



# Cooperative Extension Service

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NORTH DAKOTA STATE UNIVERSITY - FARGO, NORTH DAKOTA 58102  
UNITED STATES DEPARTMENT OF AGRICULTURE COOPERATING



## NORTH DAKOTA NOXIOUS WEEDS LAW AND REGULATIONS

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NORTH DAKOTA  
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### SUMMARY REPORT

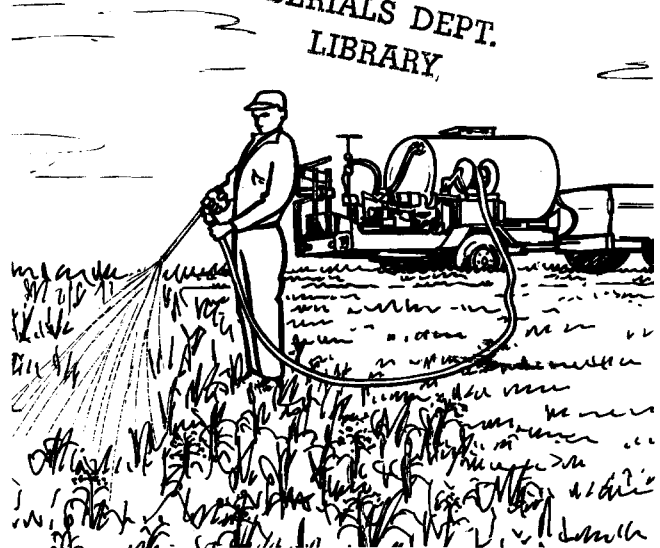
The 1971 Legislature repealed all sections and chapters of the old weed control law and passed a new noxious weeds law as Chapter 63-01.1 of the North Dakota Century Code. This new law became effective on July 1, 1971.

This circular is intended only as a brief explanation and shall in no way have a bearing on the interpretation or operation of the law, regulations, and procedures as contained in the official publication. The complete official publication containing the law, regulations, procedures and forms is available from the State Commissioner of Agriculture, State Capitol Building, Bismarck, North Dakota 58501.

The new law provides a state wide organization and enabling legislation whereby local people collectively can go as far as they deem necessary in carrying out an effective noxious weed control program.

### DUTY TO CONTROL

It is the duty of every person to eradicate or to control the spread of noxious weeds on lands owned or controlled by him in the state of North Dakota. A "person" is defined as any individual, partnership, firm, corporation, company, society, association; the state or any department, agency or subdivision thereof; or any other entity which occupies or controls lands in North Dakota. To "control" means to prevent the spread of any designated noxious weed by seed or propagating part.



Custom and commercial operators are required to clean all equipment to prevent the spread of noxious weeds prior to moving such equipment on public highways, airways or waterways. Trucks or trailers transporting screenings shall be constructed and covered so as to prevent weed seed dissemination. Scattering and dumping on land or in water of any material containing viable noxious weed seeds or propagating parts is prohibited unless such material is treated or buried so as to prevent growth.

NOXIOUS WEEDS and date to destroy for prevention of seed production.

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	Normal First Flowering Date
Absinth Wormwood	August
Field Bindweed (also known as Creeping Jenny)	June
Hemp (also known as Marijuana)	August
Hoary Cress ( also known as Perennial Peppergrass or White Top)	Late May
Leafy Spurge	Late May into June
Musk Thistle	July
Perennial Sowthistle	July
Russian Knapweed	August

## ORGANIZATION

**State Control Authority** - is the State Commissioner of Agriculture.

**County Control Authority** - is the Board of County Commissioners in each county of the State.

**Weed Control Officer** - is appointed or designated by the County Weed Control Authority (County Commissioners) or the Special Weed Control Authority.

**Special Weed Control Authority** - any township, city, irrigation district, soil conservation district or any other political subdivision may individually or collectively establish a Special Control Authority to meet special program needs.

## POWERS AND DUTIES

### State Control Authority

- Carry out the intent of the law and set up the noxious weed control organization in the State.
- Prepare and publish the regulations, procedures and forms needed to implement the program and supply same to the county and special weed control authorities.
- Determine the list of noxious weeds after consulting with the State Cooperative Extension Service.
- Cooperate with local Control Authorities and others to help make the program effective.
- Encourage State and Federal Agencies and all others to control noxious weeds on land which they own or control.
- Encourage the cooperation of program agencies both State and Federal in noxious weed control.

- Refer complaints of non-compliance to the proper local weed control authority.
- Call an annual meeting of all weed control officers, weed control authorities and other interested parties to review and exchange ideas on operations, procedures, methods and accomplishments.
- Obtain an annual report from all County and Special Weed Control Authorities.

The State Weed Control Authority is neither authorized nor required to: (a) conduct weed control research (b) conduct educational meetings on weed control methods (c) prescribe weed control methods nor (d) bring legal action nor assess penalties for non-compliance.

