

DAGGETT COUNTY ORDINANCE NO 85-1

ESTRAYS

The Board of County Commissioners of the county of Daggett ordains as follows:

SECTION I

Purpose

The purpose of this ordinance is to define Estrays and provide for the disposition of all estrays found within the boundaries of Daggett County, and to provide penalties for owners who fail to maintain proper control over livestock.

SECTION II

Definitions

1. For the purpose of this ordinance, "Estray" means any unbranded cattle, horses, mules, sheep, goats, swine or asses found running at large, or any branded cattle, horses mules, sheep, goats, swine, or asses found running at large whose owner cannot be found after reasonable search, or whose owner after notice does not take immediate steps to capture and place the animal in a secure enclosure. Estray does not mean or include any unweaned animal specified in this section that is running with its mother.

2. "Reasonable period of time" for purposes of Section IV reasonable time, is defined as 10 days.

SECTION III

Appointment of Animal Control Officer

The Board of County Commissioners shall appoint an

individual or individuals to act as Animal Control Officer. The Animal Control Officer, upon notification, shall take immediate steps to capture and place in a secure pen or enclosure any estrays found within the boundaries of Daggett County, Utah.

The Animal Control Officer shall be paid a minimum fee of \$50.00 per call-out or \$20.00 per hour for the time spent capturing and placing the animal in an enclosure including set up and fence time, whichever is greater.

In the event the Animal Control Officer requires the assistance of another individual or individuals in order to capture and transport the estray, the person called upon to assist the Animal Control Officer shall be paid \$20.00 per hour for the time actually involved in assisting the Animal Control Officer or in going to or from the location of the estray.

The Animal Control Officer shall use his own equipment, horses, pens, and feed in carrying out the duties set forth herein, and shall not be considered a regular employee of Daggett County, but rather is a sub-contractor.

The Animal control Officer shall be paid the following amounts for the care and feeding of an estray during any day or portion thereof that it is in his possession:

Cattle	\$5.00 per day per head up to five (5) head, then \$3.00 per head per day for those in excess of five (5).
Horse, mule, or ass	\$8.00 per day
Sheep	\$2.00 per day per head up to ten (10) head, then \$1.00 per head per day for those in excess of ten (10).

Swine	\$5.00 per day per head.
Goats	\$2.00 per day per head up to ten (10) head, then \$1.00 per head per day for those in excess of ten (10).
Buffalo	\$10.00 per day per head. The initial call-out fee for the capture of estray buffalo shall be \$100.00.

#### SECTION IV

##### Possession of Estray, Determination and Location of Owner, Sale, Disposition of Proceeds, Notice and Title of Purchaser

Estrays shall be taken into possession, ownership determined, sale conducted, proceeds disposed of, notice given, title given to purchaser, and immunity from liability claimed pursuant to S4-25-4 Utah Code Annotated (1953) as amended, which is incorporated herein and made a part hereof in its entirety.

#### SECTION V

##### Report of Estrays, Possession, and Release from Liability

Daggett County adopts and incorporates herein by reference the provisions of S4-25-5 Utah Code Annotated (1953) as amended.

#### SECTION VI

##### Compensation for Care of Estrays, Liability of County

Daggett County incorporates herein and adopts by reference, in its entirety, S4-25-6 Utah Code Annotated (1953) as amended.

#### SECTION VII

##### Fences

Any person owning, possessing, or transporting any, neat

cattle, horses, asses, mules, sheep, goats, swine or domestic buffalo within the boundaries of Daggett County is required to keep that animal confined within a pen or other appropriate enclosure so as to prevent said animal from trespassing upon the land of another, and to prevent said animal from getting onto any public road or highway located within the boundaries of Daggett County, Utah, (except as authorized by law).

Any person who fails to maintain control over animals as required by this Section is guilty of a Class B Misdemeanor punishable as follows: fine in an amount not to exceed \$299.00 for the first offense, and for the second and each subsequent offense a fine not to exceed \$299.00, or by imprisonment not to exceed six (6) months or by both such fine and imprisonment.

Each animal not controlled as required by this Section shall constitute an individual and separate offense.

For each day that an owner or possessor of an animal fails to control said animal as required by this Section, said owner or possessor shall be guilty of a separate and additional Class B Misdemeanor.

#### SECTION VIII

##### Owner's Failure to Take Animal After Notice

If after notifying an owner that his animal has been picked up and is being detained as an stray, the owner fails or refuses to pay to the County the charges set forth herein for the capture, transportation, feed, maintenance, and any other costs incurred

on behalf of or in connection with any estray in taking possession thereof or caring therefore within 10 days from the date of said notice, said animal shall be disposed of pursuant to the provisions of S4-24-4 Utah Code Annotated (1953) as amended.

#### SECTION IX

##### Retaking Animal Unlawfully

It shall be unlawful for anyone to take any animal out of the possession of anyone lawfully holding the same under the provisions of this ordinance, either by stealth, force, fraud, or to intercept, or hinder any person lawfully taking up, or attempting to take up such animal.

#### SECTION X

##### Violation

Any person violating any provision of this ordinance shall be guilty of a misdemeanor and shall be subject to a fine in an amount not to exceed \$299.00 for the first offense, for the second and all subsequent offenses shall be subject to a fine not to exceed \$299.00 or imprisonment in the County jail for a term not to exceed six (6) months, or both.

#### SECTION XI

##### Severability

If any section, sub-section, sentence, clause, phrase, or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

It is the intention of the Daggett County Commission that each separate provision of this ordinance shall be deemed independant of all other provisions herein.

SECTION XII

Effective Date

This ordinance shall take effect fifteen (15) days after its passage, and upon publication as required by law.

PASSED and ordered adopted by the Daggett County Commission this 6 day of March, 1985.

CHAIRMAN OF DAGGETT COUNTY  
COMMISSION

Attest:

s/s Gene Briggs

Daggett County Clerk

s/s Laray Sadlier

Laray Sadlier

Commissioners Voting For

s/s Laray Sadlier

Laray Sadlier

s/s Duane Lamb

Duane Lamb

s/s Elbert Steinaker Jr.

Elbert Steinaker, Jr.

Commissioners Voting Against

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Date of First Publication or posting: March 8, 1985