

TITLE 25
ANIMALS

CHAPTER 21
ANIMALS RUNNING AT LARGE

25-2101. HOGS NEED NOT BE FENCED AGAINST. The owner or occupant of premises is not required to fence against hogs.

[(25-2101) R.S., sec. 1340; reen. R.C. & C.L., sec. 1278; C.S., sec. 1970; I.C.A., sec. 24-1801.]

25-2107. RANGING HOGS OR GOATS IN TOWNS OR SETTLEMENT UNLAWFUL. Any person who wilfully or negligently permits any hog or goat owned by him, or in his care or custody, to be or run at large without a drover within the limits of any city, town, or village, or in the vicinity of any farm, ranch, dwelling house, or cultivated lands of another, or who wilfully or negligently fails, neglects or refuses to keep any such hog or goat securely penned within the limits of any city, town, village or in the vicinity of any farm ranch, dwelling house, or cultivated lands of another, shall be guilty of a misdemeanor.

[(25-2107) 1909, p. 190, sec. 1; reen. C.L., sec. 1283a; C.S., sec. 1976; I.C.A., sec. 24-1807.]

25-2108. STALLIONS NOT PERMITTED TO RUN AT LARGE. The owner of any stallion over the age of eighteen (18) months must not allow the same to run at large, unless it is of the market cash value of \$250, or more, and is at such value assessed.

[(25-2108) 1868, p. 127, sec. 1; am. R.S., sec. 1240; am. 1890-1891, p. 48, sec. 1; reen. 1899, p. 26, sec. 1; reen. R.C. & C.L., sec. 1284; C.S., sec. 1977; I.C.A., sec. 24-1808.]

25-2109. STALLIONS RUNNING AT LARGE -- PENALTY FOR VIOLATION. If any stallion of less than \$250 market cash and assessed value, ridgeling, or any unaltered male mule or jackass over the age of eighteen (18) months be found running at large, the owner must be fined for the first offense twenty dollars (\$20.00), and for each subsequent offense not more than \$100, nor less than forty dollars (\$40.00), to be recovered before a justice of the peace in the name of any person who will prosecute the same, one-half (1/2) to his own use and the other half to the use of the county school fund.

[(25-2109) 1868, p. 127, sec. 2; am. R.S., sec. 1241; am. 1890-1891, p. 48, sec. 2; reen. 1899, p. 26, sec. 2; reen. R.C. & C.L., sec. 1285; C.S., sec. 1978; I.C.A., sec. 24-1809.]

25-2110. STALLION MAY BE TAKEN UP. Any person may take up and safely keep any such stallion, mule, ridgeling or jackass found running at large or in his inclosures; and, when so found, must give the owner thereof five (5) days' notice that such animal is in his possession; and if, at the expiration of the aforesaid time, the owner neglects to remove such animal and pay all reasonable charges for keeping the same, then the taker-up must notify the sheriff or any constable, whose duty it is to sell such animal at public

auction, on the premises where taken up, after first giving five (5) days' notice of such sale; and the proceeds of such sale must be applied, first, to the fees of the officer making such sale, which are the same as on execution; second, to the payment of the charges of the taker-up of such animal; and the remainder, if there be any, must be paid to the owner of such animal.

[(25-2110) 1868, p. 127, sec. 3; am. R.S., sec. 1242; am. 1890-1891, p. 48, sec. 3; reen. 1899, p. 26, sec. 3; reen. R.C. & C.L., sec. 1286; C.S., sec. 1979; I.C.A., sec. 24-1810.]

25-2111. STALLIONS TAKEN UP -- NOTICE AND SALE. If the owner or claimant of any stallion, ridgeling, unaltered male mule or jackass be unknown, the taker-up must give ten (10) days' notice, with the description of the animal or animals, its marks or brands, by posting up at least three (3) written or printed notices in at least three (3) conspicuous places in the county, calling upon the owner to claim the property; and if, at the expiration of the ten (10) days, the owner neglects to remove such animal or animals and pay all costs, then the taker-up shall call on the sheriff or any constable of the county to sell such animal or animals; and after deducting the fees of the officer making such sale and the reasonable charges of the taker-up, the balance, if any there be, shall be paid into the county treasury, to be applied to the county school fund.

[(25-2111) 1868, p. 127, sec. 4; R.S., sec. 1243; am. 1890-1891, p. 48, sec. 4; reen. 1899, p. 26, sec. 4; reen. R.C. & C.L., sec. 1287; C.S., sec. 1980; I.C.A., sec. 24-1811.]

