

CHAPTER 171**NOXIOUS WEEDS***S.F. 406*

AN ACT relating to the destruction of noxious weeds and providing a penalty.

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

Section 1. Section 317.1, subsection 2, Code 1985, is amended to read as follows:

2. Secondary noxious weeds, which shall include butterprint (*Abutilon theophrasti*) annual, cocklebur (*Xanthium commune*) annual, wild mustard (*Brassica arvensis*) annual, wild carrot (*Daucus carota*) biennial, buckhorn (*Plantago lanceolata*) perennial, sheep sorrel (*Rumex acetosella*) perennial, sour dock (*Rumex crispus*) perennial, smooth dock (*Rumex altissimus*) perennial, poison hemlock (*Conium maculatum*), multiflora rose (*Rosa multiflora*), wild sunflower (wild strain of *Helianthus annuus* L.) annual, puncture vine (*Tribulus terrestris*) annual, teasel (*Dipsacus*) biennial, and shattercane (*Sorghum bicolor*) annual.

PARAGRAPH DIVIDED. The multiflora rose (*Rosa multiflora*) shall not be considered a secondary noxious weed when cultivated for or used as understock for cultivated roses or as ornamental shrubs in gardens, or in any county whose board of supervisors has by resolution declared it not to be a noxious weed. Shattercane (*Sorghum bicolor*) shall not be considered a secondary noxious weed when cultivated or in any county whose board of supervisors has by resolution declared it not to be a noxious weed.

Sec. 2. Section 317.8, Code 1985, is amended by adding the following new subsection:

4. The secretary shall aid the supervisors in enforcement of the weed law as it applies to all state lands, state parks and primary roads, and may impose a maximum penalty of a ten dollar fine for each day, up to ten days, that the state agency in control of land fails to comply with an order for destruction of weeds made pursuant to this chapter.

Sec. 3. Section 317.13, Code 1985, is amended to read as follows:

317.13 PROGRAM OF CONTROL.

The board of supervisors of each county ~~shall~~ may each year, upon recommendation of the county weed commissioner, ~~or commissioners,~~ by resolution prescribe and order a program of weed destruction ~~to be followed by landowners or tenants or both, which may be expected to destroy and immediately keep under control any areas infested with any noxious weeds on farm land, and shall designate the destruction dates to prevent seed production of all varieties of noxious weeds. Quack grass in pasture land, rough timbered land or on the highways, railway rights of way and public lands, when acting as soil binder, may be exempt from such order if approved by the supervisors.~~

Sec. 4. Section 317.16, Code 1985, is amended to read as follows:

317.16 FAILURE TO COMPLY.

In case of a substantial failure to comply by the date prescribed in any order of destruction of weeds made pursuant to this chapter, the weed commissioner or the deputies ~~shall~~ may, subsequent to the time after service of the notice provided for in section 317.6 enter upon the land and cause the weeds to be destroyed, or may impose a maximum penalty of a ten dollar

fine for each day, up to ten days, that the owner or person in control of the land fails to comply. If a penalty is imposed and the owner or person in control of the land fails to comply, the weed commissioner shall cause the weeds to be destroyed. The If the weed commissioner enters the land and causes the weeds to be destroyed, the actual cost and expense of cutting, burning or otherwise destroying the weeds, along with the cost of serving notice and special meetings or proceedings, if any, shall be paid by the county and, together with the additional assessment to apply toward costs of supervision and administration, be recovered by an assessment against the tract of real estate on which the weeds were growing, as provided in section 317.21. Any fine imposed shall be recovered by a similar assessment.

Sec. 5. Section 317.18, Code 1985, is amended to read as follows:

317.18 ORDER FOR DESTRUCTION ON ROADS.

The board of supervisors ~~shall~~ may order all weeds ~~other than~~ noxious weeds, ~~on~~ within the right-of-way of all county trunk and local county roads ~~and between the fence lines~~ to be cut, burned or otherwise destroyed to prevent seed production, either upon its own motion or upon receipt of written notice requesting the action from any residents of the township in which the roads are located, or any person regularly using the roads. The order shall define the roads along which noxious weeds are required to be cut, burned or otherwise destroyed and shall require the weeds to be cut, burned or otherwise destroyed within ~~thirty~~ fifteen days after the publication of the order in the official newspapers of the county. ~~If the adjoining owner fails to cut, burn or otherwise destroy the weeds as required in the order, the county commissioner shall have them cut, burned or otherwise destroyed and the cost shall be paid by the county and recovered later by an assessment against the adjoining property owners as provided in section 317.21.~~

Sec. 6. Section 317.19, unnumbered paragraph 1, Code 1985, is amended to read as follows:

The board of supervisors may appropriate moneys to be used for the purposes of cutting, burning, or otherwise destroying weeds or brush ~~between the fence rows on the~~ within the right-of-way of county trunk roads and local county roads in time to prevent reseeding.

Sec. 7. Section 317.21, unnumbered paragraph 1, Code 1985, is amended to read as follows:

When the commissioner, ~~or commissioners, destroy~~ destroys any weeds under the authority of ~~sections section~~ section 317.16 ~~or 317.18~~, after failure of the landowner responsible ~~therefor~~ to destroy such weeds pursuant to the order of the board of supervisors, the cost of ~~such~~ the destruction shall be assessed against the land and collected from the landowner responsible in the following manner:

Approved May 22, 1985