

DISTRICT OF COLUMBIA
OFFICIAL CODE

TITLE 8.
ENVIRONMENTAL AND ANIMAL CONTROL
AND PROTECTION.

CHAPTER 3.
WEEDS AND PLANT DISEASES.

2001 Edition

DISTRICT OF COLUMBIA OFFICIAL CODE
CHAPTER 3. WEEDS AND PLANT DISEASES.

TABLE OF CONTENTS

§ 8-301. Duty to remove weeds 4 inches in height; notice; penalties for failure to comply; adjudications.
§ 8-302. Removal of weeds by Mayor.
§ 8-303. Prosecutions.
§ 8-304. Plant diseases and insect pest control.
§ 8-305. Penalty.

CHAPTER 3. WEEDS AND PLANT DISEASES.

§ 8-301. DUTY TO REMOVE WEEDS 4 INCHES IN HEIGHT; NOTICE; PENALTIES FOR FAILURE TO COMPLY; ADJUDICATIONS.

It shall be the duty of the owner, occupant, or agent in charge of any land in the City of Washington, or in the more densely populated suburbs of said City, to remove from such land any weeds thereon of 4 or more inches in height within 7 days (Sundays and legal holidays excepted) after notice from the Director of the Department of Human Services so to do, and upon failure to comply with such notice he or she shall, on conviction thereof, be punished by a fine of not more than \$10 for each day said notice is not complied with. Civil fines, penalties, and fees may be imposed as alternative sanctions for any infraction of the provisions of this chapter, or any rules or regulations issued under the authority of this section, pursuant to Chapter 18 of Title 2. Adjudication of any infraction of this section shall be pursuant to Chapter 18 of Title 2.

(Mar. 1, 1899, 30 Stat. 959, ch. 326, § 1; Aug. 1, 1950, 64 Stat. 393, ch. 513, § 1; Oct. 5, 1985, D.C. Law 6-42, § 471, 32 DCR 4450.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 6-1101.

1973 Ed., § 6-901.

Legislative History of Laws

Law 6-42, the "Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985," was introduced in Council and assigned Bill No. 6-187, which was referred to the Committee on Consumer and Regulatory Affairs. The Bill was adopted on first and second readings on June 25, 1985, and July 9, 1985, respectively. Signed by the Mayor on July 16, 1985, it was assigned Act No. 6-60 and transmitted to both Houses of Congress for its review.

Miscellaneous Notes

Office of Director of Public Health abolished: See Historical and Statutory Notes following § 7-101.

§ 8-302. REMOVAL OF WEEDS BY MAYOR.

Whenever there are upon any unoccupied land aforesaid weeds of 4 or more inches in height, and no person can be found in the District of Columbia who either is or claims to be the owner thereof, or who either represents or claims to represent such owner as aforesaid, the Mayor of the District of Columbia shall give notice, by publication twice a week in 1 daily newspaper published in the City of Washington aforesaid, requiring their removal. Said notice shall specify the land from which such weeds are to be removed, the character of the work to be done, and the time allowed for doing the same; and if such weeds be not removed within the time so specified it shall be the duty of said Mayor to cause their removal; and double the cost of such removal, including the cost of advertising, shall be a lien upon and shall be assessed by said Mayor as a tax against the property on which said weeds were located, and the said tax so assessed shall bear interest at the rate of 20 per centum per annum till paid, and shall be carried on the regular tax rolls of said District and be collected in the manner provided for the collection of general taxes.

(Mar. 1, 1899, 30 Stat. 959, ch. 326, § 2; Apr. 23, 1977, D.C. Law 1-128, § 2, 23 DCR 9692.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 6-1102.

1973 Ed., § 6-902.

Law 1-128, the "Nuisance Elimination Act of 1976," was introduced in Council and assigned Bill No. 1-303, which was referred to the Committee on Government Operations. The Bill was adopted on first and second readings on November 23, 1976, and December 7, 1976, respectively. Enacted without signature by the Mayor on January 19, 1977, it was assigned Act No. 1-222 and transmitted to both Houses of Congress for its review.

Change in Government

This section originated at a time when local government powers were delegated to a Board of Commissioners of the District of Columbia (see Acts Relating to the Establishment of the District of Columbia and its Various Forms of Governmental Organization in Volume 1). Section 401 of Reorganization Plan No. 3 of 1967 (see Reorganization Plans in Volume 1) transferred all of the functions of the Board of Commissioners under this section to a single Commissioner. The District of Columbia Self-Government and Governmental Reorganization Act, 87 Stat. 818, § 711 (D.C. Code, § 1-207.11), abolished the District of Columbia Council and the Office of Commissioner of the District of Columbia. These branches of government were replaced by the Council of the District of Columbia and the Office of Mayor of the District of Columbia, respectively. Accordingly, and also pursuant to § 714(a) of such Act (D.C. Code, § 1-207.14(a)), appropriate changes in terminology were made in this section.

§ 8-303. PROSECUTIONS.

Prosecutions under §§ 8-301 to 8-303 shall be in the Superior Court of the District of Columbia, upon information filed by the Corporation Counsel for said District or 1 of his assistants.

