

Chapter 16.24 RCW
STOCK RESTRICTED AREAS

Sections

- 16.24.010 Restricted areas—Range areas.
- 16.24.020 Hearing—Notice.
- 16.24.030 Order establishing area—Publication.
- 16.24.040 Penalty.
- 16.24.050 Change of boundaries.
- 16.24.060 Road signs in range areas.
- 16.24.065 Stock at large in restricted areas—Running at large on state or federal land.
- 16.24.070 Stock on highway right-of-way—Limitations.
- 16.24.090 Animals at large—Limitations—Defense.
- 16.24.100 Prosecution—Proof of ownership.
- 16.24.110 Public nuisance—Impounding.
- 16.24.120 Impounding—Procedure.
- 16.24.130 Impounding—Notice—Copy to owner.
- 16.24.140 Impounding—Owner to pay costs.
- 16.24.150 Sale of impounded animal—Retroactive effect.
- 16.24.160 Conduct of sale—Disposition of proceeds.
- 16.24.170 Purchase of animal, restrictions.
- 16.24.180 Castration or gelding of stock at large.
- 16.24.190 Bull breed restrictions.
- 16.24.200 Bull ratio restrictions.
- 16.24.210 Bull breed and ratio restrictions not applicable to counties west of Cascades.
- 16.24.220 Separating estrays from herd.
- 16.24.230 Moving another's livestock from range.

RCW 16.24.010 Restricted areas—Range areas. The county legislative authority of any county of this state shall have the power to designate by an order made and published, as provided in RCW 16.24.030, certain territory as stock restricted area within such county in which it shall be unlawful to permit livestock of any kind to run at large. No territory so designated shall be less than two square miles in area. RCW 16.24.010 through 16.24.065 shall not affect counties having adopted township organization. All territory not so designated shall be range area, in which it shall be lawful to permit cattle, horses, mules, or donkeys to run at large: PROVIDED, That the county legislative authority may designate areas where it shall be unlawful to permit any livestock other than cattle to run at large. [1989 c 286 s 4; 1937 c 40 s 1; 1911 c 25 s 1; RRS s 3068. Prior: 1907 c 230 s 1; 1905 c 91 s 1; R & B s 3166.]

Severability—1989 c 286: See note following RCW 16.04.010.

RCW 16.24.020 Hearing—Notice. *Within sixty days after the taking effect of RCW 16.24.010 through 16.24.065, the county legislative authority of each of the several counties of the state may make an order fixing a time and place when a hearing will be had, notice of which shall be published at least once each week for two successive weeks in some newspaper having a general circulation within

the county. It shall be the duty of the county legislative authority at the time fixed for such hearing, or at the time to which such hearing may be adjourned, to hear all persons interested in the establishment of range areas or stock restricted areas as defined in RCW 16.24.010 through 16.24.065. [1989 c 286 s 5; 1937 c 40 s 2; 1923 c 33 s 1; 1911 c 25 s 2; RRS s 3069.]

***Reviser's note:** RCW 16.24.010 through 16.24.065 took effect March 1, 1937.

Severability—1989 c 286: See note following RCW 16.04.010.

RCW 16.24.030 Order establishing area—Publication. Within thirty days after the conclusion of any such hearing the county legislative authority shall make an order describing the stock restricted areas within the county where livestock may not run at large, which order shall be entered upon the records of the county and published in a newspaper having general circulation in such county at least once each week for four successive weeks. [1989 c 286 s 6; 1937 c 40 s 3; 1923 c 33 s 2; 1911 c 25 s 3; RRS s 3070.]

Severability—1989 c 286: See note following RCW 16.04.010.

RCW 16.24.040 Penalty. Any person, or any agent, employee or representative of a corporation, violating any of the provisions of such order after the same shall have been published or posted as provided in RCW 16.24.030 or, violating any provision of this chapter, shall be guilty of a misdemeanor. [1975 c 38 s 1; 1911 c 25 s 4; RRS s 3071.]

RCW 16.24.050 Change of boundaries. When the county legislative authority of any county deem[s] it advisable to change the boundary or boundaries of any stock restricted area, a hearing shall be held in the same manner as provided in RCW 16.24.020. If the county legislative authority decides to change the boundary or boundaries of any stock restricted area or areas, it shall within thirty days after the conclusion of such hearing make an order describing said change or changes. Such order shall be entered upon the records of the county and published in a newspaper having general circulation in such county once each week for four successive weeks. [1989 c 286 s 7; 1937 c 40 s 4; 1923 c 93 s 1; RRS s 3070-1.]

