
Montana's Noxious Weeds: Understanding the County Weed Control Act

MODULE 4

Weed Law History

- ❖ Montana developed its first weed law in 1895.
- ❖ Species listed
 - ❖ Canada thistle
 - ❖ Scotch bull thistle
 - ❖ Russian thistle

tablished, and this inspector shall have similar powers to road supervisors to call for a certain amount of aid from each farmer to be used in the common interest of stamping out these pests from infected localities, or to compel individuals to clear their lands of such pests.

It would thus be possible to hold one man responsible for keeping down these noxious weeds, while now the responsibility is fixed upon no one and the interests involved are certainly as great, if not greater, than in the maintenance of a good road system. It should also be made the duty of the road supervisors to keep the weeds cut or plowed under along the different public highways within their jurisdiction. Unless some effort of this kind is soon made, the labor of the farmer will be greatly increased.

THE WEED LAW NOW IN FORCE IN MONTANA.

[PENAL CODE, APPROVED MARCH 18, 1895.]

“§1197. Be it enacted that the weeds known as the Canada thistle, the Scotch bull thistle and the Russian thistle are hereby declared to be a common nuisance for all the purposes of this Act.

§1198. Any person or persons owning any lands within this State, or occupying or having control of any lands, whether within the plat of towns, villages or cities, or otherwise, within this State, knowingly permitting or suffering any Canada, Scotch bull or Russian thistle or thistles to go to seed upon any land or lands thus owned, occupied or under control of such person or persons shall be deemed guilty of supporting and maintaining a common nuisance, and upon conviction thereof in any court of competent jurisdiction, of the offense, shall be punished by a fine not exceeding fifty nor less than five dollars.

§1199. In case any person or persons, railroad or other corporation, owning or occupying any lands within this State, under his or her or their control, as the case may be, shall refuse or neg-

lect to destroy any Canada, Scotch bull or Russian thistle or thistles growing or standing upon any land or lands so owned, occupied or controlled, on or before the fifteenth day of August, it shall be the duty of the county commissioners, road supervisors, or other person or persons having control of the public highways, streets or alleys where any such thistle or thistles may be found growing or standing, to immediately destroy or cause the same to be destroyed, and pay therefor at the same rate that is paid for road labor; and every supervisor or other person hereinbefore authorized to destroy said thistles shall keep a correct account of all moneys paid out for that purpose, and charge the same to the person or persons or corporation owning, occupying or controlling the land or lands upon which such thistle or thistles were destroyed, and the person or persons or corporation owning, occupying or having control of such lands shall be liable in a civil action for the amount so charged against them and costs of suit;

Provided that if any supervisor or other person having, under authority of this Act, destroyed any of the said thistles, and is unable to find the owner of the land, or is unable to collect such money, the same shall be paid by the authorities of the town, village, city or county where such thistles were destroyed; and *provided further*, that in case any railroad company becomes chargeable under the provisions of this Section, the supervisors of the township where same has become chargeable may certify to the same to the county attorney of their county, whose duty it shall be to bring and prosecute a civil action against the railroad company for the amount so charged and costs of suit aforesaid.

§1200. It is hereby made the duty of every person having knowledge of any Canada, Scotch bull and Russian thistle or thistles growing or standing upon the lands of another to immediately destroy the same, or give the person owning or occupying such lands immediate notice thereof.”

County Noxious Weed Control Act

- ❖ 1948 Montana Legislature Passes the Montana County Noxious Weed Control Act (MCA 7-2101 through 2153)
- ❖ Defines the term 'noxious weed'.
 - ❖ 'any exotic plant species which may render land unfit for agriculture, forestry, livestock, wildlife or other beneficial uses or that may harm native plant communities.'



Orange hawkweed reproduces by stolons, making it difficult to control.

