

1 SEC. 2. Section two (2) of chapter one hundred sixty-seven  
 2 (167), Laws of the Fifty-second General Assembly, is hereby  
 3 amended by striking from lines seven (7) and eight (8) of said sec-  
 4 tion the following: "that portion of the bridge being within such  
 5 adjoining state" and substituting in lieu thereof "the remaining one-  
 6 half of said bridge and approaches" and by striking all of lines ten  
 7 (10) and eleven (11) of said section and substituting in lieu thereof  
 8 "and all approaches."

1 SEC. 3. Section three (3) of chapter one hundred sixty-seven  
 2 (167), Laws of the Fifty-second General Assembly, is hereby amended  
 3 by striking from lines three (3) and four (4) of said section the fol-  
 4 lowing: "within the State of Iowa".

1 SEC. 4. This Act being deemed of immediate importance shall be  
 2 in full force and effect from and after its passage and publication in  
 3 The Allamakee Journal, a newspaper published at Lansing, Iowa, and  
 4 in the Waukon Republican and Standard, a newspaper published at  
 5 Waukon, Iowa.

Approved April 11, 1949.

I hereby certify that the foregoing act was published in The Allamakee Journal, May  
 4, 1949, and in the Waukon Republican and Standard, May 3, 1949.

MELVIN D. SYNHORST, *Secretary of State.*

## CHAPTER 134

### DESTRUCTION OF WEEDS

H. F. 448

AN ACT to amend chapter three hundred seventeen (317), Code 1946, and chapter one  
 hundred sixty-eight (168) Acts of the Fifty-second General Assembly, relating to  
 the control and destruction of growing weeds, vines, brush or other growth includ-  
 ing noxious weeds.

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

1 SECTION 1. Section three hundred seventeen point three (317.3),  
 2 Code 1946, is hereby repealed and the following enacted in lieu  
 3 thereof:

4 "The board of supervisors of each county shall annually appoint a  
 5 county weed commissioner who shall be a person not otherwise em-  
 6 ployed by the county and one who is familiar with the various types  
 7 of weeds and the recognized methods for their control and elimina-  
 8 tion. The county weed commissioner's appointment shall be effective  
 9 as of March 1 and continue for a term of one year unless he is sooner  
 10 removed from office as provided for by law. The county weed com-  
 11 missioner may, with the approval of the board of supervisors, appoint  
 12 a deputy or such number of deputies as are necessary to carry out  
 13 the purposes of this chapter. The name and address of the person  
 14 appointed as county weed commissioner shall, within ten (10) days  
 15 of the making of the appointment, be certified to the county auditor  
 16 and to the secretary of agriculture. The board of supervisors shall  
 17 fix the compensation of the county weed commissioner and his depu-

18 ties, if any, and in addition to said compensation, they shall be paid  
19 their necessary travel expense; said compensation and expense shall  
20 be paid from the county general fund."

1 SEC. 2. Section three hundred seventeen point four (317.4), Code  
2 1946, is hereby amended by striking from lines four (4), five (5)  
3 and six (6) the comma and words ", insofar as applicable, to the  
4 county, town, and city weed commissioners" and inserting in lieu  
5 thereof the words "to the county weed commissioners and their  
6 deputies".

7 Said section is hereby further amended by striking from line seven  
8 (7) thereof the word "jurisdictions" and inserting in lieu thereof  
9 the word "counties".

10 Said section is hereby further amended by striking from line  
11 eleven (11) the word and comma "jurisdiction," and inserting in lieu  
12 thereof the words: "county, including those growing within the  
13 limits of incorporated towns and cities,".

14 Said section is hereby further amended by adding at the end  
15 thereof the following: "Upon the filing of a complaint with the  
16 county weed commissioner, he or his deputies shall have the right at  
17 any time to enter upon any land in his county without the consent of  
18 the owner or one in possession or control thereof for the purpose of  
19 determining whether any noxious weeds are growing thereon and  
20 the facts as to the state of compliance with the weed control program,  
21 order or orders."

