

TITLE 25
ANIMALS

CHAPTER 26
EXTERMINATION OF WILD ANIMALS AND PESTS IN COUNTIES

25-2601. CONTROL OF PESTS -- POWERS OF COUNTY COMMISSIONERS. The board of county commissioners of each and every county of this state are all hereby granted full power and authority to declare any predatory animal, including coyote, that feeds upon, preys upon or destroys any poultry or livestock of any kind upon any public or private lands within their respective counties, or any rodent, jack-rabbit, gopher, ground squirrel, cricket, locust, grasshopper and other insect pests or plant disease causing organisms/agents or any other invertebrate organism that feeds, preys upon, or destroys any livestock, natural grasses, or cultivated crops of any kind upon any public or private lands within their respective counties, to be agricultural pests, and to take all steps that they may deem necessary to control such pests.

[(25-2601) 1951, ch. 275, sec. 1, p. 578; 25-2618 am. and redesignated 25-2601, 1989, ch. 210, sec. 1, p. 514; am. 1994, ch. 80, sec. 1, p. 182.]

25-2602. LEVY OF TAXES -- APPROPRIATION -- PEST FUND. For the purpose of providing funds for the control of any agricultural pests under the provisions of this act, the board of commissioners of any county in the state may, and they are hereby empowered, at the time taxes are levied by them for state and county purposes, to levy an annual tax, not exceeding two hundredths per cent (.02%) of market value for assessment purposes of all property within such county, for the purpose of controlling any and all pests that have been declared to be agricultural pests, as provided in section [25-2601](#), Idaho Code, such tax to be collected in the same manner as other county taxes are collected. Such boards of county commissioners are also further authorized and empowered, in case of an emergency, which emergency shall be declared by them, to make a direct appropriation for the purpose of controlling such pests. All moneys so raised by taxes or direct appropriation shall be placed in a county pest fund, which shall be used for no other purpose than the control of such pests and for the payment of all necessary expenses incurred in such control program. Such fund shall be a revolving fund and any moneys returned to the same under any of the provisions of this act shall continue to be available for the operation of said control program.

[(25-2602) 1951, ch. 275, sec. 2, p. 578; 25-2619 am. and redesignated 25-2602, 1989, ch. 210, sec. 2, p. 515.]

25-2603. MANNER OF CONTROL OF PESTS AND PAYMENT OF COSTS. The board of county commissioners of any county infested with any agricultural pests may provide for the control of any such pests in any manner they may see fit, and any expenses incurred by them in conducting any such control program, for materials, labor or supervision, shall be a proper charge against said county pest fund, to be approved and paid as other claims against the county are approved and paid.

[(25-2603) 1951, ch. 275, sec. 3, p. 578; 25-2620 am. and redesignated 25-2603, 1989, ch. 210, sec. 3, p. 515.]

25-2604. CONTROL DISTRICTS. The board of commissioners of any county in the state may create special control districts in the county for the control of agricultural pests infesting any such district, may levy an annual tax, not exceeding two hundredths per cent (.02%) of market value for assessment purposes of all property within such district, [and] may appoint three (3) commissioners to govern the affairs of the pest control district. The pest control district, through the authority of the board of commissioners may require the landowners or their agents in such control district to either control such agricultural pests on their own lands in such district within a specified time, or to pay the cost of controlling them if the same are controlled by agents of the district after failure of the landowner, or his agent, to perform such duty within the time limited in any notice to such owner, or agent. Cost of control services performed by employees of a pest control district shall constitute a lien against the property and any water right appurtenant thereto at the time of rendition of such service and shall be collectable as any other taxes. Charges for control services performed by a control district shall be determined by the board of county commissioners but in no case shall charges exceed the actual cost of performing such service. Such control district may be established in any precinct in the county.

Before the same shall be established, however, it shall be necessary that a petition be filed with the clerk of the board of commissioners requesting the creation of the same, which petition shall be signed by at least twenty-five (25) qualified electors of each precinct included in the proposed control district.

The commissioners shall order a public hearing on such petition at a time and place to be fixed in such order, of which hearing notice shall be given in such manner as the commissioners may order, which time, however, shall not be less than fourteen (14) days from the giving of the said notice. After such hearing, said board may by order create such control district not less than fourteen (14) days after such hearing, fix its boundaries, provide for a control program in such district and create the necessary machinery to carry out such program unless a petition of protest has been filed with the clerk of the board of commissioners. Said petition of protest shall meet the same requirements as to the number of signers and for the same number of precincts and for the same district boundaries as petitions in favor previously filed and shall be filed with the clerk of the board of commissioners not later than fourteen (14) days following said hearing.

In the event that a petition of protest is filed, the board of commissioners shall not declare the creation of a control district but shall call an election, subject to the provisions of section [34-106](#), Idaho Code, for the purpose of determining whether or not a control district shall be created. The cost of conducting the election shall be paid from any county fund, the use of which for this purpose is not prohibited by statute. The election shall be conducted in each precinct within the proposed control district according to the provisions of [chapter 14, title 34](#), Idaho Code, and shall require the employment of two (2) election judges and one (1) clerk for each precinct. A qualified elector is any individual who is qualified to vote pursuant to the requirements of section [34-104](#), Idaho Code.

