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## States' Noxious Weed Statutes and Regulations:

*Arizona*



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## States' Noxious Weed Statutes: Arizona

### § 3-201. Definitions

In this article, unless the context otherwise requires:

1. "Associate director" means the associate director of the division.
2. "Diseases" includes any fungus, bacterium, virus or other organism of any kind and any unknown cause that is or may be found to be injurious, or likely to be or to become injurious to any domesticated or cultivated plant, or to the product of any such plant.
3. "Division" means the plant services division of the Arizona department of agriculture.
4. "Noxious weed" means any species of plant that is, or is liable to be, detrimental or destructive and difficult to control or eradicate and shall include any species that the director, after investigation and hearing, shall determine to be a noxious weed.
5. "Nursery" means real property or other premises on or in which nursery stock is propagated, grown or cultivated or from which source nursery stock is offered for distribution or sale.
6. "Nursery stock" includes all trees, shrubs, vines, cacti, agaves, succulents, herbaceous plants whether annuals, biennials or perennials, bulbs, corms, rizomes, roots, decorative plant material, flowers, fruit pits or seeds, cuttings, buds, grafts, scions and other plants intended for sale, gift or propagation, either cultivated or collected in the wild, except seeds as regulated by article 2 of this chapter, 1 fruit and vegetables regulated by chapter 3, articles 2 and 4 of this title<sup>2</sup> and cotton plants.
7. "Pests" includes all noxious weeds, insects, diseases, mites, spiders, nematodes and other animal or plant organisms found injurious, or likely to be or to become injurious, to any domesticated, cultivated, native or wild plant, or to the product of any such plant.
8. "Plant" or "crop" includes every kind of vegetation, wild or domesticated, and any part thereof, as well as seed, fruit or other natural product of such vegetation.
9. "Shipment" includes anything that is brought into the state or that is transported within the state and that may be the host or may contain or carry or may be susceptible of containing, carrying or having present on, in or about it any plant pest or plant disease.

### § 3-205.01. Summary abatement of noxious weeds, crop pests or diseases under preapproved programs

The director may treat, spray, control, suppress or eradicate noxious weeds, crop pests or diseases through a countywide, area-wide or statewide program or programs that have been approved or authorized by the department. If such countywide, area-wide or statewide program or programs affect cotton, the program or programs must also be

approved by the cotton research and protection council. The director may take whatever actions that are necessary to assist, support or enforce such programs including entering any fields to treat, spray, control, suppress or eradicate noxious weeds, crop pests or diseases under these authorized or approved programs.

#### **§ R3-4-245. Noxious weeds**

A. Definitions. In addition to the definitions provided in A.R.S. § 3-201, A.A.C. R3-4-101 and R3-4-201, the following apply to this Section:

1. "Class A Noxious Weed" is categorized as a species of plant that is not known to exist or of limited distribution in the State and is a high priority pest for quarantine, control, or mitigation, Class A noxious weeds are listed in Table 4.
2. "Class B Noxious Weed" is categorized as a species of plant that is known to occur, but of limited distribution in the State and may be a high priority pest for quarantine, control or mitigation if a significant threat to a crop, commodity, or habitat is known to exist. Class B noxious weeds are listed in Table 5.
3. "Class C Noxious Weed" is categorized as a species of plant that is widespread but may be recommended for active control based on risk assessment. Class C noxious weeds are listed in Table 6.

B. Restrictions:

1. No Class A, B, or C Noxious Weed, or commodity infested or contaminated with a Class A, B, or C Noxious Weed, shall be admitted into the state unless otherwise authorized by the Associate Director.
2. The Department may quarantine and abate an area infested or contaminated with a Class A or Class B Noxious Weed if it has been determined by the Associate Director that an imminent threat to agriculture or horticulture exists.

