

ARTICLE 12:62

WEED AND PEST CONTROL

Chapter

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CHAPTER 12:62:01

WEED CONTROL COMMISSION

(Repealed. 10 SDR 83, effective February 7, 1984)

CHAPTER 12:62:02

DEFINITIONS

Section

12:62:02:01	Definitions.
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12:62:02:01. Definitions. Words defined in SDCL 38-22-1.2 have the same meaning when used in this article. In addition, terms used in this article have the following meaning:

(1) "Community," a township, a natural or artificial geographical area, or a subdivision of a board member area as designated by the board and represented by a community representative;

(2) "Declared pest," a pest which the commission has designated as sufficiently detrimental to the state to warrant enforcement of control measures;

(3) "Locally declared pest," a pest which the commission has designated in one or more counties for enforcement of control measures;

(4) "Locally noxious weed," a noxious weed which the commission has designated in one or more counties for enforcement of control measures;

(5) "Noxious weed," a weed which the commission has designated as sufficiently detrimental to the state to warrant enforcement of control measures.

Source: SL 1975, ch 16, § 1; 10 SDR 83, effective February 7, 1984; 12 SDR 128, 12 SDR 154, effective July 1, 1986; 22 SDR 52, effective October 25, 1995; 23 SDR 185, effective May 8, 1997.

General Authority: SDCL 38-22-9, 38-22-11.1.

Law Implemented: SDCL 38-22-7, 38-22-11, 38-22-32.

CHAPTER 12:62:03

WEEDS AND PESTS

Section

12:62:03:01	Characteristics of noxious weed.
12:62:03:01.01	Characteristics of declared pest.
12:62:03:01.02 to 12:62:03:01.04	Repealed.
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12:62:03:01.06	Statewide noxious weeds.
12:62:03:01.07	List of weeds and pests for use in declaring locally noxious weeds or declared pests.
12:62:03:02	Repealed.
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12:62:03:06	Additions to and deletions from noxious weed and declared pest lists.
12:62:03:07	Emergency designation of noxious weed or declared pest.

12:62:03:01. Characteristics of noxious weed. A noxious weed possesses the following characteristics:

- (1) The weed is a perennial;
- (2) The weed is capable of unique and rapid spreading and growth under adverse conditions;
- (3) The weed is not controllable without special preventive chemical, mechanical, biological, and cultural practices;
- (4) The weed is capable of materially reducing the production of crops or livestock;
- (5) The weed is capable of decreasing the value of the land; and
- (6) The weed is not native to the state.

Source: SL 1975, ch 16, § 1; 10 SDR 83, effective February 7, 1984; 12 SDR 128, 12 SDR 154, effective July 1, 1986; repealed, 22 SDR 52, effective October 25, 1995; readopted, 23 SDR 185, effective May 8, 1997.

General Authority: 38-22-7, 38-22-9, 38-22-11.1.

Law Implemented: 38-22-7, 38-22-9.

12:62:03:01.01. Characteristics of declared pest. A declared pest possesses the following characteristics:

- (1) The pest is capable of spreading rapidly by natural means in a previously uninfested area;
- (2) The pest is not controllable without special preventive, chemical, biological, and cultural practices;
- (3) The pest is capable of materially reducing the production of crops and livestock.

Source: 10 SDR 83, effective February 7, 1984; 12 SDR 128, 12 SDR 154, effective July 1, 1986; repealed, 22 SDR 52, effective October 25, 1995; readopted, 23 SDR 185, effective May 8, 1997.

General Authority: 38-22-7, 38-22-9, 38-22-11.1.

Law Implemented: 38-22-7, 38-22-9.

12:62:03:01.02. Exotic noxious weeds. Repealed.

Source: 22 SDR 52, effective October 25, 1995; repealed, 23 SDR 185, effective May 8, 1997.

12:62:03:01.03. Primary noxious weeds. Repealed.

Source: 22 SDR 52, effective October 25, 1995; repealed, 23 SDR 185, effective May 8, 1997.

12:62:03:01.04. Secondary noxious weeds. Repealed.

