

Ordinance No. 2008- 4

DOMESTIC LIVESTOCK RUNNING AT LARGE

WHEREAS, the Vernon County Sheriff's Department has reported an increase in the number of domestic livestock running at large and

WHEREAS, domestic animals at large can cause damage to property including crops, of others, and

WHEREAS, domestic livestock on public roadways create a serious safety risk, and

WHEREAS, the owner or keeper of domestic livestock has a legal obligation/responsibility to properly maintain fencing and enclosures on their property so as to prevent domestic animals from running at large.

NOW, THEREFORE the Vernon County Board of Supervisors does hereby ordain as follows:

- 1) No person owning domestic livestock shall allow such livestock to run at large within the county.
- 2) The owner or keeper of such domestic livestock shall be liable for all damage done by such domestic livestock while at large, even though the livestock escapes without the fault of the owner or keeper. The construction and maintenance of a fence shall not relieve such owner from liability.
- 3) Domestic livestock includes, but is not limited to, cattle, horses, sheep, goats, swine, deer, elk, buffalo, llamas, alpacas, or any other domestic animal normally kept within an enclosure.
- 4) Any domestic livestock running at large may be taken by any law enforcement officer and impounded in a temporary or permanent location and confined in a humane manner.
- 5) Any owner reclaiming an impounded animal shall pay any fees associated with the impoundment including but not limited to, the cost of feed, veterinary bills, trucking/hauling, or any other costs incurred.
- 6) The owner of any domestic livestock running at large as the result of weather or third party actions may be deemed not to be in violation of this ordinance if it is clear that a recent weather event or third party action was the direct cause of the livestock being out of its enclosure and that the owner had not had a reasonable amount of time to repair or remedy the situation which led to the livestock being out of its enclosure.
- 7) **PENALTY.** Any persons violating this ordinance shall be subject to the following forfeitures:
 - a) First offense: a forfeiture of not less than ten dollars nor more than fifty dollars;
 - b) Second offense: a forfeiture of not less than fifty dollars nor more than one hundred dollars;
 - c) Third offense: a forfeiture of not less than one hundred dollars nor more than three hundred dollars;
 - d) Fourth and subsequent offenses: a forfeiture of not less than three hundred dollars nor more than five hundred dollars.
 - e) In addition to the forfeiture the person violating this ordinance shall be required to pay all applicable court costs and any other fees and costs associated with enforcement of this ordinance as set forth herein.

Motion by Dahl, second by Verbsky to approve the ordinance. Sheriff Cary explained they have so many complaints on loose cattle, but many times it is not the farmers fault. Hooker is worried about the time frame of each offense. Motion by Banta, second by McCoy to add amendment number six and number seven on ordinance. Chairman Spenner called for a roll call vote. Motion to amend the ordinance was passed on a roll call vote with all twenty-eight Supervisors voting yes. Chairman Spenner called for a roll call vote on the ordinance as amended. The ordinance as amended passed on a roll call vote with all twenty-eight Supervisors voting yes.

Chairman Spenner asked for any remonstrances and there were none. Chairman Spenner asked for reports of standing or special committees.