

both. No person shall be convicted of violating the fire safety code unless he shall have been given notice of the violation in writing and reasonable time to comply.

Approved April 26, 1957.

CHAPTER 724—H. F. No. 1639

An act relating to noxious bushes and weeds; amending Minnesota Statutes 1953, Sections 20.01, 20.03, 20.04, 20.05, 20.13, 20.19, 20.20, 20.22; Section 20.01, Subdivision 5; Section 20.09, Subdivision 1; Section 20.11, Subdivisions 1, 3; Section 20.12, Subdivisions 2, 3, 4; Section 20.15, Subdivisions 2, 3; Section 20.11, Subdivision 2, as amended; and repealing Sections 20.17, 20.23, 20.24, 20.25, and 219.38.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. Minnesota Statutes 1953, Section 20.01, Subdivision 5, is amended to read:

Subd. 5. **Noxious weeds.** "Noxious weeds" means the annual, biennial, and perennial plants *which are deemed by the commissioner to be injurious to public health, public roads, crops, livestock and other property.*

Sec. 2. Minnesota Statutes 1953, Section 20.03, is amended to read:

20.03 Authority of state entomologist. *The commissioner shall cause all such rust-producing Mahonia bushes or barberry bushes to be eradicated. He shall make rules and regulations relating to the most convenient and expedient method of eradicating and destroying such rust-producing Mahonia bushes or barberry bushes. He shall appoint agents to enforce the provisions of sections 20.02 to 20.05. He and his agents shall have free access, at all reasonable hours, to any premises to determine whether such rust-producing Mahonia bushes or barberry bushes are growing thereon. He shall require reports from the owners or occupants of any premises as to the presence of such bushes thereon.*

Sec. 3. Minnesota Statutes 1953, Section 20.04, is amended to read:

20.04 Destruction of bushes. *In pursuance of his powers granted by sections 20.02 to 20.05, when the commissioner, or his agents, shall have found Mahonia bushes or barberry bushes of such rust-producing varieties on any premises, it shall be the duty of the commissioner, or his agents, as*

the case may be, to immediately notify, or cause to be notified, the owner or occupant of the premises on which such bushes are growing; such notice shall be sent to the owner or occupant in such form as the commissioner shall prescribe, and it shall be the duty of every occupant of land or, if the land is unoccupied, the owner thereof, or his agent, or the public official in charge thereof, to cut down, otherwise destroy, or eradicate all such Mahonia bushes or barberry bushes as defined in Section 20.01, subd. 5, standing, being, or growing upon such land, or in such manner and at such times as may be directed or ordered by the commissioner or his agents. The expense of such destruction shall be paid to the state commissioner by the owner of the premises within ten days after the rendition of a bill therefor, and if such costs shall not be paid within that time, the bill is hereby made a legal charge against the county or municipality in which the lands are located. After such cutting down, otherwise destroying or eradicating of noxious weeds, the officer causing the same to be done shall file verified and itemized statements of the costs of all services rendered in connection with serving of notices and cutting down, otherwise destroying or eradicating the noxious bushes on each separate tract or lot of land, with the county auditor or with the clerk of the municipality in which such lands are located, who shall immediately issue proper warrants to the persons named therein for the amount specified. The amount of such expenses shall constitute and be a lien in favor of the county or municipality, as the case may be, against the land involved and shall be certified to by the county auditor, the municipal clerk, and entered by the county auditor on his tax books as a tax upon such land, and shall be collected in the same manner as other real estate taxes are collected. The amount of such expenses, when collected shall be used to reimburse the county or municipality for its expenditure in this regard. Where the lands involved are located in unorganized territory, the expense of eradicating or destroying such bushes shall be sold by the county auditor out of the general revenue fund of the county, upon the verified itemized statement of the commissioner or his agent and the amount of such payment shall be entered by him on the tax books as a tax on such lands and shall constitute and be a lien in favor of such county against the lands involved and shall be collected in the same manner as other real estate taxes are collected.