Source: 22 SDR 52, effective October 25, 1995; repealed, 23 SDR 185, effective May 8, 1997.

12:62:03:01.05. Declared pests. The following pests are declared pests statewide:

- (1) Gypsy moth.

Source: 22 SDR 52, effective October 25, 1995; repealed, 23 SDR 185, effective May 8, 1997; readopted, 24 SDR 176, effective June 21, 1998; 29 SDR 152, effective May 18, 2003.

General Authority: SDCL 38-22-9, 38-22-11.1.

Law Implemented: SDCL 38-22-7, 38-22-9.

12:62:03:01.06. Statewide noxious weeds. The following weeds are declared to be noxious statewide:

- (1) Canada thistle;
- (2) Hoary cress;
- (3) Leafy spurge;
- (4) Perennial sow thistle;
- (5) Purple loosestrife;
- (6) Russian knapweed; and
- (7) Salt Cedar.

Source: 24 SDR 47, effective October 21, 1997; 31 SDR 191, effective May 29, 2005.

General Authority: 38-22-9, 38-22-11.1.

Law Implemented: 38-22-7, 38-22-9.

12:62:03:01.07. List of weeds and pests for use in declaring locally noxious weeds or declared pests. When requesting the commission for a declaration of locally noxious weeds or declared pests pursuant to § 12:62:07:03, a county board may select weeds or pests from the following list or may request declaration of other weeds that meet the requirements of §§ 12:62:07:01 and 12:62:07:02:

- (1) Absinth wormwood;
- (2) Bull thistle;
- (3) Chicory;
- (4) Common burdock;
- (5) Common mullein;
- (6) Common tansy;
- (7) Dalmation toadflax;
- (8) Diffuse knapweed;
- (9) Field bindweed;
- (10) Giant Knotweed;
- (11) Houndstongue;
- (12) Musk and plumeless thistles;
- (13) Poison hemlock;
- (14) Puncturevine;
- (15) Scotch thistle;
- (16) Spotted knapweed;
- (17) St. Johnswort;
- (18) Yellow toadflax; and
- (19) Mountain Pine Beetle.

Source: 24 SDR 47, effective October 21, 1997; 26 SDR 55, effective October 27, 1999; 28 SDR 174, effective June 23, 2002; 29 SDR 152, effective May 18, 2003; 30 SDR 203, effective June 24, 2004; 32 SDR 183, effective May 9, 2006.

General Authority: 38-22-9, 38-22-11.1.

Law Implemented: 38-22-7, 38-22-9.

12:62:03:02. Weeds declared noxious in state. Repealed.

Source: SL 1975, ch 16, § 1; repealed, 10 SDR 83, February 7, 1984.

12:62:03:03. Transferred to § 12:62:07:01.

12:62:03:04. Transferred to § 12:62:07:03.

12:62:03:05. Transferred to § 12:62:07:04.

12:62:03:06. Additions to and deletions from noxious weed and declared pest lists. The commission shall evaluate additions and deletions to the noxious weed and declared pest lists at its annual meeting. Commissioners shall consider all requests for changes to the noxious weed and declared pest lists.

Source: 10 SDR 83, effective February 7, 1984; 12 SDR 128, 12 SDR 154, effective July 1, 1986; 22 SDR 52, effective October 25, 1995.

General Authority: SDCL 38-22-9, 38-22-11.1.

Law Implemented: SDCL 38-22-7, 38-22-9.

12:62:03:07. Emergency designation of a noxious weed or declared pest. With the concurrence of the chair of the commission, the secretary may make an emergency designation of a noxious weed or declared pest. The emergency designation remains in effect for 180 days.

Source: 10 SDR 83, effective February 7, 1984; 12 SDR 128, 12 SDR 154, effective July 1, 1986; 22 SDR 52, effective October 25, 1995; 23 SDR 185, effective May 8, 1997.

General Authority: SDCL 38-22-9, 38-22-11.1.

Law Implemented: SDCL 38-22-7, 38-22-9.

