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## States' Noxious Weed Statutes and Regulations:

*Massachusetts*



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## **States' Noxious Weed Statutes: Massachusetts**

### **Massachusetts General Laws**

#### **Part I Title XIX Agriculture and Conservation**

##### **Chapter 128 Section 24: Inspection of orchards, etc. for noxious weeds, insect pests or plant diseases; notice to landowners, et al.; abatement; cost of treatment**

The director, either personally or through his assistants, may inspect any orchard, field garden, roadside or other place where trees, shrubs or other plants exist, whether on public or private property, which he may know or have reason to suspect is overgrown with noxious weeds or infested with the San Jose scale or any serious insect pests or plant disease, when in his judgment such pests, disease or weeds are likely to cause loss to adjoining owners, and may serve upon the owner, occupant or person in charge of the land on which such noxious weeds, trees, shrubs or other plants are present, written notice of the presence of such weeds, pests or plant disease, with a statement that they constitute a public nuisance, together with directions to abate the same, giving the methods of treatment for the abatement thereof, and stating a time within which the nuisance must be abated in accordance with the methods given therein. If the person no notified refuses or neglects so to treat or destroy such weeds, trees, shrubs or other plants within the time prescribed, the director may cause such property to be so treated or destroyed, and may employ all necessary assistants for this purpose, who may enter upon any public or private property, if such entry is necessary for this purpose. Upon the completion of said treatment the director shall certify in writing to the owner or person in charge of the treated property the amount of the cost of such treatment, and if this be not paid to the commissioner within ninety days thereafter, the same may be recovered by suit, together with the cost of the suit.

##### **Section 25: Appeal from proposed action**

In case of objection to the proposed action of the director or his assistants in executing any provision of sections sixteen to thirty-one, inclusive, an appeal in writing may be taken within ten days to the commissioner, and the appeal shall operate as a stay of proceedings until it has been heard and decided by the commissioner, whose decision shall be final.

##### **Section 26: Proceedings after appeal; notice**

When the commissioner has heard an appeal and has rendered a decision that the action of the director from which the appeal was taken is sustained, the director shall

notify in writing the owner, occupant or person in charge of the trees, shrubs or other plants concerned, of the decision, and shall direct him to treat or destroy the trees, shrubs or other plants within a given time in accordance with a method prescribed in the notice. If the person so notified refuses or neglects so to treat or destroy such trees, shrubs or other plants within the time prescribed, the director may cause such property to be so treated or destroyed, and the cost thereof to be recovered as provided in section twenty-four.