Sec. 4. Minnesota Statutes 1953, Section 20.05, is amended to read:

20.05 Certificate of entomologist. The commissioner or his agent may, or when requested by any resident of the state shall, determine, or cause to be determined, whether or

not the Mahonia bushes or barberry bushes grown on certain premises are of the rust-producing varieties. The *commissioner* shall make a certificate of his findings and determination on the premises, which certificate shall be prima facie evidence of the facts therein recited. Such certificate may be received in evidence in any civil action arising under the provisions of sections 20.02 to 20.05.

Sec. 5. Minnesota Statutes 1953, Section 20.09 is amended to read :

20.09 Public highways, noxious weeds destroyed. *The commissioner of highways and the public authorities charged with the maintenance of other public highways, annually shall cause all noxious weeds standing, being or growing on all trunk highways and other public highways, to be cut down, otherwise destroyed or eradicated, as often as necessary to prevent the ripening or scattering of seed and other propagating parts of such weeds, in the manner directed or ordered by the commissioner or the local weed inspector having jurisdiction. The expense thus incurred shall be charged against maintenance funds provided for this purpose.*

Sec. 6. Minnesota Statutes 1953, Section 20.11, Subdivision 1, is amended to read :

20.11 Weed inspectors. Subdivision 1. **County weed inspectors.** The board of county commissioners, when requested by the commissioner of agriculture, shall appoint one or more county weed and seed inspectors, who shall meet qualifications prescribed by the commissioner of agriculture, whose duties shall be to see that the provisions of all laws and regulations dealing with weed control and seed inspection are carried out and to participate in insect and plant disease programs. Such appointment shall be for full time employment, or for such period as the board of county commissioners may prescribe, and the resolution appointing such inspectors shall fix the compensation to be paid to the person or persons so appointed. The resolution shall also provide for manner of reimbursement for necessary traveling expenses in addition thereto.

Sec. 7. Minnesota Statutes 1953, Section 20.11, Subdivision 2, as amended by Laws 1955, Chapter 265, Section 1, is amended to read :

Subd. 2. Board members as local weed inspectors, assistants, compensation. The members of the several town boards of the county shall act as local weed inspectors within their respective towns, throughout the year, in accordance

with the provisions of sections 20.06 to 20.27 relative to local weed inspectors.

Any town board may appoint a person to act as assistant weed inspector, *who* shall have all the powers and authority of the town board members in the capacity of weed inspector. Such appointment may be for full time or part time. Notice of such appointment, together with a statement of the time for which appointment is made, shall be delivered to the commissioner within ten days after the date the appointment was made.

The compensation of such local weed inspectors and their assistants shall not be less than \$1 per hour and necessary traveling expenses in addition thereto, such hourly compensation to be the amount determined by the town board to be consistent with the hourly wage rate prevailing in their community or area for work of like character, and to be necessary to obtain competent inspectors, such compensation to be in addition to the amount allowed by law for other supervisory duties, if any, performed by such local inspectors or assistant inspectors.

Minnesota Statutes 1953, Section 20.11, Subdivision 3, is amended to read:

Subd. 3. Mayor or president as local weed inspector, assistant; compensation. The mayor or president of any municipality *shall* act as local weed inspector in his municipality throughout the year in accordance with the provisions of sections 20.06 to 20.27 relative to local weed inspectors.

Any mayor or president of a municipality may appoint a person to act as assistant weed inspector in the municipality who shall have all the powers and authority as the mayor or president in the capacity of weed inspector.

Notice of such appointment shall be sent to the commissioner within ten days from the date of the appointment.

The compensation of such local weed inspector and assistant weed inspector shall be not less than \$1 per hour and necessary expenses in addition thereto, such hourly compensation to be the amount determined by the municipal council to be consistent with the hourly wage rate prevailing in their community or area for work of like character and to be necessary to obtain competent inspectors and be paid from the general revenue fund or other fund of the municipality designated by the council and shall be in addition to any compensation and expenses paid such inspectors or assistant inspectors for other duties as an official or employee of the municipality.