[(25-2604) 1951, ch. 275, sec. 4, p. 578; am. 1971, ch. 141, sec. 1, p. 594; am. 1974, ch. 299, sec. 1, p. 1760; am. 1982, ch. 254, sec. 3, p. 649; 25-2621 am. and redesignated 25-2604, 1989, ch. 210, sec. 4, p. 515; am. 1995, ch. 118, sec. 14, p. 444.]

25-2605. PURCHASE AND SALE OF SUPPLIES -- RULES AND REGULATIONS REGARDING USE. The board of county commissioners of any county is hereby authorized to purchase such supplies and equipment as may be necessary to carry out any control program adopted by them, to prepare the same for use, and sell the same at cost to the owners, occupants and lessees of lands infested by any agricultural pests, and also to adopt such rules and regulations governing the use of such supplies and equipment as may be necessary to prevent the same from doing any damage to the livestock or property of another, whether on public or private lands. Such commissioners are also empowered to engage such person or persons as may be necessary to supervise any control program adopted by them, and control any such agricultural pests, and to pay such person or persons a reasonable compensation for their services in addition to their reasonable and actual living and traveling expenses.

[(25-2605) 1951, ch. 275, sec. 5, p. 578; 25-2622 am. and redesignated 25-2605, 1989, ch. 210, sec. 5, p. 517.]

25-2606. RIGHT OF ENTRY. The board of county commissioners of any county engaging in the control of agricultural pests as defined under the provisions of this chapter may compensate for or provide supplies and authorize a person or persons employed as provided in this act, to control agricultural pests within such county; and any person or persons so authorized is hereby empowered and directed to enter upon any farm, railroad right-of-way, irrigation ditches and rights-of-way, grounds, or premises where there are agricultural pests to ascertain conditions and to control such agricultural pests thereon when the owner or occupant shall neglect or refuse to do so.

[(25-2606) 1951, ch. 275, sec. 6, p. 578; 25-2623 am. and redesignated 25-2606, 1989, ch. 210, sec. 6, p. 517.]

25-2607. NOTICE TO OWNER. It shall be the duty of the person or persons so authorized to give anyone on whose premises are found agricultural pests, ten (10) days' notice in writing, to control the same; or if such land is unoccupied and owned by a nonresident, such notice shall be mailed to the owner's address, or if the address is unknown, posted upon the land or premises where such agricultural pests are to be controlled; and if 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; and if the work of controlling same is not done within such time, the person or persons so authorized by the county commissioners shall proceed to control such agricultural pests on such land or premises; provided that such person or persons shall use every precaution to prevent the destruction of domestic fowl or animals.

[(25-2607) 1951, ch. 275, sec. 7, p. 578; 25-2624 am. and redesignated 25-2607, 1989, ch. 210, sec. 7, p. 517.]

25-2608. DUTY TO CONTROL AGRICULTURAL PESTS. It shall be the duty of every landowner in an agricultural pest control district, including federal, state, county, municipal government, or their agent, county highway district, independent highway district, public or private irrigation district or system, drainage district and railroad, on land owned or controlled by

them, to control those agricultural pests declared as such by the board of county commissioners as provided in section [25-2601](#), Idaho Code.

[(25-2608) I.C., sec. 25-2625, as added by 1974, ch. 299, sec. 3, p. 1760; 25-2625 am. and redesignated 25-2608, 1989, ch. 210, sec. 8, p. 518.]

25-2609. POISONED BAITs. All poisons, poisoned baits prepared and distributed under authority of the board of county commissioners shall be placed in containers plainly labeled to show the character and purpose of the contents thereof.

[(25-2609) 1951, ch. 275, sec. 9, p. 578; 25-2626 redesignated 25-2609, 1989, ch. 210, sec. 9, p. 518.]

25-2610. COOPERATION WITH STATE AND FEDERAL AGENCIES. In order to secure the most effective and economical expenditure of funds used in controlling agricultural pests, the boards of county commissioners taking advantage of the provisions of this chapter shall cooperate, so far as practicable, with state and federal organizations engaged in similar work.

[(25-2610) 1951, ch. 275, sec. 10, p. 578; 25-2627 am. and redesignated 25-2610, 1989, ch. 210, sec. 10, p. 518.]

25-2611. EXTENSION DIVISION OF UNIVERSITY. The extension division of the University of Idaho is hereby authorized to furnish supplies at cost to persons or organizations for the purpose of controlling agricultural pests.

[(25-2611) 1951, ch. 275, sec. 11, p. 578; 25-2628 am. and redesignated 25-2611, 1989, ch. 210, sec. 11, p. 518.]

25-2612. ANIMAL DAMAGE CONTROL DISTRICTS. (1) There are hereby established five (5) animal damage control districts in the state of Idaho.

(a) Animal damage control district number 1 shall consist of the counties of Benewah, Bonner, Boundary, Clearwater, Idaho, Kootenai, Latah, Lewis, Nez Perce and Shoshone.

