

## CHAPTER 172

## ANIMALS DISTRAINED

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**172.01 Animals not to run at large.** No stallion over one year old, nor bull over six months old, nor boar, nor ram, nor billy goat over four months old shall run at large; and if the owner or keeper shall, for any reason, suffer any such animal so to do he shall forfeit five dollars to the person taking it up and be liable in addition for all damages done by such animal while so at large, although he escapes without the fault of such owner or keeper; and the construction of any fence enumerated in s. 90.02 shall not relieve such owner or keeper from liability for any damage committed by an animal of the enumerated class upon the inclosed premises of an adjoining owner.

**172.015 Livestock on highways; penalty.** No livestock shall run at large on a highway at any time except to go from one farm parcel to another. If the owner or keeper of livestock knowingly permits livestock so to do and after notice by any peace officer fails to remove such livestock from the highway, he may be fined not exceeding \$200.

**172.02 May be taken up; notice.** Any person finding any such animal running at large may take it up, but shall within seven days thereafter notify the owner, if to him known, and request him to pay all reasonable charges for its keeping, besides such forfeiture for taking up, and take such animal away within five days after being so notified.

**172.03 Notice, if owner unknown.** If the owner of such animal is unknown the finder shall within 10 days thereafter file a notice with the clerk of the town in which it is taken up and if the value exceeds \$50 shall publish in the county a class 3 notice, under ch. 985. The notice shall briefly describe the animals, by marks natural or artificial, as near as practicable, and give the name and residence of the finder and the time when taken up. A copy of it shall be forthwith sent by the town clerk to the county clerk, who shall file the same.

**172.04 Appraisal of animals.** The finder shall, within one month from taking them up, if the animals are of the value of \$10 or more, apply to the town chairman, village president or city mayor of the municipality where found for the appointment of a disinterested appraiser; a certificate of the appraisal shall be signed by the appraiser and filed in the municipal clerk's office. The finder shall pay the appraiser \$3 for the certificate and 10 cents per mile for every mile necessarily traveled.

**172.05 How restored to owner.** The owner or person entitled to the possession of the animal, at any time within 90 days after such notice is filed with the municipal clerk, may have the animal restored to him upon proving his right thereto and paying all lawful charges incurred. If the claimant and the finder cannot agree as to the amount of the charges or for the use of the animal either party upon notice to the other may apply to the town chairman, village presi-

dent or city mayor or manager of the municipality to settle the same, who for that purpose may examine witnesses on oath. Any amount found due to the finder over the value of the use of such animal, together with the costs of such adjudication, shall be a lien upon the animal.

**172.06 Ownership by finder; sale.** If no claimant for the animal causes its return, and if the animal has not been appraised for more than \$10, the finder shall become the absolute owner; but if the appraised value exceeds \$10 the animal shall be sold at public auction by the sheriff or any constable of the county on the request of the finder. Notice thereof shall be given and the sale shall be conducted and the same fees allowed therefor as in case of sales upon execution under ch. 815. The finder may bid at the sale and shall at the time of sale deliver to such officer a statement in writing of the finder's charges, which shall be filed by the officer with the municipal treasurer, and after deducting the charges, if just and reasonable, and the costs of the sale the officer shall pay one-half of the remaining proceeds to the finder, and within 10 days thereafter the other half to the treasurer of the municipality for its use. If the finder of any stray neglects or refuses to cause a sale to be made when required by law the finder shall pay to the municipality the value of the stray, to be recovered in an action by the municipality.

**History:** Sup. Ct. Order, 67 W (2d) 775; 1975 c. 218.

**172.07 Penalties.** If any person, without the consent of the finder, shall take any animal lawfully taken up as aforesaid from his possession, without the payment of his lawful charges incurred in relation to the same, he shall be liable to such finder for the value of such animal. If the finder shall neglect to give the notices, procure the appraisals or perform any of the duties hereinbefore required of him he shall be precluded from acquiring any right of property in such animal or receiving any charges or damages relative thereto.

**172.08 Rams may be taken up; liability.** If the owner of any ram shall suffer him to go at large or out of his inclosure between the fifteenth day of July and the first day of December in the same year he shall forfeit ten dollars for each time such ram shall be found at large and taken up, one-half of which shall be paid to the prosecutor; and he shall also be liable for any damages sustained by any person in consequence of such ram running at large. Any person may take up such ram, and shall within twenty-four hours thereafter notify the owner thereof, if known, and the place where the same is secured; and if unknown shall within the same time file with the town clerk a notice of such taking up, containing the marks of such ram, natural and artificial, if any, and also post copies of such notice in three public places in such town. The owner of such ram may, within six days after the filing and posting of such notices, pay or tender to the town clerk said forfeiture and fifty cents for his fees, and thereupon said ram shall be restored to him; and the clerk shall forthwith pay

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one-half of said forfeiture to the person who took the same up and the other half to the county treasurer. If such owner shall not so pay such forfeiture and fees in the time aforesaid said ram shall become the property of the person so taking him up.