CHAPTER 12:62:04

COUNTY WEED CONTROL

(Repealed. 10 SDR 83, effective February 7, 1984)

CHAPTER 12:62:05

EDUCATIONAL PROCESSES

(Repealed. 10 SDR 83, effective February 7, 1984)

CHAPTER 12:62:06

WEED CONTROL PRACTICES

(Repealed. 10 SDR 83, effective February 7, 1984)

CHAPTER 12:62:07

DESIGNATION OF LOCALLY NOXIOUS WEEDS AND DECLARED PESTS

Section

- 12:62:07:01 Characteristics of locally noxious weed.
- 12:62:07:02 Characteristics of locally declared pest.
- 12:62:07:03 Request for designation as locally noxious weed or declared pest.
- 12:62:07:04 Weed and pest designated locally noxious weed or declared pest for five years.
- 12:62:07:05 Emergency designation of locally noxious weed or declared pest.

12:62:07:01. Characteristics of locally noxious weed. The commission may designate as a locally noxious weed a weed possessing the following characteristics:

- (1) The weed is biennial, perennial, or a pernicious annual;
- (2) The weed is capable of spreading rapidly;
- (3) The weed is not controllable without special preventive chemical, mechanical, biological, and cultural practices;
- (4) The weed is capable of materially reducing the production of crops or livestock;
- (5) The weed is capable of decreasing the value of the land.

Source: SL 1975, ch 16, § 1; transferred from § 12:62:03:03, 10 SDR 83, effective February 7, 1984; 12 SDR 128, 12 SDR 154, effective July 1, 1986; repealed, 22 SDR 52, effective October 25, 1995; readopted, 23 SDR 185, effective May 8, 1997.

General Authority: 38-22-7, 38-22-9, 38-22-11.1.

Law Implemented: 38-22-7, 38-22-9.

12:62:07:02. Characteristics of locally declared pest. The commission may designate as a locally declared pest a pest possessing the following characteristics:

- (1) The pest is capable of spreading rapidly by natural means in a previously uninfested area;
- (2) The pest is not controllable without special preventive chemical, mechanical, biological, and cultural practices;
- (3) The pest is capable of materially reducing the production of crops and livestock.

Source: 10 SDR 83, effective February 7, 1984; 12 SDR 128, 12 SDR 154, effective July 1, 1986; repealed, 22 SDR 52, effective October 25, 1995; readopted, 23 SDR 185, effective May 8, 1997.

General Authority: 38-22-7, 38-22-9, 38-22-11.1.

Law Implemented: 38-22-7, 38-22-9.

12:62:07:03. Request for designation as locally noxious weed or declared pest. Each board may request the commission to designate not more than eight species of weed or pest as locally noxious or declared for the county. Not more than eight species may be designated as locally noxious or declared by the commission at any one time.

Source: SL 1975, ch 16, § 1; transferred from § 12:62:03:04, 10 SDR 83, effective February 7, 1984; 12 SDR 128, 12 SDR 154, effective July 1, 1986; 22 SDR 52, effective October 25, 1995; 28 SDR 174, effective June 23, 2002.

General Authority: SDCL 38-22-9, 38-22-11.1.

Law Implemented: SDCL 38-22-7, 38-22-9, 38-22-32.

Cross-Reference: List of weeds for use in declaring locally noxious weeds, § 12:62:03:01.07.

12:62:07:04. Weed and pest designated locally noxious weed or declared pest for five years. Locally noxious weeds and declared pests retain their designation for five years, unless removed from the list by the commission.

Source: SL 1975, ch 16, § 1; transferred from § 12:62:03:05, 10 SDR 83, effective February 7, 1984; 12 SDR 128, 12 SDR 154, effective July 1, 1986.

General Authority: SDCL 38-22-7, 38-22-11.

Law Implemented: SDCL 38-22-7, 38-22-9, 38-22-32.

12:62:07:05. Emergency designation of locally noxious weed or declared pest. The secretary may with the concurrence of the chair of the commission make an emergency designation of a noxious weed or locally declared pest. The pest shall remain a noxious weed or a locally declared pest for 180 days.

