

No. 1982-74

AN ACT

HB 1429

Relating to noxious weeds; creating a Noxious Weed Control Committee and defining its powers and duties; imposing powers and duties on the Secretary of Agriculture and municipalities; providing penalties; and making a repeal.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Short title.

This act shall be known and may be cited as the "Noxious Weed Control Law."

Section 2. Definitions.

The following words and phrases when used in this act shall have, unless the context clearly indicates otherwise, the meanings given to them in this section:

"Committee." The Noxious Weed Control Committee created by this act.

"Control." Any departmentally approved method of preventing a weed from spreading including eradication.

"Department." The Department of Agriculture.

"Landowner." The owner of real property, the person with legal title, whether or not in actual possession thereof, of land infested with a noxious weed. The term shall include all departments, boards, commissions, agencies and instrumentalities of the Commonwealth, its political subdivisions and the Federal Government.

"List." The noxious weed control list.

"Municipality." County, city, borough, incorporated town or township in which a noxious weed has been ordered controlled or destroyed.

"Noxious weed." A plant that is determined to be injurious, to public health, crops, livestock, agricultural land or other property.

"Secretary." The Secretary of Agriculture.

"Weed control area." A municipality, geographic region, or tract of land where a noxious weed must be treated as prescribed under this act.

Section 3. Noxious Weed Control Committee.

(a) There is hereby created a committee to be known as the Noxious Weed Control Committee, which shall have the powers of a departmental administrative board in the Department of Agriculture. It shall be composed of the Secretary of Agriculture, the Secretary of Environmental Resources, the Executive Director of the Pennsylvania Game Commission and the chairmen of the Agriculture and Rural Affairs Committees of the Senate and House of Representatives. The Secretary of Agriculture shall be chairman of the committee.

(b) The committee shall establish a noxious weed control list, which shall be published as a regulation of the department in the Pennsylvania Bulletin.

(c) The committee may amend the noxious weed control list but shall hold hearings before adding plants to or deleting plants from the list.

(d) Administrative support for the committee shall be provided by the department, including the contact of State or Federal agencies for the control of noxious weeds on their lands.

Section 4. Sale or propagation.

When a weed is declared noxious it shall be a violation of this act to sell, transport, plant, or otherwise propagate that weed within the Commonwealth, except that the secretary may permit exceptions for specific horticultural or experimental use.

Section 5. Weed control areas.

(a) The secretary on his own motion, or upon the request of any interested person, may hold public hearings to consider the designation of a weed control area.

(b) When a weed control area has been designated by the secretary, the secretary shall issue an order describing the weed control area and shall require the affected landowners to comply with this act within 60 days from the publication of this order. Such order may require control measures for the noxious weed to be implemented by landowners: Provided, however, That such order shall not impose an unreasonable deadline for compliance or an unreasonable financial burden on any landowner.

Section 6. Publication.

(a) Every order shall be published in the Pennsylvania Bulletin pursuant to the act of July 31, 1968 (P.L.769, No.240), referred to as the Commonwealth Documents Law.

(b) Every such order shall also be advertised in the area designated by posted notices and by advertising the order in a newspaper or newspapers of general circulation in the area as defined by Title 45 of the Pennsylvania Consolidated Statutes (relating to legal notices), covering the proposed weed control area.

Section 7. Compliance with orders.

(a) Every affected landowner shall comply with an order published as required by this act beginning at least 60 days after such publication.

(b) When an affected landowner fails to comply with an order, the secretary shall notify the landowner and the municipality within which the landowner's property is located by certified mail. Thereafter, the appropriate officials of the municipality shall take the necessary steps to carry out the order within 30 days after receipt of such notification by the secretary.

(c) A municipality which acts to control or destroy a noxious weed on a noncomplying landowner's property shall have power to recover all expenses and costs incurred in complying with the order from the non-complying landowner.

Section 8. Noxious weed control list.

The noxious weed control list shall include but not be limited to the following weeds:

- (1) *Cannabis sativa*, commonly known as marihuana.
- (2) *Cichorium intybus*, commonly known as chicory or succory or blue daisy.
- (3) *Cirsium arvense*, commonly known as Canadian thistle.
- (4) *Rosa multiflora*, commonly known as multiflora rose.
- (5) *Sorghum halepense*, commonly known as Johnson grass.

Section 9. Rules and regulations.

The secretary may promulgate rules and regulations to implement the provisions of this act.

Section 10. Penalties.

(a) Any landowner who fails to comply with an order of the secretary shall be guilty of a summary offense, and upon conviction thereof, shall be sentenced to pay a fine not exceeding \$300, or undergo imprisonment for a period not exceeding 90 days, or both.

(b) Any landowner who interferes with the agents of the secretary, or with a municipality and the discharge of its duties hereunder, shall be guilty of a misdemeanor of the third degree and upon conviction thereof, shall be sentenced to pay a fine not exceeding \$2,500, or undergo imprisonment for a period not exceeding one year, or both.

Section 11. Repeal.

The act of March 22, 1862 (P.L.164, No.164), entitled, as amended, "An act to provide for the destruction, and to prevent the spread of Canada thistles, chicory, Johnson grass and marihuana, and imposing certain powers and duties upon supervisors and constables in relation thereto," is repealed absolutely.

Section 12. Effective date.

This act shall take effect in 60 days.

APPROVED—The 7th day of April, A. D. 1982.

DICK THORNBURGH