

## CHAPTER 116

## DESTRUCTION OF WEEDS

AN ACT to amend the law as it appears in sections forty-eight hundred eighteen (4818), forty-eight hundred nineteen (4819), forty-eight hundred twenty-two (4822), forty-eight hundred twenty-three-b1 (4823-b1), forty-eight hundred twenty-four (4824), forty-eight hundred twenty-five (4825), and repeal sections forty-eight hundred seventeen (4817), forty-eight hundred twenty-one (4821), and forty-eight hundred twenty-three (4823) of the code, 1927, and to enact substitutes therefor, and to repeal section forty-eight hundred twenty-seven (4827) of the code, 1927, relating to the destruction of weeds, and to provide for the appointment of "weed commissioners" and to prescribe their powers and duties.

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

1 SECTION 1. The law as it appears in section forty-eight hundred  
2 seventeen (4817) of the code of 1927, is hereby repealed and the fol-  
3 lowing enacted in lieu thereof.

4 The responsibility for the enforcement of the provisions of this  
5 chapter shall be vested in the board of supervisors as to all farm  
6 lands, railroad lands, state lands and state parks, primary and sec-  
7 ondary roads; roads, streets and other lands within cities having a  
8 population of less than five thousand people, and towns.

9 For the purpose of this chapter, the board of supervisors shall have  
10 general supervision:

11 1. Over all county roads.

12 2. Over the state highway commission as to primary roads.

13 3. Over the councils and commissioners of all towns and cities,  
14 having a population of less than five thousand, as to all roads, streets  
15 and other lands within said cities and towns.

16 4. Over the township trustees as to all township roads and as to  
17 all other lands, including railroad lands, within the township not  
18 embraced in paragraphs one (1), two (2) and three (3) hereof. In  
19 cities having a population of five thousand (5,000) people or more,  
20 the authority for the execution of the provisions of this chapter shall  
21 be vested in the city councils or commissioners, as the case may be.

22 The councils of towns and cities having a population of less than  
23 five thousand (5,000) and township trustees of all townships shall at  
24 their April meeting designate one of their number as weed commis-  
25 sioner for said city, town or township as the case may be, the name  
26 of the person appointed, and date of appointment shall be certified  
27 to the county auditor.

28 If in any city, having a population of less than five thousand people,  
29 town or township, no weed commissioner has been certified to the  
30 county auditor as provided, said appointment shall be made by the  
31 board of supervisors, from the membership of such delinquent board.

32 Each weed commissioner shall have supervision over the destruc-  
33 tion of noxious weeds in his particular district and shall hire labor  
34 and equipment necessary for the performance of his duties, subject  
35 to the approval of the board of supervisors. The board of supervisors  
36 shall fix the wage scale of such labor and equipment.

37 Each weed commissioner shall receive such amount per diem and  
38 mileage as shall be fixed by the respective board, commission or  
39 council which he represents.

40 The board of supervisors shall on the request of forty (40) tax-

41 payers of the county not later than May 15th call a meeting of all  
42 weed commissioners certified to the county auditor for the purpose  
43 of outlining a comprehensive plan for eradicating and keeping from  
44 going to seed, any noxious weeds defined in Sec. 4818.

45 In the event it becomes necessary for the weed commissioner to  
46 enter upon any land to destroy or keep from seeding, any noxious  
47 weeds, he shall apply the best known methods and use the utmost  
48 diligence in eradicating such weeds but he shall not expend in labor  
49 and materials more than one hundred dollars (\$100.00) on any one  
50 infested tract, without the advice and consent, in writing of the board  
51 of supervisors.

52 Each weed commissioner shall, annually, on or before the first day  
53 of November, make a written report to the board of supervisors. Said  
54 report shall state:

55 First—Whether, to the best of his knowledge, there are Canada  
56 thistles, quack grass, or other noxious weeds growing in his district.

57 Second—If any are growing, where and to what extent, and if  
58 possible when and how introduced.

59 Third—A detailed statement of his treatment of each infested  
60 tract, which he has attempted to exterminate, and the cost and re-  
61 sults. Also the treatment of noxious weeds that he has ordered  
62 exterminated, and the results obtained, and such other information  
63 as the board of supervisors may request.