Source: 10 SDR 83, effective February 7, 1984; 12 SDR 128, 12 SDR 154, effective July 1, 1986; 23 SDR 185, effective May 8, 1997.

General Authority: SDCL 38-22-7, 38-22-11.

Law Implemented: SDCL 38-22-7, 38-22-9, 38-22-32.

CHAPTER 12:62:08

REQUIREMENTS FOR COUNTY PROGRAMS

(Repealed. 10 SDR 83, effective February 7, 1984)

CHAPTER 12:62:09

COUNTY WEED AND PEST BOARDS

Section

12:62:09:01	Board to direct, develop, present, and adopt weed and pest control program.
12:62:09:01.01	Number and time of board meetings.
12:62:09:02 to 12:62:09:04	Repealed.
12:62:09:05	Reserved.
12:62:09:06 to 12:62:09:11	Repealed.
12:62:09:12	Reserved.
12:62:09:13 and 12:62:09:14	Repealed.

12:62:09:01. Board to direct, develop, present, and adopt weed and pest control program. Each board shall direct, develop, present, and adopt a program in cooperation with state and federal agencies for the control of noxious weeds and declared pests.

Source: SL 1975, ch 16, § 1; 10 SDR 83, effective February 7, 1984; 12 SDR 128, 12 SDR 154, effective July 1, 1986.

General Authority: SDCL 38-22-7, 38-22-11.

Law Implemented: SDCL 38-22-7, 38-22-32.

12:62:09:01.01. Number and time of board meetings. The board shall conduct at least four paid meetings a year. The annual meeting shall be held before March 31. The annual inspection shall be made after July 1.

Source: 10 SDR 83, effective February 7, 1984; 12 SDR 128, 12 SDR 154, effective July 1, 1986.

General Authority: SDCL 38-22-7, 38-22-11.

Law Implemented: SDCL 38-22-7, 38-22-23.10, 38-22-32.

12:62:09:02. Officers. Repealed.

Source: SL 1975, ch 16, § 1; repealed, 10 SDR 83, February 7, 1984.

12:62:09:03. Terms of office. Repealed.

Source: SL 1975, ch 16, § 1; repealed, 10 SDR 83, February 7, 1984.

12:62:09:04. Certification of election to be sent to state weed control office. Repealed.

Source: SL 1975, ch 16, § 1; repealed, 10 SDR 83, February 7, 1984.

12:62:09:05. Reserved.

12:62:09:06. County weed board budget. Repealed.

Source: SL 1975, ch 16, § 1; repealed, 10 SDR 83, February 7, 1984.

12:62:09:07. Board expenses to be approved by board prior to submission to county commission. Repealed.

Source: SL 1975, ch 16, § 1; repealed, 10 SDR 83, February 7, 1984.

12:62:09:08. Responsibility for county highway weed control. Repealed.

Source: SL 1975, ch 16, § 1; repealed, 10 SDR 83, February 7, 1984.

12:62:09:09. Setting of community boundaries by county weed board. Repealed.

Source: SL 1975, ch 16, § 1; repealed, 10 SDR 83, February 7, 1984.

12:62:09:10. Minimum number of communities in county. Repealed.

Source: SL 1975, ch 16, § 1; repealed, 10 SDR 83, February 7, 1984.

12:62:09:11. Weed board to set elections. Repealed.

Source: SL 1975, ch 16, § 1; repealed, 10 SDR 83, February 7, 1984.

12:62:09:12. Reserved.

12:62:09:13. Time of elections of community representatives. Repealed.

Source: SL 1975, ch 16, § 1; repealed, 10 SDR 83, February 7, 1984.

12:62:09:14. Election of community representatives after organization. Repealed.

Source: SL 1975, ch 16, § 1; repealed, 10 SDR 83, February 7, 1984.

CHAPTER 12:62:10

COUNTY WEED SUPERVISORS

(Repealed. 10 SDR 83, effective February 7, 1984)

CHAPTER 12:62:11

ENFORCEMENT PROCEDURES

Section

12:62:11:01 to 12:62:11:03 Repealed.

