

## YSC, Title 21. Agriculture & Animals

### Chapter 3: Regulation of Animals

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#### **§301. Animals at large in villages.**

(a) Animals at large in villages. No pigs, goats, sheep, horses, cattle, carabao or domestic animals other than dogs, fowl, and cats shall be allowed to run loose or be at large in any public place. All such animals shall be confined by fencing or shall be secured by tethering. If any animals run loose or are at large in violation of this provision, the Chief of Police, magistrate of the municipality or chief of the outer island in which the violation occurs, or persons designated by any of them, shall impound the animal.

(b) Identification of dogs. Any person who owns a dog on any island or atoll with a population of 2,000 or more persons shall obtain an identification tag for such dog. The tag shall be obtained from the Treasurer, or his designee, and shall cost \$3.00. It shall identify the owner of the dog by name or number. Any dog appearing in a public place, on an island or atoll covered by this subsection without such tag shall be impounded and, if not claimed by its owner or sold at auction, shall be destroyed in a humane manner.

**Source:** YDC §2100, modified.

#### **§302. Sale of impounded animals.**

If within three days after an animal has been impounded pursuant to section 301 of this chapter, and the owner or owners of said animal have not claimed it as provided by section 303, the person authorized to impound it shall place the animal on sale at public auction, provided that prior to such sale a notice containing the description of the animal and the date and time for the sale has been given in a reasonable manner for at least two days. Written notice posted in a public place in the municipality or island shall be one, but not the only, reasonable manner of notice.

**Source:** YDC §2101, modified.

#### **§303. Owner's right of recovery.**

At any time before a sale pursuant to section 302, the owner of an animal to be sold may claim such animal by showing reasonable proof of his ownership and by paying the person authorized to impound it a \$3.00 fee to cover costs.

**Source:** YDC §2102, modified.

#### **§304. Proceeds of recovery of auction.**

Any fee paid under section 303, shall be retained by the person authorized to collect it as payment for his services and costs. Any amount collected under section 302, minus \$3.00 which shall be retained by the person holding the sale as payment for his services and costs, shall be immediately turned over to the office of the Treasurer where the sum shall be held for a period of six months from the date of the sale. During these six months the owner of the animal, upon making a claim and

showing satisfactory proof of ownership, shall have the right to be paid the amount turned over to the Treasurer. If no claim shall be submitted within such period, the sum shall be credited to the General Fund of the State of Yap.

**Source:** YDC §2103, modified.

**Commission Comment:** The "General Fund of the Legislature" is changed to the "General Fund of the State of Yap" pursuant to [section 1211 of Title 13 \(Taxation and Finance\)](#) of this Code. Section 1211 of Title 13 establishes the General Fund of the State of Yap as the successor fund to, and replacement for, the General Fund of the Legislature.

### **§305. Animals prohibited near residence.**

No owner or occupant shall keep or allow to be kept upon any premises owned by him, or in his possession or control, any of the animals enumerated in section 301, within 50 feet of any building used for human habitation without written authorization from the State Sanitarian.

**Source:** YDC §2104, modified.

**Cross-reference:** The statutory provisions on Health and Welfare are found in Title 15 of this Code.

### **§306. Animals as a public nuisance.**

Any dog or any other animal that is found to be a public nuisance or a danger to the public safety shall be humanely destroyed by being shot or poisoned by the Chief of Police or any other person he shall appoint. Prior to destroying the animal, but only when delay shall create no substantial danger to the public safety, an inquiry shall be made by the person destroying the animal as to the owner. The owner, when ascertained, shall be given an opportunity to dispose of the animal or to otherwise render it harmless within a reasonable time.

**Source:** YDC §2105, modified.

**Cross-reference:** The statutory provision on the penalty for any person who keeps any animal found to be a public nuisance is found in [section 812 of Title 11 \(Crimes and Punishment\)](#) of this Code.

### **§307. Discretion to declare a nuisance.**

The Chief of Police or a person he shall appoint shall, exercising reasonable discretion, have the power to declare a dog or other animals a nuisance or danger to the public safety for the purposes of section 306.

**Source:** YDC §2106, modified.

**Cross-reference:** The statutory provision on the penalty for any person who keeps any animal found to be a public nuisance is found in [section 812 of Title 11 \(Crimes and Punishment\)](#) of this Code.