

Noxious Weed Control – Annotated Code (LAW)

§ 9-401. Noxious plants

- (a) Declaration of certain species as noxious. -- The existence of growth of certain species of plants is declared to be noxious.
- (b) Enumeration. -- The Secretary shall adopt regulations to establish a list of plants that are considered to be noxious weeds in the State.

§ 9-402. Powers of Secretary

The Secretary may:

- (1) Investigate, study, and make a determination on:
 - (i) The extent of growth and infestation of a noxious weed or other weed species in the State; and
 - (ii) The effect of the noxious weed or other weed species on agricultural production;
- (2) By regulation, designate as a noxious weed any plant that adversely affects or threatens agricultural production;
- (3) Institute programs or carry out practices necessary for the control and eradication of a noxious weed;
- (4) Enter into agreements with a county or other political subdivision of the State, an adjoining state, or an agency of the federal government to implement a program for the control and eradication of a noxious weed;
- (5) Accept, use, or expend any aid, gift, grant, or loan made available from any private or public source to carry out the provisions of this subtitle; and
- (6) Following a public hearing declare a quarantine to control or eradicate any exotic plant, which means a plant species not previously known to occur in the State or known to be of only limited distribution in the State, as determined by the Secretary.

§ 9-403. Agreement between Secretary and county for control or eradication

After an agreement between the Secretary and the county is executed, the Secretary and the county may conduct surveys to determine the location and amount of infestation of a noxious weed or other plant species within the county. Both parties may provide technical assistance to landowners in a cooperative control or eradication program, and may effect a program of mowing, spraying, or other control or eradication practices on any road right-of-way, drainage ditch bank, park, playground, and any other public or private land. The agreement between the Secretary and county may be terminated by either party on 30 days' written notice.

§ 9-404. Importing, transporting, or permitting infestation

- (a) *Importing, transporting, or permitting infestation prohibited.* -- No person may:
- (1) Import or transport a noxious weed in the State in any form capable of growth; or
 - (2) Contaminate any uninfested land with a noxious weed through the movement of rootstocks, seed, soil, mulch, nursery stock, farm machinery, or any other artificial medium.

(b) *Care of infested lands.* -- Each landowner, including a landowner of public land, or person who possesses and manages land infested with a noxious weed shall eradicate or control the noxious weed on that land by using practices that the Secretary prescribes, including mowing, cultivating, or treating with an approved herbicide.

§ 9-405. Report of violations; prosecution; agreement between Secretary and landowner for eradication and control

(a) Report of violations; prosecution. --

(1) Except as provided in subsection (b) of this section, each failure to comply with the provisions of this subtitle is a violation of this subtitle.

(2) Each violation shall be reported to the State's Attorney for the county in which the violation occurs.

(3) The State's Attorney shall prosecute all violations and bring an action to enjoin any nuisance.

(b) Written agreement. --

(1) A landowner or other person who possesses and manages land infested with a noxious weed may enter into a written agreement with the Secretary that sets forth a program for the eradication or control of a noxious weed.

(2) If all of the terms and conditions of an agreement under paragraph (1) of this subsection are met, there is no violation of this subtitle as to the land covered by the agreement.

§ 9-406. Penalties for violations of this subtitle

(a) In general. -- Except as provided in subsection (b) of this section, a person who violates this subtitle is subject to the penalties and fines set forth in Title 12 of this article.

(b) Other penalties,. --

(1) Instead of pursuing the penalties and fines set forth in Title 12 of this article, the Secretary may impose on any person who violates this subtitle a penalty of:

(i) For a first violation, not more than \$ 500;

(ii) For a second violation, not more than \$ 1,000; or

(iii) For a third or subsequent violation, not more than \$ 2,000.

(2) Penalties collected under this subsection shall be distributed to a special fund, to be used only for the control and eradication of a noxious weed.