

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

H

1

HOUSE BILL 874

Short Title: Modernize Stray Law.

(Public)

Sponsors: Representative Bowman.

Referred to: Agriculture.

April 18, 1991

A BILL TO BE ENTITLED

AN ACT TO MODERNIZE THE LAW REGARDING THE TAKING UP OF STRAY
LIVESTOCK AND TO CONFORM THAT LAW WITH THE LAW REGARDING
THE TAKING UP OF LIVESTOCK RUNNING AT LARGE.

The General Assembly of North Carolina enacts:

Section 1. Chapter 79 of the General Statutes is repealed.

Sec. 2. Article 3 of Chapter 68 of the General Statutes is amended by adding
a new section to read:

"§ 68-18.1. Notice when owner not known.

If the owner of the impounded livestock is not known or cannot be found, the impounder shall inform the register of deeds that he has impounded the livestock and provide the register of deeds with a description of the livestock. The register of deeds shall record the information in a book kept for that purpose, and shall charge the impounder a fee of ten dollars (\$10.00). The register of deeds shall immediately publish a notice of the impoundment of the animal by posting a notice on the courthouse door. The notice on the courthouse door shall be posted for 30 days, and shall contain a full description of the livestock impounded, including all marks or brands on the livestock, and shall state when and where the animal was taken up. The impounder shall publish once, in some newspaper published and distributed in the county, a notice containing the same information as the notice posted by the register of deeds. The fees for publishing the notice shall be paid by the impounder."

Sec. 3. G.S. 68-17 reads as rewritten:

"§ 68-17. Impounding livestock at large; right to recover costs and damages.

1 Any person may take up any livestock running at large or straying and impound the
2 same; and such impounder may recover from the owner the reasonable costs of
3 impounding and maintaining the livestock as well as damages to the impounder caused
4 by such livestock, and may retain the livestock, with the right to use with proper care
5 until such recovery is had. Reasonable costs of impounding shall include any fees paid
6 pursuant to G.S. 68-18.1 in order to locate the owner."

7 Sec. 4. G.S. 68-20 reads as rewritten:

8 "**§ 68-20. Notice of sale and sale where owner fails to redeem or is unknown;**
9 **application of proceeds.**

10 If the owner fails to redeem his livestock within three days after the notice and
11 demand as provided in G.S. 68-18 is received or within three days after the
12 determination of the costs and damages as provided in G.S. 68-19, then, upon written
13 notice fully describing the livestock, stating the place, date, and hour of sale posted at
14 the courthouse door and three or more public places in the township where the owner
15 resides, and after 10 days from such posting, the impounder shall sell the livestock at
16 public auction. If the owner of the livestock ~~is not known~~ remains unknown to the
17 impounder, then, 30 days after publication of the notice required by G.S. 68-18.1, the
18 impounder shall post at the courthouse door and three public places in the township
19 where the livestock is impounded a ~~upon~~-written notice fully describing the livestock,
20 and stating the place, date, and hour of sale ~~sale. posted at the courthouse door and three~~
21 public places in the township where the livestock is impounded, and ~~after~~ After 20 days from
22 such posting, the impounder shall sell the livestock at public auction. The proceeds of
23 any such public sale shall be applied to pay the reasonable costs of impounding and
24 maintaining the livestock and the damages to the impounder caused by the ~~livestock~~
25 livestock. Reasonable costs of impounding shall include any fees paid pursuant to G.S.
26 68-18.1 in an attempt to locate the owner of the livestock. ~~and the~~ The balance, if any,
27 shall be paid to the owner of the livestock, if known, or, if the owner is not known, then
28 to the school fund of the county where the livestock was impounded."

29 Sec. 5. This act is effective upon ratification and applies to all animals taken
30 up on or after that date.