

CHAPTER 84.

[H. B. 44.]

PROTECTION AGAINST NOXIOUS WEEDS.

AN ACT for protection against the spread of Canada and Russian thistles, tumbling mustard and other noxious weeds, for the destruction thereof, and for the payment of cost of destroying same and providing for the punishment for the violation of this act and for the appointment of State Botanists.

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

SECTION 1. That for the purpose of this act the Botanist of the State University of Washington, and the Botanist at the State College of Washington, at Pullman are hereby made *ex-officio* State Botanists, to act without additional compensation.

SEC. 2. Canada thistle (*chicus arvensis*), Russian thistle (*Salsola Kali tragus*), tumbling mustard, the so-called "Jim Hill" mustard, (*Sisymbrium altissimum*), cocklebur, and all other weeds liable to become a pest and detrimental to the agricultural interests of any county in this State, are hereby declared to be noxious weeds.

SEC. 3. When the State Botanists are or either of them is of the opinion that any weed is, or may become noxious as herein defined other than those specifically mentioned, he or they shall notify the auditor of the county in which such weeds are, and the clerk of each incorporated city or town in such county, giving a description of such weed, and he or they shall also accompany such description with a specimen of the same, and shall at the same time, send to each road supervisor of such county a description and specimen of such weed.

SEC. 4. The county auditor and the city or town clerk, upon receipt of said description and specimen shall have said description published weekly in the newspaper doing the county or city printing for four successive weeks, and he shall retain said specimen in his office for the inspection of the public.

Penalty for
permitting
growth.

SEC. 5. If any owner, possessor or occupier of land, shall knowingly suffer any noxious weeds as herein defined to grow thereon and the seed to ripen he shall be guilty of a misdemeanor and upon conviction thereof be fined not to exceed twenty dollars for each offense and the costs of prosecution: *Provided*, That this section shall not apply to what is commonly known as "Bull thistles" on lands not used for agricultural purposes outside cities and towns.

Notice to
remove.

SEC. 6. It shall be the duty of each road supervisor in each road district in this State to see that the provisions of this act are carried out within their respective districts, and he shall give notice to the owner, possessor or occupier, or to the agent of such owner, if known, of any land in his district whereon any noxious weeds are growing, requiring him to cause the same to be cut down within ten days from the service of such notice, and in case such owner, possessor, occupier or agent of such owner shall refuse or neglect to cut down said noxious weeds within said ten days, then the said road supervisor shall enter upon the land and cause all of said weeds to be cut down with as little damage to growing crops as may be: *Provided*, That when such noxious weeds are growing upon the land of a non-resident of this State and such owner has no known agent in the county, said notice shall be posted in a conspicuous place on the land in view of the traveling public: *And provided*, That in case of noxious weeds growing on the right-of-way of any railroad within said road district, said notice may be served on the section foreman in charge of the portion of the right-of-way within said district, or it may be served on any agent of the company in said county: *And provided further*, That in case such noxious weeds are growing on public lands and not occupied by a lessee it shall be the duty of said supervisor to cut said weeds as herein provided and the cost thereof shall be paid by the county out of the general fund.

Expense of
removal—
payment.

SEC. 7. Each road supervisor shall keep an accurate account of the expenses incurred by him in carrying out the provisions of this act, with respect to each parcel of land entered upon therefor, and shall offer or send by mail a

statement of such expense, including a description of the land, verified by oath, to the owner, possessor, occupier or agent of such owner if known, requiring him to pay the same within thirty days. In case payment thereof is not made within said time, the supervisor shall present said claim to the board of county commissioners, and if the board finds the same correct, it shall be ordered paid out of the road and bridge fund of said county.

SEC. 8. At the time when the board of county commissioners pays the claim for cutting said weeds as in section 7 provided, it shall make an order that the amount paid be a tax on the land on which said work was done; and the county treasurer shall enter the same on the tax rolls against the land for the current year and collect it together with penalty and interest as other taxes are collected, and when so collected, the same shall be credited to the road and bridge fund in the district in which said land is situated.

Expense of removal a tax on land.

SEC. 9. Each road supervisor shall destroy all noxious weeds and prevent the same from going to seed, in the highways of his district and shall be paid therefor in the same manner as in doing other work upon the public highways.

Highways.

SEC. 10. The provisions of this act shall be applicable to all cities and towns in this State; the duty herein prescribed for the road supervisors shall be performed by the marshal or supervisor of streets in such city or town, and the duty of the board of county commissioners shall be performed by the council, and the county treasurer shall enter on the tax roll the amount paid by the council of said town or city, when certified to him under the hand of the mayor and city clerk and the seal of such city or town.

Act applicable to cities.

Passed the House February 15th, 1907.

Passed the Senate February 26th, 1907.

Approved by the Governor March 7th, 1907.