25-2112. RANGING STOCK IN TOWNS UNLAWFUL. It shall be unlawful for any person or persons owning livestock, or the agent or employee of such person or persons, to allow any cattle, horses, sheep or hogs to range or graze within the platted limits of any incorporated town or village of more than five hundred (500) inhabitants, between the first day of September and the first day of April, without a herder.

[(25-2112) 1901, p. 158, sec. 1; reen. R.C. & C.L., sec. 1288; C.S., sec. 1981; I.C.A., sec. 24-1812.]

25-2113. PENALTY FOR RANGING STOCK IN TOWNS. Any person or persons, or the agent or employee of such person or persons, violating the provisions of the last section, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in a sum of not less than five dollars (\$5.00) nor more than twenty-five dollars (\$25.00).

[(25-2113) 1901, p. 158, sec. 2; reen. R.C. & C.L., sec. 1289; C.S., sec. 1982; I.C.A., sec. 24-1813.]

25-2114. RANGING STOCK IN TOWNS -- DUTIES OF OFFICERS. It is hereby made the duty of any sheriff, deputy sheriff, or constable, to complain against and prosecute any person or persons violating the above sections.

[(25-2114) 1901, p. 158, sec. 3; reen. R.C. & C.L., sec. 1290; C.S., sec. 1983; I.C.A., sec. 24-1814.]

25-2115. RANGING SHEEP IN UNINCORPORATED MUNICIPALITIES UNLAWFUL. Any person who wilfully or negligently permits any sheep owned by him, or in his care or custody, to be or run at large without a drover within the limits of any unincorporated city, town or village, or who wilfully or negligently fails, neglects or refuses to keep any such sheep controlled within the limits of any unincorporated city, town, or village, shall be guilty of a misdemeanor.

[(25-2115) 1911, ch. 129, sec. 1, p. 417; reen. C.L., sec. 1290a; C.S., sec. 1984; I.C.A., sec. 24-1815.]

25-2116. REGISTERED BULLS -- FAILURE TO PROVIDE ON RANGE -- PENALTY. During the breeding season every user of the public range shall place upon the range used by him a registered bull of beef breed not less than fifteen (15) months of age nor more than eight (8) years of age for every twenty-five (25) head or fraction thereof of female breeding cattle pastured by him on such range, and no person shall permit any bull to run on the same range at any other time than during three (3) successive breeding seasons: provided, the term "female breeding cattle" shall not apply to female cattle under twelve (12) months of age: provided, that any two (2) or more persons may join together in furnishing such bull when the aggregate number of female breeding cattle turned loose upon the same range by any such two (2) or more persons does not exceed the number of twenty-five (25) head; provided further, that the owner or owners of female dairy cattle may pasture them on the public range without a bull, as above provided, if such female dairy cattle are taken up each night to be milked and the owner or owners keep for the breeding of every fifty (50) head of such cattle a registered bull of dairy breed, but no person shall allow a bull of dairy breed to run at large.

Any person or persons violating any of the foregoing provisions shall be guilty of a misdemeanor and on conviction thereof shall be fined not less than twenty-five dollars (\$25.00) and not exceeding \$100.

[(25-2116) 1911, ch. 169, sec. 1, p. 564; am. 1913, ch. 175, sec. 1, p. 551; am. 1917, ch. 107, sec. 1, p. 386; reen. C.L., sec. 1209g; am. 1919, ch. 133, sec. 1, p. 428; C.S., sec. 1985; am. 1921, ch. 258, sec. 1, p. 571; am. 1931, ch. 58, sec. 1, p. 95; I.C.A., sec. 24-1816.]

25-2117. BREEDING SEASON DEFINED. The term "breeding season," as used in the preceding section, shall be construed according to the local custom upon that range.

[(25-2117) 1919, ch. 133, sec. 2, p. 428; C.S., sec. 1986; I.C.A., sec. 24-1817.]

25-2118. ANIMALS ON OPEN RANGE -- NO DUTY TO KEEP FROM HIGHWAY. No person owning, or controlling the possession of, any domestic animal running on open range, shall have the duty to keep such animal off any highway on such range, and shall not be liable for damage to any vehicle or for injury to any person riding therein, caused by a collision between the vehicle and the animal. "Open range" means all uninclosed lands outside of cities, villages and herd districts, upon which cattle by custom, license, lease, or permit, are grazed or permitted to roam.

[25-2118, added 1961, ch. 249, sec. 1, p. 415.]

25-2119. OWNER OR POSSESSOR OF ANIMAL NOT LIABLE FOR ANIMAL ON HIGHWAY. No person owning, or controlling the possession of, any domestic animal lawfully on any highway, shall be deemed guilty of negligence by reason thereof.

[25-2119, added 1961, ch. 249, sec. 2, p. 415.]