#### **Class A Noxious Weeds**

Common name	Scientific name
African rue	Peganum harmala
Canada thistle	Cirsium arvense
Dudaim melon	Cucumis melo v. Dudaim Naudin
Dyer's woad	Isatis tinctoria
Floating water hyacinth	Eichhornia crassipes

Giant salvinia	Salvinia molesta
Globe-podded hoary cress	Cardaria draba
Hydrilla	Hydrilla verticillata
Leafy spurge	Euphorbia esula
Plumeless thistle	Carduus acanthoides
Purple loosestrife	Lythrum salicaria
Purple starthistle	Centaurea calcitrapa
Quackgrass	Elymus repens (Elytrigia repens)
Rush skeletonweed	Chondrilla juncea
Southern sandbur	Cenchrus echinatus
Spotted knapweed	Centaurea stoebe ssp. micranthos
Sweet resinbush	Euryops subcarnosus
Ward's weed	Carrichtera annua
Wild mustard	Sinapis arvensis

### **Class B noxious weeds**

Common name	Scientific name
Black mustard	Brassica nigra
Branched broomrape	Orobanche ramosa
Bull thistle	Cirsium vulgare
Camelthorn	Alhagi maurorum (A. pseudalhagi)
Dalmatian toadflax	Linaria dalmatica (L. genistifolia v. dalmatica)
Diffuse knapweed	Centaurea diffusa
Field sandbur	Cenchrus spinifex (synonym: C. incertus)
Giant reed	Arundo donax
Halogeton	Halogeton glomeratus

Jointed goatgrass	<i>Aegilops cylindrica</i>
Malta starthistle	<i>Centaurea melitensis</i>
Musk thistle	<i>Carduus nutans</i>
Natal grass	<i>Melinis repens</i>
Onionweed	<i>Asphodelus fistulosus</i>
Russian knapweed	<i>Acroptilon repens</i>
Russian olive	<i>Elaeagnus angustifolia</i>
Saharan mustard	<i>Brassica tournefortii</i>
Stinknet (Globe chamomile)	<i>Oncosiphon piluliferum</i>
Scotch thistle	<i>Onopordum acanthium</i>
Yellow bluestem	<i>Bothriochloa ischaemum</i>
Yellow starthistle	<i>Centaurea solstitialis</i>

### **Class C noxious weeds**

Common name	Scientific name
Buffelgrass	<i>Cenchrus ciliaris</i> ( <i>Pennisetum ciliare</i> )
Field bindweed	<i>Convolvulus arvensis</i>
Fountain grass	<i>Pennisetum setaceum</i>
Garden or common morning glory	<i>Ipomoea purpurea</i>
Grannyvine	<i>Ipomoea tricolor</i>
Ivy-leaf morning glory	<i>Ipomoea hederacea</i>
Johnsongrass	<i>Sorghum halepense</i>
Kochia	<i>Kochia scoparia</i>
Morning glory	<i>Ipomoea triloba</i>
Morning glory	<i>Ipomoea x leucantha</i>
Puncturevine	<i>Tribulus terrestris</i>

Salt cedar	Tamarix ramosissima
Tree of heaven	Ailanthus altissima

#### **§ 48-301. Antinoxious weed districts; formation; territorial limits**

When a majority of the resident holders of title or evidence of title, including entrymen of lands of the United States or of this state, to lands in a district proposed to be organized under this article, desire to provide for the eradication and control of noxious weeds, shrubs, grasses or vines within their district, they may propose the organization of an antinoxious weed district. The district shall be wholly within one county and shall embrace not more than one hundred thousand acres of irrigable farming land.

#### **§ 48-302. Petition to organize district; filing; contents**

A. In order to create an antinoxious weed district, not less than twenty-five per cent of the holders of title shall file a petition with the board of supervisors of the county to organize an antinoxious weed district. The petition shall contain:

1. A general description of the boundaries.
2. An estimate of the total acreage to be included.
3. The name of the proposed district.
4. The character and objectionable features of the noxious growth within the proposed district to be eradicated or controlled.
5. A request that the board define and establish the boundaries of the proposed district and submit the question of final organization thereof to the vote of the electors.

