

FRANKLIN COUNTY ORDINANCE 2026-XX-XX LIVESTOCK CONTROL, FENCING, AND ENFORCEMENT

SECTION 1. TITLE

This Ordinance shall be known and may be cited as the **Franklin County Livestock Control Ordinance**.

SECTION 2. PURPOSE AND AUTHORITY

A. The purpose of this Ordinance is to promote public safety, protect private and public property, reduce hazards to motorists, and provide clear and enforceable standards for livestock control within Franklin County. To control the running at large of livestock.

B. The Board of County Commissioners finds that livestock running at large creates risks to motorists, residents, livestock owners, they pollute water sources, cause injuries, deaths and damage to both property and people, and that inconsistent regulation has caused confusion and enforcement difficulties.

C. This Ordinance is enacted pursuant to the authority granted to counties under Idaho Code §§ 25-2118 through 25-2119, §§ 25-2401 through 25-2409, and Idaho Code § 31-714.

D. This Ordinance is intended to supplement, not repeal, Idaho open range law, except where lawfully modified by county regulation or herd district authority.

SECTION 3. DEFINITIONS

For purposes of this Ordinance:

AT LARGE

Means livestock off the premises of the custodian and not under immediate and effective physical control by enclosure, restraint or handler.

BOARD

The Franklin County Board of County Commissioners.

COUNTY

Franklin County, Idaho.

CUSTODIAN

Any person, firm, corporation, or entity owning, possessing, or having care, custody, or control of livestock.

LIVESTOCK / LARGE ANIMALS

Including but not limited to, Horses, mules, burros, donkeys, cattle, bison, sheep, goats, swine, llamas, and similar domestic hooved animals.

LAWFUL FENCE

A fence meeting the requirements of Idaho Code § 35-101 through 35-112, as amended.

PREMISES

Property upon which livestock are kept or maintained, whether owned, leased, rented, or otherwise controlled by the custodian.

RUNNING / RUN AT LARGE

Being present, and not limited to rapid movement.

ENFORCEMENT OFFICER

The Franklin County Sheriff, Deputy Sheriff, City Police Officer or Idaho Brand Inspector acting within Franklin County and designated to enforce this Ordinance.

ACT OF GOD

An event or occurrence arising from natural forces that is extraordinary, unforeseeable, and beyond human control or intervention, and which could not have been prevented by the exercise of reasonable care, foresight, or diligence. This includes, but is not limited to, events such as extraordinary storms, floods, earthquakes, or similar natural catastrophes.

SECTION 4. LIVESTOCK AT LARGE PROHIBITED

A. No custodian shall permit livestock to run at large upon:

1. Public roads or highways;
2. Enclosed or unenclosed private property of another without permission; or
3. Any location where livestock presence creates a public nuisance or safety hazard.

B. The presence of livestock at large in the locations listed above shall constitute prima facie evidence of a violation of this Ordinance.

SECTION 5. GRAZING ON PROPERTY OF OTHERS

No custodian shall herd, graze, keep, or detain livestock on the property of another without the express permission of the property owner or lawful occupant.

SECTION 6. CAUSING LIVESTOCK TO ESCAPE

Any person who knowingly leaves open, damages, cuts, or destroys a fence or gate, resulting in livestock escaping confinement, shall be considered the custodian of such livestock for purposes of enforcement, fines, impoundment, and cost recovery under this Ordinance.

SECTION 7. FENCE REGULATIONS

A. Lawful Fence Required: It shall be the responsibility of the custodian to erect and keep in good repair a lawful fence around the premises. In the event that two (2) or more citizens share adjoining premises, the responsibility of erecting and keeping in good repair said fence shall be determined by the provisions of Idaho Code section 35-104 as it is presently enacted, including all amendments or reenactments which are now or may hereafter be enacted or adopted

B. Lawful Fence Determination: For purposes of this chapter, lawful fences shall be determined by Idaho Code section 35-102 as it is presently enacted, including all amendments or reenactments which are now or may hereafter be enacted or adopted.

SECTION 8. ENFORCEMENT AUTHORITY

A. Enforcement Officers are authorized to:

1. Investigate violations;
2. Issue notices of violation or citations;
 - a) A notice of violation or citation may be issued. In cases involving adjoining properties, if one property owner maintains their portion of a shared fence in good working condition while the adjoining owner does not, enforcement action may be taken against the noncompliant owner.
3. Coordinate recovery or impoundment of livestock;
4. Initiate civil enforcement actions.
 - a) Nothing in this ordinance shall prohibit any property or livestock owner from proceeding forward with a civil complaint against the land or property owner of any livestock who has not complained with Idaho fencing laws

SECTION 9. IMPOUNDMENT, RECLAMATION, AND SALE

A. **Costs Of Impounding:** In addition to the fines provided for herein for any violation of this chapter, a custodian shall also be liable for all costs incurred in rounding up, impounding, feeding, caring for, and disposing of his livestock found at large. To the extent it believes necessary, the Office of the Sheriff or the Office of the Brand Inspector is hereby authorized to hire hands, trucks, and equipment for the purpose of rounding up and impounding any livestock found at large.

