

The Danger of Nature:

Town Powers and Obligations with Noxious Weeds and Destructive Animals

Noxious Weeds:

- I. Noxious Weed Law:**
 - a. Found in Minnesota Statutes Chapter 18.
 - b. Noxious weeds are certain weeds that are damaging to the public, property owners, agriculture, and the environment.
 - c. The Minnesota Department of Agriculture creates a list of the weeds that are considered noxious, breaking them into tiers, which affect the urgency or need to eradicate, and limits the ability for them to be transported.
 - d. The Noxious Weed Law requires inspections and enforcement.
 - 1. Enforcement and inspection powers are partially given to local groups, including town officers, city mayors, and county officials:
 - 2. Town officers are local weed inspectors.

- II. Local Weed Inspector Must:**
 - a. Basic Duties:
 - 1. Inspect all the land within the township:
 - 2. Ensure that the inspected land eradicates the weeds:
 - 3. Issue permits for the transportation of noxious weeds infected equipment.
 - b. Other duties:
 - 1. Attend local weed inspector training meetings:
 - 2. Produce an annual report:

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- c. Control and enforcement:
 1. Notice is published by the County Agricultural Inspector:
 2. Local weed inspector may issue a written Notice of Non-Compliance:
 - A person may appeal this notice to the County Agricultural inspector within 2 working days.
 3. If the landowner does not comply, the local weed inspector may eradicate the weeds, or contract to have the weeds eradicated.
 - Expenses incurred may be provided to the county in an itemized list, and the cost is charged against the landowner's property expenses.
- d. Liability protection: Liability protections are provided to inspectors for their activities, including protection from trespass actions, and claims for damages from control measures.

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Nuisance Animals:

I. Bounty Animals:

- a. Both the town board and the county may establish bounties for gophers, ground squirrels, and coyotes. Minn. Stat. 348.12, *and* 348.125.
 1. Must be established by resolution. Minn. Stat. 348.12:
 2. Must be renewed annually:
 3. If the town establishes a bounty in a county where the county has a bounty, the resident may receive a bounty from the town and the county:
 4. The town officer may be the conduit the county uses to collect and pay out the bounty:
 5. The town chair must destroy the collected materials immediately.
- b. How to collect bounties. Minn. Stat. 348.13.
 1. All four of gray gopher, striped gopher, and woodchuck feet:
 2. Front feet of pocket gopher:

3. Olmstead county may collect tails:
4. Coyotes and ground squirrels:
5. The town must identify the person and where the animal was killed.

II. Nuisance Animals:

- a. Minnesota Statute 97B.655 addresses the taking nuisance animals. To summarize:
 1. The following animals can be taken without a license if causing damage: bats, snakes, salamanders, lizards, weasel, mink, squirrel, rabbit, hare, raccoon, bobcat, fox, opossum, muskrat, or beaver:
 2. The following animals can be taken if causing damage and a conservation officer with Fish and Wildlife is notified: mink, raccoon, bobcat, fox, opossum, muskrat, or beaver.
- b. The landowner owner or agent (i.e., someone who has the landowner's permission) may remove the specified animals on the landowner's property.

III. Protected Animals:

- a. If the animal is a protected animal as defined in Minn. Stat. § 97A.401; they cannot be taken unless the person or the agent has a permit from the Minnesota Department of Natural Recourses.
- b. Protected species include but are not limited to;
 1. Big game like deer, moose, elk, bear, antelope, and caribou, and
 2. Small game, such as game birds, gray squirrel, fox squirrel, cottontail rabbit, snowshoe hare, jackrabbit, raccoon, lynx, bobcat, short-tailed weasel, long-tailed weasel, wolf, red fox, gray fox, fisher, pine marten, opossum, badger, cougar, wolverine, muskrat, mink, otter, and beaver.

IV. Beavers:

- a. Towns have the authority to remove beavers, or in some cases, landowners can remove beavers. The following methods are the most common:
 1. Towns as the road authority may remove a beaver and dam within 300 feet of the road, if it is

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- blocking the water drainage course and threatening to damage the road, if within. Minn. Stat. 97B.667, subd. 1.
2. Towns as a local government may kill a beaver and remove a dam if it affects tree farming or drainage ditches on property owned or managed by the town. Minn. Stat. 97B.667, subd. 2.
 3. A town may consult with Fish and Wildlife to establish a beaver control programing to reduce beaver damage. Such a program may include bounties. Minn. Stat. 97B.667, subd. 4.
 4. A person may petition to a district court to remove a beaver dam if the dam is a threat to personal safety or a serious threat to property. Minn. Stat. 97B.665.
 5. A landowner may remove a beaver and a dam if causing damage similar to those as discussed by nuisance animals. Minn. Stat. 97B.655

V. Farm Animals at Large:

- a. Civil Charge:
 1. The herding of cattle, horse, ass, mule, sheep, swine, or goat upon any land in protest of and, against the will of the owner shall be deemed a running at large.
 2. It shall be unlawful to run at large in the state.
 3. Any person who knowingly permits the running at large of domestic animal shall be liable for triple damages.
 4. No specific action required by the township board.
- b. Town Ordinance:
 1. The electors may make orders and bylaws on restraining horses, cattle, sheep, swine, and other domestic animals from going at large on roads.

Animal Pounds:

I. Responsibilities:

- a. There are no required actions or responsibilities by the township board when it comes to stray animals in towns, or pounds.

II. Abilities:

- a. Elector approval at the annual meeting:
 - 1. The electors may allow the town board to establish a pound.
- b. Ordinance:
 - 1. The electors may also make orders and bylaws on the impounding of domestic animals going at large and fix penalties for violations of the orders and bylaws.

III. County's Responsibility:

- a. The county has the same powers, if not greater than a township.
- b. The county also has enforcement means not necessarily available to the township.
- c. The county also has the funding, scope, and capacity to mitigate some of the difficulties involved with pounding animals, or mitigating the issues of animals at large.

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