

CHAPTER 129

REPEAL OF ROAD POLL TAX LAW

S. F. 21

AN ACT to repeal sections forty-six hundred forty-four-c fifty-eight (4644-c58) to forty-six hundred forty-four-e seven (4644-e7), inclusive, code, 1935, relating to the levy of a road poll tax.

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

- 1 SECTION 1. Section forty-six hundred forty-four-c fifty-eight
- 2 (4644-c58), to forty-six hundred forty-four-c sixty-four (4644-c64),
- 3 inclusive, and sections forty-six hundred forty-four-e one (4644-e1)
- 4 to forty-six hundred forty-four-e seven (4644-e7), inclusive, all of the
- 5 code of Iowa, 1935, are hereby repealed.

Senate File 21. Approved March 24, 1937.

CHAPTER 130

ROADS

H. F. 533

AN ACT to amend section four thousand seven hundred forty-six (4746) providing that petitions for road assessment districts may be signed by non-resident land owners.

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

- 1 SECTION 1. Section four thousand seven hundred forty-six (4746)
- 2 code, 1935, is hereby amended by striking the period after the word
- 3 "county" in line 15, paragraph one (1) and add thereto, "or where
- 4 none of the land owners within the proposed district are residents of
- 5 the county, by thirty-five per cent of such non-resident owners".

House File 533. Approved May 1, 1937.

CHAPTER 131

WEEDS

S. F. 148

AN ACT to repeal sections four thousand eight hundred seventeen (4817) to four thousand eight hundred twenty-nine (4829), inclusive, code, 1935, relating to the eradication and control of weeds and to enact a substitute therefor defining the classes of noxious weeds, providing for the appointment of a state botanist and county, township, city, and town weed commissioners, and prescribing their compensation, powers, and duties; defining the duties of the secretary of agriculture, board of supervisors, weed commissioners, land owners and tenants, with respect to the control and destruction of noxious weeds or weeds declared temporarily noxious by the secretary of agriculture; providing for orders by the board of supervisors to describe the time and manner in which land owners must destroy weeds on their land and on adjoining roads, prescribing the notice to be given of such orders and providing for the destruction of such weeds at the expense of the land owners who do not comply with such order; providing for the procedure for assessing such expense as a tax against the land and the collection thereof; imposing certain duties upon the highway commission for the destruction of weeds, and upon officers responsible

for the care of the public highways to make complaints regarding such weeds and upon the county attorney to enforce the provisions of this act; and providing penalties for the violation of its provisions.

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

1 SECTION 1. Sections four thousand eight hundred seventeen
2 (4817) to four thousand eight hundred twenty-nine (4829), inclu-
3 sive, code, 1935, are hereby repealed and the following sections en-
4 acted in lieu thereof:

5 "4817. The following weeds are hereby declared to be noxious and
6 shall be divided into two classes, namely:

7 1. Primary noxious weeds, which shall include quack grass (*Agro-*
8 *pyron repens*), perennial sow thistle (*Sonchus arvensis*), Canada
9 thistle (*Cirsium arvense*), European morning glory or field bindweed
10 (*Convolvus arvensis*), horse nettle (*Solanum carolinense*), leafy
11 spurge (*Euphorbia esula*), perennial pepper grass (*Lepidium draba*),
12 Russian knapweed (*Centaurea repens*).

13 2. Secondary noxious weeds, which shall include butterprint (*Abu-*
14 *tilon theophrasti*) annual, cockelbur (*Xanthium commune*), annual,
15 wild mustard (*Brassica arvensis*) annual, wild carrot (*Daucus*
16 *carota*) biennial, buckhorn (*Plantago lanceolata*) perennial, sheep
17 sorrel (*Rumex acetosella*) perennial, sour dock (*Rumex crispus*)
18 perennial, smooth dock (*Rumex altissimus*) perennial, Puncturevine
19 (*Tribulus terrestris*) annual.

20 "4818. The secretary of agriculture shall appoint as state botanist
21 the head of the botany and plant pathology section of the Iowa agri-
22 cultural experiment station whose duty shall be to cooperate in devel-
23 oping a constructive weed eradication program.

