

# **Legal Reference: Noxious Weed Law Summary**

## **An Act**

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 shall have the authority to add plants to or delete plants from the noxious weed control list, including the noxious weed control list set forth under section 8, but shall hold hearings before adding plants to or deleting plants from the list. (c. Amended July 7, 1994, P.L. 439, No. 72)
- 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 30 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 and landowner.

#### **Section 6. Publication.**

- a) Every order issued under section 5 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. (6 amended July 7, 1994, P.L. 439, No. 72)

### **Section 6.1. Control Order Issued Against an Individual Landowner.**

- a) The secretary may issue an order requiring an individual landowner to implement control measures for noxious weeds if he finds that noxious weeds are growing on that landowner's property.
- b) An order issued under this section shall be in writing and shall be served on the landowner by handing a copy of the order to him or by sending a copy of the order to the landowner by certified mail, return receipt requested.
- c) An order may be issued under this section without a public hearing, provided that the landowner may within seven days of receipt notify the secretary in writing that he intends to contest the order. If the landowner fails to contest the order within that seven-day period, it shall become final.
- d) Whenever a landowner notifies the secretary that he intends to contest an order issued under this section pursuant to subsection (c), the secretary shall provide the landowner with a hearing within ten days after receipt of notification that the order is being contested. After reviewing the testimony or other evidence presented at the hearing, the secretary may affirm, modify or vacate the order. If the order is affirmed or modified, it shall become a final order under this act (6.1 added July 7, 1994, P.L. 439, No. 72).

### **Section 7. Compliance with Orders.**

- a) An affected landowner shall comply with an order issued under section 5 within 30 days after publication. An affected landowner shall comply with an order issued under section 6.1 within 30 days after the order becomes final.
- 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 non-complying landowner's property shall have power to recover all expenses and costs incurred in complying with the order from the non-complying landowner (7 amended July 7, 1994, P.L. 439, No. 72).

### **Section 8. Noxious Weed Control List.**

The noxious weed control list shall include the following weeds:

- a) Cannabis sativa, commonly known as Marijuana
- b) Cirsium arvense, commonly known as Canadian thistle
- c) Rosa multiflora, commonly known as Multiflora rose

- d) Sorghum halepense, commonly known as Johnson grass
  - e) Polygonum perfoliatum, commonly known as Mile-a-minute
  - f) Pueraria lobata, commonly known as Kudzu-vine
  - g) Cirsium vulgare, commonly known as Bull or Spear Thistle
  - h) Carduus nutans, commonly known as Musk or Nodding Thistle
  - i) Sorghum bicolor, commonly known as Shattercane
  - j) Datura stramonium, commonly known as Jimsonweed
  - k) Lythrum salicaria, commonly known as Purple Loosestrife, including all cultivars
  - l) Heracleum mantegazzianum, commonly known as Giant Hogweed
  - m) Galega officinalis, commonly known as Goatsrue
- (Amended November 18, 2000)

**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.
- 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. (10 amended July 7, 1994, P.L. 439, No. 72)

**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 marijuana, 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.

Summary revised 18 August 1997