B. Each signer shall describe the lands to which he holds title or evidence of title.

#### **§ 48-303. Bond for expenses; payment of expenses**

A. At the time of filing the petition, a bond shall be filed with the board in double the amount of the probable cost of organizing the district which shall be fixed by the clerk of the board of supervisors and approved by the chairman. The bond shall be conditioned upon the payment to the county of all expenses incurred by the board in the proceedings if organization of the district is not effected.

B. If organization of the district is effected, then all expenses incurred by the county in the proceedings shall become county expenses and shall be repaid to the county by the district from monies received from the first collection of taxes by the district.

#### **§ 48-304. Hearing; organizing procedure; notice of election; election procedure**

A. When the petition and bond have been filed with the board and approved, the board shall proceed as provided for the organization of an irrigation and improvement district.

B. The board shall determine and fix the boundaries and the lands to be included from which an appeal may be taken. The board shall call an election and give notice thereof for the purpose of determining whether the district shall be organized and to elect directors for the district.

C. The election, and elections thereafter held, shall be conducted and the results canvassed as provided for irrigation and improvement districts relating to water, irrigation and drainage, unless otherwise provided in this article.

#### **§ 48-305. Qualifications of electors**

A. A qualified elector is a person of the age of eighteen years or over who possesses the property qualifications provided in this article for ninety days immediately preceding the date of the election at which he votes, and who has resided continuously for six months immediately preceding the election within the boundaries of the proposed district.

B. When the holder of the recorded title to property is a married person, then the spouse of the holder shall also be entitled to vote.

#### **§ 48-306. Change of types of weeds controlled; election**

If it appears that a noxious growth not named and described in the petition for organization of the district should be added to or eliminated from the petition, the board of directors may by resolution, and shall, on the filing of a petition signed by twenty-five of the qualified electors of the district, submit the proposition to a vote of the qualified electors of the district at the next general election.

#### **§ 48-307. District officers; term of directors; recall; powers and duties**

A. The officers of the district shall consist of three directors, a secretary and an inspector appointed by the board of directors. The treasurer of the county in which the district is located shall be ex officio treasurer of the district.

B. The directors shall be elected at large from the district and shall hold office for a term of two years from the first day of April following their election. After the election of the

first board of directors, the directors shall be elected biennially. The directors may be recalled by the qualified electors of the district in the manner public officers are recalled.

C. The board shall manage and conduct the affairs of the district, employ inspectors, agents, attorneys and other employees, fix their compensation, establish necessary rules and regulations for the government of the district and perform all acts necessary to carry out the purposes of this article.

D. The board shall, by resolution, fix the date for holding the general election biennially in the district.

**§ 48-308. District inspector; appointment; report of presence of weeds; notice to landowner; classification**

A. An inspector shall be appointed by the board of directors to examine and inspect periodically all lands, irrigation canals, ditches, rights of way or laterals lying within the boundaries of the district, and all roads, highways, streets, alleys or other thoroughfares or premises within the district.

B. If the inspector finds noxious weeds, shrubs, vines or grasses of the kind and character named and described in the petition for the formation of the district, he shall report the fact to the board of directors.

C. Upon receipt of the report, the board shall serve upon the owner, lessee or tenant, or upon any person in charge of the infected lands or premises, a notice of the presence of the noxious weeds, shrubs, vines or grasses. The notice shall be served in the same manner as a summons issued from the superior court.

D. If within five days after service of the notice the person notified has not taken adequate steps to eradicate the noxious weeds, shrubs, vines or grasses complained of, or having commenced work, recklessly fails or refuses diligently to prosecute the work, or if, in any event, allows and permits any of the noxious weeds, shrubs, vines or grasses to go to seed, he is guilty of a class 2 misdemeanor.