Severability—1989 c 286: See note following RCW 16.04.010.

RCW 16.24.060 Road signs in range areas. At the point where a public road enters a range area, and at such other points thereon within such area as the county legislative authority shall designate, there shall be erected a road sign bearing the words: "RANGE AREA. WATCH OUT FOR LIVESTOCK." [1989 c 286 s 8; 1937 c 40 s 5; RRS s 3070-2.]

Severability—1989 c 286: See note following RCW 16.04.010.

RCW 16.24.065 Stock at large in restricted areas—Running at large on state or federal land. (1) No person owning or in control of any livestock shall willfully or negligently allow such livestock to run at large in any stock restricted area or to wander or stray upon the right-of-way of any public highway lying within a stock restricted area when not in the charge of some person.

(2) Livestock may run at large upon lands belonging to the state of Washington or the United States only when the owner of the livestock has been granted grazing privileges in writing. [1989 c 286 s 9; 1985 c 415 s 20; 1937 c 40 s 6; RRS s 3070-3. Formerly RCW 16.24.070, part.]

Severability—1989 c 286: See note following RCW 16.04.010.

RCW 16.24.070 Stock on highway right-of-way—Limitations. It shall be unlawful for any person to herd or move any livestock over, along or across the right-of-way of any public highway, or portion thereof, within any stock restricted area, without having in attendance a sufficient number of persons to control the movement of such livestock and to warn or otherwise protect vehicles traveling upon such public highway from any danger by reason of such livestock being herded or moved thereon. [1989 c 286 s 10; 1937 c 189 s 127; RRS s 6360-127, part. Prior: 1927 c 309 s 41, part; RRS s 6362-41, part. FORMER PART OF SECTION: 1937 c 40 s 6; RRS s 3070-3, now codified as RCW 16.24.065. Formerly RCW 16.24.070 and 16.24.080.]

Severability—1989 c 286: See note following RCW 16.04.010.

RCW 16.24.090 Animals at large—Limitations—Defense. Except as provided in chapter 16.24 RCW, a person who owns or has possession, charge, or control of horses, mules, donkeys, cattle, goats, sheep or swine shall not negligently allow them to run at large at any time or within any territory. It shall not be necessary for any person to fence against such animals, and it shall be no defense to any action or proceedings brought pursuant to this chapter or chapter 16.04 RCW that the party injured by or restraining such animals did not have his or her lands enclosed by a lawful fence: PROVIDED, That such animals may be driven upon the highways while in charge of sufficient attendants. [1989 c 286 s 14; 1911 c 25 s 5; RRS s 3072. Formerly RCW 16.12.010, part.]

Severability—1989 c 286: See note following RCW 16.04.010.

RCW 16.24.100 Prosecution—Proof of ownership. In any prosecution under chapter 16.24 RCW proof that the animal running at large is branded with the registered or known brand of the defendant shall be prima facie evidence that the defendant is the owner of said animal. [1989 c 286 s 3; 1895 c 124 s 2; RRS s 3086. Formerly RCW 16.16.020.]

Severability—1989 c 286: See note following RCW 16.04.010.

RCW 16.24.110 Public nuisance—Impounding. Any horses, mules, donkeys, or cattle of any age running at large or trespassing in violation of chapter 16.24 RCW as now or hereafter amended, which are not restrained as provided by RCW 16.04.010, are declared to be a public nuisance. The sheriff of the county where found and the nearest brand inspector shall have authority to impound such animals which are not restrained as provided by RCW 16.04.010. [1989 c 286 s 11; 1985 c 415 s 16; 1979 c 154 s 6; 1975 1st ex.s. c 7 s 14; 1951 c 31 s 2. Formerly RCW 16.13.020.]

Severability—1989 c 286: See note following RCW 16.04.010.

Severability—1979 c 154: See note following RCW 15.49.330.

