

CHAPTER 4-16

ERADICATION OF GOPHERS, RABBITS, AND CROWS

4-16-01. Gophers defined. The word "gopher" as used in this chapter means striped gopher, flickertail gopher, pocket gopher, and prairie dog.

4-16-02. Gopher, rabbit, and crow destruction fund - Levy - Expending. The board of county commissioners of any county in this state, at any time fixed by law for the levy and assessment of taxes, may levy a tax not exceeding the limitation in subsection 6 of section 57-15-06.7. The fund raised in accordance with this section must be denominated the gopher, rabbit, and crow destruction fund, and shall be kept separate and distinct from other funds by the county treasurer. The fund must be expended by the board as it deems best to secure the abatement and extermination of gophers, rabbits, and crows.

4-16-03. Bounty offered upon petition. If a petition signed by not less than twenty percent of the qualified electors of a county determined by the votes cast for governor at the last general election is filed with the board of county commissioners asking that a bounty be offered for the destruction of gophers, rabbits, or crows, the board shall offer such bounty upon the pest or pests mentioned in said petition. Thereupon, the board shall publish, during the month of March of each year, in the local papers of the county, the amount of bounty or reward to be paid for the destruction of the pest or pests described in the petition, the manner of ascertaining the number destroyed, and the procedure necessary to obtain such reward.

4-16-04. Township may appoint person to exterminate gophers. If the board of county commissioners of any county in this state does not offer a bounty for the destruction of gophers, the township supervisors of any township within such county, upon a petition of ten resident landowners therein, may appoint some suitable person or persons to poison, kill, and exterminate the gophers within the township. Any person so appointed may enter, between April first and July first, upon any farm, railroad right of way, grounds, or premises where there are gophers, and may poison, kill, and exterminate the gophers thereon when the owner or occupant thereof neglects or refuses to do so.

4-16-05. Notice to exterminate gophers - How given - Failure to exterminate. The person appointed in a township to exterminate gophers shall give to any person on whose premises gophers are found, ten days' written notice ordering the property owner to poison, kill, or exterminate such gophers. If gophers are found upon the land or right of way of any railroad company, such notice may be served upon its agent at the station nearest to such land or right of way. If gophers are found upon land which is unoccupied and owned by a nonresident, such notice must be mailed to the owner's address, or if the address is unknown, it must be posted upon the land or premises where such gophers are to be exterminated. If the work of exterminating gophers is not done within the ten-day period, the person appointed by the township supervisors shall poison, kill, and exterminate the gophers on such land or premises.

4-16-06. Person exterminating gophers - Precautions required in laying poison. Any person exterminating gophers according to the provisions of this chapter, when poison is laid out, shall use every precaution to prevent the destruction of domestic fowls or animals, or of game birds, by such poison. No person may lay out poison in any pasture where there is stock, nor within forty rods [201.17 meters] of any occupied dwelling or farmhouse, without the knowledge and consent of the owner or occupant thereof.

4-16-07. Compensation for exterminating gophers - Sworn statement required. Any person appointed to exterminate gophers under the provisions of this chapter shall receive as compensation the sum of two dollars and fifty cents for each ten-hour day for labor performed in poisoning and exterminating gophers. Such person shall make a sworn statement to the township supervisors of the hours worked and the amount of poison and grain used on each tract of land, and must be reimbursed for all poison and grain used in the performance of such work.

4-16-08. Charges for gopher extermination. The maximum charge against any parcel of land must not exceed in any one year the sum of six and one-fourth cents per acre [.40 hectare]. The minimum charge must not be less than one dollar against any parcel of land. The amount of such charges must be paid by the township out of its general fund and charged as taxes against each parcel of land on which the expense was incurred. The expense of exterminating gophers on state lands must be paid by the township.

4-16-09. Charges entered as taxes - Notice required - Appearance - Appeal to district court - Collection. Before the board of township supervisors charges the amounts spent for gopher extermination as taxes against a parcel of land as provided in section 4-16-08, the board shall give the owner thereof at least twenty days' notice by mail of the time when and the place at which such amount will be so charged. The landowner has the right to appear and show cause why such amount must not be charged as taxes. If the landowner feels aggrieved by the decision of the board of township supervisors, the landowner may appeal to the district court, and the appeal must be perfected and prosecuted in the manner provided in section 28-34-01. The county auditor shall enter the amounts upon the tax roll of the county against the land on which the work has been done, and the county treasurer shall collect such amounts in the same manner as taxes are collected, and shall place the same to the credit of the respective townships.

4-16-10. Extermination of gophers in unorganized townships. In unorganized townships, upon the petition of ten resident landowners, the board of county commissioners shall appoint a person or persons to destroy and exterminate gophers. The rules and regulations governing organized townships in the foregoing sections are applicable to unorganized townships, except that the powers conferred upon the board of township supervisors must be exercised by the board of county commissioners.