**§ 48-309. Quarantine; eradication of weeds; lien; enforcement**

A. The board of directors may declare and enforce a quarantine against any premises within the boundaries of the district upon which noxious weeds, shrubs, vines or grasses are found to exist, and to order that no article or product of any kind capable of carrying or transmitting the seed of the weed, shrub, vine or grass growing on the land be removed therefrom during the period of the quarantine.

B. Notice of the quarantine shall be served upon the owner, lessee, tenant or person in charge of the premises in the same manner as a summons issued from the superior court.

C. If the owner, lessee, tenant or person in charge of any infected land fails to take adequate steps to eradicate the noxious weeds, shrubs, vines or grasses complained



of, or having commenced work, neglects, fails or refuses diligently to prosecute the work to successful termination as provided in this article, the board of directors may order and direct the inspector to enter upon the premises and remove and eradicate therefrom the noxious weeds, shrubs, vines or grasses. The entry shall be made by the inspector without further notice to the owner, lessee, tenant or person in charge.

D. The cost and expense of removing and eradicating noxious weeds, shrubs, vines or grasses from such premises is declared a lien upon the premises prior to other liens or obligations except liens for taxes. The board of directors shall foreclose the lien by appropriate action in the superior court of the county wherein the district is situated.

#### **§ 48-310. Alternative plan for eradication**

Noxious weeds, shrubs, vines or grasses found within the boundaries of an antinoxious weed district may be removed and eradicated under the alternative plan provided in sections 48-311 through 48-318.

#### **§ 48-311. Alternative plan; resolution; contents; limitation as to lands included**

A. If the board of directors of a district elects to avail itself of the alternative plan, it shall adopt a resolution which shall be spread in full upon the record of the board's proceedings and shall contain:

1. A legal description, by tracts, parcels or lots, of the lands to be included in the proceeding.
2. A declaration that noxious weeds, shrubs, vines or grasses, specified by name, have been found on the lands.
3. A declaration that the existence of the noxious weeds, shrubs, vines or grasses thereon constitutes a nuisance and menace to other lands within the district.
4. A declaration that the noxious weeds, vines, shrubs or grasses shall be immediately eradicated, and if not, the district will proceed with the eradication.
5. The time and place when the board will hear objections of any owner of the lands and reasons why the district should not proceed with the eradication of the noxious weeds, shrubs, vines or grasses and with the assessment of the cost of the removal or eradication against the several tracts, parcels or lots of land affected.

B. The resolution may embrace any number of contiguous tracts, parcels or lots of land, but each shall be separately described.

#### **§ 48-312. Alternative plan; notice of hearing; form and contents; posting**

A. Not less than five nor more than fifteen days before the date set for the hearing, the board shall cause a notice to be conspicuously posted in at least three places not more

than five hundred feet apart upon the property described. The notice shall briefly set forth the adoption of the resolution and the date thereof, together with a statement of every material matter embodied therein, including notice of the time, place and purpose of the meeting of protest, and that unless the noxious weeds, shrubs, vines or grasses are immediately removed and eradicated the district will proceed with their removal.

B. The notice shall be headed in capital letters not less than one inch in height, "Notice to destroy noxious weeds." The inspector or other person posting the notices shall make return to the board giving the date the notices were posted.

#### **§ 48-313. Alternative plan; hearing; jurisdiction; decision conclusive**

At the time and place stated in the notice, the board of directors shall hear protests against the proposed action, and may continue the hearing from time to time. Upon conclusion of the hearing the board, by motion or resolution, shall allow or overrule any or all objections whereupon it shall be deemed to have acquired jurisdiction to proceed with the work of eradication, and the decision of the board shall then be final and conclusive.

#### **§ 48-314. Alternative plan; order for eradication; costs as claim against district**

A. After final action, or in case no objections are received, the board may order its inspector to enter upon the premises described and eradicate the noxious weeds, shrubs, vines or grasses thereon. The inspector and his assistants are authorized to enter upon private property for that purpose.

