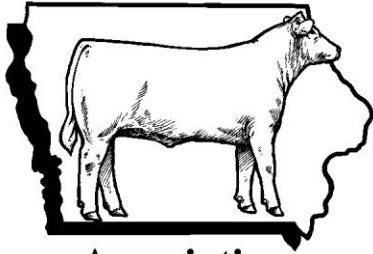


Iowa Cattlemen's



Association

Understanding Trespassing as a Livestock Owner

ICA Fact Sheet

June 2013

Trespass Overview

Iowa landowners should be aware of the state laws that encompass trespassing. As a livestock owner, you should be aware of the legal procedures allowed and should be followed when a valid trespass occurs on your land – whether human, livestock, or another animal.

Defining a Trespass

Iowa Code Chapter 716.7 defines a “trespass” as one of the following acts:

- a. Entering upon or in property without expressed permission from person in lawful possession with intent to commit a public offense, or to use, remove, alter, damage, harass, or place anything animate or inanimate.
- b. To engage in hunting, fishing or trapping including taking/attempting to take a wounded deer.
The unarmed pursuit of game or fur-bearing animals by a person who lawfully injured or killed the game or fur-bearing animal which comes to rest on the property of another is not considered a trespass.
- c. Entering or remaining on a property without justification after being requested to abstain from entering by an individual that supervises use or maintenance of the property.
- d. Entering for the purpose to unduly interfere with the lawful use of the property.
- e. Entering property and wrongfully use, remove, alter, damage, harass, or place anything animate or inanimate, without the implied or actual permission of the person in lawful possession.

Means of Trespassing

- Estranged dogs.
 - It is lawful for any person to kill a dog wearing a collar when the dog is caught in the act of chasing, maiming, or killing domestic livestock or attacking a person.
 - If a dog that does not have a collar with a rabies vaccination tag enters onto your property, contact the local authorities before taking action.
Although the Iowa Code differentiates between dogs with or without rabies tags concerning a person’s right to kill a dog entering the person’s property, due to public health concerns it is advisable to contact local authorities for assistance.
- Livestock.
 - If neighboring livestock trespass onto a landowner’s property they and/or the local authorities may take custody.
 - If they take custody, they do not have the authority to transfer custody to another individual.
 - A written notice of trespass/custody to the livestock owner must be delivered within 48 hours of the trespass event including:
 - Livestock owner name and address.
 - Description of livestock and where trespass occurred.
 - Estimate of livestock owner’s liability.

- The livestock owner is liable to the following persons:
 - To a landowner for damages and maintenance costs caused by the trespassing livestock.
 - To a local authority for costs incurred by livestock held in custody.
- The livestock owner is NOT liable for damages to an adjoining neighbor's land if the livestock trespass through the neighbor's portion of a partition fence that the neighbor did not maintain as required by Iowa fence law.
- Habitual trespass.
 - Occurs when livestock trespass onto a neighbor's land on three or more occasions within one year's time
 - Activity is determined by the local authorities.
 - After determination, the neighbor may submit a written request to responsible landowner to erect or maintain fence through which trespassing is occurring.
 - If no action is taken within 30 days, the fence viewer system may be enacted.
- Humans.
 - Any person who knowingly trespasses commits a simple misdemeanor.
 - If a person committing a trespass results in injury to any person or \$200 damage to anything, animate or inanimate, they commit a serious misdemeanor.
 - If an individual's personal property is accidentally or inadvertently thrown, fallen, blown, or strays onto private property, they have the right to retrieve their property in the most direct and non-destructive manner.

Reporting a Trespass

- If a dog or livestock trespasses onto your property contact the local authorities immediately and prior to taking any action.
- An individual in lawful possession of property may authorize the local sheriff or police department to enforce Iowa's trespass law on private property.
 - By providing authorization immediate enforcement action can be taken.
- Written authorization is typically valid for a period of twelve months and can be renewed annually.
- Landowners are encouraged to post a No Trespassing notice if applicable.

Additional Resources:

As always, contact the Association, 515.226.9696, if you have any questions concerning a valid trespass. The Iowa Cattlemen's Association has been and will continue to be a strong benefactor to the Iowa Fence law and works diligently to ensure the law is followed and protected.