24 "4819. The board of supervisors of each county shall appoint
25 either a county weed commissioner or one township weed commis-
26 sioner for each township, whose term of or terms of office shall
27 not exceed one year. In incorporated towns and cities each council
28 may appoint a municipal weed commissioner, whose term of office
29 shall not exceed one year. The name of the person or persons so
30 appointed and the date of appointment shall be certified to the county
31 auditor. The board of supervisors shall fix the compensation for
32 said county commissioner or township commissioners. Subject to
33 the approval of the board of supervisors of the county, the town or
34 city council shall fix the compensation for the town or city commis-
35 sioners. Said compensation shall be paid from the county general
36 fund, but a reasonable portion thereof may be assessed as part of the
37 cost of destruction pursuant to section four thousand eight hundred
38 twenty-nine-a six (4829-a6).

39 "4820. Whenever, in this chapter, powers and duties are imposed
40 upon a "commissioner", or "commissioners", such powers and duties
41 shall apply, insofar as applicable, to the county, township, town, and
42 city weed commissioners within their respective jurisdictions. Each
43 commissioner shall, subject to direction and control by the county
44 board of supervisors, have supervision over the control and de-
45 struction of all noxious weeds in his jurisdiction, and of any other
46 weeds growing along streets and highways unless otherwise pro-
47 vided, and shall hire the labor and equipment necessary for the per-
48 formance of his duties subject to the approval of the board of super-

49 visors, which shall be paid for in the same manner as the weed com-
50 missioner's compensation.

51 "4821. In the event it becomes necessary for a weed commis-
52 sioner to enter upon any land within his jurisdiction to destroy or
53 keep from seeding any noxious weeds growing thereon, he shall ap-
54 ply the best known methods and use the utmost diligence in eradicat-
55 ing such weeds, but he shall not expend in labor and materials more
56 than twenty-five dollars (\$25.00) on any one infested tract, without
57 the advice and consent in writing of the board of supervisors.

58 "4822. Said weed commissioner, or commissioners, and all em-
59 ployees acting under his or their directions, due notice having been
60 given to the land owners ten days previous, shall have full power and
61 authority to enter upon any land within his jurisdiction upon which
62 is growing any of the noxious weeds for the purpose of destroying
63 said weeds.

64 "4823. Each weed commissioner shall for the territory under his
65 jurisdiction on or before the first day of November of each year make
66 a written report to the board of supervisors. Said report shall state:

67 1. The name and location of all primary noxious weeds, and any
68 new weed which appears to be a serious pest.

69 2. A detailed statement of the treatment used, and future plans,
70 for eradication of weeds on each infested tract on which he has at-
71 tempted to exterminate weeds, together with the costs and results
72 obtained.

73 3. A summary of the weed situation within his jurisdiction, to-
74 gether with suggestions and recommendations which may be proper
75 and useful, a copy of which shall be forwarded to the state secretary
76 of agriculture.

77 "4824. The secretary of agriculture shall be vested with the fol-
78 lowing duties, powers and responsibilities:

79 1. He shall serve as state weed commissioner, and shall cooperate
80 with all boards of supervisors and weed commissioners, and shall fur-
81 nish blank forms for reports made by the supervisors and commis-
82 sioners.

83 2. He may, upon recommendation of the state botanist, temporarily
84 declare noxious any new weed which possesses the characteristics of
85 a serious pest, and following such declaration, the board of super-
86 visors shall cause such weeds to be destroyed, the cost to be borne
87 by the county.

88 3. He shall aid the supervisors in the interpretation of the weed
89 law, and make suggestions to promote extermination of noxious weeds.

90 "4825. The responsibility for the enforcement of the provisions
91 of this chapter shall be vested in the board of supervisors as to all
92 farm lands, railroad lands, state lands and state parks, primary and
93 secondary roads; roads, streets and other lands within cities and
94 towns unless otherwise provided.

95 "4826. Each owner and each person in the possession or control of
96 any lands shall cut, burn or otherwise destroy, in whatever manner
97 may be prescribed by the board of supervisors, all noxious weeds
98 thereon as defined in this chapter at such times in each year and in
99 such manner as shall prevent said weeds from blooming or coming to
100 maturity, and shall keep said lands free from such growth of any

101 other weeds, as shall render the streets or highways adjoining said
102 land unsafe for public travel.

