

No. 1980-177

## AN ACT

HB 2640

Amending 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 and marihuana, and imposing certain powers and duties upon supervisors and constables in relation thereto," extending the act to include Johnson grass.

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

Section 1. The title and sections 1 and 2, 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 and marihuana, and imposing certain powers and duties upon supervisors and constables in relation thereto," amended May 26, 1939 (P.L.243, No.142), are amended to read:

## 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.

Section 1. That from and after the passage of this act, it shall be the duty of every person or persons, and of every copartnership, association, or corporation holding land or lands in any county or counties of this Commonwealth, either by lease or otherwise, on which any Canada thistles, or weeds commonly known as Canada thistles, or Cichorium intybus, the weed commonly known as chicory or succory or blue daisy, *or the weed known as Johnson grass* or the weed known as marihuana, may be growing, to cut the same so as to prevent such weeds from going to seed, and the seed of the same from ripening, and every person or persons, or copartnership, association, or corporation as aforesaid, who shall or may have land as aforesaid, and who shall neglect or refuse to comply with the provisions of this act, shall forfeit and pay a fine of fifteen dollars to the treasurer of the school district in which such land may be situated, to be recovered the same as debts of like amount are now by law recoverable.

Section 2. That if any person or persons, or copartnership, association, or corporation, so holding lands as aforesaid, on which any Canada thistles or the weeds commonly known as such, or Cichorium intybus, the weed commonly known as chicory or succory or blue daisy, *or the weed known as Johnson grass* or the weed known as marihuana, shall be growing and likely to ripen seed thereon, shall neglect or refuse to cut and destroy the same so as to prevent the seed

thereof from ripening, it shall and may be lawful for any person or persons, who may consider themselves aggrieved or about to be injured by such neglect or refusal, to inform by written notice any constable or supervisor of the township or district in which the said weeds may be growing, whose duty it shall then be to give five days' notice in writing to such person or persons, or copartnership, association, or corporation to cut and destroy such weeds, and, on their neglect or refusal to cut and destroy the same at the end of five days, it shall be the duty of the officer giving such notice to enter upon such premises, with such other person or persons as he may employ, and cut down and destroy such weeds, and the said officer or other persons so employed shall be entitled to recover from such person or persons, or copartnership, association, or corporation, owning or holding land as aforesaid, compensation for necessary man labor, horse labor, and machinery, at the same rate as paid by the township or district for similar work on the roads, and the officer serving such notice shall likewise be entitled to a fee of fifty cents, together with six cents mileage for each mile circular necessarily traveled, to be recovered as debts of like amount before any justice or court in said counties.

Section 2. Section 3 of the act, reenacted May 26, 1939 (P.L.243, No.142), is reenacted to read:

Section 3. It shall be the duty of the supervisor or supervisors of the public roads or highways in every township or district as aforesaid, to cut and destroy in the same manner all such weeds on or along such roads, and in case of unseated or mountain lands, whenever it shall come to the knowledge of either the supervisor or constable of the existence of any such weeds thereon, it shall be his duty to notify the owner or owners, or agents of said lands in writing, giving ten days' notice, to cut and destroy the same as aforesaid, and upon failure to comply at the end of ten days, such officer or any person or persons employed by him, shall proceed in the manner hereinbefore provided, with like fees and compensation, and if any such constable or supervisor shall neglect or refuse to perform his duties as prescribed by this act, he shall be liable to a fine of ten dollars, the same to be sued for and recovered as aforesaid, by the party or parties aggrieved or about to be injured by such neglect or refusal.

Section 3. This act shall take effect in 60 days.

APPROVED—The 16th day of October, A. D. 1980.

DICK THORNBURGH