Sec. 8. Minnesota Statutes 1953, Section 20.12, Subdivision 2, is amended to read:

Subd. 2. **Regulations regarding transportation.** When any person desires to transport along a public highway materials containing seeds or other propagating parts of leafy spurge, horse nettle, Austrian field cress, field bindweed, perennial pepper grass, wild radish, *sow thistle*, *Canada thistle*, *hoary alyssum*, or any other noxious weed designated by the commissioner, he shall secure from a local, county or state weed inspector, a written permit for the transportation of such material. All duly constituted weed inspectors *may* issue such permits to persons residing or operating within their respective weed jurisdictions to regulate the transportation of such material and to require proper treatment, cleaning, sterilization or destruction of any such material which has been or is about to be transported or deposited to prevent the growing or scattering of any weed seeds or other propagating parts contained therein. Copies of all permits issued under this section shall be immediately sent to the *commissioner*.

No grain seed, screenings, hay forage, straw, soil, gravel, sand, or refuse and other materials containing seeds and other propagating parts of leafy spurge, horse nettle, Austrian field cress, field bindweed, perennial pepper grass, wild radish, *sow thistle*, *Canada thistle*, *hoary alyssum* or any other noxious weeds designated by the commissioner shall be transported upon any public highway unless it be in sacks, boxes or other containers sufficiently tight and closed or covered with canvas or otherwise to prevent seeds and other propagating parts of such weeds from blowing or scattering along the highway or on other lands or water.

Scattering and dumping on land or in water of grain, seed, and screenings containing seeds and other propagating parts of noxious weeds in excess of legal limits of weed seeds per pound in agricultural seed, and of soil, gravel, rubbish, trash, and other materials containing seeds or other propagating parts of noxious weeds in harmful amounts as determined by regulation of the commissioner is prohibited unless such material is processed, treated, or buried sufficiently deep to destroy viable seeds and other propagating parts which they contain down to the limits provided by this section.

Sec. 9. Minnesota Statutes 1953, Section 20.12, Subdivision 3, is amended to read:

Subd. 3. **Tax-forfeited or tax exempt lands.** If the officials or persons in charge of tax exempt, tax-forfeited lands or *Indian reservation lands fail* to cut down, otherwise destroy

or eradicate these noxious weeds in the manner prescribed in sections 20.06 to 20.27 or in any notice served, within the designated number of days after service thereof, the commissioner shall forthwith proceed to cause them to be cut down, otherwise destroyed or eradicated, as directed or approved by the commissioner, and the expense thus incurred shall be a just charge against funds provided for this purpose and upon presentation of an itemized account of the same, payment shall be made by the public officials in charge of such funds.

County commissioners *boards* shall provide funds and adequate equipment and materials and labor necessary for adequate control and eradication of weeds on county highways and property and to assist and facilitate county and local weed inspectors in the county in weed inspection and control and enforcement of the weed laws. They may cooperate with the state, towns, municipalities, and private property owners and provide such county funds, equipment, materials, labor and facilities for weed inspection, control and eradication with or without reimbursement from the public agency or private property benefited. Towns and municipalities may by vote of their electors or governing boards provide for weed control necessary funds, equipment, materials and labor and arrange for their use on public or private property within their limits with or without reimbursement from the property benefited.

Sec. 10. Minnesota Statutes 1953, Section 20.12, Subdivision 4, is amended to read:

Subd. 4. **Entering upon land not trespass.** For the purpose of performing his duties and exercising his powers each local weed inspector, or county weed and seed inspectors *the commissioner or his agents* may enter upon any land without consent of the owner and without being subject to any action for trespass or any damages.

