Understanding Trespassing as a Livestock Owner
ICA Fact Sheet
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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.
  o 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.
  o 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.
  o If neighboring livestock trespass onto a landowner’s property they and/or the local authorities may take custody.
    ▪ If they take custody, the 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’ 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 years’ 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.

*Prepared by Justine Stevenson, ICA Director of Government Relations & Public Policy. Adapted from IA Code 716.7 and 169C.6. Revised 5.10.13.*