Benefits of Managing Noxious Weeds

- ❖ Enhance property value
- ❖ Improve aesthetics
- ❖ Save money and time and reduce long-term maintenance costs
- ❖ Improve wildlife habitat
- ❖ Improve forage for horses and other livestock
- ❖ Protect water resources
- ❖ Protect native plants
- ❖ Be a good neighbor



Noxious Weed Seed Free Forage Program

- ❖ Requires people to use certified noxious weed seed free hay, bedding and pellets while recreating on public lands
 - ❖ Prevent spread of noxious weeds
 - ❖ Feed horses weed-free hay at least 3 days prior to going on county, state, or federal lands
- ❖ To find nearest producer, go to <http://agr.mt.gov/agr/Programs/Weeds/NWSFF/>
 - ❖ Bales marked with special twine/tags
- ❖ Landowners who feed horses on their property may wish to use weed-free hay



Other Noxious Weed Programs

The Montana County Noxious Weed Control Act paved the way for additional programs to help protect the state from noxious weeds, these programs include:

- **Montana Environmental Policy Act**
 - Provides the framework and environmental background information to make the best ecologically sound decisions in managing natural resources and the noxious weeds found in those areas.
- **Montana Agricultural Seed Act**
 - This Act lists the acceptable level of noxious weed seeds allowed in state certified feeds.
- **Montana Commercial Feed Act**
 - Prohibits any noxious weeds be included or allowed in commercially sold feeds.
- **Montana Nursery Law**
 - Allows for the inspection, certification and embargo of all nursery stock to check for noxious weeds and other pests.
- **Montana Noxious Weed Trust Fund**
 - Competitive grant opportunity for three or more neighbors in an area to receive money at a 50/50 cost share to manage and control noxious weeds.



Common tansy is toxic to livestock & humans if ingested.

Responsibility



Field bindweed seeds can remain viable in the soil for up to 20 years.

Weed Board:

- develop and administer the district's noxious weed program,
- establish management criteria for noxious weeds on all lands within the district,
- make all efforts to develop and implement a noxious weed program covering all land within the district owned or administered by a federal agency.

Responsibility

The Montana County Weed Control Act also empowers weed boards to:

- supervise a coordinator and other employees as necessary and provide for their compensation,
- purchase chemicals, materials, and equipment, plus pay other operational costs as necessary to implement an effective weed management program,
- determine what chemicals, materials, or equipment may be made available to persons controlling weeds on their own lands,
- enter into agreements with the Department of Agriculture for the control and/or eradication of any new exotic plant species not previously established in the state,
- perform other activities relating to weed management, such as mapping and educational programs.

Weed Management Districts



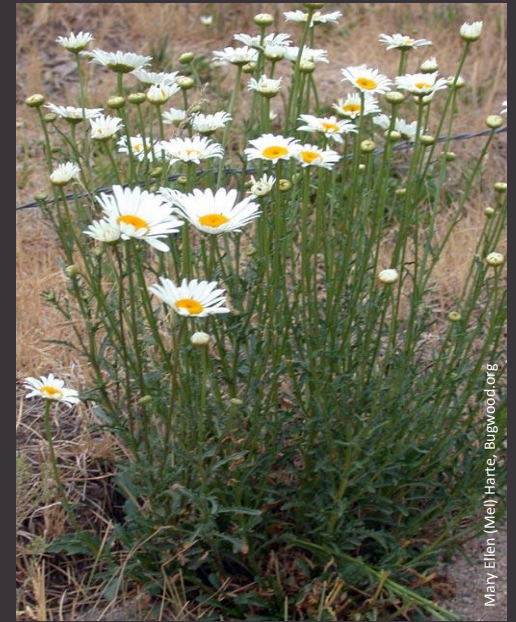
Houndstongue produces bur like seeds that stick to everything!

- ❖ The weed board and weed district coordinator have the authority under the Montana County Noxious Weed Control Act to take action against individuals who do not comply with the Act.
- ❖ In most cases, however, the weed coordinator and weed board cooperatively work with landowners in non-compliance to educate them about the detrimental effects of weeds along with different integrated weed management tools they can employ to control weeds on their property.

Funding for Weed Management Districts

Under the Act, the county commissioners are required to create a noxious weed management fund for their county and may provide sufficient money to administer the program. To secure this fund, the commissioners may:

- Appropriate money from the county's general tax fund,
- Levy and assess taxes,
- Levy a tax if it is voted in favor of by a majority of the voters in that county.
- Monies delegated for county use are used for noxious weed control along county roads, parks, and county fairgrounds.
- It is the responsibility of individual landowners in the county to fund all noxious weed management and control of noxious weeds on their own properties, depending upon the county, cost share programs may be available.