RCW 16.24.120 Impounding—Procedure. Upon taking possession of any livestock at large contrary to the provisions of this chapter, or any unclaimed livestock submitted or impounded, by any person, at any public livestock market or any other facility approved by the director, the sheriff or brand inspector shall cause it to be transported to and impounded at the nearest public livestock market licensed under chapter 16.65 RCW or at such place as approved by the director. If the sheriff has impounded an animal in accordance with this section, he or she shall forthwith notify the nearest brand inspector of the department of agriculture, who shall examine the animal and, by brand, tattoo, or other identifying characteristic, shall attempt to ascertain the ownership thereof. [2012 c 25 s 5. Prior: 2011 c 336 s 419; 2011 c 103 s 11; 1989 c 286 s 12; 1979 c 154 s 7; 1975 1st ex.s. c 7 s 15; 1951 c 31 s 3. Formerly RCW 16.13.030.]

Purpose—2011 c 103: See note following RCW 15.26.120.

Severability—1989 c 286: See note following RCW 16.04.010.

Severability—1979 c 154: See note following RCW 15.49.330.

RCW 16.24.130 Impounding—Notice—Copy to owner. The brand inspector shall cause to be published once in a newspaper published in the county where the animal was found, a notice of the impounding.

The notice shall state:

(1) A description of the animal, including brand, tattoo or other identifying characteristics;

(2) When and where found;

(3) Where impounded; and

(4) That if unclaimed, the animal will be sold at a public livestock market sale or other public sale, and the date of such sale: PROVIDED, That if no newspaper shall be published in such county, copies of the notice shall be posted at four commonly frequented places therein.

If the animal is marked with a brand or tattoo which is registered with the director of agriculture, the brand inspector, on or before the date of publication or posting, shall send a copy of the notice to the owner of record by registered mail. [1995 c 374 s 69; 1975 1st ex.s. c 7 s 16; 1951 c 31 s 4. Formerly RCW 16.13.040.]

Effective date—1995 c 374 ss 69, 70, and 72-79: "Sections 69, 70, and 72 through 79 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately [May 16, 1995]." [1995 c 374 s 82.]

RCW 16.24.140 Impounding—Owner to pay costs. Upon claiming any animal impounded under this chapter, the owner shall pay all costs of transportation, advertising, legal proceedings, and keep of the animal, except as provided under RCW 16.04.100. [1994 c 263 s 2; 1989 c 286 s 13; 1951 c 31 s 5. Formerly RCW 16.13.050.]

Severability—1989 c 286: See note following RCW 16.04.010.

RCW 16.24.150 Sale of impounded animal—Retroactive effect. If no person shall claim the animal within ten days after the date of publication or posting of the notice, it shall be sold at the next succeeding public livestock market sale to be held at the sales yard where impounded, provided that in the director's discretion the department of agriculture may otherwise cause the animal to be sold at public sale.

The legislature intends this to be a clarification of existing law; therefore, this section shall have retroactive effect as of December 1, 1994. [1995 c 374 s 70; 1975 1st ex.s. c 7 s 17; 1951 c 31 s 6. Formerly RCW 16.13.060.]

Effective date—1995 c 374 ss 69, 70, and 72-79: See note following RCW 16.24.130.

RCW 16.24.160 Conduct of sale—Disposition of proceeds. The proceeds of the sale of animals impounded under this chapter, after deducting the costs of sale, shall be impounded in the estray fund of the department of agriculture, and if no valid claim is made within one year from the date of sale, the director of the department of agriculture shall transfer the proceeds of sale to the brand fund of the department to be used for the enforcement of this chapter. [1985 c 415 s 17; 1951 c 31 s 7. Formerly RCW 16.13.070.]

RCW 16.24.170 Purchase of animal, restrictions. No law enforcement officer shall, directly or indirectly, purchase any animal sold under the provisions of this chapter, or any interest therein. [1951 c 31 s 8. Formerly RCW 16.13.080.]

