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SENATE BILL NO. 1219

Offered January 10, 2007

Prefiled January 10, 2007

A BILL to amend and reenact § 55-299 of the Code of Virginia, relating to the definition of lawful fence.

Patron—Hanger

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:**1. That § 55-299 of the Code of Virginia is amended and reenacted as follows:**

§ 55-299. Definition of lawful fence.

Every fence shall be deemed a lawful fence as to any ~~stock~~ livestock named in § 55-306, which could not creep through the same, if

(1) Five feet high, including, if the fence be on a mound, the mound to the bottom of the ditch,

(2) Of barbed wire, ~~forty-two~~ 42 inches high, consisting of ~~eight at least four~~ strands of barbed wire, firmly fixed to posts, trees, or other supports substantially set in the ground, at intervals of sixteen feet, with spaced no farther than 12 feet apart unless a substantial stay or brace is installed halfway between such posts, trees or other supports to which such wires shall be also fixed, when such wires are placed as follows: The first wire 2 1/2" above the ground, the second 5 1/2", the third nine inches, the fourth 13 1/2", the fifth nineteen inches, the sixth 26 1/2", the seventh 34 1/2", and the eighth forty-two inches,

(3) Of boards, planks, or rails, ~~four~~ 42 inches high, consisting of ~~five at least three~~ boards not less than five inches wide and firmly attached to posts placed at intervals of eight feet, trees, or other supports substantially set in the ground,

(4) Three feet high within the limits of any incorporated town whose charter does not prescribe, nor give to the council thereof power of prescribing, what shall constitute a lawful fence within such corporate limits, or

(5) Any fence of any kind whatsoever, except as described in this section, and except in the case of incorporated towns as set forth in subdivision (4), which shall be

a. At least 42 inches high,

b. Constructed from materials sold for fencing or consisting of systems or devices based on technology generally accepted as appropriate for the confinement or restriction of livestock named in § 55-306, and

c. Installed pursuant to generally acceptable standards so that applicable livestock named in § 55-306 cannot creep through the same.

A cattle guard reasonably sufficient to turn all kinds of livestock shall also be deemed a lawful fence as to any livestock mentioned in § 55-306.

Nothing contained in this section shall affect the right of any such town to regulate or forbid the running at large of cattle and other domestic animals within its corporate limits.

Any wire fence of any kind whatsoever, except as above described, and except in the case of incorporated towns as above provided, shall be ~~forty-four inches high and of such construction that stock named in § 55-306 cannot creep through the same.~~ The Department of Agriculture and Consumer Services may adopt rules and regulations regarding lawful fencing consistent with this section to provide greater specificity as to the requirements of lawful fencing. The absence of any such rule or regulation shall not affect the validity or applicability of this section as it relates to what constitutes lawful fencing.

INTRODUCED

SB1219