1 SEC. 3. Section three hundred seventeen point five (317.5), Code  
2 1946, is hereby repealed.

1 SEC. 4. Section three hundred seventeen point six (317.6), Code  
2 1946, and section three (3) of chapter one hundred sixty-eight (168),  
3 Acts of the Fifty-second General Assembly are hereby repealed and  
4 the following enacted in lieu thereof: "In case of a substantial  
5 failure by the owner or person in possession or control of any land  
6 to comply with any order of destruction pursuant to the provisions  
7 of this chapter, the county weed commissioner, his deputies and em-  
8 ployees acting under his direction shall have full power and authority  
9 to enter upon any land within their county for the purpose of destroy-  
10 ing noxious weeds. Such entry may be made without the consent of  
11 the landowner or person in possession or control of the land but actual  
12 work of destruction shall not be commenced until five (5) days after  
13 the service of a notice in writing on the landowner and on the person  
14 in possession or in control of the land. The notice shall state the facts  
15 as to failure of compliance with the county program of weed destruc-  
16 tion order or orders made by the board of supervisors and shall be  
17 served in the same manner as an original notice except as hereinafter  
18 provided. The notice may be served by the weed commissioner, his  
19 deputies or any person designated in writing by the weed commis-  
20 sioner and filed in the office of the county auditor. Provided, how-  
21 ever, that service on persons living temporarily or permanently out-  
22 side of the county may be made by sending the written notice of non-  
23 compliance by registered mail to said person at the last known address  
24 to be ascertained, if necessary, from the last tax list in the county  
25 treasurer's office. Where any person, firm or corporation owning

26 land within the county has filed a written instrument in the office of  
 27 the county auditor designating the name and address of its agent, the  
 28 notice herein provided may be served on that agent. In computing  
 29 time hereunder it shall be from the date of service as evidenced on  
 30 the return or if made by registered mail, from the date of mailing as  
 31 evidenced by the Registered Mail Book at the Postoffice where mailed.

1 SEC. 5. Section three hundred seventeen point eight (317.8),  
 2 Code 1946, is hereby amended by striking from subsection two (2)  
 3 thereof the comma and all that part of the subsection following the  
 4 word "pest" in line four (4) and inserting in lieu thereof a period (.).

1 SEC. 6. Section three hundred seventeen point ten (317.10), Code  
 2 of 1946, is hereby amended by striking from lines eight (8) and nine  
 3 (9) the words: "prevent said weeds from blooming or coming to  
 4 maturity" and inserting in lieu thereof the words: "be prescribed  
 5 in the program of weed destruction order or orders made by the  
 6 board of supervisors".

1 SEC. 7. Section three hundred seventeen point thirteen (317.13),  
 2 Code of 1946, is hereby amended by striking from line seven (7) the  
 3 words: "in five years".

4 Said section is hereby further amended by striking from line eleven  
 5 (11) the word "cutting" and inserting in lieu thereof the word "de-  
 6 struction".

1 SEC. 8. Section three hundred seventeen point fourteen (317.14),  
 2 Code 1946, is hereby amended by striking from said section in lines  
 3 five (5) to thirteen (13), inclusive, the following sentences: "In  
 4 cases where the cost appears likely to exceed twenty-five dollars, notice  
 5 to the property owners shall be by registered letters. Provided, how-  
 6 ever, that where any railroad company has filed a written instrument  
 7 in the county auditor's office, designating the name and address of  
 8 its agent, the county auditor shall send, by registered mail, a copy of  
 9 said notice to such agent."

10 Said section is further amended by striking from lines twenty (20)  
 11 and twenty-one (21) the words: "to be taxed to the owner of the  
 12 property" and inserting in lieu thereof the words: "will be taxed  
 13 against the real estate on which the noxious weeds are destroyed".

1 SEC. 9. Section three hundred seventeen point sixteen (317.16),  
 2 Code of 1946, and section eleven (11) of chapter one hundred sixty-  
 3 eight (168), Acts of the Fifty-second General Assembly are hereby  
 4 repealed and the following enacted in lieu thereof:

5 "In case of a substantial failure to comply by the date prescribed in  
 6 any order of destruction of weeds made pursuant to the provisions of  
 7 this chapter, the weed commissioner or his deputies shall, subsequent  
 8 to the time after service of the notice provided for in three hundred  
 9 seventeen point six (317.6) enter upon the land and cause such weeds  
 10 to be destroyed. The actual cost and expense of such cutting, burn-  
 11 ing or otherwise destroying of said weeds, the cost of serving notice  
 12 and special meetings or proceedings, if any, shall be paid from the  
 13 county general fund and, together with the additional assessment to  
 14 apply toward costs of supervision and administration, be recovered

15 by an assessment against the tract of real estate on which the weeds  
16 were growing, as provided in section 317.20."

1 SEC. 10. Section three hundred seventeen point eighteen (317.18),  
2 Code 1946, is hereby amended by striking from line five (5), the word  
3 "mowed" and inserting in lieu thereof the words "cut, burned or  
4 otherwise destroyed".

5 Said section is further amended by inserting following the word  
6 "cut" in lines twelve (12), thirteen (13) and eighteen (18) the words  
7 "burned or otherwise destroyed".

8 Said section is further amended by inserting following the word  
9 "cut" in line sixteen (16) the words "burn or otherwise destroy".