Oxeye daisy is a Priority 2B state listed noxious weed in Montana.

Enforcement

The Montana County Noxious Weed Control Act states that it is unlawful for anyone to allow noxious weeds to propagate or produce seeds on their land.

Noncompliance notice includes:

- Nature of complaint,
- Specific geographic location of complaint,
- Measures necessary to comply with the district's noxious weed management plan,
- A set period of time for compliance measures to be taken,
- Landowner is made aware of his/her right to request an administrative hearing.



Eric Coombs, Oregon Department of Agriculture, Bugwood.org

Scotch broom produces green seed pods that turn black as they mature.

Enforcement

After the notice of noncompliance is received, the landowner is given a period of time, not less than ten days to become compliant and begin control measures. To become compliant, a written management plan for management practices that will be used on the infestation can be submitted to the county weed board. Upon receiving the landowner's written plan, the county weed board reviews the plan. Things the weed board take into consideration when reviewing the plan include the economic impacts on both the landowner and neighbors of the landowner as well as the biological and environmental limitations before approving any proposal. After review, if approved, the landowner is then considered to be in compliance.

If corrective actions are not taken within the time period allotted by the weed board or an administrative hearing is not requested within the specified amount of time, the county can enter the person in violation's land and take appropriate weed control measures. After the county has taken weed control measures, the property owner is billed for any and all services rendered to treat the property along with a penalty of up to 25% of the total costs incurred.

Payment on this bill is then due 30 days after the date it was sent. If not paid at the 30 day mark, the county clerk can then assess a special tax on the landowner's property. If at anytime the landowner fails to meet the requirements from the weed board or interferes with the corrective actions of the weed board, the landowner is guilty of a misdemeanor.

Noxious Weeds Disclosure

15 **NOXIOUS WEEDS DISCLOSURE:** Buyers of property in the state of Montana should be aware that some properties
16 contain noxious weeds. The laws of the State of Montana require owners of property within this state to control, and to
17 the extent possible, eradicate noxious weeds. For information concerning noxious weeds and your obligations as an
18 owner of property, contact either your local County extension agent or Weed Control Board.

171 **WATER RIGHT OWNERSHIP UPDATE DISCLOSURE:** By Montana law, failure of the parties at closing or transfer
172 of real property to pay the required fee to the Montana Department of Natural Resources and Conservation for
173 updating water right ownership may result in the transferee of the property being subject to a penalty. Additionally, in
174 the case of water rights being exempted, severed, or divided, the failure of the parties to comply with section 85-2-424,
175 MCA, could result in a penalty against the transferee and rejection of the deed for recording.

176
177 **CLOSING AGENTS FEES:** Closing agents fees will be paid by Seller Buyer Equally Shared.

178
179 **TITLE INSURANCE:** Seller, at Seller's expense and from a title insurance company chosen by Seller, shall furnish
180 Buyer with an ALTA Standard Coverage Owners Title Insurance Policy (as evidenced by a standard form American
181 Land Title Association title insurance commitment) in an amount equal to the purchase price. Buyer may purchase
182 additional owner's title insurance coverage in the form of "Extended Coverage" or "Enhanced Coverage" for an
183 additional cost to the buyer. It is recommended that buyer obtain details from a title company.

184
185 **CONDITION OF TITLE:** All mortgages, judgements and liens shall be paid or satisfied by the Seller at or prior to
186 closing unless otherwise provided herein. Seller agrees that no additional encumbrances, restrictions, easements or
187 other adverse title conditions will be placed against the title to the property subsequent to the effective date of the
188 preliminary title commitment approved by the Buyer.