RCW 16.24.180 Castration or gelding of stock at large. It shall be lawful for any person having cows or heifers running at large in this state to take up or capture and castrate, at the risk of the owner, at any time between the first day of March and the fifteenth day of May, any bull above the age of ten months found running at large out of the enclosed grounds of the owner or keeper. It shall be lawful for any person to take up or capture and geld, at the risk of the owner, between April 1st and September 30th of any year, any stud

horse or jackass or any male mule above the age of eighteen months found running at large out of the enclosed grounds of the owner or keeper. If the said animal shall die, as a result of such castration, the owner shall have no recourse against the person who shall have taken up or captured and castrated, or caused to be castrated, the said animal: PROVIDED, Such act of castration shall have been skillfully done by a person accustomed to doing the same: AND PROVIDED FURTHER, That if the person so taking up or capturing such animal, or causing it to be so taken up or captured, shall know the owner or keeper of such animal, and shall know that said animal is being kept for breeding purposes, it shall be his or her duty forthwith to notify such owner or keeper of the taking up of said animal, and if such owner or keeper shall not within two days after being so notified pay for the reasonable costs of keeping of said animal, and take and safely keep said animal thereafter within his or her own enclosures, then it shall be lawful for the taker-up of said animal to castrate the same, and the owner thereof shall pay a reasonable sum for such act of castration, if done skillfully, as hereinbefore required, and shall also pay for the keeping of said animal as above provided, and the amount for which he or she may be liable therefor may be recovered in an action at law in any court having jurisdiction thereof: AND PROVIDED FURTHER, That if said animal should be found running at large a third time within the same year, and within the prohibited dates hereinbefore mentioned, it shall be lawful for any person to capture and castrate the animal without giving any notice to the owner or keeper whatever. For purposes of this section, geld and castrate shall have the same meaning. [2011 c 336 s 420; 1989 c 286 s 15; 1965 c 66 s 4; 1890 p 453 s 1; RRS s 3081. Formerly RCW 16.20.010.]

Severability—1989 c 286: See note following RCW 16.04.010.

RCW 16.24.190 Bull breed restrictions. It shall be unlawful for any person, firm, association or corporation to turn upon or allow to run at large on any range area in this state any bull other than a registered bull of a recognized beef breed. All persons running cattle in common on any range area may, however, agree to run any purebred or crossbred bull of any breed, registered or unregistered, as they may deem appropriate for their area. [1986 c 177 s 1; 1985 c 415 s 18; 1917 c 111 s 1; RRS s 3082. Formerly RCW 16.20.020.]

RCW 16.24.200 Bull ratio restrictions. Before any person, firm, association or corporation turns upon a range area in this state any female cattle of breeding age of more than fifteen in number, they shall procure and turn with said female breeding cattle one registered bull of recognized beef breed for every forty females or fraction thereof of twenty-five or over. All persons running cattle in common on any range area may, however, agree to any other proportion of bulls to female cattle of breeding age as they may deem appropriate for their area. [1986 c 177 s 2; 1917 c 111 s 2; RRS s 3083. Formerly RCW 16.20.030.]

RCW 16.24.210 Bull breed and ratio restrictions not applicable to counties west of Cascades. RCW 16.24.190 and 16.24.200 shall not

apply to counties lying west of the summit of the Cascade mountains. [1989 c 286 s 17; 1985 c 415 s 19. Formerly RCW 16.20.035.]

Severability—1989 c 286: See note following RCW 16.04.010.

RCW 16.24.220 Separating estrays from herd. It shall be the duty of any and all persons searching or hunting for stray horses, mules or cattle, to drive the band or herd in which they may find their stray horses, mules or cattle, into the nearest corral before separating their said stray animals from the balance of the herd or band; that in order to separate their said stray animals from the herd or band, the person or persons owning said stray shall drive them out of and away from the corral in which they may be driven before setting the herd at large. [1989 c 286 s 16; 1987 c 202 s 181; 1969 ex.s. c 199 s 14; Code 1881 s 2537; RRS s 3050. Prior: 1869 pp 408, 409 ss 1, 2. Formerly RCW 16.28.160.]

Severability—1989 c 286: See note following RCW 16.04.010.

Intent—1987 c 202: See note following RCW 2.04.190.

RCW 16.24.230 Moving another's livestock from range. No person shall remove any livestock belonging to another from the range on which they are permitted to run at large, without the prior consent of the owner thereof. The owner of any livestock may move his or her own livestock, together with such other livestock as cannot be separated from his or her own, to the nearest corral, or other facility in order to separate his or her own livestock, if the other livestock are returned to the same location from which they were moved within twenty-four hours. [1985 c 415 s 21; 1891 c 12 s 1; RRS s 3048. Formerly RCW 16.28.170, part. Formerly RCW 16.28.165.]