103 "4827. The board of supervisors shall destroy primary noxious
104 weeds growing in county, trunk, and local county roads, and the high-
105 way commission shall destroy primary noxious weeds growing on
106 primary roads. Nothing herein shall prevent the landowner from
107 harvesting, in proper season, the grass grown on the road along his
108 land.

109 "4828. All noxious weeds on railroad lands, public lands and within
110 incorporated cities and towns shall be treated in such manner, ap-
111 proved by the board of supervisors, as shall prevent seed production
112 and either destroy or prevent the spread of primary noxious weeds to
113 adjoining lands. Gravel pits infested with primary noxious weeds
114 shall not be used as sources of gravel for public highways without
115 previous treatment approved by board of supervisors.

116 "4829. The board of supervisors of each county shall each year,
117 upon recommendation of the county weed commissioner, or township
118 commissioners, by resolution prescribed and order a program of
119 weed destruction to be followed by land owners or tenants or both,
120 which in five years may be expected to destroy and immediately keep
121 under control any areas infested with any primary noxious weeds on
122 farm land, and shall designate the cutting dates to prevent seed pro-
123 duction of all other varieties of noxious weeds. Quack grass in pas-
124 ture land, rough timbered land or on the highways, railway rights-
125 of-way and public lands, when acting as soil binder, may be exempt
126 from such order if approved by the supervisors.

127 "4829-a1. Notice of any order made pursuant to the foregoing
128 section shall be given by one publication in the official newspapers
129 of the county and shall be directed to all property owners. In cases
130 where the cost appears likely to exceed twenty-five dollars, notice to
131 property owners shall be by registered letters. Provided, however,
132 that where any railroad company has filed a written instrument in
133 the county auditor's office, designating the name and address of its
134 agent, the county auditor shall send, by registered mail, a copy of
135 said notice to such agent.

136 Said notice shall state:

- 137 1. The time for destruction.
- 138 2. The manner of destruction, if other than cutting above the sur-
139 face of the ground.
- 140 3. That unless said order is complied with the weed commissioner
141 shall cause said weeds to be destroyed and the cost thereof to be
142 taxed to the owner of the property.

143 "4829-a2. The loss or damage to crops or property incurred by rea-
144 son of such destruction shall be borne by the title holder of said real
145 estate, unless said real estate shall be sold under contract whereby
146 possession has been delivered to the purchaser, in which event such
147 purchaser shall bear such loss or damage, excepting where a contract
148 has been entered into providing a different adjustment for such loss
149 or damage.

150 "4829-a3. In case of a substantial failure to comply with such
151 order, the weed commissioner, or commissioners, shall forthwith cause
152 such weeds to be destroyed, and the expense of such destruction and

153 the costs of any special meetings, if any, shall be paid from the county
154 general fund, and recovered later by an assessment against the prop- .
155 erty owner, as provided in section four thousand eight hundred
156 twenty-nine-a six (4829-a6) hereof.

157 "4829-a4. The board of supervisors shall order the weed commis-
158 sioner, or commissioners, to destroy or cause to be destroyed any
159 new weeds declared to be noxious by the secretary of agriculture, the
160 cost of which shall be borne by the county.

161 "4829-a5. The board of supervisors shall order all weeds other
162 than primary noxious weeds, on all county trunk and local county
163 roads and between the fence lines thereof to be mowed to prevent seed
164 production thereof, either upon its own motion or upon receipt of
165 written notice requesting such action from any residents of the town-
166 ship in which such roads are located, or any person regularly using
167 said roads. Said order shall define the roads along which said weeds
168 are required to be cut and shall require said weeds to be cut within
169 thirty days after the publication of said order in the official news-
170 papers of said county. If the adjoining owner fails to cut said weeds
171 as required in said order the county or township commissioner shall
172 have same cut and the cost thereof shall be paid from the general
173 county fund, and recovered later by an assessment against the ad-
174 joining property owners as provided in section four thousand eight
175 hundred twenty-nine-a six (4829-a6) hereof.