189
190 **SPECIAL IMPROVEMENT DISTRICTS:** Special Improvement Districts (including rural SIDs), including those that
if any, will be:

_____ assessments of any non-governmental
will be:

201 _____
202
203 **PRORATION OF TAXES AND ASSESSMENTS:** Seller and Buyer agree to prorate taxes, Special Improvement
204 District assessments for the current tax year, as well as unpaid rents, water and sewer system charges, heating fuel
205 and tank rental, irrigation assessments, Homeowners Association dues and/or common maintenance fees, if any, as
206 of the date of closing unless otherwise agreed and: _____
207 _____
208 _____
209 _____

210
211 **CONDITION OF PROPERTY:** Seller agrees that the Property shall be in the same condition, normal wear and tear
212 excepted, from the date of the execution of this Agreement up to the time Buyer takes possession of the Property.
213 Seller will remove all personal property not included in this sale prior to closing.

214
215 **NOXIOUS WEEDS DISCLOSURE:** Buyers of property in the state of Montana should be aware that some properties
216 contain noxious weeds. The laws of the State of Montana require owners of property within this state to control, and to
217 the extent possible, eradicate noxious weeds. For information concerning noxious weeds and your obligations as an
218 owner of property, contact either your local County extension agent or Weed Control Board.

219
220 **MEGAN'S LAW DISCLOSURE:** Pursuant to the provisions of Title 46, Chapter 23, Part 5 of the Montana Code
221 Annotated, certain individuals are required to register their address with the local law enforcement agencies as part of
222 Montana's Sexual and Violent Offender Registration Act. In some communities, law enforcement offices will make the
223 information concerning registered offenders available to the public. If you desire further information please contact the
224 local County Sheriff's office, the Montana Department of Justice, in Helena, Montana, and the probation officers
225 assigned to the area.

Noxious Weeds and Property Values

❖ Reductions in:

- ❖ Forage production
- ❖ Aesthetic value
- ❖ Wildlife habitat
- ❖ Water quality

❖ Increases in:

- ❖ Maintenance costs
- ❖ Forage purchases if feeding livestock



Development

- ❖ Lands slated for development, such subdivision or gravel pit development, should have a noxious weed management plan that has been reviewed and approved by county weed district. This plan is then kept on file with the county weed district.



Resources:

County Weed Coordinator

- ❖ How can a County Weed Coordinator help you or your clients?
 - ❖ Site visits/property inspections
 - ❖ Recommend weed treatment options
 - ❖ Help with integrated weed management plans
 - ❖ Provide trainings/educational events for homeowner's associations
 - ❖ Weed identification

County Weed District office (<http://mtweed.org/find-weed-coordinator/>)

Resources: Montana State University County Extension Agent

- ❖ How can an Montana State University County Extension Agent help you or your clients?
 - ❖ Provide trainings/educational events
 - ❖ Plant & Weed identification
 - ❖ Can send plants in to the Schutter Diagnostic Lab at Montana State University for identification.

County Extension office (<http://www.msuextension.org/localoffices.cfm>)

Resources:

Noxious Weed Trust Fund

- ❖ Montana is very proactive when it comes to noxious weed management. In addition to the on-the-ground resources such as county weed districts and Montana State University Extension Agents who are available to answer questions, identify weeds and recommend management plans and techniques, Montana also has a Noxious Weed Trust Fund that was established in 1985.
 - Competitive grant opportunity for three or more neighbors in an area to receive money at a 50/50 cost share to manage and control noxious weeds.
 - Types of grants funded:
 - Cooperative weed management projects
 - Research projects; e.g. biological control, revegetation, other integrated weed management practices
 - Educational programs & projects
 - Advisory Council



Blueweed is a Priority 2A noxious weed in Montana.

Additional Resources

- ❖ Plant identification and integrated weed management:
 - ❖ County Extension office (<http://www.msuextension.org/localoffices.cfm>)
 - ❖ County Weed District office (<http://mtweed.org/find-weed-coordinator/>)
- ❖ Noxious Weed Seed Free Forage Program:
(<http://agr.mt.gov/agr/Programs/Weeds/>)
- ❖ Montana Noxious Weed Trust Fund Grant Program:
(<http://agr.mt.gov/agr/Programs/Weeds/TrustFund/>)
- ❖ All things noxious weeds:
 - ❖ Montana Noxious Weed Education Campaign (<http://www.weedawareness.org/>)
 - ❖ Montana Weed Control Association (<http://mtweed.org/>)

Module 4: Assessment