1 SEC. 11. Section three hundred seventeen point nineteen (317.19),  
2 Code 1946, is hereby amended by inserting following the word "cut"  
3 in line eight (8) the words "burn or otherwise destroy".

1 SEC. 12. Section nine (9) of Chapter one hundred sixty-eight  
2 (168), Acts of the Fifty-second General Assembly is hereby amended  
3 by inserting after the period in line five (5) the following: "When-  
4 ever equipment or materials so purchased are used on private property  
5 within the corporate limits of cities or towns by the weed commis-  
6 sioner, the cost of materials used and an amount to be fixed by the  
7 board of supervisors for the use of said equipment shall be returned  
8 to this one-fourth ( $\frac{1}{4}$ ) mill fund by the county treasurer upon the  
9 collection of the special assessment taxed against said property. In  
10 the certification to the county auditor and the county treasurer by the  
11 clerk of the board of supervisors this apportionment shall be desig-  
12 nated along with the special tax assessed under the provisions of  
13 section 317.20."

1 SEC. 13. Section three hundred seventeen point twenty (317.20),  
2 Code 1946, is hereby amended by striking from line four (4) the  
3 figure "317.17" and inserting in lieu thereof the figure "317.18".

4 Said section is further amended by inserting following the word  
5 "against" in line eight (8) the words: "the land".

6 Said section is further amended by striking all that part of sub-  
7 section 1 preceding the comma in line six (6) and inserting in lieu  
8 thereof the following: "Annually, after the weed commissioner has  
9 completed his program of destruction of weeds by reason of non-  
10 compliance by persons responsible therefor, the board of supervisors  
11 shall determine as to each tract of real estate the actual cost of labor  
12 and materials used by the commissioner in cutting, burning or other-  
13 wise destroying said weeds, the cost of serving notice and special  
14 meetings or proceedings, if any. To the total of all such sums ex-  
15 pended, they shall add an amount equal to twenty-five per cent (25%)  
16 thereof to compensate for the cost of supervision and administration  
17 and assess the resulting sum against said tract of real estate by a  
18 special tax".

1 SEC. 14. Subsection two (2) of section three hundred seventeen  
2 point twenty (317.20), Code 1946, is hereby amended by inserting  
3 after the word "assessed" in line four (4) the words: "which shall  
4 be in accord with the assessor's records".

5 Subsection three (3) of section three hundred seventeen point  
6 twenty (317.20), Code 1946, is hereby amended by inserting after  
7 the word "assessments" in line two (2) the words: "which time  
8 shall not be later than December 15 of the year".

1 SEC. 15. Cities and towns of twenty-five hundred (2,500) or more  
2 population shall have the power by ordinance to provide for the  
3 cutting or destroying by the property owners, of all weeds, vines,  
4 brush or other growth which constitute a health, safety or fire hazard  
5 and to provide for such destruction by the city or town and for the  
6 assessment of the cost and expenses thereof to the property in the  
7 event of the owner's failure to comply after due notice. Any such  
8 ordinance shall provide for notice to be served upon the property  
9 owner prior to the incurring of any cost of destruction by the city  
10 or town and further prescribe the method of certification of all costs  
11 of destruction and expenses, which amount shall be a debt due the  
12 corporation from the owner and shall be assessed against said prop-  
13 erty and be a lien thereon and collected as in the case of special  
14 assessments."

Approved March 31, 1949.

## CHAPTER 135

### MOTOR VEHICLES AND LAW OF THE ROAD

S. F. 353

AN ACT to amend chapter three hundred twenty-one (321), Code 1946, to amend section seven (7) of chapter one hundred seventy-five (175), Acts of the 52nd General Assembly, and to amend section one (1) of chapter one hundred seventy-seven (177), Acts of the 52nd General Assembly, relating to motor vehicles and law of road.

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

1 SECTION 1. Amend section three hundred twenty-one point one  
2 (321.1), Code 1946, sub-section twenty-six (26) by striking from  
3 lines three (3) and four (4) the words "of municipal departments"  
4 and inserting in lieu thereof the following: "owned by the United  
5 States, this state or any sub-division of this state or any municipality  
6 therein,".

1 SEC. 2. Amend section three hundred twenty-one point twenty-  
2 three (321.23), Code 1946, by striking from lines nine (9) and ten  
3 (10) the words "as may be in his possession or under his control".

4 Further amend by adding the following new subsection:

5 "3. In the event an applicant for registration of a foreign vehicle  
6 is able to furnish evidence of ownership to the department, although  
7 unable to surrender a certificate of title, the department may issue a  
8 non-transferrable and non-negotiable certificate of registration upon  
9 receipt of the required registration fee. Upon surrender to the de-  
10 partment of the certificate of title, the department shall issue in lieu  
11 of such non-transferrable and non-negotiable certificate of registra-