

LEGISLATION ADDRESSING STRAY HORSES AND CATTLE

259.110 Stray equine and stray cattle may be taken up -- By whom -- When.

A stray equine may be taken up and posted by any person or entity if it is found running at large outside of its enclosure or if it can be determined from the circumstances that its owner has abandoned it. Stray cattle may be taken up and posted by any freeholder by legal or equitable title or by a tenant of an unexpired lease for not less than three (3) years when found on his place of residence.

Effective: July 15, 2010

History: Amended 2010 Ky. Acts ch. 92, sec. 2, effective July 15, 2010. -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. secs. 4652, 4653.

259.120 Method of posting stray equines and stray cattle -- Fees.

Stray equines and stray cattle shall be taken up and posted in the following manner:

(1) Stray equines shall be taken before a justice of the peace of the district, who shall administer to the taker-up an oath, in substance, that the equine was taken up by him as a stray and that he has not defaced or altered the marks or brands of the equine. Stray cattle shall be taken before a justice of the peace of the district, who shall administer to the taker-up an oath, in substance that the cattle were taken by him as strays on his premises within the preceding ten (10) days and that he has not defaced or altered the marks or brands of the cattle. The justice shall then value the stray equine or cattle himself and take a correct description of the flesh-marks, age and brands of the same, all of which, together with the name and residence of the taker-up, he shall record in a book to be kept by him for that purpose. He shall give to the taker-up a copy of the record and deliver to the county clerk a certified copy of the same record within thirty (30) days.

(2) The clerk shall immediately record the stray certificate of the justice in a book to be kept by him for that purpose. His fee for this service shall be seventy-five cents (\$0.75) to be paid by the taker-up.

(3) The taker-up shall cause to be posted a copy of the justice's certificate in the sheriff's office with jurisdiction over the area where the stray cattle or stray equine was taken up within one (1) month after he has posted the stray.

(4) The taker-up shall be paid by the owner of the stray, if and when he claims the stray or its value, the fee paid the clerk and the actual costs incurred by the taker-up for keeping the stray equine or cattle. The taker-up may have the stray equine gelded, in which case the owner shall also pay the taker-up for the actual cost incurred for the gelding.

Effective: July 15, 2010

History: Amended 2010 Ky. Acts ch. 92, sec. 3, effective July 15, 2010. -- Amended 1966 Ky. Acts ch. 239, sec. 178. - Recodified 1942 Ky. Acts ch. 208, sec. 1, effective November 1, 1942, from Ky. Stat. sec. 4657.

259.130 Property vests in taker-up, when.

The absolute ownership of a stray equine shall vest in the taker-up at the expiration of ninety (90) days after the justice has received the evidence of the valuation and administered the oath to the taker-up. The absolute ownership of stray cattle shall vest in the taker-up after the expiration of twelve (12) months from the day on which the cattle have been posted.

Effective: July 15, 2010

History: Amended 2010 Ky. Acts ch. 92, sec. 4, effective July 15, 2010. -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. sec. 4654

259.140 Taker-up to pay owner value of stray, when -- Limitation of liability.

(1) If stray equines or cattle taken up under KRS 259.120 are sold for a profit before absolute ownership of the stray equines or stray cattle has vested in the taker-up as provided by KRS 259.130, then the taker-up shall pay to the owner upon demand and proof of ownership the amount received for the stray equine or stray cattle less the amount owed by the owner to the taker-up under KRS 259.120. The owner shall not be entitled to any payment from the taker-up under this section if demand for payment is made more than ninety (90) days after the posting of the stray equine or more than twelve (12) months after the posting of the stray cattle under KRS 259.120.

(2) Justices of the peace, county clerks, and all other local government employees acting in good faith in the discharge of the duties imposed by KRS 259.105, 259.110, 259.120, 259.130, and this section shall be immune from criminal and civil liability for any act related to the taking up and posting of stray equines or stray cattle.

Effective: July 15, 2010

History: Amended 2010 Ky. Acts ch. 92, sec. 5, effective July 15, 2010. -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. sec. 4655.