(b) Animal damage control district number 2 shall consist of the counties of Ada, Adams, Boise, Canyon, Elmore, Gem, Owyhee, Payette, Valley and Washington.

(c) Animal damage control district number 3 shall consist of the counties of Blaine, Camas, Cassia, Gooding, Jerome, Lincoln, Minidoka and Twin Falls.

(d) Animal damage control district number 4 shall consist of the counties of Bannock, Bear Lake, Bingham, Caribou, Franklin, Oneida and Power.

(e) Animal damage control district number 5 shall consist of the counties of Bonneville, Butte, Clark, Custer, Fremont, Jefferson, Lemhi, Madison and Teton.

(2) A board of directors for each animal damage control district is hereby created. The board of directors of an animal damage control district shall consist of one (1) director appointed by the board of county commissioners from each of the participating counties within the district. Nomination for directors shall be made to the county commissioners by livestock and agriculturally oriented groups which have a vested and economic interest in the animal damage control program, and appointees must have a

substantial vested and economic interest in the livestock or other agricultural industry. The length of term shall be two (2) years. A director shall receive such compensation as may be fixed by order of the district animal damage control board, and shall be entitled to expense reimbursement in the same manner as a county employee; compensation and expense reimbursement shall be made from the moneys available to the district animal damage control board.

(3) The board of directors shall meet at least annually. Such meeting shall be called at the direction of the chairman of the board or by a majority of the directors in that district. At said annual meeting, the board of directors shall organize by electing from amongst its members a chairman, a vice chairman, and such other officers as may be necessary. They shall also establish operating rules for the board and approve annual work plans for the animal damage control programs. After the annual meeting, the board of directors shall meet at such times and places as are required by the board's rules.

(4) The board of directors shall have authority to receive and disperse funds from any source for the purpose of controlling predatory animal and other vertebrate pest damage in the district. Any moneys received by the board shall be maintained on deposit in a bank or trust company designated as a state depository, and may be dispersed from such account only over the signature of at least two (2) members of the board.

(5) All contracts and agreements between the board of directors and any agency, unit of government, association, organization or private party shall be reduced to writing, and shall be maintained as a part of the official records of the board.

[(25-2612) 1985, ch. 63, sec. 12, p. 133; 25-2629 redesignated 25-2612, 1989, ch. 210, sec. 12, p. 518.]

25-2612A. DUTIES AND POWERS OF THE STATE ANIMAL DAMAGE CONTROL BOARD. (1) There is hereby created a state animal damage control board. The chairman of the Idaho sheep and goat health board shall be a voting member and serve as the chairman of the state animal damage control board which shall have such duties and powers relating to the prevention and control of damage caused by predatory animals and other vertebrate pests, including threatened or endangered wildlife, within the state of Idaho as are established by federal or state law, federal or state rule or regulation, or county ordinance. It is hereby made the duty of the state animal damage control board to coordinate and give general direction to programs to prevent and control damage or conflicts on federal, state, or other public or private lands caused by predatory animals, rodents, or birds injurious to animal husbandry, agriculture, horticulture, forestry, wildlife and human health or safety; and also to facilitate, coordinate or conduct such investigations, experiments or tests as deemed necessary to determine, demonstrate and promulgate the best methods of predatory animals and other vertebrate pest control. In carrying out these duties, the board may cooperate with federal, state, county, city and private agencies, organizations or individuals; provided, however, that the authority of this board is not to supersede the state fish and game department or the responsible federal agency in the utilization of the funds of those two (2) agencies in their conduct of similar work within the state of Idaho, but the board shall cooperate and work with these two (2) agencies. Prevention and control of

predatory animals and other vertebrate pests does not include the payment of compensation for damages.

(2) In addition to the chairman, the state animal damage control board shall consist of a member appointed by the president of the Idaho cattle association, the director of the state department of agriculture, the director of the state department of fish and game, and the chairman of the board of directors of each of the five (5) animal damage control districts.

(3) The state animal damage control board shall have as its primary duties the coordination of the control efforts of the five (5) animal damage control districts; the establishment of general policies for the control programs; the establishment of annual priorities for control efforts; and the assignment or distribution of moneys made available to the board from any source. All contracts or agreements for providing prevention and control services which involve an expenditure of moneys from the state animal damage control board shall be in writing and shall be maintained as a part of the official records of the board.

(4) The Idaho sheep and goat health board shall provide staff, administrative and fiscal services for the animal damage control board.

[(25-2612A), 25-128A, 25-128 added 1951, ch. 250, sec. 2, p. 527; am. 1971, ch. 136, sec. 12, p. 522; am. 1974, ch. 18, sec. 98, p. 364; am. 1985, ch. 63, sec. 3, p. 127; am. 1986, ch. 212, sec. 1, p. 546; am. and redesisg. 1997, ch. 116, sec. 2, p. 291; am. and redesisg. 1998, ch. 205, sec. 3, p. 727; am. 2012, ch. 117, sec. 25, p. 331.]

25-2613. SHORT TITLE. This act shall be known and may be cited as the "Control of Wild Animals and Pests in Counties Act."

[25-2613, added 1989, ch. 210, sec. 13, p. 519.]