Sec. 11. Minnesota Statutes 1953, Section 20.13 is amended to read:

20.13 **Weeds; cutting in growing crops.** When any local weed inspector or county weed and seed inspector deems it necessary, to prevent the spread of noxious weeds within his jurisdiction, to cut down, otherwise destroy or eradicate a growing crop, or any part thereof, before proceeding to do so, *he shall* notify, in writing, on a form prescribed by the commissioner, the mayor or the president of the village or borough council or a county commissioner, as the case may be, to inspect the crop. *If* on the inspection it is the opinion of the officer making the same that the weeds, together with the crop or portion thereof, should be cut down, otherwise de-

stroyed or eradicated, such cutting or destroying shall be immediately performed under the direction of the local weed inspector or by his authority or under the direction of the county weed and seed inspector. If the officer making the inspection is of the opinion that these weeds, together with the crop or portion thereof, should not be cut down, otherwise destroyed or eradicated, the matter in issue shall be reported to and determined by the commissioner or by his *agents*, whose decision thereon shall be final, except insofar as the same may be reviewed under the existing laws in courts, and thereupon if so determined the local weed inspector or county weed and seed inspector *shall* immediately cause the weeds together with the crop or a portion thereof, to be cut down, otherwise destroyed or eradicated. *No* action or claim for damages shall be allowed or shall be sustainable against anyone in respect thereto. Notwithstanding anything contained herein, the local weed inspector or county weed and seed inspector *may* cut down, otherwise destroy or eradicate these weeds, together with the crop, on areas not exceeding three acres in the aggregate in any one field or crop of 40 acres or less, other than permanent pasture or meadow, without any notification or application to the mayor, village or borough president or county commissioner. After being notified by the local weed inspector or the county weed and seed inspector to inspect a crop, *if* the mayor, the county commissioner, the village or borough president, fails to make such inspection and to report to the local weed inspector within seven days after the receipt of a notice to inspect the crop, the local weed inspector or county weed and seed inspector may thereupon proceed to cut down, otherwise destroy or eradicate such weeds, together with the crop, to the same extent as though the officer notified had made an inspection and reported in the affirmative.

Sec. 12. Minnesota Statutes 1953, Section 20.19, is amended to read:

20.19 Enforcement; sale of produce; assistants; equipment. The commissioner is hereby authorized, and it shall be his duty, to administer sections 20.19 to 20.22, and he shall have authority to make, promulgate, and enforce such rules and regulations as he shall deem necessary, and cooperate with the dean of the *institute* of agriculture of the University of Minnesota in the study of life habits and eradication methods of noxious weeds; and, from time to time, shall publish such information upon the subject as may be of public interest and value to the agricultural communities of the state.

The commissioner may engage such additional employees

and purchase such equipment and supplies as may be necessary to carry out the provisions thereof.

Sec. 13. Minnesota Statutes 1953, Section 20.15, Subdivision 2, is amended to read:

Subd. 2. **Service.** Whenever a *local* weed inspector finds it necessary to secure more prompt or definite control or eradication of noxious weeds in certain special or individual instances, involving one or a limited number of persons than is accomplished by the general published notices, he shall serve individual notices in writing upon the owner or occupant, giving specific instructions and methods when and how certain named weeds are to be controlled or eradicated. Such methods of control may include definite systems of tillage, cropping, management and use of livestock. All individual notices provided herein shall be served in the same manner as a summons in a civil action in the district court except as herein otherwise provided. Service on persons living temporarily or permanently outside of the local weed inspectors' jurisdiction *whose* property is vacant or unoccupied may be made by sending the notice by registered mail to the last known address of such person, to be ascertained, if necessary, from the last tax list in the county treasurer's office. *In cities of the first class notice may be sent by registered mail.*

Sec. 14. Minnesota Statutes 1953, Section 20.15, Subdivision 3, is amended to read:

