

Chapter 2 Abandoned Horses

47-2-1 "Abandoned horse" defined.

The term "abandoned horse" as used in this chapter means any horse, ass, mule or other animal of the genus Equus, unbranded, or, if branded, that has escaped assessment for taxation for the year next preceding the killing of such animal as hereinafter provided for, and running at large upon the open range of this state, and includes a foal running with a dam coming within the above definition. An animal not bearing a decipherable brand recorded in the office of the recorder of marks and brands shall be deemed unbranded.

No Change Since 1953

47-2-2 "Open range" defined.

The term "open range" means all land not privately owned, and includes all roads, outside of private inclosures, used by the public, whether the same have been formally dedicated to the public or not.

No Change Since 1953

47-2-3 Abandoned horses on open range declared a nuisance.

It shall be unlawful for any person to suffer or permit any abandoned horse to run at large upon the open range, and every abandoned horse is declared to be a public nuisance and a public menace, and is condemned subject to the right of its owner to reclaim it under the conditions hereinafter provided.

No Change Since 1953

47-2-4 Elimination by the county executive -- Notice of intention.

(1) The county executive may provide for the elimination of abandoned horses in the respective counties in the following manner:

(a) The county executive shall cause notice to be:

(i)

(A) published at least once a week for three successive weeks in a newspaper of general circulation published in the county; and

(B) in accordance with Section 45-1-101, published for three weeks;

(ii) posted in at least five public places outside of the county seat on public highways in such county; and

(iii) posted in three public places at the county seat, one of which shall be at the front door of the courthouse.

(b) The notices posted outside of the county seat shall be posted not less than two miles apart, and all posted notices shall be posted at least 30 days before the date which the county executive shall fix for the beginning of the elimination of abandoned horses from the range in such county as hereinafter provided.

(2) The notice shall be substantially in the following form:

Notice is hereby given that in accordance with the provisions of law the county executive of ____ County, Utah, will proceed to eliminate abandoned horses from the open range in

said county, and that beginning on _____(month\day\year), a drive will be held, and all abandoned horses running upon the open range will, under the direction and supervision of the county executive, be eliminated. All owners of horses running upon the open range are hereby given notice to file with the county executive a description of the horses, and the brands or marks thereon.

Dated this _____(month\day\year).

By order of the county executive of _____ County, Utah.

County Clerk.

Amended by Chapter 388, 2009 General Session

47-2-5 Elimination by the county legislative body -- Method -- Sale.

A policy for the manner and method of eliminating abandoned horses from the open range shall be in the discretion of the county legislative body, and it shall be its duty to so eliminate abandoned horses, using the means most effective and economical under the circumstances. The county executive may sell all captured horses.

Amended by Chapter 227, 1993 General Session

47-2-6 Owners may reclaim -- Damages -- Taxes.

Any person owning any horses which are running at large in any county in which the county executive has given notice of intention to make a drive, as provided in this chapter, may within 30 days after the posting or the first publication of the notice mentioned in Section 47-2-4 file with the county executive a description of such horses claimed by him, giving the marks and brands, if any, which appear thereon, and, if the county executive shall take into its possession any horses so claimed, it shall by registered letter addressed to the owner or claimant of such horses notify him that the same may be claimed within 10 days from the mailing of such notice; and such owner or claimant shall be permitted upon application to the county legislative body to take possession of such horses upon payment of the expense of caring for the same from the date of capture. If any horses are killed by order of the county executive under the provisions of this chapter, a description of which has been reported by the owner thereof to the county legislative body, and ownership of such animals can be satisfactorily established, such owner shall receive as damage therefor a sum not exceeding \$10 for each animal; provided, that he has paid all taxes assessed against said animal; provided further, that payment of such claims may be made only from proceeds of sales of captured horses.

Amended by Chapter 146, 1994 General Session

47-2-7 Elimination from private property on request.

Abandoned horses may be eliminated from privately owned land by the county executive in the same manner as from the open range when requested so to do by the owner of such land.

Amended by Chapter 227, 1993 General Session