176 "4829-a6. When the commissioner, or commissioners, destroy any
177 weeds under the authority of sections four thousand eight hundred
178 twenty-nine-a three (4829-a3), or four thousand eight hundred
179 twenty-nine-a four (4829-a4), after failure of the landowner respon-
180 sible therefore to destroy such weeds pursuant to the order of the
181 board of supervisors, the cost of such destruction shall be assessed
182 against and collected from the landowner responsible in the follow-
183 ing manner:

184 1. On or before December 31st of the year, the board of supervisors
185 shall assess all of said costs for the calendar year, including a rea-
186 sonable part of the compensation of the commissioner in charge,
187 against the said land and the owner thereof by a special tax, which
188 shall be certified to the county auditor and county treasurer by the
189 clerk of the board of supervisors, and shall be placed upon the tax
190 books, and collected, together with interest and penalty after due, in
191 the same manner as other unpaid taxes. Such tax shall be due on
192 March 1st after such assessment, and shall be delinquent after March
193 31st. When collected, said funds shall be put into the fund from
194 which said costs were originally paid.

195 2. Before making any such assessment, the board of supervisors
196 shall prepare a plat or schedule showing the several lots, tracts of land
197 or parcels of ground to be assessed and the amount proposed to be as-
198 sessed against each of the same for destroying or controlling weeds
199 during the calendar year.

200 3. Such board shall thereupon fix a time for the hearing on such
201 proposed assessments, and at least twenty days prior to the time thus
202 fixed for such hearing shall give notice thereof to all concerned that
203 such plat or schedule is on file, and that the amounts as shown therein
204 will be assessed against the several lots, tracts of land or parcels of
205 ground described in said plat or schedule at the time fixed for such

206 hearing, unless objection is made thereto. Notice of such hearing
 207 shall be given by one publication in official county newspapers in the
 208 county in which the property to be assessed is situated; or by posting
 209 a copy of such notice on the premises affected and by mailing a copy by
 210 registered mail to the last known address of the person owning or
 211 controlling said premises. At such time and place the owner of said
 212 premises or any one liable to pay such assessment, may appear with
 213 the same rights given by law before boards of review, in reference to
 214 assessments for general taxation.

215 "4829-a7. It shall be the duty of all officers directly responsible for
 216 the care of public highways to make complaint to the weed commis-
 217 sioners or board of supervisors, whenever it shall appear that the
 218 provisions of this chapter may not be complied with in time to prevent
 219 the blooming and maturity of noxious weeds or the unlawful growth
 220 of weeds, whether in the streets or highways for which they are
 221 responsible or upon lands adjacent to the same.

222 "4829-a8. It shall be the duty of the county attorney upon com-
 223 plaint of any citizen that any officer charged with the enforcement of
 224 the provisions of this chapter has neglected or failed to perform his
 225 duty, to enforce the performance of such duty.

226 "4829-a9. Any officer referred to in this chapter who neglects or
 227 fails to perform the duties incumbent upon him under the provisions
 228 of this chapter shall be punished by a fine not exceeding one hundred
 229 (100) dollars.

230 "4829-a10. If any provision of this act shall be declared invalid,
 231 such invalidity shall not affect the validity of any portion of this act
 232 which can be given effect without such invalid part."

1 SEC. 2. 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 Adair News, a newspaper published at Adair, Iowa, and the Orient
 4 Avalanche, a newspaper published at Orient, Iowa.

Senate File 148. Approved May 6, 1937.

I hereby certify that the foregoing act was published in the Adair News, May 28,
 1937, and the Orient Avalanche, May 20, 1937.

ROBERT E. O'BRIAN, *Secretary of State.*

CHAPTER 132

WEEDS

H. F. 79

AN ACT to amend section forty-eight hundred nineteen (4819) of the code, 1935, re-
 lating to the destruction of noxious weeds.

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

1 SECTION 1. That section forty-eight hundred nineteen (4819)* as
 2 it appears in the code, 1935, be amended by striking all of paragraph
 3 two (2) of said section and substituting in lieu thereof the following:
 4 "2. Canada thistle, horse nettle, sow thistle, creeping jenny, Euro-
 5 pean bind weed (*convolvulus arvensis*), and quack grass growing in

* Note: Section 4819 repealed S. F. 148.