Subd. 3. **Destruction by inspector, expense, payment.** When any person, in compliance with a notice served on him, or with the provisions of this chapter, fails to cut down, otherwise destroy or eradicate any noxious weeds or any crop in which such weeds are intermingled or growing, within the time and in such manner as the weed inspector may designate, or as otherwise provided herein, the local weed inspector having jurisdiction, or if there is no local weed inspector, the county weed *and seed* inspector or the commissioner, shall cause the same to be cut down, otherwise destroyed or eradicated at the expense of the county in which the land affected is situated, and claim for such expense of serving of notices, together with the cost of cutting down, otherwise destroying or eradicating the noxious weeds, is hereby made a legal charge against the county in which the lands are located. After such cutting down, otherwise destroying or eradicating of noxious weeds, the officer causing the same to be done shall file verified and itemized statements of the costs of all services rendered in connection with serving of notices and cutting down, otherwise destroying or eradicating the noxious weeds on each separate tract or lot of land, with the county auditor in which

such lands are located, who shall immediately issue proper warrants to the persons named therein for the amount specified. The amount of such expenses is a lien in favor of the county against the land involved and shall be certified to by the county auditor, and entered by *him* on his tax books as a tax upon such land, and shall be collected as other real estate taxes are collected. The amount of such expenses, when collected shall be used to reimburse the county for its expenditure in this regard.

Sec. 15. Minnesota Statutes 1953, Section 20.20, is amended to read:

20.20 **Commissioner may destroy weeds.** When from investigation or otherwise, it *appears* to the commissioner that upon any tract of agricultural land there is an infestation of noxious weeds beyond the ability of the land occupant or owner to eradicate, upon request of the owner, or upon his own motion, *he* shall take such steps as *are* necessary to prevent further spread of such weed growths. *To this end, he* shall quarantine such portion of each tract of land as may be so infested and put into immediate operation the necessary means for the eradication of such weed growths.

Sec. 16. Minnesota Statutes 1953, Section 20.22, is amended to read:

20.22 **Expenses.** The expenses of field operations, including cost of chemicals and other materials employed in weed eradication, except machinery and other equipment, shall be paid from the fund provided *for this purpose*. This fund shall be reimbursed not later than January first, of each year, 20 percent thereof by the county and ten percent thereof by the town in which the land so quarantined and improved is situated.

When the infestations of noxious weeds, against which the activities of the commissioner are directed, are found located on the sides of public highways, the expenses of eradication shall be paid, 50 percent by the state from the fund provided *for this purpose*, 50 percent from the funds provided for the maintenance of the state highway department, if the infestation is on a state highway, 50 percent by the county, if the infestation is on a county or state aid road, and 50 percent by the town, if the infestation is on a town road or cartway.

When infestations of noxious weeds, against which the activities of the commissioner are directed, are found located within the corporate limits of a municipality or on property

used by a municipality, the expense of the eradication of such weeds shall be paid as follows: 50 percent thereof by the state from the funds provided for *this purpose* and 50 percent by the municipality from its general revenue fund.

Sec. 17. **Repealer.** Minnesota Statutes 1953, Section 20.17, is repealed.

Sec. 18. **Repealer.** Minnesota Statutes 1953, Section 20.23, is repealed.

Sec. 19. **Repealer.** Minnesota Statutes 1953, Section 20.24, is repealed.

Sec. 20. **Repealer.** Minnesota Statutes 1953, Section 20.25, is repealed.

Sec. 21. **Repealer.** Minnesota Statutes 1953, Section 219.38, is repealed.

Approved April 26, 1957.

CHAPTER 725—H. F. No. 1704

[Coded]

An act to authorize certain third class cities to issue on-sale liquor licenses to a hotel or motor hotel.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. [Subd. 18.] **Additional on-sale license.** In any city of the third class, adjacent to a city of the first class in a different county, operating under a home rule charter and having a population exceeding 15,500 and less than 16,000 according to the 1950 federal census there may be issued in addition to the ten on-sale licenses authorized by law, only one on-sale license to a hotel or motor hotel which operates a dining room serving meals regularly and which contains not less than sixty sleeping rooms; provided that in the event any such third class city becomes a second class city after the 1960 federal census the governing body of such second class city shall issue such a hotel or motor hotel license as one of the regular on-sale licenses.

Approved April 26, 1957.
