

## **259.120 Method of taking up and posting stray equines and stray cattle -- Fees.**

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

- (1) (a) Documentation of stray equines shall be taken before a county judge/executive 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, brands, or other identifiers, including but not limited to microchips or freeze brands, of the equine.
- (b) Documentation of stray cattle shall be taken before a county judge/executive 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.
- (c) Duties of the county judge/executive pertaining to stray equines shall be to:
  1. Contract with a licensed veterinarian, who shall document the stray equine's breed, color, sex, marks, brands, scars, and other distinguishing features, perform a microchip scan, and identify the existence of lip tattoos, freeze brands, or microchips;
  2. Record the veterinarian's findings, the name and residence of the taker-up, and the location of the stray equine in a book to be kept by him for that purpose;
  3. Maintain documentation in electronic and paper format; and
  4. Send a copy of the documentation of the stray equine to the Office of the State Veterinarian, who shall post notification on the Office of the State Veterinarian's Web site. The Office of the State Veterinarian shall post one (1) photograph of the stray equine's front view, including its head and feet, and one (1) photograph of the stray equine's side view from muzzle to tail;
- (2) The county judge/executive shall give to the taker-up a copy of the documentation for the record and immediately deliver to the county clerk a certified copy of the same record;
- (3) The clerk shall immediately record the stray certificate of the county judge/executive as provided by the taker-up in a book to be kept by him for that purpose;
- (4) The taker-up shall immediately post a copy of the county judge/executive's certificate in the sheriff's office with jurisdiction over the area where the stray cattle or stray equine was taken up after he has posted the stray. Hold time for stray equines shall begin after all documentation has been properly filed and posted by the county judge/executive and taker-up; and
- (5) (a) If ownership is found from identifiers of the stray equine such as lip tattoos, freeze brands, or microchips, efforts shall be made by the county/judge executive or his designee to ascertain the owner by investigatory due diligence in locating the owner and providing notice before holding time expires. The owner/claimants of the stray equine shall reimburse the county

judge/executive for the cost of the veterinarian's assessment per the contracted agreement.

- (b) The taker-up shall be paid by the owner of the stray, if and when he claims the stray or its value, the actual itemized costs incurred by the taker-up for keeping the stray equine or cattle. In the event that a dispute arises relating to ownership, adverse claimants, third-party claims or liens, value of the equine, or actual itemized expenses incurred, the parties may file an action in a court of competent jurisdiction of the county in which the stray equine was taken up. The filing of an action under this paragraph shall toll holding time as to vesting of ownership interests.
- (c) The taker-up may have the stray equine sterilized only after the fifteen (15) day holding period has expired and ownership vested pursuant to KRS 259.130, and any pending court cases pertaining to the stray equine have been resolved.

**Effective:** June 24, 2015

**History:** Amended 2015 Ky. Acts ch. 13, sec. 1, effective June 24, 2015. -- 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.