64 Fourth—His views on their further treatment, and make such sug-  
65 gestions and recommendations as he may deem proper and useful.

66 From the reports received from the commissioners the board of  
67 supervisors shall make a summary report and forward a copy thereof  
68 to the state secretary of agriculture.

69 The state secretary of agriculture shall co-operate with all boards  
70 of supervisors and shall furnish blank forms for reports, for the use  
71 of the supervisors and weed commissioners and make suggestions to  
72 promote extermination of Canada thistles, quack grass and other  
73 noxious weeds.

1 SEC. 2. That the law as it appears in section forty-eight hundred  
2 eighteen (4818), of the code of 1927, be and the same is hereby  
3 amended by striking the period at the end thereof and adding the  
4 following: European bind weed (*convolvulus arvensis*).

1 SEC. 3. That the law as it appears in sub-section two (2) of sec-  
2 tion forty-eight hundred nineteen (4819), of the code of 1927, be and  
3 the same is hereby amended by striking out in lines two (2) and three  
4 (3) thereof the following: "or destroyed in the manner and".

1 SEC. 4. That the law as it appears in section forty-eight hundred  
2 twenty-one (4821), of the code of 1927, be and the same is hereby  
3 repealed, and the following substituted in lieu thereof:

4 The board of supervisors of each county shall at their April meet-  
5 ing of each year by resolution make an order fixing the time for de-  
6 struction of noxious weeds and may fix different times for the destruc-  
7 tion of different varieties of weeds.

1 SEC. 5. That the law as it appears in section forty-eight hundred  
2 twenty-two (4822), of the code of 1927, be and the same is hereby

3 amended by inserting after the period (.) in line four (4) thereof the  
4 following: Provided, however, that where any railroad company has  
5 filed a written instrument in the county auditor's office, designating  
6 the name and address of its agent, the county auditor shall send, by  
7 registered mail, a copy of said notice to such agent.

8 Further amend the law as it appears in section forty-eight hun-  
9 dred twenty-two (4822), of the code of 1927, by striking from lines  
10 ten (10) and eleven (11) the following: "trustees (or council or com-  
11 missioners as the case may be)", and substituting in lieu thereof  
12 the words "weed commissioner".

1 SEC. 6. That the law as it appears in section forty-eight hundred  
2 twenty-three (4823) of the code, 1927, be and the same is hereby  
3 repealed and the following inserted in lieu thereof: In case of a  
4 substantial failure to comply with such order, the weed commissioner  
5 shall forthwith cause such weeds to be destroyed, and the expense  
6 of such destruction and the costs of any special meetings, if any,  
7 shall be deducted from the county general fund.

1 SEC. 7. That the law as it appears in section forty-eight hundred  
2 twenty-three-b1 (4823-b1), of the code of 1927, be and the same is  
3 hereby amended by striking from lines one (1) and two (2) thereof  
4 the word "officers" and substituting therefor the words "weed com-  
5 missioners".

1 SEC. 8. That the law as it appears in section forty-eight hundred  
2 twenty-four (4824), of the code of 1927, be and the same is hereby  
3 amended by striking from lines one (1) and two (2) thereof the  
4 following: "trustees, council, commissioners, or".

1 SEC. 9. That the law as it appears in section forty-eight hundred  
2 twenty-five (4825), of the code of 1927, be and the same is hereby  
3 amended by striking from lines four (4) and five (5) thereof the  
4 following: "trustees, council, commissioners, or".

1 SEC. 10. Section forty-eight hundred twenty-seven (4827) of the  
2 code, 1927, is hereby repealed.

1 SEC. 11. This act being deemed of immediate importance shall be  
2 in force from and after its publication in the Cherokee Daily Times,  
3 a newspaper published in Cherokee, Iowa, and in the Estherville  
4 News, a newspaper published in Estherville, Iowa.

House File No. 204. Approved April 13, A. D. 1929.

I hereby certify that the foregoing act was published in the Cherokee Daily Times  
April 17, 1929, and the Estherville News April 18, 1929.

ED. M. SMITH, *Secretary of State.*