be the duty of the township clerk, between the fifteenth and thirtieth days of October of each year, to make 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 the same to be forwarded by them to the secretary of agriculture not later than the first day of December following.

Sec. 10-a2. Complaint--duty of county attorney. It shall be the duty of the county attorney, upon complaint of any citizen that any officer charged with the enforcement of the provisions of this chapter has neglected or failed to perform his duty, to enforce the performance of such duty.

Sec. 11. Penalty. Any officer referred to in this chapter who neglects or fails to perform the duties incumbent upon him under the provisions of this chapter shall be punished by a fine not exceeding one hundred dollars (\$100.00).

Approved April 19, 1924.

CHAPTER 93

PUBLIC HIGHWAYS

N. F. 126

AN ACT to amend, revise, and codify chapter thirteen (13) of title eleven (11) of the compiled code of Iowa and of the supplement to said code, relating to the removal of obstructions from public highways and to advertising signs and billboards which obstruct the view of public highways and railway tracks.

Be It Enacted by the General Assembly of the State of Iowa:

That chapter thirteen (13) of title eleven (11) of the compiled Code of Iowa and of the supplement to said Code is amended, revised, and codified to read as follows:

Section 1. Removal. The board of supervisors and township trustees shall cause all obstructions in highways under their jurisdiction, to be removed.

Sec. 2. Fences and electric transmission poles. Poles used for telephone, telegraph, or other transmission purposes, shall not be removed until notice, in writing, of not less than thirty (30) days, has been given to the owner or company operating such lines, and in case of fences, notice in writing, of not less than sixty (60) days has been given to the owner, occupant or agent of the land enclosed by said fence.

Sec. 3. Notice. Said notice shall with reasonable certainty, specify the line to which such fences or poles shall be removed, and shall be served in the same manner that original notices are required to be served.

Sec. 4. Refusal to remove. All such fences and poles shall, within the time named, be removed to such line on the highway as the county engineer may designate. If there be no county engineer, the board of supervisors shall designate said line. If not so removed the public authorities may forthwith remove them.

Sec. 5. New lines. New lines, or parts of lines hereafter constructed, shall be located by the county engineer upon written application filed with the county auditor and shall thereafter be removable according to the provisions of