B. **Notification Of Impoundment:** Within twenty four (24) hours of the time that the Sheriff's Office becomes cognizant of the identity of the custodian of impounded livestock, the Sheriff's Office will personally notify such custodian, either by phone or in person, that his livestock is so impounded. In the event that the Sheriff's Office is unable to give personal notice within said twenty four (24) hour period, it shall cause such notice to be published at least once a week for a period of at least two (2) weeks in a newspaper published in the county or by other means utilized to publish official information, and also mail a certified letter to the last known address of the custodian. If notice is given by publication, the custodian shall have until twelve o'clock (12:00) midnight of the day following the day of the second publication to claim or disclaim custodianship. If notice is given personally, the custodian shall have until twelve o'clock (12:00) midnight of the day following such notice to claim or disclaim custodianship.

C. **Contents Of Impoundment Notification:** The notice required in subsection B of this section shall contain the types of brands and marks found upon the livestock, the sex, and the kind of livestock, as well as the place where the livestock was rounded up and the place where it is being impounded. The notice shall also inform the custodian that he has a right to view and inspect the livestock for purposes of determining custodianship.

D. **Unclaimed Livestock: Disposal:** If impounded livestock is not claimed within the period provided for in subsection B of this section, it shall be sold, the sale of which can be done through a certified feed lot within Franklin County, to whichever one provides the highest price or through public auction, to the highest bidder, with notice of the sale given as provided in Idaho Code section 11-302 as it is presently enacted, including all amendments or reenactments which are now or may hereafter be enacted or adopted. If the livestock are not of sufficient value, in the discretion of the Sheriff's Office, to justify the costs of a sale, the Sheriff's Office may dispose of the livestock by the cheapest means possible.

E. **Proceeds of Sale:** The proceeds of any sale conducted under subsection D of this section shall be applied to satisfy any fines imposed under this chapter, together with all costs incurred in the rounding up, impounding,

feeding, or care of the livestock. All sale proceeds shall be remitted to the county clerk, who shall oversee the disbursement of funds to pay such fines and costs. Any funds remaining after all fines and expenses have been satisfied shall be handled in accordance with Idaho Code §§ 25-1172 and 25-1174 regarding unclaimed animal funds

SECTION 10. AUTHORIZATION TO CONTRACT

The Sheriff's Office is hereby authorized to contract with any approved feedlot for the purpose of keeping impounded livestock upon the land of such resident until reclamation or disposal of such livestock. Such resident shall provide for the ordinary care and feeding of the livestock while in the care of such resident. However, such resident shall not be liable for special care or feeding that may be required of some livestock. Further, such resident is not obligated to turn over any livestock to its custodian, nor to anyone else, until all costs have been paid in full for rendered services, including sheriff's costs. In cases of public auction, such auction shall not constitute a turning over to the sheriff, nor to the subsequent purchaser.

SECTION 11. CONSTRUCTION AGAINST STRICT LIABILITY

Nothing in this Ordinance shall be construed to impose strict liability in tort. Civil liability shall be determined according to Idaho law independent of any violation of this Ordinance.

SECTION 12. PENALTIES

A.

Offense (within 5 years)	Maximum Fine
First	\$5 per livestock (additional court costs and fee's could apply)
Second	\$25 per livestock (additional court costs and fee's could apply)

B. A third or subsequent violation within a five-year period constitutes a misdemeanor offense.

C. Each day a violation continues constitutes a separate offense.

D. Each property on which livestock are kept shall be considered separately for purposes of determining offenses, unless it is demonstrated that the same animals are being moved from one contiguous property to another by those having custody or control of the animals in an effort to circumvent this ordinance, without providing adequate fencing to contain the animals.

E. Property owners who lease land for the purpose of grazing animals shall be responsible for ensuring that adequate fencing is in place to contain the animals on the property. This responsibility does not prohibit the property owner from negotiating or requiring the lessee to install or maintain fencing; however, the ultimate responsibility for adequate fencing shall remain with the property owner.

F. No animal owner, property owner, or person having custody or control of animals shall be deemed in violation of this chapter for conditions or events resulting from an act of God.

PASSED AND APPROVED this ____ day of _____, 2026.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF FRANKLIN COUNTY, IDAHO

Camille Larsen, County Clerk

Robert Swainston, Chairman

Zan Bowles

Zach Stewart