### County Control Authority

- Appoint or designate a weed control officer and supervise his activities.
- Plan and organize the county noxious weed control program.
- Determine how the program will be financed and the amount of money available.
- Control noxious weeds along county highways and work with township officers to control noxious weeds along township roads.
- Designate county roads and request township officers to designate township roads along which landowners or operators are requested to mow grass and all weeds before a specified date in the fall to avoid winter snow trapping on the road surface.
- Request assistance from the States Attorney, Sheriff and State Highway Patrol as needed.
- When a mill levy vote is requested, provide the ballot and plan for an educational program prior to election.

### Weed Control Officer

- Study and know the law, the procedures, the forms and the county program.
- Be able to identify the noxious weeds.
- If possible, become acquainted with and map the location of noxious weeds within the county.

- Consult and coordinate the program with the County Control Authority (County Commissioners) township officers, County Extension Agent, land users and others.
- Publish at least in the official county paper the "Noxious Weeds - Official Notice" by May 15th each year.
- Post the special "Noxious Weed Control" notice to custom and commercial operators in country elevators and other suitable public places in spring or early summer.
- Encourage noxious weed control through meetings, news stories, posters and personal contact whenever possible. Request the assistance and encourage interest and action of every group and individual possible.
- Investigate complaints of noncompliance. Issue official notice to control noxious weeds as needed. Check for compliance with notice and issue certificate of compliance when control is completed.
- Discuss possible legal action with County Control Authority and take action only when needed.
- Prepare the annual report with the help of the County Extension Agent.

#### **Special Weed Control Authority**

- The governing body shall act as the weed control authority except in case a collective authority is created, the membership of the control authority is limited to six persons as designated by the respective governing bodies.
- Appoint or designate a Weed Control Officer who shall have the same duties as listed under County Weed Control Officers.
- The powers and duties shall be the same as those listed under County Control Authorities.

#### **FUNDING LOCAL PROGRAMS**

**County Programs** - The County Commissioners may pay expenses from the general fund.

The Board of County Commissioners when it deems necessary or when petitioned by at least five per cent of the voters in the last general elec-

tion may call for a vote of the electorate for authority to levy a tax of not to exceed two mills on the assessed valuation of all taxable property in the county to pay expenses of the noxious weed control program. Sixty per cent of those voting on the question must approve before the mill levy can be assessed. The tax may be levied in excess of the mill levy limit prescribed by law for general purposes.

**Special Weed Control Authority Program** - may be financed out of funds already available.

A special tax levy where needed to finance the program must be approved by a majority of the electors within the area included in the authority. There is no limit on such a mill levy, but it should be clearly stated on the ballot.

**Townships** - It is the duty of township supervisors in organized townships and county commissioners in unorganized townships to eradicate or control noxious weeds along township roads. The expense can be paid for out of any funds raised by tax levy. No special levy is permitted unless a township or a group of townships organize as a Special Weed Control Authority.

**METHOD OF CONTROL** - The choice of control method is left entirely to the "person" who is required to control the noxious weed. The objective is to prevent spread by seed or propagating parts. Where patches are small, eradication should be the goal.

**RIGHT OF ENTRY UPON LAND** - Any control authority, weed control officer, or anyone authorized thereby, may enter upon all land under their jurisdiction for the purpose of performing their duties without being subject to any action for trespass or damages if reasonable care is exercised.

**ALLEGATION OF NONCOMPLIANCE** - Any landowner or occupant may call attention to non-compliance with the law by filing his complaint in writing with the local weed control officer.

**PENALTIES** - There is provision for penalties for noncompliance with any section of the law. Legal action must be initiated by the weed control officer or the local weed control authority. It cannot be initiated by the State Control Authority.

#### **FALL ROADSIDE MOWING**

The Board of County Commissioners and the Township Supervisors may designate certain high-

ways and roads along which the land operator is requested to mow all weeds and grasses before a designated date in the fall to prevent snow trapping during the winter. If the operator fails to comply, the county or township officials may cause such weeds and grasses to be cut and assess the actual cost as part of the taxes levied against the land.

This section of the law cannot be construed as good noxious weed control, but does serve to lessen the maintainance cost during the winter months on regularly traveled roads.

### **GENERAL COMMENTS**

The Noxious Weeds Control Law sets up a state-wide organization for the purpose of achieving noxious weed control.

Noxious Weed Control is the responsibility of whoever occupies or controls land in the State of North Dakota and of whoever uses the public transportation system in the State.

Methods of control to be used are left to individual choice, but must prevent the spread of noxious weeds by seed or propagating parts.

No one has authority to enter upon land for the purpose of noxious weed control and charge the cost of control back against the land as a part of the tax levy.

The intent of the law is to prevent further spread of noxious weeds in the State and wherever possible to eradicate patches.