NORTH CAROLINA GENERAL ASSEMBLY
1971 SESSION

CHAPTER 741
SENATE BILL 195

AN ACT TO AMEND CHAPTER 68 OF THE GENERAL STATUTES RELATING TO THE CONTAINMENT OF LIVESTOCK.

The General Assembly of North Carolina enacts:

Section 1. Article 3 of Chapter 68 as the same appears in the 1965 Replacement Volume 2C of the General Statutes is hereby rewritten to read as follows:

"ARTICLE 3.
"Livestock Law.

"**§ 68-15. Term 'livestock' defined. —** The word 'livestock' in this Chapter shall include, but shall not be limited to, equine animals, bovine animals, sheep, goats and swine.

"**§ 68-16. Allowing livestock to run at large forbidden. —** If any person shall allow his livestock to run at large, he shall be guilty of a misdemeanor.

"**§ 68-17. Impounding livestock at large; right to recover costs and damages. —** Any person may take up any livestock running at large and impound the same; and such impounder may recover from the owner the reasonable costs of impounding and maintaining the livestock as well as damages to the impounder caused by such livestock, and may retain the livestock, with the right to use with proper care until such recovery is had.

"**§ 68-18. Notice and demand when owner known. —** If the owner of impounded livestock is or becomes known to the impounder, actual notice of the whereabouts of the impounded livestock must be immediately given to the owner and the impounder must then make demand upon the owner of the livestock for the costs of impoundment and the damages to the impounder, if any, caused by such livestock.

"**§ 68-19. Determination of damages by selected landowners or by referee. —** If the owner and impounder cannot agree as to the costs of impounding and maintaining such livestock, as well as damages to the impounder caused by such livestock running at large, then such costs and damages shall be determined by three disinterested landowners, one to be selected by the owner of the livestock, one to be selected by the impounder and a third to be selected by the first two. If within ten days a majority of the landowners so selected cannot agree, or if the owner of the livestock or the impounder fails to make his selection, or if the two selected fail to select a third, then the clerk of superior court of the county where the livestock is impounded shall select a referee. The determination of such costs and damages by the landowners or by the referee shall be final.

"**§ 68-20. Notice of sale and sale where owner fails to redeem or is unknown; application of proceeds. —** If the owner fails to redeem his livestock within three days after the notice and demand as provided in G.S. 68-18 is received or within three days after the determination of the costs and damages as provided in G.S. 68-19, then, upon written notice fully describing the livestock, stating the place, date, and hour of sale posted at the courthouse door and three or more public places in the township where the owner resides, and after ten days from such posting, the impounder shall sell the livestock at public auction. If the owner of the livestock is not known to the impounder, then, upon written notice fully describing the livestock, stating the place, date, and hour of sale posted at the courthouse door and three public places in the township where the livestock is impounded, and after twenty days from such posting, the

impounder shall sell the livestock at public auction. The proceeds of any such public sale shall be applied to pay the reasonable costs of impounding and maintaining the livestock and the damages to the impounder caused by the livestock and the balance, if any, shall be paid to the owner of the livestock, if known, or, if the owner is not known, then to the school fund of the county where the livestock was impounded.

"**§ 68-21. Illegally releasing or receiving impounded livestock misdemeanor. —** If any person wilfully releases any lawfully impounded livestock without the permission of the impounder or receives such livestock knowing that it was unlawfully released, he shall be guilty of a misdemeanor.

"**§ 68-22. Impounded livestock to be fed and watered. —** If any person shall impound or cause to be impounded any livestock and shall fail to supply to the livestock during the confinement a reasonably adequate quantity of good and wholesome feed and water, he shall be guilty of a misdemeanor.

"**§ 68-23. Right to feed impounded livestock; owner liable. —** When any livestock is impounded under the provisions of this Chapter and remains without reasonably adequate feed and water for more than twenty-four hours, any person may lawfully enter the area of impoundment to supply the livestock with feed and water. Such person shall not be liable in trespass for such entry and may recover of the owner or, if the owner is unknown, of the impounder of the livestock, the reasonable costs of the feed and water.

"**§ 68-24. Penalties for violation of this article. —** Any person found guilty of violating any of the provisions of G.S. 68-16, G.S. 68-21 or G.S. 68-22 shall be punished by a fine not exceeding two hundred dollars ($200.00) or imprisonment not exceeding thirty days or both.

"**§ 68-25. Domestic fowls running at large after notice. —** If any person shall permit any turkeys, geese, chickens, ducks or other domestic fowls to run at large on the lands of any other person while such lands are under cultivation in any kind of grain or feedstuff or while being used for gardens or ornamental purposes, after having received actual or constructive notice of such running at large, he shall be guilty of a misdemeanor.

If it shall appear to any magistrate that after three days' notice any person persists in allowing his fowls to run at large in violation of this section and fails or refuses to keep them upon his own premises, then the said magistrate may, in his discretion, order any sheriff or other officer to kill the fowls when they are running at large as herein provided."

Sec. 2. Articles 1 and 2 of Chapter 68 of the General Statutes and G.S. 68-26 through G.S. 68-41, inclusive, and all other laws and clauses of laws in conflict with this act are hereby repealed.

Sec. 3. This act shall be in full force and effect on and after October 1, 1971.

In the General Assembly read three times and ratified, this the 5th day of July, 1971.