

**IMPOUNDED LIVESTOCK - SALE BY  
COUNTY**

2002 GENERAL SESSION

STATE OF UTAH

**Sponsor: Thomas V. Hatch**

**This act modifies the Agricultural Code to amend the time period within which certain trespassing animals must be claimed prior to the sale of that animal and to provide for the possession, sale, and disposition of impounded livestock by the county.**

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

**4-25-8**, as last amended by Chapter 139, Laws of Utah 1988

ENACTS:

**4-25-14**, Utah Code Annotated 1953

*Be it enacted by the Legislature of the state of Utah:*

Section 1. Section **4-25-8** is amended to read:

**4-25-8. Owner liable for trespass of animals -- Exception -- Intervention by county representative.**

(1) The owner of any neat cattle, horse, ass, mule, sheep, goat, or swine that trespasses upon the premises of another person, except in cases where the premises are not enclosed by a lawful fence in a county or municipality which has adopted a fence ordinance, is liable in a civil action to the owner or occupant of the premises for any damage inflicted by the trespass.

(2) A county representative may intervene to remove the animal and the county is entitled to fair compensation for costs incurred. If the animal is not claimed within [~~one week~~] ten days after written notification is sent to its owner, a county representative may sell the animal to cover costs incurred.

Section 2. Section **4-25-14** is enacted to read:

**4-25-14. Impounded livestock -- Determination and location of owner -- Sale --**



28 **Disposition of proceeds -- Notice -- Title of purchaser -- Immunity from liability.**

29 (1) As used in this section, "impounded livestock" means cattle, calves, horses, mules,  
30 sheep, goats, hogs, or domesticated elk seized and retained in legal custody.

31 (2) (a) Each county may:

32 (i) take physical possession of impounded livestock seized and retained within its  
33 boundaries; and

34 (ii) attempt to determine the name and location of the impounded livestock's owner.

35 (b) The department shall assist a county who requests help in locating the name and  
36 location of the owner or other person responsible for the impounded livestock.

37 (c) If ownership of the impounded livestock cannot be determined, or, if having  
38 determined ownership, neither the county nor the department is able to locate the owner within a  
39 reasonable period of time, the impounded livestock, notwithstanding Title 67, Chapter 4a,  
40 Unclaimed Property Act, shall be sold at a livestock or other appropriate market, and the proceeds  
41 of the sale paid, after the deduction of feed, transportation, and market costs, to the county  
42 conducting the sale of the impounded livestock.

43 (3) Notice of the intended sale of the impounded livestock must be published:

44 (a) at least ten days prior to the date of sale; and

45 (b) in a publication with general circulation within the county where the impounded  
46 livestock was taken into custody.

47 (4) The purchaser of impounded livestock sold under this section shall receive title to the  
48 impounded livestock free and clear of all claims of the owner or any person claiming title through  
49 the owner.

50 (5) If the county complies with the provisions of this section, it is immune from liability  
51 for the sale of impounded livestock sold at a livestock or other appropriate market.

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**Legislative Review Note**

**as of 12-27-01 1:20 PM**

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

**Office of Legislative Research and General Counsel**