12:62:11:04 Procedure when voluntary cooperation not obtained.

12:62:11:05 Action of secretary in cases referred by board.

12:62:11:01. Informational investigations of noxious weeds. Repealed.

Source: SL 1975, ch 16, § 1; repealed, 10 SDR 83, February 7, 1984.

12:62:11:02. Enforcement procedures to be commenced upon refusal of voluntary cooperation with weed control program. Repealed.

Source: SL 1975, ch 16, § 1; repealed, 10 SDR 83, February 7, 1984.

12:62:11:03. Time to comply with notice. Repealed.

Source: SL 1975, ch 16, § 1; repealed, 10 SDR 83, February 7, 1984.

12:62:11:04. Procedure when voluntary cooperation not obtained. When voluntary cooperation is not obtained the board may refer the matter to the secretary.

Source: SL 1975, ch 16, § 1; 10 SDR 83, effective February 7, 1984; 12 SDR 128, 12 SDR 154, effective July 1, 1986.

General Authority: SDCL 38-22-7, 38-22-11.

Law Implemented: SDCL 38-22-7, 38-22-16.

12:62:11:05. Action of secretary in cases referred by board. The secretary shall review board requests for assistance with noncompliance cases and may accept or reject them. The decision to accept or reject shall be based on the following criteria:

- (1) Control efforts of the landowner or operator;
- (2) Control and enforcement efforts on adjoining land;
- (3) Local board efforts and results;
- (4) An evaluation of the menace to neighboring lands of the infestation; and

(5) Board publication of a legal notice of the noxious weeds, declared pests, and commission approved locally noxious weeds and locally declared pests before April 1 of each year or at least 30 days before the filing of a request for assistance.

All requests for assistance shall be made on a form approved by the commission. Once accepted, a case will remain under departmental jurisdiction until released by the department.

Source: 10 SDR 83, effective February 7, 1984; 12 SDR 128, 12 SDR 154, effective July 1, 1986.

General Authority: SDCL 38-22-7, 38-22-11.

Law Implemented: SDCL 38-22-16, 38-22-16.1, 38-22-32.

CHAPTER 12:62:12

RECORDS AND REPORTS

Section

12:62:12:01	Submission and completion dates of board reports.
12:62:12:02 and 12:62:12:03	Repealed.
12:62:12:04	Minutes of board meetings.
12:62:12:05	Repealed.

12:62:12:01. Submission and completion dates of board reports. The following are the submission and completion dates of reports required of the board:

(1) The yearly report shall be submitted on a form approved by the commission to the state weed and pest coordinator by January 31;

(2) The report of the annual inspection shall be submitted on a form approved by the commission to the state weed and pest coordinator by November 1. The report shall be made available to the public by November 1;

(3) The program for the control of noxious weeds and declared pests shall be submitted on a form approved by the commission to the state weed and pest coordinator by April 1.

Source: SL 1975, ch 16, § 1; 10 SDR 83, effective February 7, 1984; 12 SDR 128, 12 SDR 154, effective July 1, 1986.

General Authority: SDCL 38-22-7, 38-22-11.

Law Implemented: SDCL 38-22-7, 38-22-23.10, 38-22-32.

12:62:12:02. Records of county weed board. Repealed.

Source: SL 1975, ch 16, § 1; repealed, 10 SDR 83, February 7, 1984.

12:62:12:03. County weed map. Repealed.

Source: SL 1975, ch 16, § 1; repealed, 10 SDR 83, February 7, 1984.

12:62:12:04. Minutes of board meetings. The board shall submit minutes to the state weed and pest coordinator within 10 days after each meeting.

Source: SL 1975, ch 16, § 1; 10 SDR 83, effective February 7, 1984; 12 SDR 128, 12 SDR 154, effective July 1, 1986.

General Authority: SDCL 38-22-7, 38-22-11.

Law Implemented: SDCL 38-22-23.10, 38-22-32.

12:62:12:05. Distribution of reports of county weed board. Repealed.

Source: SL 1975, ch 16, § 1; repealed, 10 SDR 83, February 7, 1984.