(Mar. 1, 1899, 30 Stat. 959, ch. 326, § 3; Mar. 3, 1901, 31 Stat. 1340, ch. 854, § 932; June 30, 1902, 32 Stat. 537, ch. 1329; Apr. 1, 1942, 56 Stat. 190, ch. 207, § 1; July 8, 1963, 77 Stat. 77, Pub. L. 88-60, § 1; July 29, 1970, 84 Stat. 570, Pub. L. 91-358, title I, § 155(a).)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 6-1103.

1973 Ed., § 6-903.

§ 8-304. PLANT DISEASES AND INSECT PEST CONTROL.

(a) In order further to control and eradicate and to prevent the dissemination of dangerous plant diseases and insect infections and infestations, no plant or plant products for or capable of propagation, including nursery stock, hereinafter referred to as plants and plant products, shall be moved or allowed to be moved, shipped, transported, or carried by any means whatever into or out of the District of Columbia, except in compliance with such rules and regulations as shall be prescribed by the Secretary of Agriculture as hereinafter provided. Whenever the Secretary of Agriculture, after investigation, shall determine that any plants and plant products in the District of Columbia are infested or infected with insect pests and diseases and that any place, articles, and substances used or connected therewith are so infested or infected, written notice thereof shall be given by him to the owner or person in possession or control thereof, and such owner or person shall forthwith control or eradicate and prevent the dissemination of such insect pest or disease and shall remove, cut, or destroy such infested and infected plants, plant products, and articles and substances used or connected therewith, which are hereby declared to be nuisances, within the time and in the manner required in said notice or by the rules and regulations of the Secretary of Agriculture. Whenever such owner or person cannot be found, or shall fail, neglect, or refuse to comply with the foregoing provisions of this section, the Secretary of Agriculture is hereby authorized and required to control and eradicate and prevent dissemination of such insect pest or disease and to remove, cut, or destroy infested or infected plants and plant products and articles and substances used or connected therewith, and the United States shall have an action of debt against such owner or persons for expenses incurred by the Secretary of Agriculture in that behalf. Employees of the Regulatory Division of the Department of Agriculture are hereby authorized and required to inspect places, plants, and plant products and articles and substances used or connected therewith whenever the Secretary of Agriculture shall determine that such inspections are necessary for the purposes of this section. For the purpose of carrying out the provisions and requirements of this section and of the rules and regulations of the Secretary of Agriculture made hereunder, and the notices given pursuant thereto, employees of the Regulatory Division of the Department of Agriculture shall have power with a warrant to enter into or upon any place and open any bundle, package, or other container of plants or plant products whenever they shall have cause to believe that infections or infestations of plant pests and diseases exist therein or thereon, and when such infections or infestations are found to exist, after notice by the Secretary of Agriculture to the owner or person in possession or control thereof and an opportunity by said owner or person to be heard, to destroy the infected or infested plants or plant products contained therein. The Superior Court of

the District of Columbia shall have power, upon information supported by oath or affirmation showing probable cause for believing that there exists in any place, bundle, package, or other container in the District of Columbia any plant or plant product which is infected or infested with plant pests or disease, to issue warrants for the search for and seizure of all such plants and plant products.

(b) It shall be the duty of the Secretary of Agriculture, and he is hereby required, from time to time, to make and promulgate such rules and regulations as shall be necessary to carry out the purposes of this section, and any person who shall move or allow to be moved, or shall ship, transport, or carry, by any means whatever, any plant or plant products from or into the District of Columbia, except in compliance with the rules and regulations prescribed under this section, shall be punished, as is provided in § 8-305.

(Aug. 20, 1912, ch. 308, § 15; May 31, 1920, 41 Stat. 726, ch. 217; May 16, 1928, 45 Stat. 565, ch. 572; July 7, 1932, 47 Stat. 640, ch. 443; Mar. 26, 1934, 48 Stat. 486, ch. 89; Apr. 1, 1942, 56 Stat. 190, 192, ch. 207, §§ 1-4; July 8, 1963, 77 Stat. 77, Pub. L. 88-60, § 1; July 29, 1970, 84 Stat. 570, Pub. L. 91-358, title I, § 155(a).)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 6-1104.

1973 Ed., § 6-904.

§ 8-305. PENALTY.

Any person who shall violate any of the provisions of §§ 151-154, 156-161 and 162-164a of Title 7, United States Code, or who shall forge, counterfeit, alter, deface, or destroy any certificate provided for in said sections, or in the regulations of the Secretary of Agriculture, shall be deemed guilty of a misdemeanor and shall, upon conviction thereof, be punished by a fine not exceeding \$500 or by imprisonment not exceeding 1 year, or both such fine and imprisonment, in the discretion of the court; provided, that no common carrier shall be deemed to have violated the provisions of §§ 152, 154, 156-161 and 162 of Title 7, United States Code, on proof that such carrier did not knowingly receive for transportation or transport nursery stock or other plants or plant products as such from 1 state, territory, or district of the United States into or through any other state, territory, or district; and it shall be the duty of the United States Attorneys diligently to prosecute any violations of §§ 151-154, 156-161 and 162-164a of Title 7, United States Code which are brought to their attention by the Secretary of Agriculture or which come to their notice by other means.

(Aug. 20, 1912, 37 Stat. 318, ch. 308, § 10.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 6-1105.

1973 Ed., § 6-905.