B. The costs of eradication shall constitute a valid claim against the antinoxious weed district and shall be paid as other claims against the district are paid.

#### **§ 48-315. Alternative plan; right of owner to eradicate weeds**

A property owner shall have the right to eradicate noxious weeds, shrubs, vines or grasses at his own expense if done prior to the commencement of work by the inspector, and if done to the satisfaction of the inspector and the board of directors, no costs or assessments shall accrue against the particular tracts, parcels or lots of land upon which the noxious weeds, shrubs, vines or grasses have been eradicated.

#### **§ 48-316. Alternative plan; accounting of costs of eradication by district; report**

A. The inspector shall keep an accurate account of the cost of work done by him or under his supervision and the expense incurred on each tract, parcel or lot of land, and shall render an itemized report thereof in writing to the board.

B. A copy of the report shall be posted in the office of the board and a copy served upon the owner of each tract, parcel or lot of land affected, if the owner can be found within the county.

**§ 48-317. Alternative plan; hearing on report of costs; amendments or modifications; confirmation**

A. At a time fixed by the board, not less than three days after filing the inspector's report, the board shall meet to discuss the report and hear objections or complaints thereto made by the owners of property liable to assessment.

B. After hearing the objections, if any, and making amendments to or modifications of the report as the board deems proper, the board shall, by motion or resolution, confirm the report.

**§ 48-318. Alternative plan; costs as special assessment and lien of district; collection**

A. The cost, when fixed and determined under the alternative plan for eradication of noxious weeds, shrubs, vines and grasses, shall constitute special assessments and a lien of the district against the respective tracts, parcels or lots of land described.

B. The assessments shall then be certified by the board of directors to the county treasurer who shall add them to the next regular statements for other property taxes levied against the respective tracts, parcels or lots of land described, and who shall collect the amounts so assessed and levied at the time and in the manner, and subject to the same procedure and penalties for delinquency, as other property taxes.

**§ 48-319. Tax for enforcement expenses; assessment and collection**

A. The board of supervisors of a county in which a noxious weed district has been established, at the time of its annual meeting for the purpose of fixing the county tax levy for the ensuing year, shall provide for such additional taxes as will be necessary to defray the expenses of enforcing the provisions of this article.

B. The tax levy shall be assessed and shall be a lien against lands, and collected from the holders of title or evidence of title to lands within the district on the basis of acreage owned, and shall be collected and enforced as other taxes.

**§ 48-321. Reimbursement for county services**

Services provided by a county to an antinoxious weed district are subject to reimbursement pursuant to section 11-251.06.

**§ 48-322. Dissolution of district**

A. When a majority of the resident holders of title or evidence of title, including entrymen of lands of the United States or of this state, to lands in a district petition the board of supervisors to call a special election for the purpose of submitting to the electors of the district a proposal to vote on the dissolution of the antinoxious weed district, setting forth

in the petition that all indebtedness of every nature whatsoever has been fully satisfied and paid, the board of supervisors shall, if it is satisfied that all indebtedness has been fully satisfied, call an election to decide the question of the proposed dissolution. The election shall be called, held and conducted and the results determined in the same manner as the election for the organization of the district.

B. If the result of the election is in favor of the dissolution, the board of supervisors shall make and enter an order upon its records, and certify and record such order as upon organization of the district.

C. The order of dissolution of the board of supervisors shall require the assets of the district other than cash be sold by the sheriff of the county in which the district is situated in the manner provided by law for the sale of property on execution. The proceeds of the sale, together with monies on hand in the treasury of the district, shall, after payment of all costs and expenses of the dissolution of the district and sale of its assets, be paid to the treasurer of the county and placed to the credit of the school district or districts in which such district is situated.

#### **§ 48-320. Violations; classification**

An owner, lessee, tenant or person in charge of premises which have been quarantined under the provisions of this article, who fails to obey the quarantine, and any person who interferes with the officers, agents or employees of the district in the discharge of their duty, is guilty of a class 3 misdemeanor.